

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 540

This is to certify that:

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210-1609

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)
35-7777	1/24/1978	GROUND WATER	1.46	344.0	86.0	0.017	4.0
Combined Rental Totals			1.46	344.0	86.0	0.017	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, 2021. 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 2021, whichever occurs last.

Annual Rental Fee:

2021: \$688.00

The full fee for the rental of the above-described right(s) is \$688.00 for 2021. The rental fee includes an administrative fee of \$688.00 for 2021. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-7777.

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.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	1.2	344.0	86.0	0.01	4.0
Combined Total	1.2	344.0	86.0	0.01	4.0

*** The authorized water usage reflects a reduction from the water right elements rented, to account for enlargement concerns**

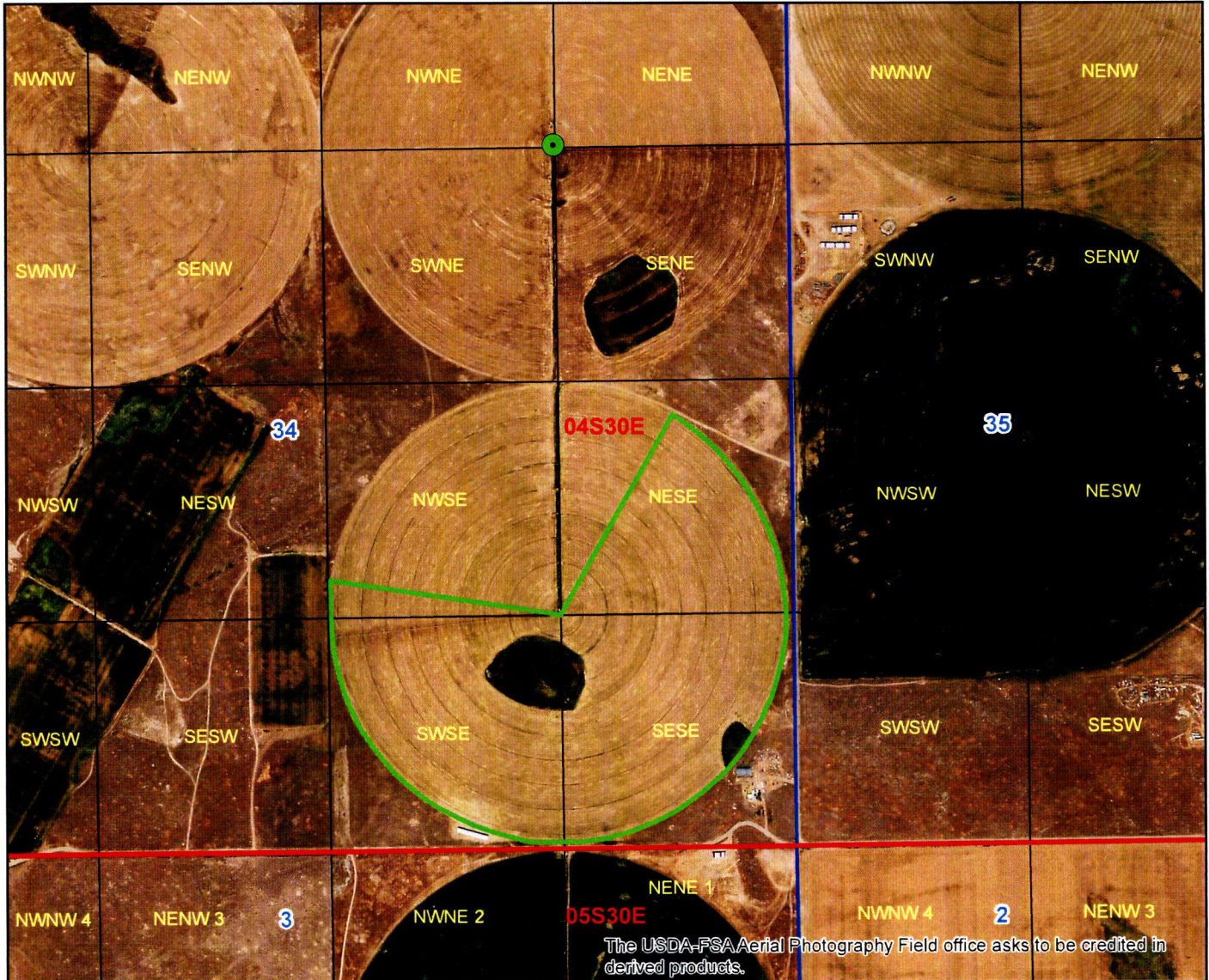
Detailed water right conditions are attached.

