STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 578

RECEIVED
DEC 02 2021
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

LLOYD RICHINS
2809 E 550 S
PAUL, ID 83347

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)
35-2924	7/21/1965	GROUND WATER	1.11	241.0	0.0	∞	∞
Combined Rental Totals			**1.11**	**241.0**	**0.0**	∞	∞

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: $4,820.00

The full fee for the rental of the above-described right(s) is $4,820.00 for 2021. The rental fee includes an administrative fee of $482.00 for 2021.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 578

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:

Lloyd Richins — Signature of Renter

11/30/21 — Date

LLOYD RICHINS — Printed Name

OWNER — 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 _____ Date 12/10/21
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 12/10/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 578

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec. 14, Twp 09S, Rge 21E,	JEROME County
GROUND WATER	NESE	Sec. 15, Twp 09S, Rge 21E,	JEROME County

BENEFICIAL USE	DIVERSION RATE	VOLUME
MITIGATION BY NON-USE	1.11 CFS	241.00 AF

SEASON OF USE

Water Right No.	From	To
35-2924	4/1	10/31

RENTERS PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	14					X	X	X	X	X	X	X						X
09S	21E	15				X									X	X	X	X	X

Total Acres: 0.0

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.
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. This rental authorizes the non-consumptive use and dedication of 241 af of groundwater to mitigation by non-use within the Eastern Snake River Plain Aquifer (ESPA). The points of diversion and place of use described above are provided for reference, however, there are no points of diversion authorized under this rental and the place of use is the ESPA at large.

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER FROM THE BOARD'S WATER SUPPLY BANK

Applicant Name: Lloyd Richins

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)

Attachment	N/A	Yes	
		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)

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Lloyd Richins

Mailing Address 2809 east 550 South Paul Id 83347
Street City State Zip Code

Email Address lrichins11@gmail.com Phone Number 208-431-2785

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 _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

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**:

I would use this water to mediate last years over use of allotted AF

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)
CFS	241 AF	CFS	AF	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?	
		☑ 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):

deep Well

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
deep well - 300hp		36-2333 and 36-2337
pump		combined

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 379 (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:

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)
35-2924		1.11	241.0					
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	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**:

I would use this water to mediate LAST years over use of allotted water

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.

Signature of Applicant	Printed Name of Applicant	Date
Lloyd Richins	LLOYD RICHINS	6-14-21
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit https://idwr.maps.arcgis.com/home/ to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 16, 2021

LLOYD RICHINS
2809 E 550 S
PAUL, ID 83347

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-2924 AGREEMENTS 578

Dear Renter:

Please find enclosed a receipt in the amount of **$4,820.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 241.0 acre-feet of water for mitigation by non-use 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.

Pursuant to the Water Supply Bank Rules, 90% or $4,338.00 of the rental fee will be paid to the lessor(s) and 10% or $482.00 will be retained by the Department to offset administrative costs.

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. C111422
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office

MEMORANDUM FOR AGREEMENT # 578

To: Water Supply Bank Rental Application 2099
From: Remington Buyer
Date: September 22, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On June 14, 2021 the Water Supply Bank received a rental application from Lloyd Richins, requesting a rental of basin 35 Eastern Snake River Plain Aquifer (ESPA) ground water rights, to mitigate for a ground water diversion volume reduction required of him by the Magic Valley Ground Water District (MVGWD). A mitigation by non-use rental was recommended on August 18th, 2021. However, due to concerns about enlargement specific to irrigation practices at Mr. Richins' farm, the rental has been revised, to include an irrigation authorization of 32.7 acres.

Mr. Richins holds water rights 36-2333 and 2337, which collectively authorize the irrigation of 379 acres through a combined, additive diversion rate of 6.52 cfs and 1,516 af annually (equivalent to 0.017 cfs/ac and 4.0 afa/ac). As a member of the MVGWD, Mr. Richins is expected to reduce his annual diversion volumes under his ground water rights, to help the MVGWD meet its overall diversion volume reduction targets, required as part of a negotiated settlement between the GWD and a coalition of surface water entities. Although Mr. Richins' water rights authorize an annual diversion volume of 1,516 af, the GWD is limiting him to an annual diversion volume of 663.3 af, or 43.8% of his actual annual volume limit. As such, his annual diversion volume reduction required by the MVGWD is 852.7 af.

In 2020, Mr. Richins was assessed an overall ground water diversion volume of 881.5 af by the MVGWD, an overage of 218.2 af. Per information provided by the MVGWD, Mr. Richins has a 2021 diversion volume limit target of 410.4 af, which is a further reduction of 252.9 af from the annual 663.3 af overall diversion volume limit assigned to him by the MVGWD.

Rental application 2099 requested a mitigation by non-use authorization for just 2021. Although correspondence provided by Ryan Shurtliff on behalf of the MVGWD suggests that this rental in 2021 will be to address Mr. Richin's overage during 2020, the Water Supply Bank does not retroactively approve past water uses, so this rental can only authorize a mitigation by non-use rental for 2021.

Mr. Richins requested a rental of 241 af from water right 35-2924, which is the decreed diversion volume limit for industrial uses authorized under water right 35-2924. Information in the water right 35-2924 backfile suggests no consumptive use has been established for the water right and the water right might have historically been used for non-consumptive industrial uses. Mitigation by non-use is by its nature a non-consumptive use, therefore water right 35-2924 can be rented by Mr. Richins for mitigation by non-use purposes in 2021 without inducing enlargement. Although water right 35-2924 is situated within the boundaries of the Bonneville-Jefferson Ground Water District, it does not appear that the MVGWD has any objections to Mr. Richins' rental of water right 35-2924 for mitigation purposes.

Although Mr. Richins requested a mitigation by non-use rental, a review of his irrigation practices from 2020 and 2021 indicates more than 379 acres are being irrigated, annually. Sentinel satellite imagery reveals that approximately 402.5 acres were vegetated in 2020, while approximately 404 acres were vegetated this year (see Appendix A for irrigation observations and calculations). Comments from Water District 130 and from IDWR's Enforcement staff indicated that it would be best if Mr. Richins were also provided with an irrigation authorization under a rental, in addition to, or as an alternative to his mitigation by non-use rental request.

On August 25th, Mr. Richins was contacted to confirm the exact numbers of acres being irrigated at this property. He affirmed that it was only 379 and he provided a United States Department of Agriculture (USDA) Farm Service Agency (FSA) map as evidence of the 379 acres. However, the map did not at all make clear how many acres were being irrigated at Mr. Richins' property. A subsequent follow up email from Mr. Richins offered that he farmed 379 acres and irrigated 383-385 acres. In September, the Water Supply Bank began to draft an irrigation rental authorization for Mr. Richins, however, it was not clear whether the rental should be for 4-6 acres (as requested by Mr. Richins) or for 32.7 acres (as identified through review of near infrared satellite imagery).

Ultimately, in late September, it was determined that Water District 130 Watermaster Nathan Erickson would be following up with Mr. Richins prior to the 2022 irrigation season, to ensure his actual irrigation practices were aligned with the authorizations of his water rights, and that the irrigation rental contemplated for Mr. Richins for 2021 should not be offered. Accordingly, this rental remains a purely mitigation by non-use approval.

AUTHORITY TO FILE: The property and water rights that will be associated with this mitigation by non-use rental are owned by De Ann and Lloyd Richins. No concerns about authority to file.

WATER RIGHT VALIDITY: Water rights 35-2924 is valid and available for rental from the Bank.

INJURY TO OTHER WATER RIGHTS: Water will not be diverted through this mitigation by non-use rental. No injury is apparent.

ENLARGEMENT OF USE: As stated above, water right 35-2924 authorizes a diversion volume of 241 af for industrial purposes, and it appears the industrial uses are largely non-consumptive. This rental will be limited to 241 af for mitigation by non-use purposes which are also non-consumptive. No enlargement to water right 35-2924 is apparent through this rental.

