

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 783

This is to certify that:

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
453 E 1000 N
FIRTH, ID 83236

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
35-8799	6/9/1989	GROUND WATER	1.88 ✓	433.3 ✓	108.3 ✓	0.017	4.0
35-9054	10/18/1995	GROUND WATER	0.23 ✓	60.7 ✓	15.2 ✓	0.015	4.0
Combined Limit Totals			1.88 ✓	494.0 ✓	123.5 ✓	0.015	4.0
35-8800	6/9/1989	GROUND WATER	3.00 ✓	672.0 ✓	168.0 ✓	0.018	4.0
35-9053	10/18/1995	GROUND WATER	0.43 ✓	114.0 ✓	28.5 ✓	0.015	4.0
Combined Limit Totals			3.11	786.0 ✓	196.5 ✓	0.016	4.0
Combined Rental Totals			5.0	1,280.0 ✓	320.0	0.016	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023: \$2,944.00

The rental fee is an administrative fee of \$2,944.00 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-8799, 35-8800, 35-9053, and 35-9054

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 783

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Signature of Renter

Date

Printed Name

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By _____
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date _____

Rental approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 783

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec. 3, Twp 01S, Rge 36E,	BINGHAM County
GROUND WATER	NESE	Sec. 3, Twp 01S, Rge 36E,	BINGHAM County
GROUND WATER	NWSW	Sec. 3, Twp 01S, Rge 36E,	BINGHAM County
GROUND WATER	SWSE	Sec. 3, Twp 01S, Rge 36E,	BINGHAM County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
5.0 CFS

VOLUME
1280.0 AF

SEASON OF USE

From	To
4/1	10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	3									0.4	22.0	40.0	35.0		2.2	38.0	6.4	144.0
01S	36E	4													19.0	0.4	0.1	33.0	52.5
01S	36E	9	13.0																13.0
01S	36E	10	6.4	39.0	1.1		36.0	28.0											110.5

Total Acres: 320.0

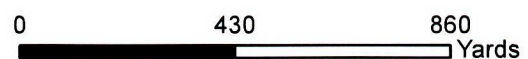
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 783

8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The rate of diversion of water for irrigation under rights 35-8799 and 35-9054 and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
10. The use of water under rights 35-8799 and 35-9054 shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
11. The use of water under rights 35-8800 and 35-9053 shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
12. Rental of rights 35-08799 and 35-09054 when combined shall not exceed a total diversion rate of 1.88 cfs, a total annual maximum diversion volume of 494.0 af at the field headgate, and the irrigation of 123.5 acres.
13. Rental of rights 35-08800 and 35-09053 when combined shall not exceed a total diversion rate of 3.11 cfs, a total annual maximum diversion volume of 786.0 af at the field headgate, and the irrigation of 196.5 acres.
14. Rental of rights 35-08799, 35-08800, 35-09053 and 35-09054 when combined with the unleased portion of rights 35-2759 and 35-13067 shall not exceed a total diversion rate of 11.7 cfs, a total annual maximum diversion volume of 2,904.0 af at the field headgate, and the irrigation of 726 acres.
15. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
16. Use of water under this rental may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
17. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
18. This rental agreement does not authorize the construction of a well.



**MEMORANDUM FOR LEASE APPLICATIONS # 2677, 2682 AND 2685
AND RENTAL APPLICATIONS 2678 & 2679**

To: Water Right(s) **35-2759, 35-8799, 35-8800, 35-9053, 35-9054, AND 35-13067**

From: **Mary Condon**

Date: **June 29, 2023**

Re: Review & Analysis of Application to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Two companion packages for the lease and rental of six water rights to essentially swap the place of use and diversion of the rights, received on May 30, 2023, for the year 2023 only. The purpose is to move swap the pivots irrigated with senior and junior rights for 2023, only. This review memo will cover the entire package of leases and rentals, as tabulated below.