Idaho Water Resource Board

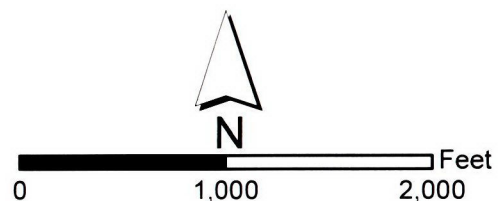
Attachment to Water Supply Bank Rental Agreement No. 540

Effective until December 31, 2021

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 22 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: PEP, LLC

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)

35-7777

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PEP, LLC

Mailing Address 1356 S., 3000 W. Aberdeen ID 83210
Street City State Zip Code
 Email Address pepfarms@gmail.com Phone Number (208) 709-1645

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 Jason C. Helms, P.E. Professional Title _____
 Organization JCH Engineering & Consulting, PLLC Relationship to Applicant Consultant
 Mailing Address 6755 N. Albert Lane Idaho Falls, ID 83401
 Email Address jasoncivil@alumni.nd.edu Phone Number (208) 308-2109

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**:

Irrigation (Addition to Rental #1 originally submitted November, 2020)

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)
1.46 CFS	344.0 AF	1.46 CFS	344.0 AF	86.0 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?	
04/01	06/01	☒ 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.

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):
Existing well, mainline and center pivot sprinkler systems.

- 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
WMIS ID A0018302	Ground Water	none

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 86.0 (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:
none

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)
35-7777	Irrigation	1.77	416.0	104.0		1.46	344.0	86.0
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	1.46	344.0	86.0
						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**:

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:

Permanent water rights are continuing to be sought, however no appropriate water rights have been located at this time.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- 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.