ENLARGEMENT OF USE: As stated above, water right 35-2924 authorizes a diversion volume of 241 af for industrial purposes, and it appears the industrial uses are largely non-consumptive. This rental will be limited to 241 af for mitigation by non-use purposes which are also non-consumptive. No enlargement to water right 35-2924 is apparent through this rental.

A review of Sentinel satellite imagery from 2020 and 2021 indicates Mr. Richins may be irrigating in excess of the 379 acre limit of his water rights. Approximately 403 acres were observed as vegetated in 2020 on lands associated with water rights 36-2333 and 2337, and approximately 404 acres were vegetated in 2021 (see Appendix A of this memo for observations and calculations). However, WMIS data confirms Mr. Richins did not divert more than 922 af of his 1,576 af authorization in 2020. It appears an enlargement in the acres irrigated might have occurred in 2020 (and may be occurring in 2021), how this rental does not authorize any excess irrigation use at the rental place of use.

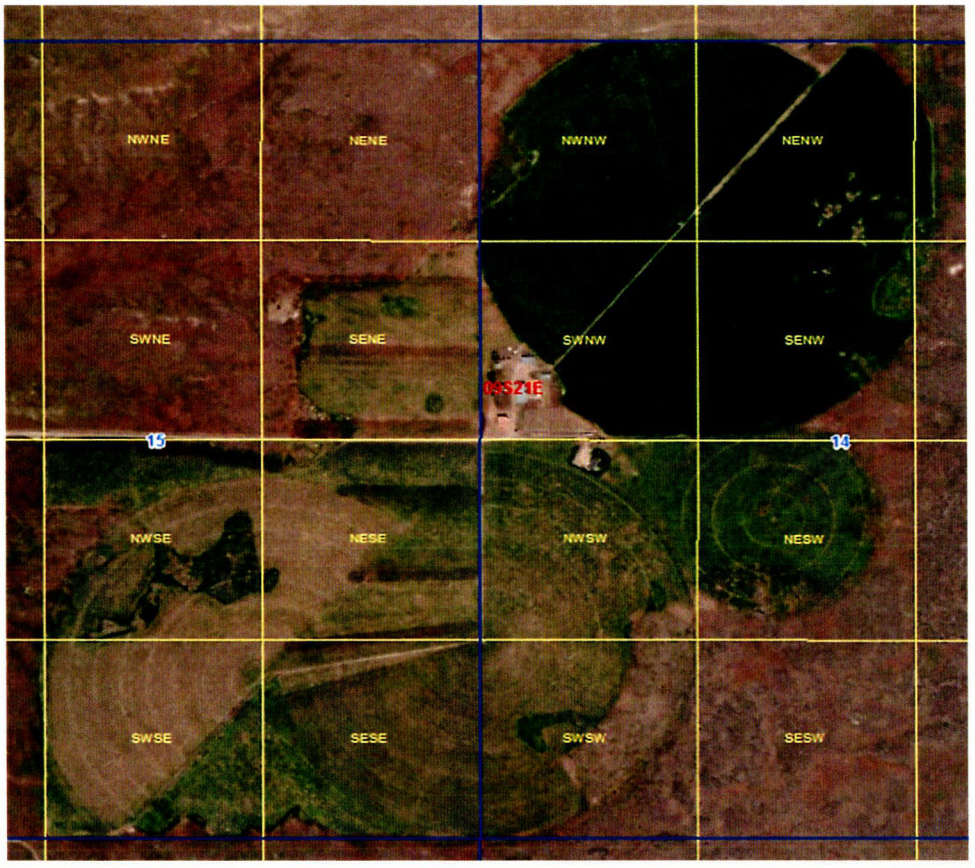
LOCAL PUBLIC INTEREST: Staff are not aware of any information that indicates this rental is contrary to or inconsistent with any local public interests.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Mitigation by non-use is a beneficial use. The rental appears consistent with the conservation of water resources in Idaho.

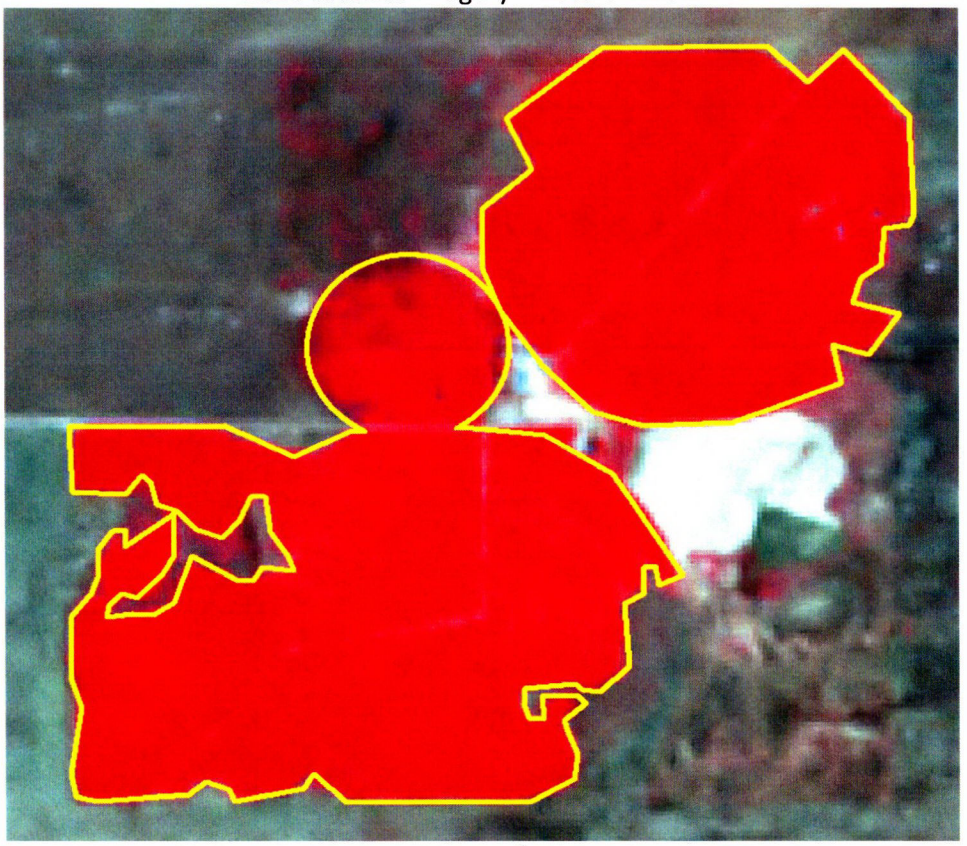
DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Southern Region and Water District 130 on August 18, 2021. Comments were also requested from IDWR's Compliance Bureau, Enforcement Unit.

WATER SUPPLY BANK RECOMMENDATION: Following discussions with the Water District 130 watermaster, it was determined that this rental should be approved for mitigation by non-use purposes only.

