

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1576

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT, ID 83221

RECEIVED
OCT 31 2022
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on September 13, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
35-2178B	7/8/1950	GROUND WATER	1.35	Not Stated	90.0
Combined Lease Totals			1.35	Not Stated	90.0

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
35-2178B	1.35	360.0	90.0	0.015	4.0
Combined Limit Totals	1.35	360.0	90.0	0.015	4.0

** The water right elements rentable have been changed from the water right elements leased to account for a defined volume limit that is based on the regional headgate irrigation standard of 4.0 afa/ac.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

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3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT, ID 83221

By 
Title President
Date 10/25/22

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 11/1/22

Lease approved by IDWR 

Date 11/1/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1576

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 35-2178B

GROUND WATER	NWSWSE	Sec. 15	Twp 01S	Rge 35E	BINGHAM County
GROUND WATER	SWSW	Sec. 14	Twp 01S	Rge 35E	BINGHAM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-2178B	IRRIGATION	4/01	to	10/31	1.35 cfs	360.0 AF
Totals:					1.35 cfs	360.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	35E	14									34.0	31.7	22.0	0.5					88.2
01S	35E	15													1.5			0.3	1.8

Total Acres: 90.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

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8. Acceptance of a right into 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.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Water right 35-2182B and the unleased portion of 35-2178B when combined shall not exceed a total diversion rate of 4.39 cfs, a total annual maximum diversion volume of 1200 af at the field headgate, and the irrigation of 300 acres.
13. The unleased portion of this right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.
14. Use of water under this right 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.
15. Right No. 35-02182B is also diverted through the points of diversion described above.

STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

RECEIVED

SEP 12 2022

DEPARTMENT OF
WATER RESOURCES

Designated Applicant Christensen Farms Inc
(Select one owner – see item 1A on the application)

Water Right No. 35-2178B
(One water right per application)

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

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☒ | Signatures and contact information for all owners of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$	Received By:	Date Received:	Receipt #
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Christensen Farms Inc

Mailing Address 914 N 150 W BLACKFOOT, ID 83221

Street City State Zip Code

Email Address Phone Number 2087857067

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
Existing diversion and delivery systems

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 35-2182B is allowed to irrigate 40.0 acres within the allowed 390.0 acres PPU. 35-2172B is allowed to irrigate 350 acres within the 390.0 acre PPU. Only a portion of 35-2172B is being offered to the Water Bank for the 2022 irrigation season.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This water right has fully been utilized for irrigation purposes for the last 5 years. In 2022, the 90.0 acres have been left dry.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2022 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

David Christensen
Signature of Designated Applicant

DAVID CHRISTENSEN
Printed Name

9/9/22
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

- | 1. <u>Water Right Number</u> | <u>Nature of Use</u> | <u>Leased Rate</u>
(cfs) | <u>Leased Volume</u>
(af) | <u>Leased Acres</u>
(ac) |
|------------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
| 35-2178B | Irrigation | 1.35 | 360.0 | 90.0 |
| | | | | |
| | | | | |
| | | | | |
| | Total Amounts: | 1.35 | 360.0 | 90.0 |
2. Source of water Ground Water tributary to _____

Twp	Rge	Sec	Lot	¼	¼	¼	County
01S	35E	14		NE	SW	SW	Bingham
01S	35E	15		NW	SW	SE	Bingham

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NOV 22 2022



0004438691



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 #: 0004438691

Date Filed: 10/5/2021 3:01:06 PM

Entity Name and Mailing Address:

Entity Name: CHRISTENSEN FARMS, INC.
The file number of this entity on the records of the Idaho Secretary of State is: 0000129246
Address: 914 N 150 W
BLACKFOOT, ID 83221-5774

Entity Details:

Entity Status: Active-Good Standing
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: C38947

The registered agent on record is:

Registered Agent: DAVID CHRISTENSEN
Registered Agent
Physical Address
914 NORTH 150 WEST
BLACKFOOT, ID 83221
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Eric Christensen	Director	1506 N. HIGHWAY 393 SANTA ROSA BEACH, FL 32459-3812
 Andrea Chatterton	Director	3050 BUTTERFLY DRIVE HAILEY, ID 83333
TAMMIE CHRISTENSEN	Secretary	914 N 150 W BLACKFOOT, ID 83221-5774
David Christensen	President	914 N 150 W BLACKFOOT, ID 83221-5774