Lease App	Decreed	WRs	Requested Acres	Rental App	Requested Acres
2682	2002	35-2759	347	2679	347
	2002	35-13067			
2677	1995	35-8799	150.5	2678	347
	2002	35-9054			
2685	1995	35-8800	196.5		
	2002	35-9053			

AUTHORITY TO FILE: Applications to lease rights 35-2759 & 35-13067, 35-8799 & 35-9054, 35-8800 & 35-9053, and the two rentals of these rights are submitted by Dallas Ward of Wada Farms, and Brent Stolworthy Family, LTD, along with a letter from Brent authorizing Dallas to submit and negotiate the lease rental packages. These water rights offered for lease are owned by Brent Stolworthy Family LTD, and county taxlot data shows they also own the parcels under the water rights' place of use and diversion. No concerns with authority to file.

WATER RIGHT VALIDITY:

35-2759 & 35-13067: Water right 35-2759 and 35-13067 were decreed in 2002, and review of satellite imagery shows irrigation occurred on the 345 acres offered for lease in 2021 and 2019. The shapefile is 4 acres smaller than their authorized irrigation acres in NWSW of Section 3 appear, so while the lease POU will be slightly outside of their place of use shapefile, it is valid. There are however, 27 acres under these rights in Sections 9 & 10 offered for lease which are overlapped by Snake River surface water rights 1-162F through 1-165F (suffix specific) and cannot be placed into the bank for lease and rental. An information request was sent via email to applicant on June 20, 2023, to either modify the requested lease map layout for the 27 acres or reduce the acres offered for lease. The applicant replied either option will work for them but opted to reduce the acres offered for lease and rental by 27 acres. No concerns with validity of the water rights offered to the bank.

35-8799 & 35-9054: Water right 35-8799 was licensed in 1995, and right 35-9054 as an expansion right beneficially used prior to the moratorium and through licensing of 35-8799 and was itself licensed in 2002. Satellite imagery for years 2019 and 2021 show full irrigation of the acres offered were irrigated. No concerns with validity of rights offered for lease to the bank.

35-8800 & 35-9053: Water right 35-8800 was licensed in 1995, and right 35-9053 as an expansion right beneficially used prior to the moratorium and through licensing of 35-8800 and was itself licensed in 2002. Satellite imagery for years 2019 and 2021 show full irrigation of the acres offered were irrigated. No concerns with validity of the water rights offered to the bank.

INJURY TO OTHER WATER RIGHTS: Lease and rental of these water rights are from wells within the Eastern Snake Plain Aquifer ('ESPA') with diversions more than one grid cell apart for the rental. The ESPA transfer model tool analysis of the moves was provided with the rental applications as required, and review of the data finds no increased depletions would result from the rentals. These lease rentals are not expected to cause injury to other water rights.

ENLARGEMENT OF USE: The lease requests are for the full pivot of rights 35-8799 & 35-9054, the full pivot under rights 35-8800 & 35-9053, and several fields of pivots and half pivots within the place of use under rights 35-2759 & 35-13067, including 27 acres which are overlapped by non-offered Snake River rights. The overlapped 27 acres under rights 35-2759 & 35-13067 will not be placed in the bank, and the rental of these rights will also be reduced. This overlap on lease application 2682 and subsequent reduction in rental amounts for rental application 2678 requires an additional reduction on the rights for lease application 2677 so that the swapped acres will be equal to each other through the lease rentals.

Duty of water of the rights offered for lease and rental to swap priority dates between the places of use is slightly different between the two sets. The diversion rate authorized under the 320 acres from 35-2759 & 35-13067 is 5.3 cfs, while the rate under the 320 acres from rights 35-8799, 35-8800, 35-9053, & 35-9054 is 5 cfs. A review of WMIS records indicate annual volumes are less than half of the allowable, likely due to their location in Bingham Ground Water District, and reduction requirements. Rate under rental of rights 35-2759 & 35-13067 will be limited to the same rate per acre as the 27 acres remaining at the place of use under rights 35-8799 & 35-9054. No enlargement through the lease and rental of these rights is expected.