Appendix A – 2020 & 2021 Sentinel Satellite Imagery



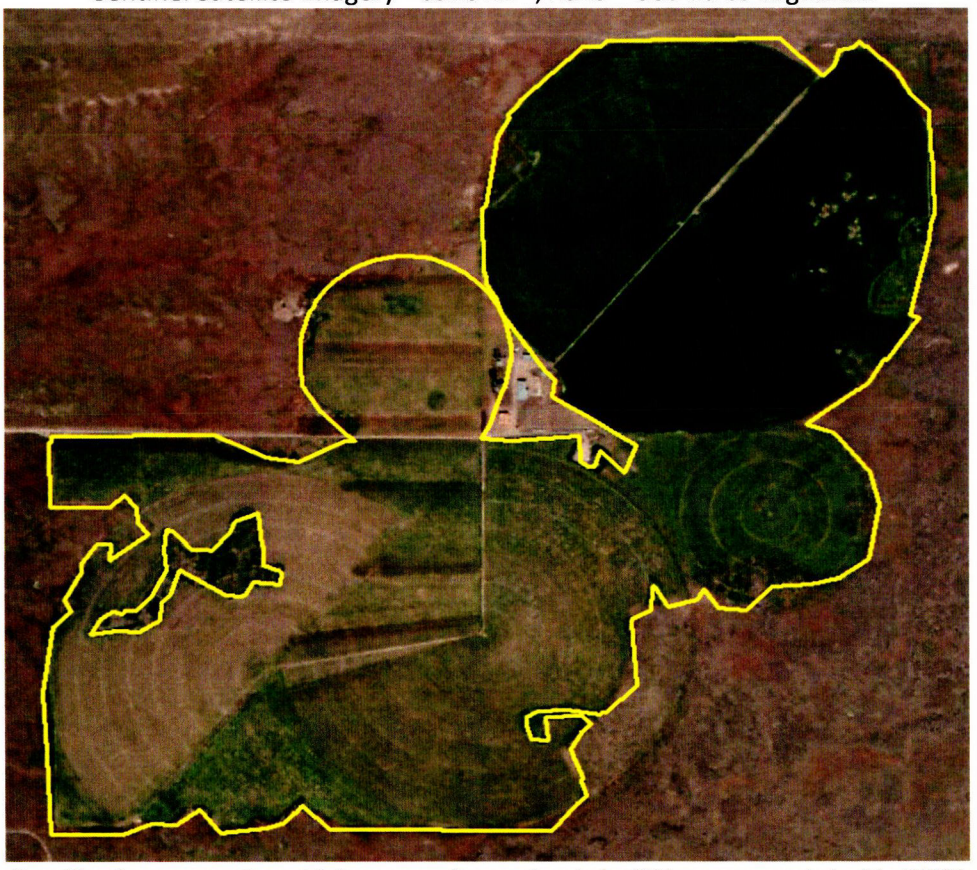
2020 Satellite Imagery – Date Unknown



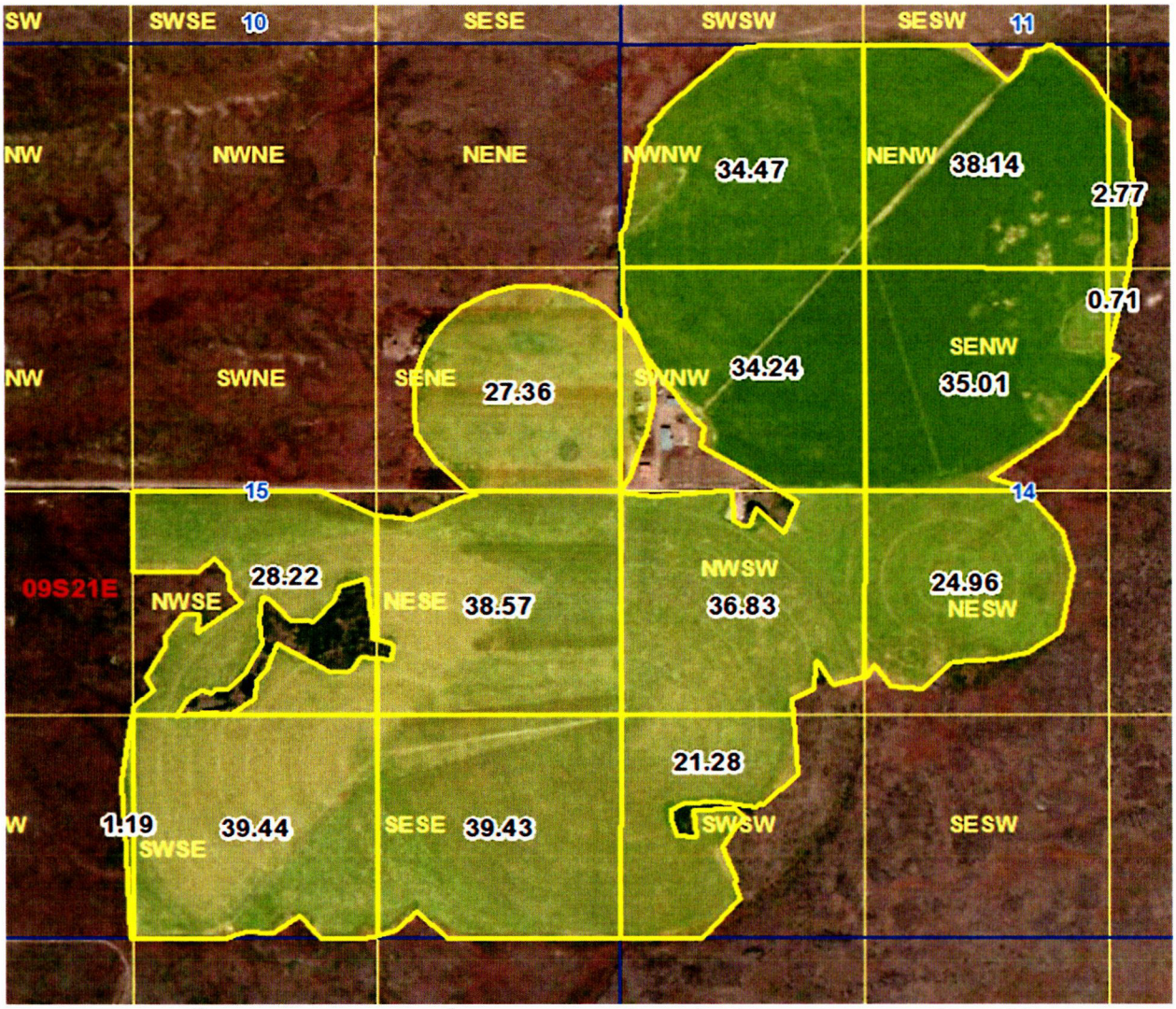
Sentinel Satellite Imagery – April 28th, 2020 – 354 acres vegetated