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

Job Title: President

David Christensen

Sign Here

10/05/2021

Date

B0653-4135 10/05/2021 3:01 PM Received by ID Secretary of State Lawrence Denney

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/31/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2178B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRISTENSEN FARMS INC 914 N 150 W BLACKFOOT, ID 83221 2087857067
Original Owner	J D GARDNER
Original Owner	RISING RIVER LAND & LIVESTOCK CO
Priority Date:	07/08/1950
Basis:	Decreed
Status:	Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	5.24 CFS	
Total Diversion			5.24 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESWSW	Sec. 14	Township 01S	Range 35E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 15	Township 01S	Range 35E	BINGHAM County
IRRIGATION Use:					

Acre Limit: 350

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	35E	14		NESW	39		NWSW	39		SWSW	27		SESW	15
		15		NESW	40		NWSW	36		SWSW	4		SESW	40

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		NESE	23	NWSE	38	SWSE	39	SESE	37
	16	NESE	13						

Total Acres: 390

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02182B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1560 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02182B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 390 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 350 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02182B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/25/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 390

Combined Volume Limit: 1560

Combined Rate Limit:

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Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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NOV 22 2022

State of Idaho
Department of Water Resources

Water Right

35-2178B

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.

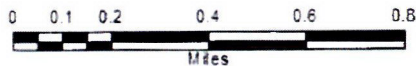


Map center is in T01S R35E

The USDA-CRF Aerial Photography Field Station is a registered trademark of the USDA-CRF Aerial Photography Field Station.



Date created: 9/7/2022



Legend

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



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July 2022

Mitigation Analysis Period

Trimester

DC Farms Rental 83.0 Acres

One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
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Transfer 1: Proposed Steady State Impacts following Transfer

Transfer 1: Worst Case Transient State Impacts following Transfer

100.00% 83.0 Acres
100.00% 83.0 Acres

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
2.38	5.11	28.15	44.84	0.61	0.64	0.51	0.23	0.22	0.25	0.03
2.38	5.11	28.15	44.84	0.61	0.64	0.51	0.23	0.22	0.25	0.03
2.38	5.11	28.15	44.84	0.61	0.64	0.51	0.23	0.22	0.25	0.03
2.38	5.11	28.15	48.87	0.63	0.64	0.51	0.23	0.22	0.25	0.03

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AF/T:	0.0	0.0	0.0	0.0	0.00	0.0	0.00	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	2.9%	6.2%	33.9%	54.1%	0.7%	0.8%	0.6%	0.3%	0.3%	0.3%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	0.1%	0.0%	0.0%	9.0%	2.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	0.00	4.03	0.02	0.00	0.00	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.00	4.03	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Read Me

ENHANCED GROUND-WATER RIGHTS TRANSFER

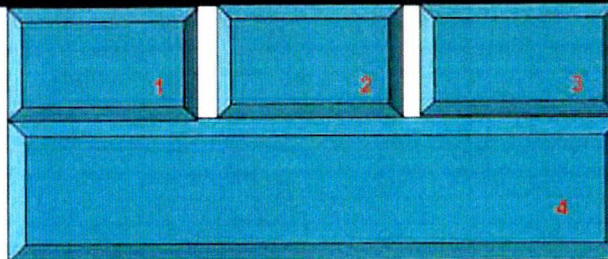
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1949 TRANSFER NO: 0

SEASON: SPRING TRANSFER NAME: DC Farms



ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	71	75		
COLUMN	139	142		

83

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
SPR 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1950	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1950	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1950	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1951	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1951	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1951	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1952	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1952	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1953	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1953	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1953	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1954	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1954	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1954	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1955	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1955	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1955	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1956	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1956	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1956	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1957	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1957	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1957	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1958	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1958	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1958	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1959	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1959	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1959	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1960	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1960	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1960	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1961	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1961	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1961	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 1962	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 1962	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 1962	0.0	83.0	83.0	0.0	0.0	0.0	0.0

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NOV 7 2022

[illegible]

SCANNED
NOV 22 2022

SPR 2088	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2088	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2088	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2089	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2089	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2089	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2090	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2090	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2090	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2091	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2091	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2091	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2092	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2092	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2092	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2093	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2093	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2093	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2094	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2094	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2094	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2095	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2095	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2095	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2096	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2096	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2096	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2097	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2097	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2097	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SPR 2098	0.0	83.0	83.0	0.0	0.0	0.0	0.0
SUM 2098	0.0	83.0	83.0	0.0	0.0	0.0	0.0
WIN 2098	0.0	83.0	83.0	0.0	0.0	0.0	0.0

COPIED
NOV 22 2022

2002 JAN 24 PM 3:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)

ORDER OF PARTIAL DECREE

For Water Right 35-02178B

On November 13, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02178B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-02178B

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 31 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 5.24 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-02182B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1560 AF.