Lease App	Decreed	WRs	Requested Acres	Actual leased	Rental App	Requested Acres	Actual Rental Acres		
2682	2002	35-2759	347	320	2679	347	320		
	2002	35-13067							
2677	1995	35-8799	150.5	123.5	2678	347	320		
	2002	35-9054							
2685	1995	35-8800	196.5	196.5					
	2002	35-9053							

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho and rental is for a beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental diversions are within Eastern Region, the Eastern Snake Plain Aquifer Ground Water Management Area ('ESPA' 'GWMA'), Bingham Ground Water District, and are subject to Water District # 120. An email request for comments or concerns was sent to the regional manager, GWD and watermaster on July 26, 2023.

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

Print Form

RECEIVED

MAY 30 2023

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Brent Stolworthy Family Limited Partnership

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☒ | ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

267.9 2678

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Brent Stolworthy Family Limited Partnership

Mailing Address	353 East 1000 North	Firth	Idaho	83236
	Street	City	State	Zip Code
Email Address	dlynndouglas@gmail.com		Phone Number	208-521-9931

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Dallas Ward Professional Title CFO
 Organization Wada Farms Relationship to Applicant Lessee
 Mailing Address 326 South 1400 West Pingree ID 83262
 Email Address dallasw@wadafarms.com Phone Number 208-317-8985

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
We desire to rent this water to irrigate crops on our farm.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
5.91 CFS	1388 AF	5.21 CFS	694 AF	347 AC

* *Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.*

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
05-25-23	07-01-23	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* *The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.*

** *Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.*

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Since the points of diversion are ground water wells and pull from the same aquifer and are within 2 cells of each other we propose to use the existing wells and distributions systems to deliver the water to the fields.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
01S 36E 14 NW SW	Ground Water Deep well pump	
01S 36E 23 SW NW	Ground Water Deep well pump	

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☒ No ☐
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 347 (number of acres) Duration: Subject to IDWR standard seasons of use Commercial
☐ from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

35-2759 and 35-13067 are water rights that pertain to the rental place of use. These water rights are being leased to the water bank in conjunction with this rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via IDWR's website.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
35-8800	Irrigation	3.00	672	168		3.00	672	168
35-9053	Irrigation	.43	114	28.5		.43	114	28.5
The above two water rights share the same POD and POU's.								
35-8799	Irrigation	2.29	528	132		2.29	528	132
35-9054	Irrigation	.28	74	18.5		.28	74	18.5
The above two water rights share the same POD and POU's.								
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	5.91	1388	347
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

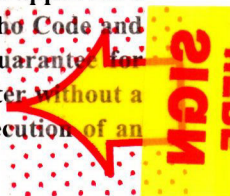
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Brent Stolworthy
Signature of Applicant

Brent Stolworthy
Brent Stolworthy Family LTD Partnership
Printed Name of Applicant

5/18/23
Date

Dallas Ward
Signature of Representative

Dallas Ward
Printed Name of Representative

5-11-23
Date

Print Form

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

05-05-23

Brent Stolworthy Family Limited Partnership

To Whom it may Concern,

As general partner of the Brent Stolworthy Family Limited Partnership I authorize Dallas Ward to work with the Idaho Department of Water Resources to Lease and rent back water relating to the following Water rights:

35-8800
35-8799
35-9054
35-9053
35-2759
35-13067

For the years 2023 and 2024.

Sincerely,

Brent Stolworthy
General Partner



Brent Stolworthy Family Limited Partnership



0004858006

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004858006

Date Filed: 8/11/2022 8:55:38 PM

Entity Name and Mailing Address:

Entity Name: BRENT STOLWORTHY FAMILY LIMITED PARTNERSHIP (THE)

The file number of this entity on the records of the Idaho Secretary of State is: 0000009754

Address: 3395 S HOLMES AVE
IDAHO FALLS, ID 83404-7981

Entity Details:

Entity Status: Active-Current

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: L1422

The registered agent on record is:

Registered Agent: SCOTT P ESKELSON
Registered Agent

Physical Address: MARTIN & ESKELSON PLLC
425 S HOLMES AVE
IDAHO FALLS, ID 83401

Mailing Address:

The new physical (street) address of the existing agent in Idaho is:

Physical Address: 350 MEMORIAL DR
STE 300
IDAHO FALLS, ID 83402

The new mailing address of the existing agent in Idaho is:

Mailing Address: 350 MEMORIAL DR
STE 300
IDAHO FALLS, ID 83402-3479

Limited Partnership General Partners

Name	Business Address
G Brent Stolworthy	453 E 1000 N FIRTH, ID 83236

The annual report must be signed by an authorized signer of the entity.