Sentinel Satellite Imagery – June 22nd, 2020 – 383 acres vegetated



Satellite Imagery – Date Unknown – Approximately 403 acres vegetated in 2020

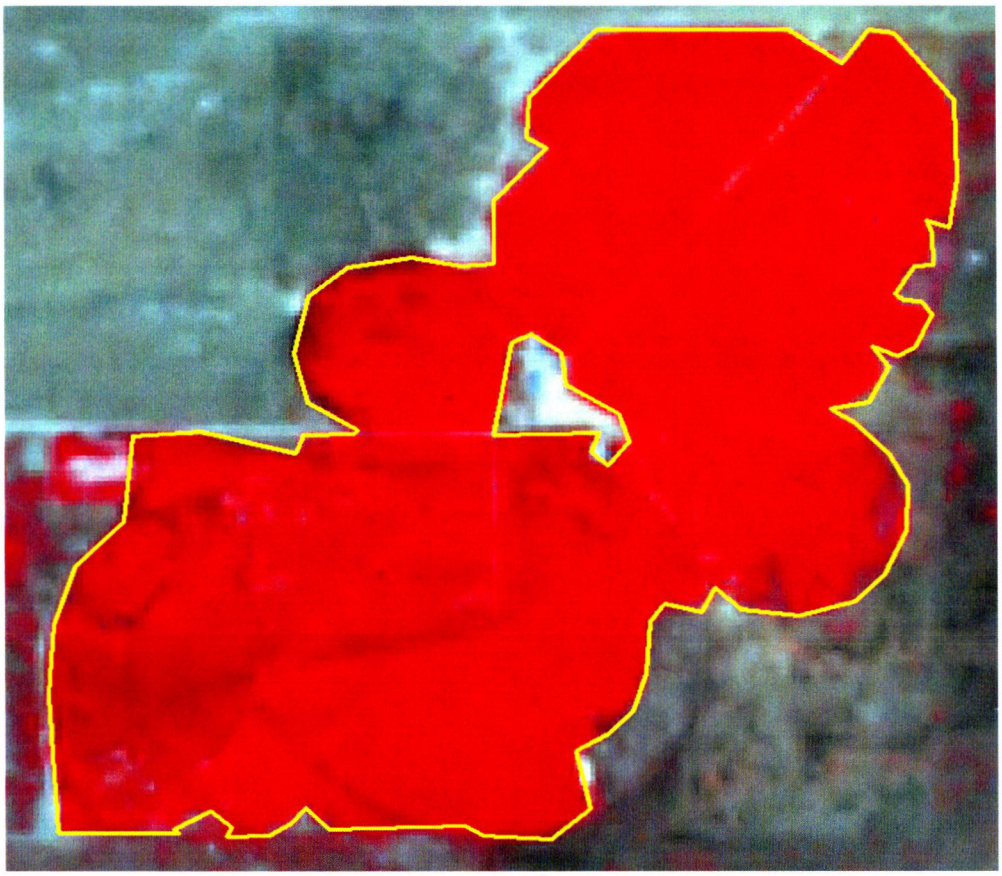


Satellite Imagery – Date Unknown – Approximately 403 acres vegetated in 2020

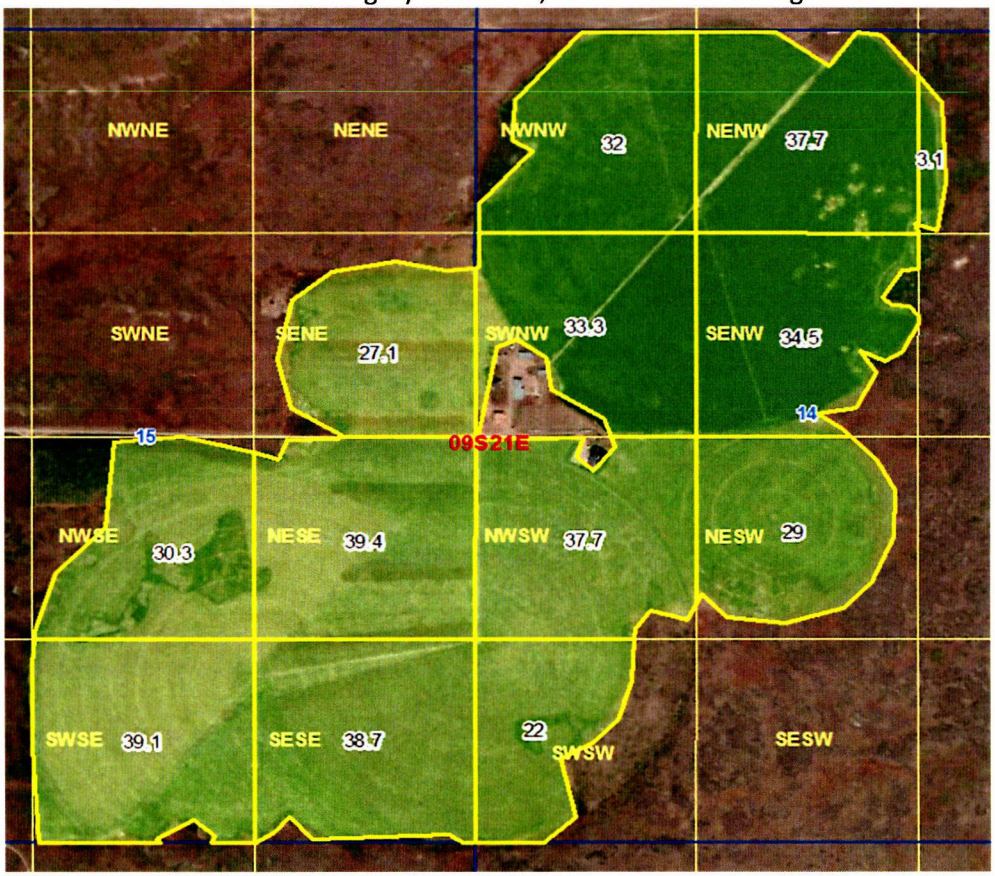
Maximum Extent of Acres Observed Vegetated in 2020																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		2.8	0.7		38.0	34.5	34.2	35.0	25.0	36.8	21.3						228.3
9S	21E	15				27.4								1.2	38.6	28.2	39.4	39.4	174.2
																			402.5

Maximum Extent of Acres Authorized to be Irrigated Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					38.0	33.0	32.0	35.0	15.0	37.0	30.0						220
9S	21E	15				20									38	33	34	39	164
																			384.0

Balance of Acres Not Irrigated, or, Irrigated in Excess of Authorizations																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-2.8	-0.7			-1.5	-2.2		-10.0	0.2	8.7						-8.3
9S	21E	15				-7.4									-0.6	4.8	-5.4	-0.4	-9
																			-17.3



Sentinel Satellite Imagery – June 2nd, 2021 – 404 acres vegetated



Satellite Imagery – Date Unknown – 404 acres vegetated

Maximum Extent of Acres Observed Vegetated in 2021																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		3.1			37.7	32.0	33.3	34.5	29.0	37.7	22.0						229.3
9S	21E	15				27.1									39.4	30.3	39.1	38.7	174.6
																			403.9

Maximum Extent of Acres Authorized to be Irrigated Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					38.0	33.0	32.0	35.0	15.0	37.0	30.0						220
9S	21E	15				20									38	33	34	39	164
																			384.0

Balance of Acres Not Irrigated, or, Irrigated in Excess of Authorizations																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-3.1			0.3	1.0	-1.3	0.5	-14.0	-0.7	8.0						-9.3
9S	21E	15				-7.1									-1.4	2.7	-5.1	0.3	-10.6
																			-19.9

Maximum Extent of Acres Observed Vegetated in 2021 Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					37.7	32.0	32.0	34.5	15.0	37.0	22.0						210.2
9S	21E	15				20									38	30.3	34	38.7	161
																			371.2

Balance of Acres Irrigated Under a Water Right Rental																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-3.1					-1.3		-14.0	-0.7							-19.1
9S	21E	15				-7.1									-1.4		-5.1		-13.6
																			-32.7

From: Lloyd Richins [mailto:lrichins11@gmail.com]
Sent: Monday, August 30, 2021 2:09 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Fwd: Fwd:

---------- Forwarded message ---------
From: **Buyer, Remington** <Remington.Buyer@idwr.idaho.gov>Farmed 379. Irrigated 383-385
Date: Mon, Aug 30, 2021 at 1:59 PM
Subject: RE: Fwd:
To: Lloyd Richins <lrichins11@gmail.com>

Hi Lloyd,

Thanks for providing the map. Can you please confirm how many acres are being irrigated at the property this year? I'm not clear on how to do that using the FSA map.

Thank you,
Remington

From: Lloyd Richins [mailto:lrichins11@gmail.com]
Sent: Monday, August 30, 2021 8:53 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Fwd:

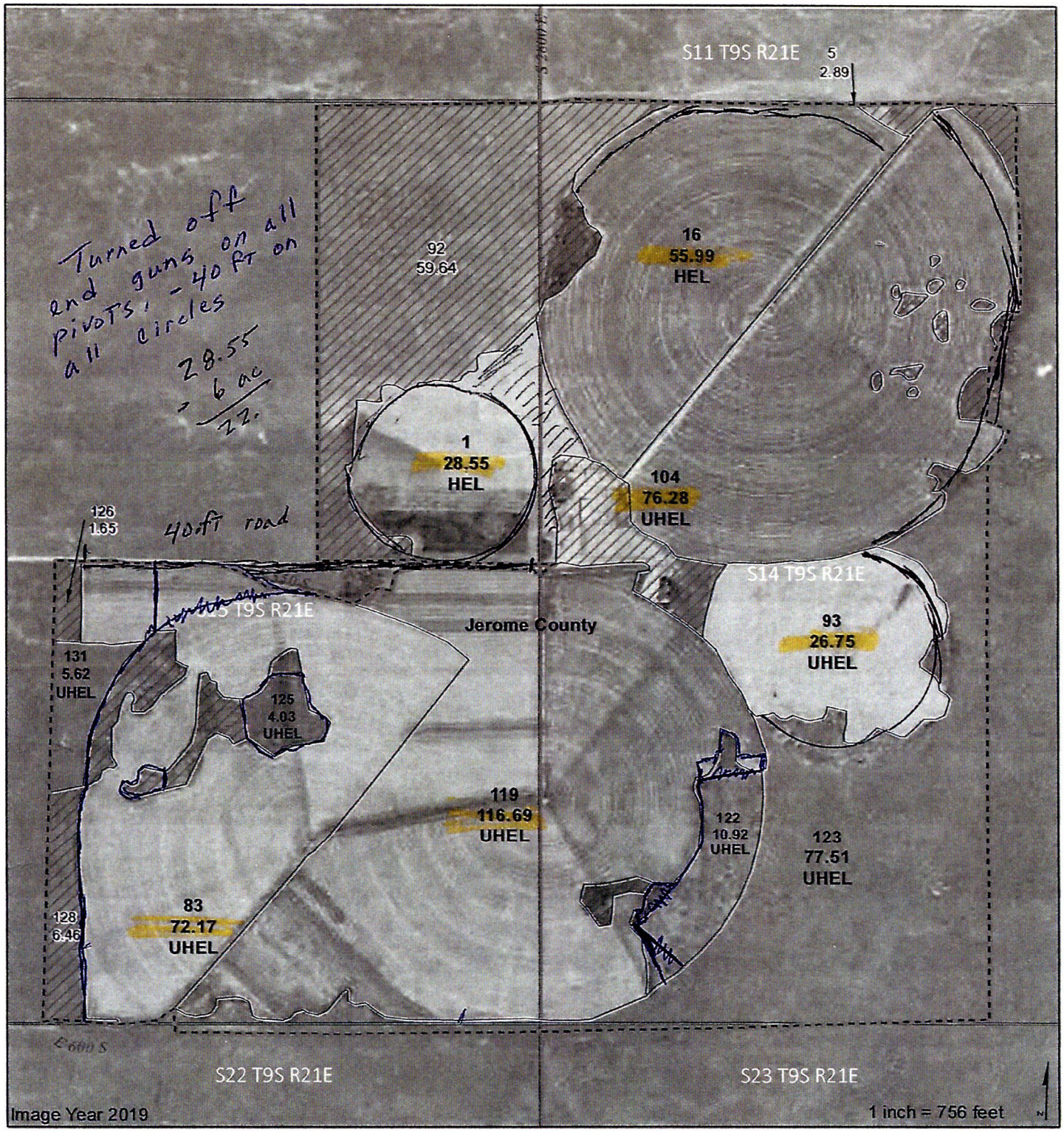
My sacs office is so understaffed this is the best I could do! Sorry

---------- Forwarded message ---------
From: **DeAnn Richins** <deann803@gmail.com>
Date: Mon, Aug 30, 2021 at 8:45 AM
Subject:
To: Lloyd Richins <lrichins11@gmail.com>

Sent from Mail for Windows

USDA United States Department of Agriculture

Jerome County, Idaho



Non-Cropland
Cropland
Tract Boundary
PLSS
County Boundary

Wetland Determination Identifiers

Restricted Use
Limited Restrictions
Exempt from Conservation Compliance Provisions

Tract Cropland Total: 474.51 acres

2021 Program Year

Map Created April 15, 2021

Farm **2976**

Tract **7159**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, August 25, 2021 2:08 PM
To: lrichins11@gmail.com
Subject: Irrigation Question
Attachments: Appendix A - Vegetation Observations from 2020 and 2021.pdf

Mr. Richins,

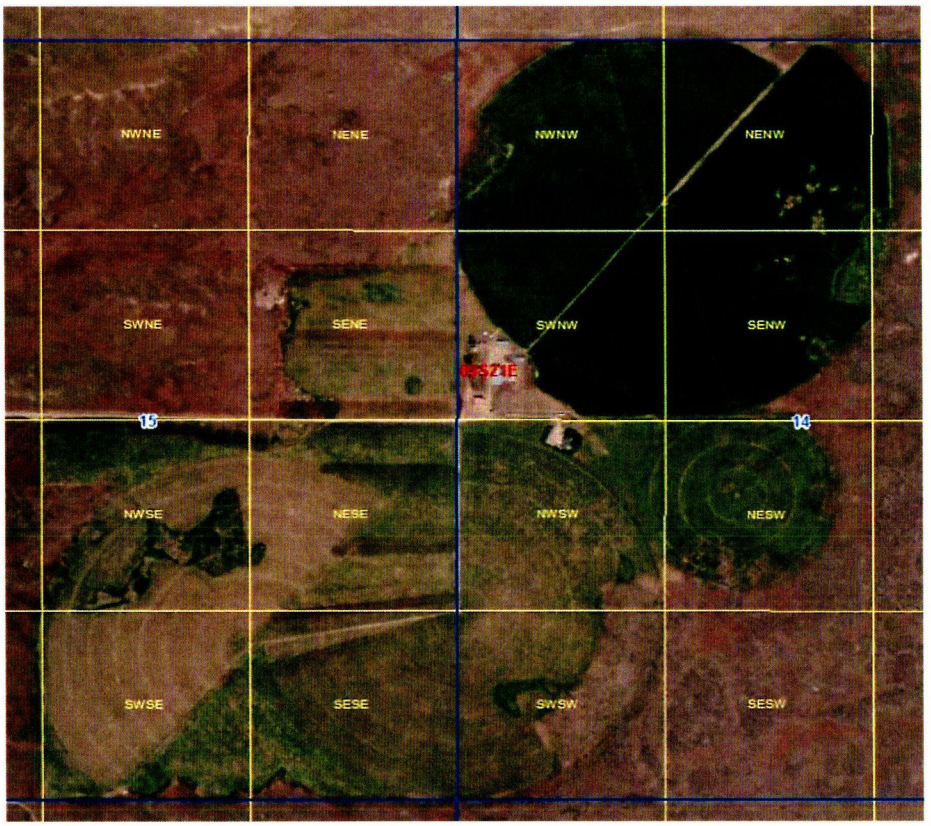
I've completed a review of your request to rent water rights for mitigation by non-use purposes but a question has arisen as to exactly how many acres might be vegetated and irrigated at your farm. Attached are some near infra-red satellite images from 2020 and 2021 which appear to indicate approximately 404 acres might be vegetated/irrigated, in excess of the 379 acre authorization under your water rights.

Could you please review the attached and respond back with a confirmation of the exact number of acres that are under irrigation at your farm? You mentioned you have some FSA maps that confirm the extent of irrigation occurring on the property—if you could provide those maps to me, that'd be greatly appreciated. If there is a need to increase your rental request, to cover the irrigation of the additional 33 acres, we can do that. However, if only 379 acres are being irrigated, we can finalize your rental request once we determine the location of the 379 acres being irrigated.