Signature of Applicant

Printed Name of Applicant

Date

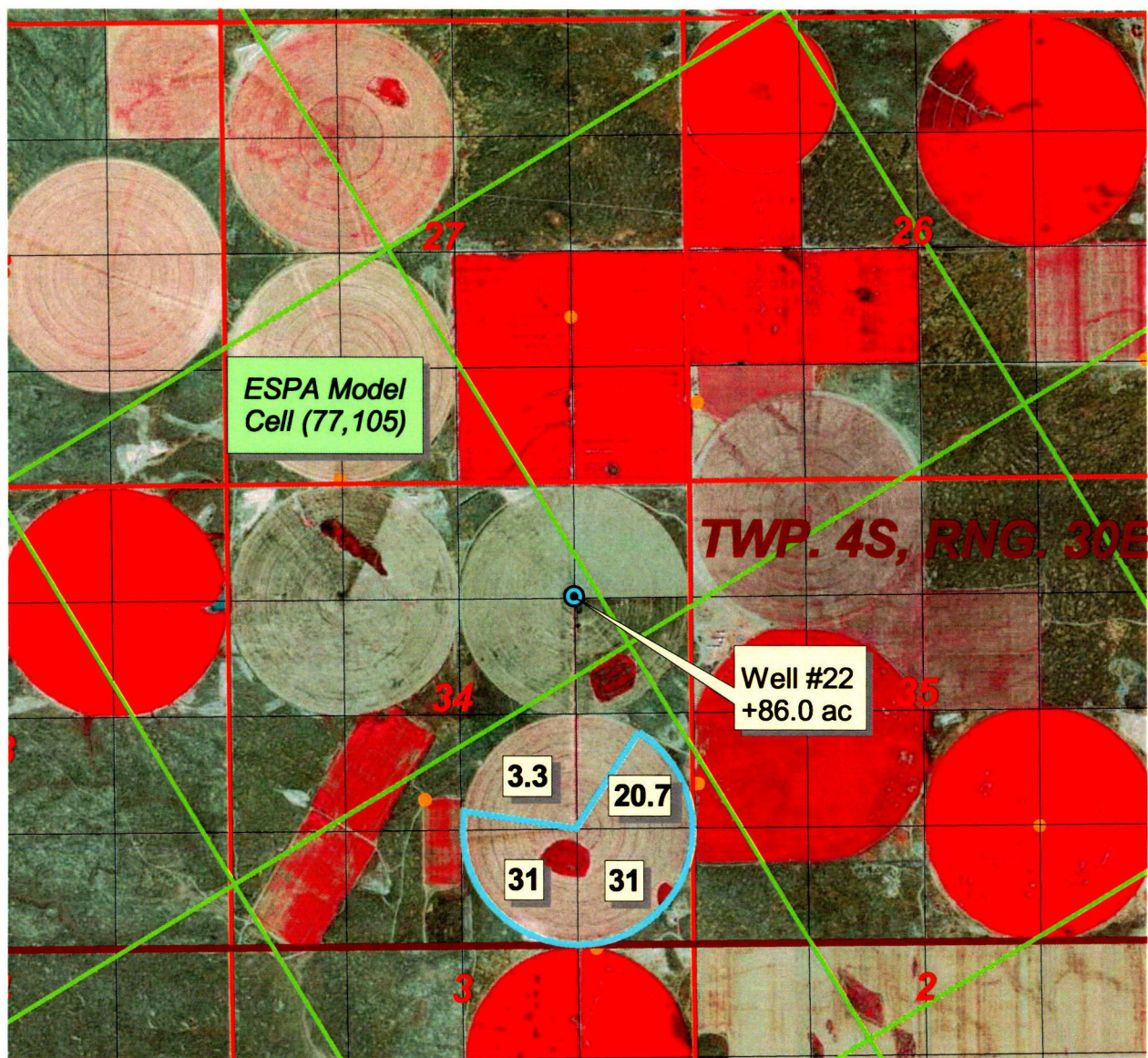
Signature of Representative

Jason C. Helms
Printed Name of Representative

3-6-2021
Date

Mail to:

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



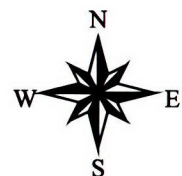
JCH - 3/6/2021

0.25 0 0.25 0.5 0.75 Miles

2019 NAIP Aerial Photo

 Rental Point of Diversion (WMIS 1001750), Place of Use (+86.0 Ac.)

-  ESPA Model Grid
-  Township & Range
-  Sections
-  40's



PEP, LLC
2021 Water Supply Bank Rental Request

Attachment #2

ENHANCED GROUND-WATER RIGHTS TOOL

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE | IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON
 TRANSFER NO: PEP WSB1 2021
 YEAR: 1952
 SEASON: SPRING
 TRANSFER NAME: PEP Rental #1 ad

1

2

3

4

[acre-ft]

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	77	70		
COLUMN	105	130		

35-7777

1/24/1978

344.00

Well 25

35-7777

Total rental:

344.00

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1977	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1978	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SUM 1978	0.0	114.7	114.7	0.0	0.0	0.0	0.0
WIN 1978	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SPR 1979	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SPR 2020	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SUM 2020	0.0	114.7	114.7	0.0	0.0	0.0	0.0
WIN 2020	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SPR 2021	114.7	0.0	114.7	0.0	0.0	0.0	0.0
SUM 2021	114.7	0.0	114.7	0.0	0.0	0.0	0.0
WIN 2021	114.7	0.0	114.7	0.0	0.0	0.0	0.0
SPR 2022	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SUM 2022	0.0	114.7	114.7	0.0	0.0	0.0	0.0
WIN 2022	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SPR 2023	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SPR 2101	0.0	114.7	114.7	0.0	0.0	0.0	0.0
SUM 2101	0.0	114.7	114.7	0.0	0.0	0.0	0.0
WIN 2101	0.0	114.7	114.7	0.0	0.0	0.0	0.0

ATTACHMENT #3H

Data Entry

2.6	8.0	24.3	74.4	0.4	1.4	1.6	0.7	0.4	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2.6	8.0	24.3	74.4	0.4	1.4	1.6	0.7	0.4	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0

2.3%	7.0%	21.3%	65.1%	0.4%	1.2%	1.4%	0.6%	0.4%	0.4%	0.0%	2932.75	7300.025	18485.07	19284	5275.188	3953.166
------	------	-------	-------	------	------	------	------	------	------	------	---------	----------	----------	-------	----------	----------

Enter First Time Step of Transfer: **SPR 2010**

Match: 175 Match: 456

	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total
Preexisting Effects @ SS (Last Time Step):	2.64	7.97	24.35	74.43	0.43	1.38	1.56	0.69	0.44	0.40	0.02	114.31
Steady State - Value of Dep. @ Last Time Step:	2.64	7.97	24.35	74.43	0.43	1.38	1.56	0.69	0.44	0.40	0.02	114.31
existing Effects @ Transient State (Max Value Timestep):	2.64	7.97	24.35	74.43	0.43	1.38	1.56	0.69	0.44	0.40	0.02	114.31
Transient State - Max. Value of Dep. After Transfer:	2.64	7.97	24.37	74.77	0.57	1.77	2.04	0.90	0.57	0.51	0.03	116.13
Steady State Change:	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Transient State Change:	0.00	0.00	0.02	0.35	0.14	0.39	0.47	0.21	0.13	0.11	0.01	

Lessor: Knudsen Poor Farms, Inc.