Job Title: CPA

GERALD W SEARLE

Sign Here

08/11/2022

Date

B0733-0645 08/11/2022 8:55 PM Received by ID Secretary of State Lawrence Denney

The location to be used
water diverted from
is outlined in Red.
347 acres

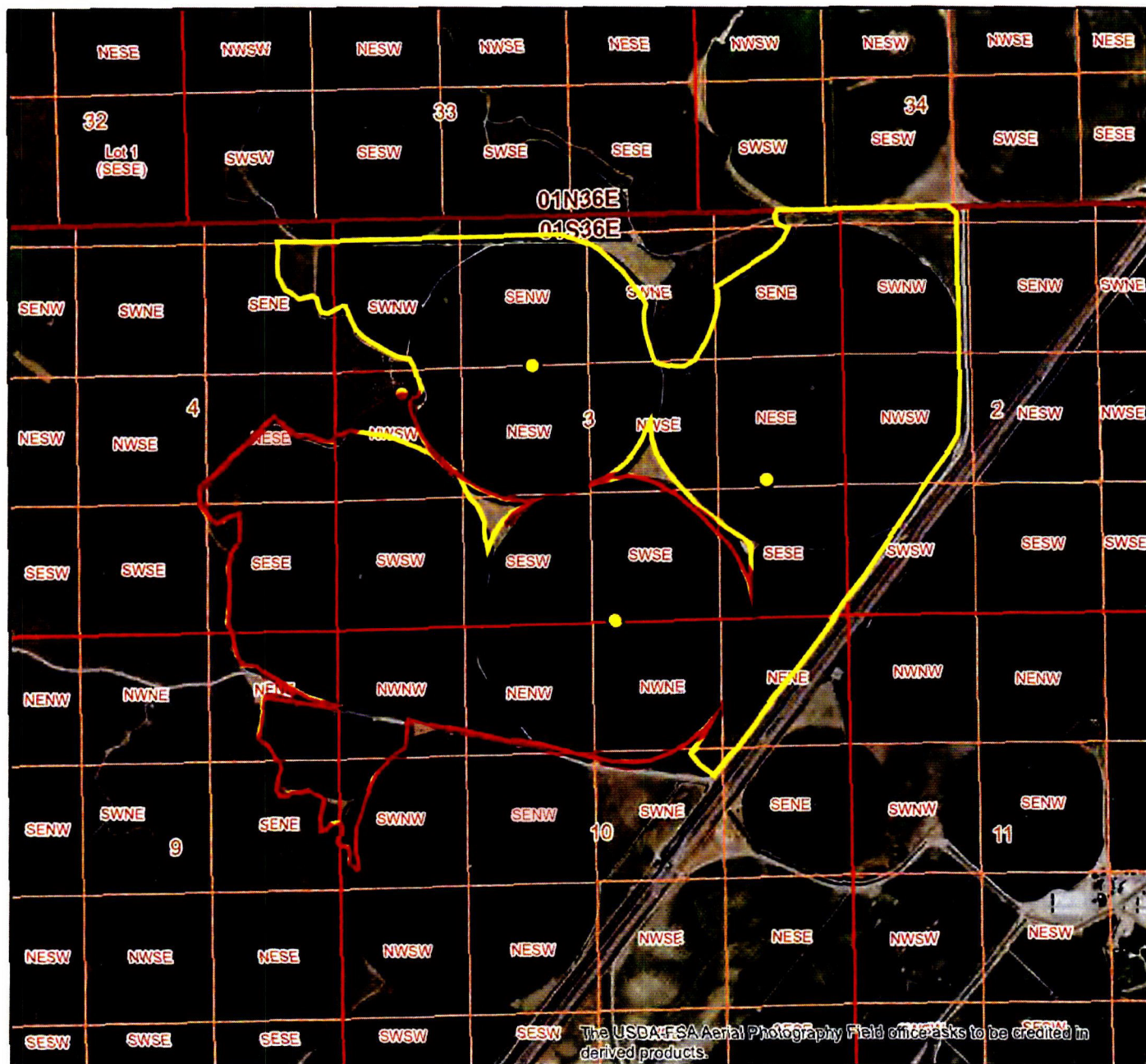
State of Idaho
Department of Water Resources