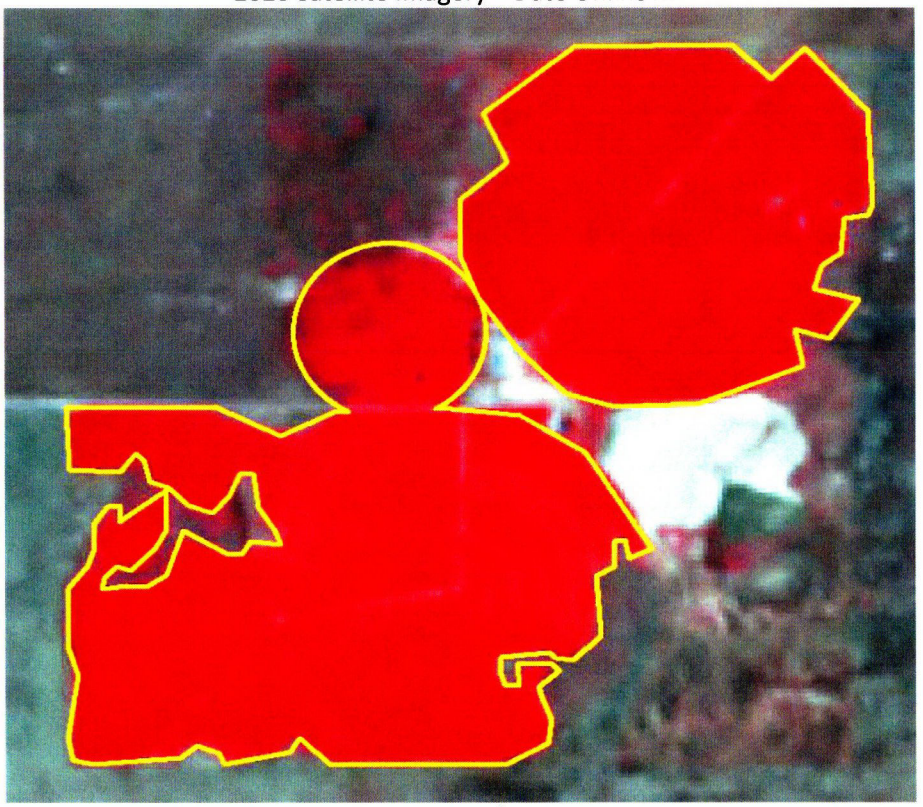
Thank you,

Remington

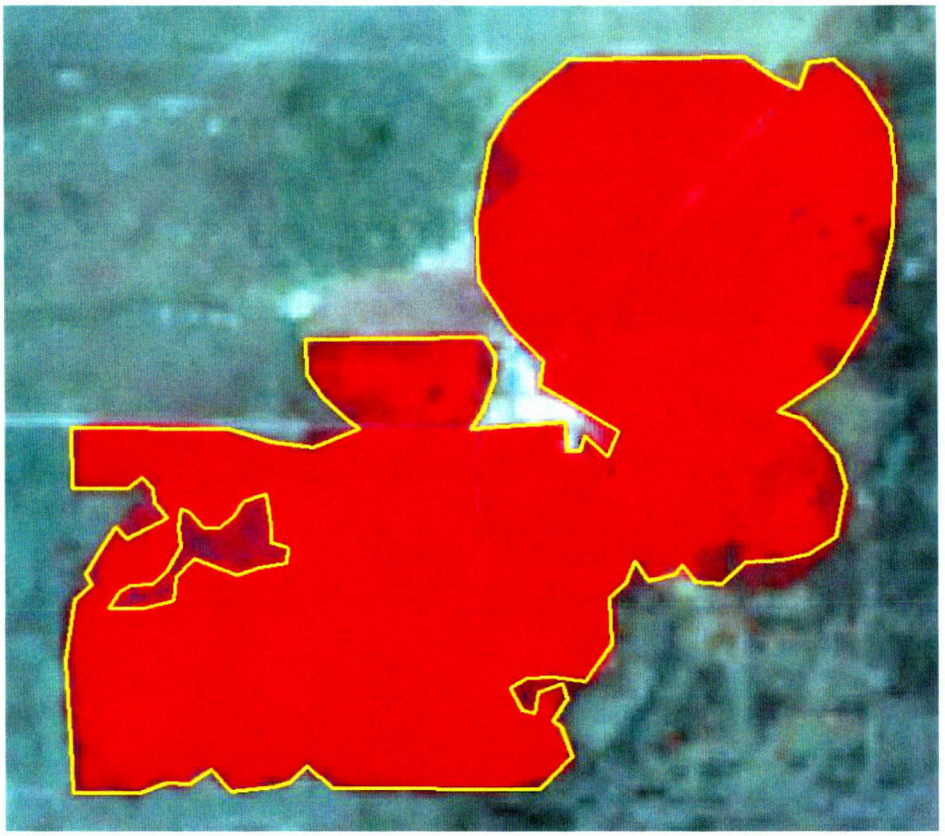
Appendix A – 2020 & 2021 Sentinel Satellite Imagery