By:

Bob Knudsen, Jr., President

Date:

12 March 2021

Lessee:

Lance Funk

Date:

12 March 2021

Kris Pratt

CH

Date:

12 March 2021

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

REVIEWER:

Received Date: 3-22-21
 Latest Start Date: 7-6-21
 Renter: PEP
 Rental Expiration Date: 2021
 Lease/Rental Package: (Y) N

Application # 2036 Agreement # 540

Water Right	Lease Contract ID
# <u>35-7777</u>	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized? (Y) N
 Map of POU and POD (Y) N
 POD consent? Y / (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:

Mailings (per application)	Original	CC	Email or Address
Renter: <u>PEP LLC</u>	☐	☐	
Attorney:	☐	☐	
Consultants Name: <u>Greg Sullivan</u>	☐	☐	
Conveyance Entity: <u></u> Ex. Irrigation Dist. of Canal Co.	(final only)	☐	
(Ground) Water Dist: <u></u>	(final only)	☐	
Other: <u></u> WD Snake 01, Boise, Payette, and Bear River	(final only)	☐	
Region: <u>Eastern</u>	(final only)	☐	
Watermaster: <u></u>	(final only)	☐	
Compliance: <u></u>	(final only)	☐	Resolving NOV? <u>Y / N</u> #

Call up Date: _____

DO NOT SCAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 28, 2021

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210-1609

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7777 AGREEMENTS 540**

Dear Renter:

Please find enclosed a receipt in the amount of **\$688.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 344.0 acre-feet of water for irrigation of 86.0 acres during 2021. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$688.00**

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C110645
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Greg Sullivan – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 9, 2021

PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210-1609

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-7777, AGREEMENT 540**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$688.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 344.0 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$688.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$688.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

Memorandum

To: Rental Application 2036

From: Justin Ferguson

Date: May 3, 2021

Re: Water Supply Bank Rental Application 2036 Rental Request for ESPA Groundwater

Purpose/Narrative: A third application was received from JCH Engineering on behalf of their client, PEP LLC. This application is meant to be supplemental to their prior two applications this year, specifically agreement 501 such that the two pivots can be irrigated in full this year.

It is of note that, while the applicant had requested 86 acres of water right 37- 7777 and a corresponding rate of 1.46 cfs and a volume of 344 af, the total amount authorized will be reduced to 1.20 so as to match the existing rental at 0.014 cfs/ ac.

Authority to File: The applications were prepared and submitted on behalf of PEP LLC by their representative, Jason Helms. The application was signed by Mr. Chris Pratt of PEP LLC. Review of Idaho Secretary of State Information shows Mr. Pratt as a registered agent for PEP LLC. No concerns at this time.

Water Right Validity/Forfeiture Evaluation: The water rights being used to facilitate this rental are currently leased to the Bank and available for rent. No concerns at this time.

Injury Evaluation: As with the other two applications, the rental place of use falls within the Eastern Snake River Plain Aquifer (ESPA) modeling boundary. ETRAN modeling was provided by Mr. Helms indicating that there were no impacts to any reach of the ESPA greater than 2 af/trimester. This modeling was verified by the review staff using the most current version of the ETRAN program. As the results matched what was provided, there does not appear to be any concern of injury to water users within the ESPA.

Enlargement of Use: Per the application package, a total of 86 acres was requested at the area standard of 0.02 cfs/acre and 4.0 acre-feet/acre. Because this rental is intended to be supplemental to agreement 501, the rate per acre was adjusted down to 0.014 so as to match the prior authorization allowing the two pivots to be irrigated using the same infrastructure without causing enlargement.

Local Public Interest: Staff are unaware of any local public interests that are averse to the rental.

Beneficial Use/Conservation of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: IDWR Eastern Regional office comments along with the district Watermaster comments were requested May 3, 2021

Water Supply Bank Evaluation: Bank staff recommend the approval of this application for PEP LLC for a single year

Veibell, Amanda

From: Ferguson, Justin
Sent: Monday, May 3, 2021 9:15 AM
To: Cefalo, James; Jordan, Blake
Subject: WSB Leases & Rentals
Attachments: Draft agreement - Alan Parks.docx; Rental Map - Alan Parks.pdf; Rental Review Mem1.docx; Rental Review Mem1.docx; Draft Rental Agreement - Lee Sutton.docx; Rental Map - Lee Sutton.pdf; Rental Map - Idaho Materials.pdf; Rental Review Memo.docx; Draft Rental Agreement - Idaho Construction.docx; Rental Review Memo.docx; Draft Rental Agreement - PEP LLC - 86 ac.docx; Rental PEP LLC - 86 ac.pdf

James, Blake,

Attached are the draft approval documents for PEP, Idaho Construction, Lee Sutton, and Alan Parks. Please let me know if you have any comments or concerns in the next several days

Thank you!



RACINE OLSON
ATTORNEYS

RECEIVED

APR 05 2021

**DEPARTMENT OF
WATER RESOURCES**

March 30, 2021

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

Re: Applications to Rent Water from the Water Supply Bank

To whom it may concern:

Enclosed please find the originals of two Applications to Rent Water from the Water Supply Bank. Brockway Engineering electronically filed copies of these applications previously.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

T. J. BUDGE