Water Right

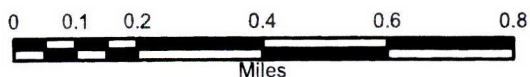
35-2759

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 4/5/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



WSB Mailing Checklist for Rentals

(Use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: [Signature]

Received Date: 5/30/2023

Latest Start Date: 7/1/2023

Renter: Brent Stolworthy Family Ltd Part

Rental Expiration Date: 2023

Lease/Rental Package

Y N

Application # 2678

Agreement # 183

Water Right	Lease Contract ID
# 35-8799	
# 35-8800	
# 35-9053	
# 35-9054	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?

Y / N

Map of POU and POD

Y / N

POD consent?

Y / N

ESPA Modeling?

Y / N NA

Application Complete?

Y / N

Minimum Checklist in database?

☐

Request for additional information letter sent:

Y NA

WSB Action Request for deficiencies

☐

Comments:

Admin Only

Mailings (per application)

Original

CC

Email or Address

Renter: Brent Stolworthy Family Ltd Part

☒

☐

Attorney:

☐

☐

Consultants

Name: Dallas Ward - Wada Farms

☐

☒

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)

☐

(Ground) Water

Dist: [Signature]

(final only)

☒

Other: [Signature]

(final only)

☒

Region: Eastern

(final only)

☒

Watermaster: Blake Jordan

(final only)

☒

Compliance:

(final only)

☐

Resolving NOV? Y / N

#

Call up Date:

DO NOT SCAN

From: [Condon, Mary](#)
To: [Dallas Ward](#)
Cc: [Hummer, Phill](#); plynndouglas@gmail.com
Subject: RE: Water lease and rental applications
Date: Tuesday, November 14, 2023 10:06:00 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)

Dallas,

Thank you for the quick response. No, if you did not need the bank transfers, then we will close the records on these applications as unprocessed.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator



From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, November 14, 2023 10:00 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; plynndouglas@gmail.com
Subject: RE: Water lease and rental applications

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mary,

I was contacted by someone from your office a while back and we decided that since there was no curtailment, we did not need to make these transfers. I was instructed to not sign nor return them for that reason. Had I known that you were advised of that I would have contacted you. Based on this information, is there anything else that I need to do since we did not need the transfer after all?

Best Regards,

Dallas Ward
Dallas Ward
CFO
Wada Farms

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Neither this transmission nor any attachment shall be deemed for any purpose to be a "signature" or "signed" under any electronic transmission acts, unless otherwise specifically stated herein. Thank you.

From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Nov 14, 2023 9:38 AM
To: Dallas Ward <dallasw@wadafarms.com>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; plynndouglas@gmail.com
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Good morning, Dallas,

We submitted to you proposed lease and rental agreements for the priority date water right switch on pivots back in August, but we have not received them back from you with signatures and payment. It is possible they were physically mailed to Stolworthy per the address on the proposals, rather than directly to your address per your application request. If so, I apologize.

Please see the attached proposals and kindly return to us the signed lease contracts (in duplicate as 2 each originals) for 1719, 1720, & 1723, as well as the signed rental agreements and rental admin fees for 781 and 783, within 15 days. Submittal of the signed documents can be electronically, but the payment for the rentals must be received by our Department before they can be executed into approvals.

Please let me know if you have any questions or concerns about the proposals to cover your water use for 2023.

Mary

Mary Condon
Water Supply Bank Coordinator



From: Dallas Ward <dallasw@wadafarms.com>
Sent: Thursday, July 6, 2023 9:19 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Water lease and rental applications

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That sounds good! Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Jul 6, 2023 9:00 AM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Dallas,

I can do the 320 acres for the lease, but this will not fully cover the rental location on the junior pivots for 347 acres, leaving a sliver of a pie slice in one of the pivots with the junior rights. It would then make sense to reduce the other lease of the junior rights to only 320 acres for the swap. I'll move forward with 320 acres under both unless you request differently.