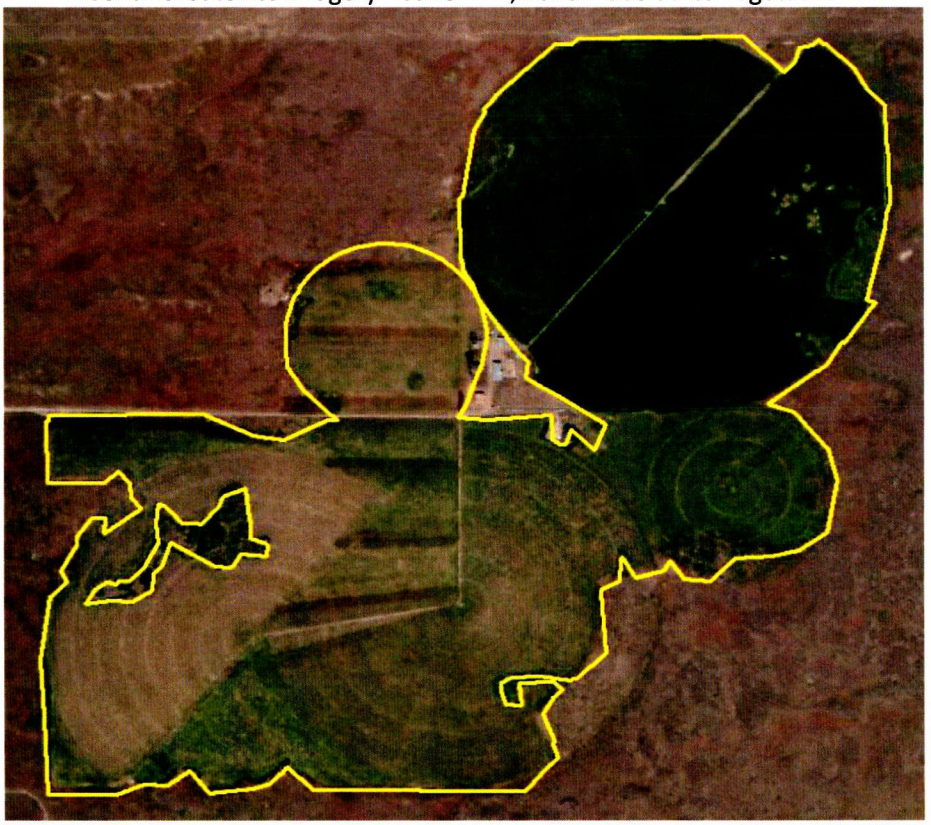
2020 Satellite Imagery – Date Unknown



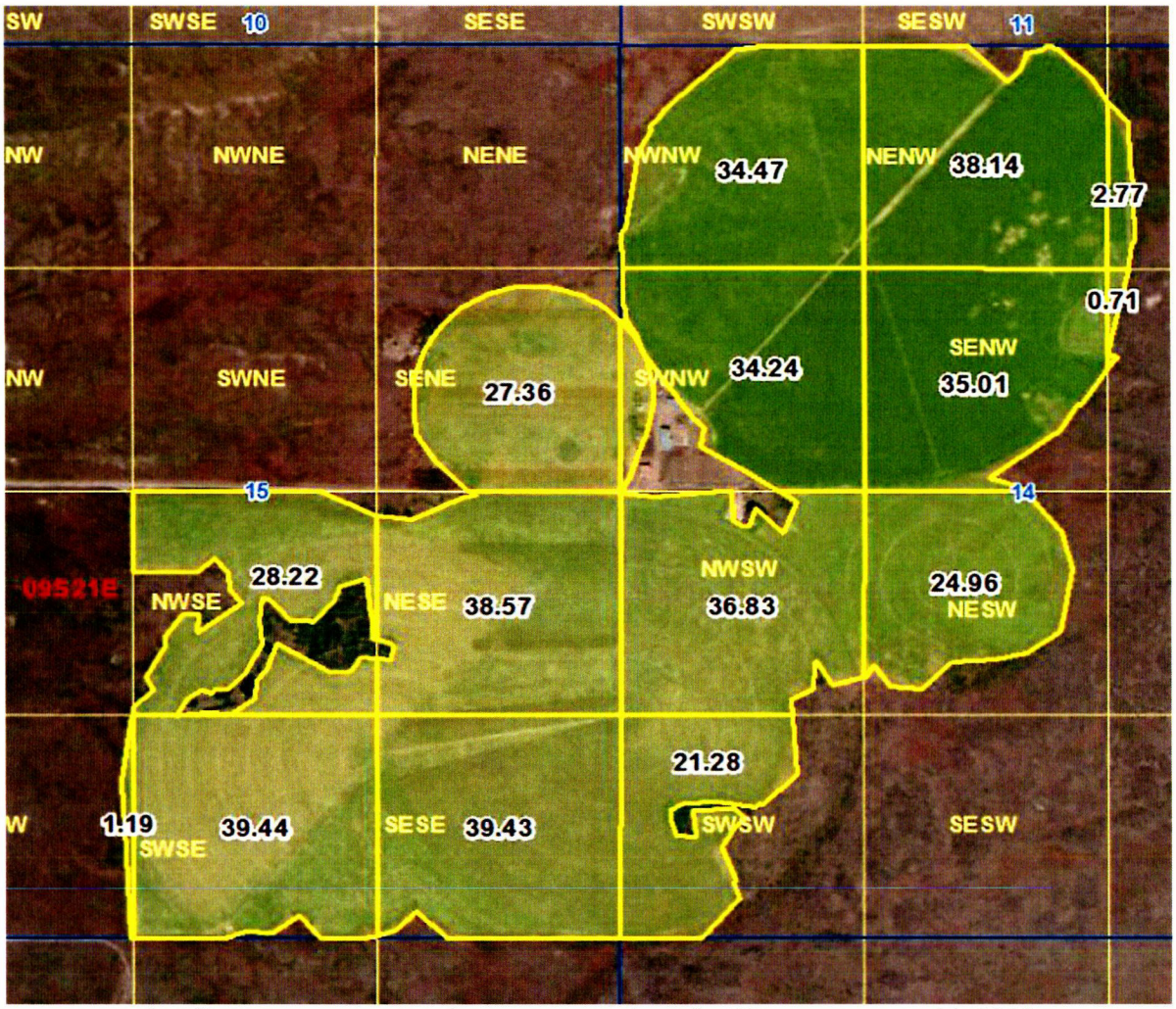
Sentinel Satellite Imagery – April 28th, 2020 – 354 acres vegetated



Sentinel Satellite Imagery – June 22nd, 2020 – 383 acres vegetated



Satellite Imagery – Date Unknown – Approximately 403 acres vegetated in 2020

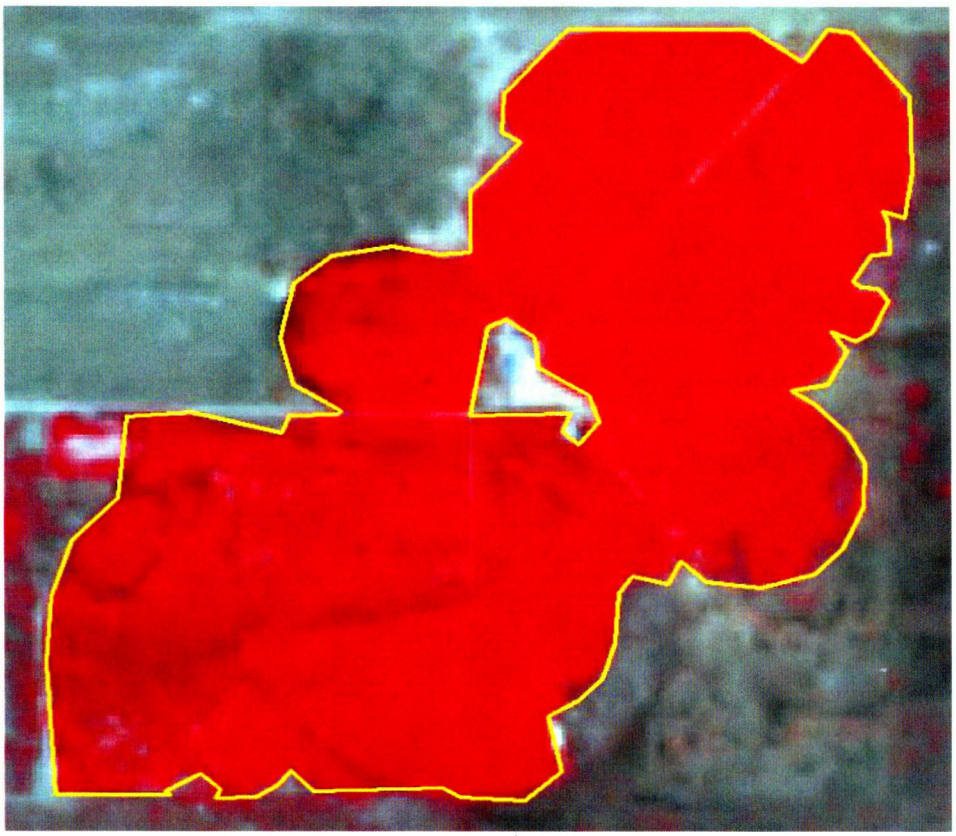


Satellite Imagery – Date Unknown – Approximately 403 acres vegetated in 2020

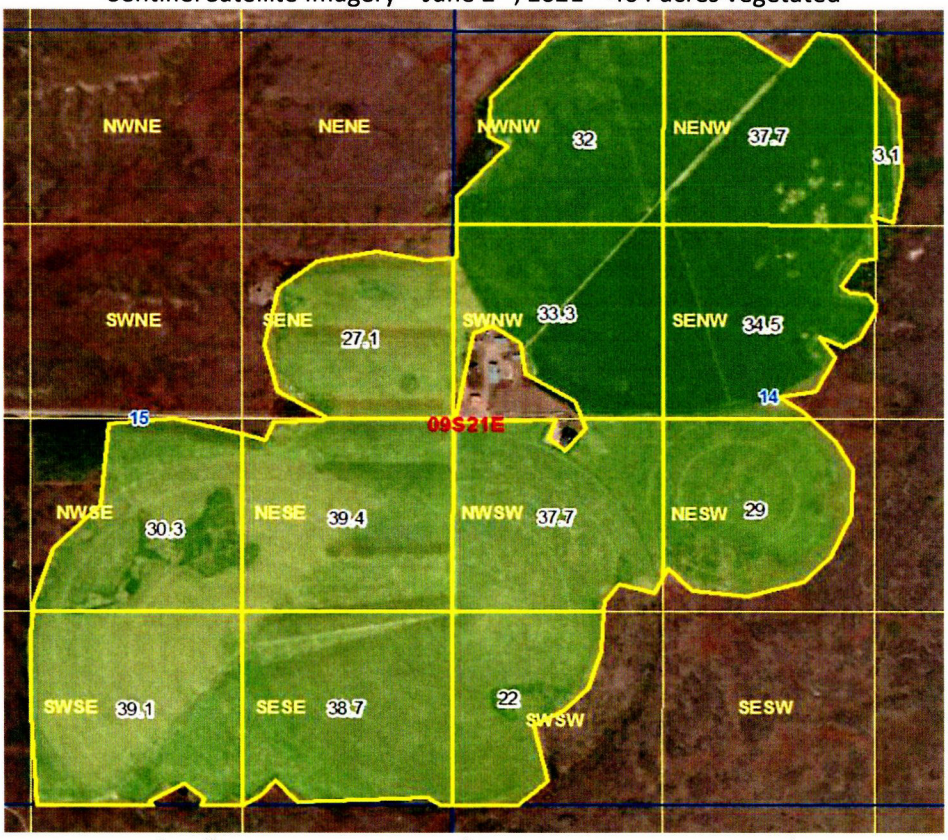
Maximum Extent of Acres Observed Vegetated in 2020																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		2.8	0.7		38.0	34.5	34.2	35.0	25.0	36.8	21.3						228.3
9S	21E	15				27.4								1.2	38.6	28.2	39.4	39.4	174.2
																			402.5

Maximum Extent of Acres Authorized to be Irrigated Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					38.0	33.0	32.0	35.0	15.0	37.0	30.0						220
9S	21E	15				20									38	33	34	39	164
																			384.0

Balance of Acres Not Irrigated, or, Irrigated in Excess of Authorizations																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-2.8	-0.7			-1.5	-2.2		-10.0	0.2	8.7						-8.3
9S	21E	15				-7.4									-0.6	4.8	-5.4	-0.4	-9
																			-17.3



Sentinel Satellite Imagery – June 2nd, 2021 – 404 acres vegetated



Satellite Imagery – Date Unknown – 404 acres vegetated

Maximum Extent of Acres Observed Vegetated in 2021																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		3.1			37.7	32.0	33.3	34.5	29.0	37.7	22.0						229.3
9S	21E	15				27.1									39.4	30.3	39.1	38.7	174.6
																			403.9

Maximum Extent of Acres Authorized to be Irrigated Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					38.0	33.0	32.0	35.0	15.0	37.0	30.0						220
9S	21E	15				20									38	33	34	39	164
																			384.0

Balance of Acres Not Irrigated, or, Irrigated in Excess of Authorizations																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-3.1			0.3	1.0	-1.3	0.5	-14.0	-0.7	8.0						-9.3
9S	21E	15				-7.1									-1.4	2.7	-5.1	0.3	-10.6
																			-19.9

Maximum Extent of Acres Observed Vegetated in 2021 Under Water Rights 36-2333 & 2337																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14					37.7	32.0	32.0	34.5	15.0	37.0	22.0						210.2
9S	21E	15				20									38	30.3	34	38.7	161
																			371.2

Balance of Acres Irrigated Under a Water Right Rental																	
Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	21E	14		-3.1					-1.3		-14.0	-0.7							-19.1
9S	21E	15				-7.1									-1.4		-5.1		-13.6
																			-32.7

From: Palmer, Cherie
Sent: Monday, August 23, 2021 12:08 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: RE: WSB Rental Application 2099

Remington,

I agree with Nathan's response to the proposed WSB rental.

Cherie

From: Erickson, Nathan
Sent: Thursday, August 19, 2021 1:21 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Subject: RE: WSB Rental Application 2099

Remington,

After reviewing your email, I do have some concerns with the proposed rental application. I agree there appears to be approximately 25 acres of enlargement. I am concerned that approving this rental application would be sending the wrong message because it does not resolve the enlargement, unless it was accompanied by an NOV. I don't think that is the best route. Is it possible to have part of the rental cover the 25 acres of enlargement? We would then also need to follow-up with a warning letter making sure the owner covers the enlargement going forward or cuts his irrigation by 25 acres.

Thanks,

Nathan

From: Buyer, Remington
Sent: Wednesday, August 18, 2021 2:39 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Subject: WSB Rental Application 2099

Nathan, Corey, Cherie,

Attached are my review memo, map and draft approval of a mitigation by non-use rental for Mr. Lloyd Richins. Mr. Richins' rental application is also attached for your review.

There are two key aspects of Mr. Richins' current water use practices:

1) It appears he may be irrigating in excess of his water right limitations (404 acres are observed vegetated while his water rights only authorize 379 acres of irrigation); and

2) Mr. Richins would like to rent ESPA ground water rights from the Bank, to leave them undiverted, through a mitigation by non-use rental, to help meet his ground water diversion volume reductions obligations, owed to the Magic Valley Ground Water District.

The draft rental approval covers the second water use, however, it does not address any concerns the Department might have with respect to the excess vegetation observed (if the Department has concerns about that...).

Could you please review the attached materials and advise as to whether you have any questions, comments or concerns about this rental?

Thank you,

Remington

From: Buyer, Remington
Sent: Wednesday, June 23, 2021 12:33 PM
To: 'Ryan Shurtliff' <ryan@waterwellconsultants.com>; lrichins11@gmail.com
Subject: RE: Renting Water Rights in 2021

Ryan, Lloyd,

I've entered Mr. Richin's rental application into our application processing system and it has been assigned application ID number 2099. You can track application processing by following the our application processing tracking sheet. I expect we will be able to begin processing the application in early July.

A few observations:
The rental requested an authorization for irrigation use for 379 acres. However, no map was provided to indicate which 379 acres would be supplemented through this rental. Further, water right 35-2924 is a largely non-consumptive industrial ground water right, so it can't be rented as the primary basis for an irrigation use. However, mitigation by non-use is understood to be a non-consumptive water use, so IDWR can consider the rental of 35-2924 for mitigation by non-use purposes. Accordingly, I have set the intended use of water under rental application 2099 to "mitigation by non-use";
There was no specified requested start date, nor a latest possible start date. I've entered a desired start date of 07/01/2021, and a latest possible start date of 08/01/2021;

Please let me know if you have any questions about the above. Else, we will follow up with you once we have processed the rental application, or, if we require additional information from you.

Regards,

Remington

From: Ryan Shurtliff [mailto:ryan@waterwellconsultants.com]
Sent: Monday, June 14, 2021 11:41 AM
To: lrichins11@gmail.com; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Renting Water Rights in 2021

Hi Remington,

I tried to call but you weren't there and so I figured I would just send you this email.
Lloyd Richins would like to move forward with renting the first water right on the list.

WATER RIGHT	GROUND WATER DISTRICT	DIVERSION RATE	DIVERSION VOLUME	ACRES
35-2924	Bonneville-Jefferson GWD	1.11 cfs	241.0 af	

I have attached his summary sheet from the mitigation plan that we have in the magic valley ground water district.
As you said in your email to him, this would be mitigation by non-use rental. Purely to mitigate against his 2020 overage. No extra water is going to be pumped.
If you could take this right off the available list, while Lloyd goes through the process of filling out the application, that would be great.
If you have any questions please let me know.
Thanks,

-Ryan

Buyer, Remington

From: Ryan Shurtliff <ryan@waterwellconsultants.com>
Sent: Monday, June 14, 2021 11:41 AM
To: lrichins11@gmail.com; Buyer, Remington
Subject: Renting Water Rights in 2021
Attachments: Richins2020v2.pdf

Hi Remington,

I tried to call but you weren't there and so I figured I would just send you this email.
Lloyd Richins would like to move forward with renting the first water right on the list.

WATER RIGHT	GROUND WATER DISTRICT	DIVERSION RATE	DIVERSION VOLUME	ACRES
35-2924	Bonneville-Jefferson GWD	1.11 cfs	241.0 af	

I have attached his summary sheet from the mitigation plan that we have in the magic valley ground water district.
As you said in your email to him, this would be mitigation by non-use rental. Purely to mitigate against his 2020 overage.
No extra water is going to be pumped.
If you could take this right off the available list, while Lloyd goes through the process of filling out the application, that would be great.
If you have any questions please let me know.
Thanks,

-Ryan

MAGIC VALLEY GROUNDWATER DISTRICT

2020 Measurement Report

Summary Sheet

DE ANN RICHINS

Water Rights

Owner	Water Right #	Priority Date	Tier	Acres/Rt	Tier Allowed AF	Combined Acre Limit
DE ANN RICHINS	36-2333	6/26/1957	2	170	297.5	379
DE ANN RICHINS	36-2337	8/19/1957	2	209	365.8	
			Totals:	**379**	**663.3**	**379**

Points of Diversion

WMIS #	POD	Div. Name	2018 Usage	2019 Usage	2020 Usage
100928	09S 21E 14SWSWNW	Brisbon	451.0	657.3	922.0
1000380	09S 21E 15 SENESE	May Place	0.0	0.0	0.0
		mitigation credit			-40.56
		Totals:	**451.0**	**657.3**	**881.5**
		allowed	663.3	663.3	663.3
			212.3	6.0	-218.2

Total WR Acres	Yearly Allowed (AF)	2020 Pumped (AF)
379.0	663.3	881.5

2020 Over/ Under	Cumulative Over/ Under	2021 Usage Target
-218.2	**0.0**	**410.4**