Best,
Mary

Mary Condon
Water Supply Bank Coordinator



From: Dallas Ward <dallasw@wadafarms.com>
Sent: Thursday, July 6, 2023 8:24 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: Water lease and rental applications

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Mary,

For now, lets go ahead and bring in the majority requested per your email. I will continue to research the river water rights etc. Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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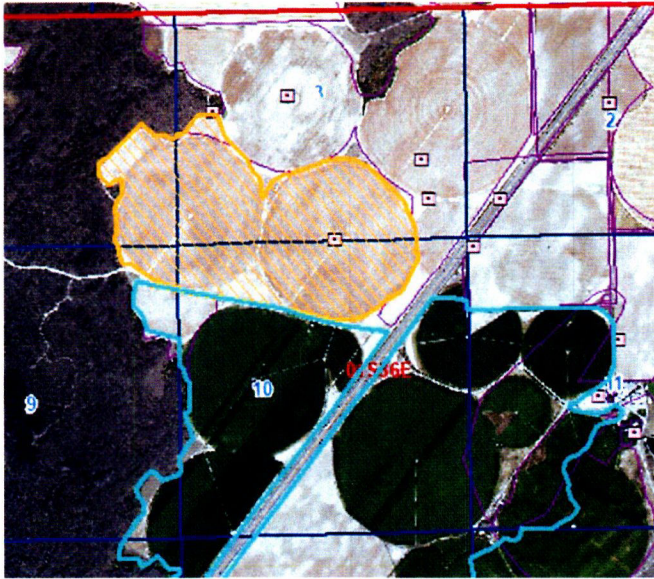
From: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Sent: Jun 20, 2023 5:21 PM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: RE: Water lease and rental applications

WARNING: From External Sender. Use caution in opening any attachment or link.

Hi Dallas,

I've been working on your lease rental packages, and about 27 acres under water rights 35-2759 & 35-13067 are overlapped by Snake River rights 1-162F thru 1-165F, so these cannot be leased and rented on the other lands since the other rental place doesn't have Snake River rights also.

I can bring in the majority requested, equal to about 320 acres, not overlapped by surface water. See below at the overlap in Sections 9 & 10. Please let me know what you want to do about the 27-acre difference.



Mary Condon
Water Supply Bank Coordinator



From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, May 23, 2023 10:29 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Water lease and rental applications

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mary,

I'm ready to send off our water lease and rental applications. They are under the name of the "Brent Stolworthy Family Limited Partnership" and Brent as the General Partner of the partnership has given me permission/authority to act as his agent relative to this particular transaction as you will see in the application.

I will send it to the Idaho Department of Water Resources, in care of yourself, Mary Condon, if that is OK with you. Thank you for your help, and continued help, with these applications.

Best Regards,

Dallas Ward

Dallas Ward

CFO

Wada Farms

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Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Tuesday, June 6, 2023 3:46 PM
To: Dallas Ward
Subject: RE: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

Hi Dallas,

No problem. The letter from Brent Stolworthy had 2023-2024 listed, so I just wanted to double check.

Thank you!
Mackenzie

From: Dallas Ward <dallasw@wadafarms.com>
Sent: Tuesday, June 6, 2023 3:16 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mackenzie,

They are supposed to be for 2023 only. I know they are very late. We just learned about being able to do this this spring. Thanks.

Best Regards,

Dallas Ward

Dallas Ward
CFO
Wada Farms

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Jun 6, 2023 1:16 PM
To: Dallas Ward <dallasw@wadafarms.com>
Subject: WSB Lease & Rental Applications - Brent Stolworthy Family Ltd Part

WARNING: From External Sender. Use caution in opening any attachment or link.

Hello Dallas,

We received the Water Supply Bank lease and rental applications you submitted for Brent Stolworthy Family Ltd Part. Can you confirm whether these lease/rentals are for 2023 or 2023-2024?

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822