PRIORITY DATE: 07/08/1950

POINT OF DIVERSION: T01S R35E S14 NESWS Within Bingham County
S15 NWSWE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.24 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T01S R35E S14	NESW 39.0 SWSW 27.0 SESW 15.0
	S15	NESW 40.0 SWSW 4.0 SESW 40.0 NESE 23.0 NWSE 38.0 SWSE 39.0 SESE 37.0
	S16	NESE 13.0
	390.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-02182B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 390 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 350 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN ³¹ 25 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 35-02178B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02178B was mailed
on January 25, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER
Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
CHRISTENSEN FARMS INC
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 2
01/25/02

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date

9/12/2022

Desired Lease Duration

2022

Lease / Rental Package

(Y)

N

If yes, Renter Name:

D Case LLC & D Cooper LLC

Application # 2441

Contract # 1576

WR#s		# 35-2178B
#		#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?

(Y) N

Multiple owners, Attach 1A included?

Y / N NA

If portion is offered, Attach 2 included?

(Y) N NA

Map of POU and POD?

(Y) / N NA

POD Consent (if required)?

Y / N NA

Application Complete?

(Y) / N

Minimum checklist in data base?

☒

Request for additional information letter sent:

Y NA

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

CC Original

Designated

Applicant: Christensen Farms Inc

☐

☒

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name: Greg Sullivan

☒

Comments:

Watermaster:

☐

Delivery Entity:

☐

Water District: 120 - American Falls

☐

Ground Water District: Bingham

☐

Region: Eastern

☐

Other: ESPA

☐

☐

Address:

Call up Date: _____

DO NOT SCAN



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

November 22, 2022

CHRISTENSEN FARMS INC
914 N 1500 W
BLACKFOOT, ID 83221

RE: **WATER SUPPLY BANK LEASE CONTRACT 1567**⁷⁶
FOR WATER RIGHTS 35-2178B

Dear Lessor:

Water right **35-2178B** was leased into the Water Supply Bank (Bank) as of January 1, 2022, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2022**. If you would like the right(s) to remain leased to the Bank, please complete a new Application to Sell or Lease a Water Right to the Water Supply Bank and remit the applicable filing fee. You can find new applications at the Department's website at www.idwr.idaho.gov.

A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region
Water District No. 120
Bingham Ground Water District
Greg Sullivan

SCANNED
NOV 22 2022



IDAHO DEPARTMENT
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

October 20, 2022

CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT, ID 83221

**RE: APPLICATION TO LEASE WATER RIGHTS 35-2178B TO THE WATER SUPPLY BANK
CONTRACT 1576**

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2022**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Greg Sullivan

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NOV 22 2022

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, September 30, 2022 12:14 PM
To: Edl, Michele
Cc: 'Richard Brown'
Subject: RE: watermaster comment Cooper-Case
Attachments: Irrigation Efficiency for Christensen Farms Lease.pdf

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.

Michele,

See the attached analysis regarding the utilization of 91.84 acre feet for irrigation water on 24.0 acres of alfalfa.

The 91.84 acre feet flow meter reading was confirmed by DC Farms.

With a calculated efficiency value of 72.1%, I do not see a reason why the Water Supply Bank cannot move forward on processing the lease application of 90.0 acres from 35-2178B. The efficiency value of 72.1% is a very plausible and reasonable irrigation efficiency. Pumping from this well in previous years has greatly been reduced from 230 and 265 acre feet annually to 91.84 acre feet in 2022. Which further supports the fact the no irrigation occurred on the 90.0 acres that is proposed to be leased into the Water Supply Bank.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Friday, September 23, 2022 10:31 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: watermaster comment Cooper-Case

Greg,
The WD 120 watermaster organized a measurement to be taken from the WMIS well that I believed to be the POD for Christensen's idled acres. The water use found will need to be justified.
I doubt that I will be redoing this rental again. If there is a problem, it will be a problem for compliance folk to resolve.
Michele

From: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Sent: Friday, September 23, 2022 8:50 AM

SCANNED
NOV 7 2 2022

To: Edl, Michele <Michele.Edl@idwr.idaho.gov>

Subject: RE: watermaster comment request

Hi Michele,

I had Bob Peck get a flow meter reading from the point of diversion associated with the 90.0 acres under water right 35-2178B (Christensen Farms). Based on the Flow meter reading Christensen has diverted 91.84 AF. Water measurement notes for WMIS # 500185 indicate that the pump only provides water to the 90-acre pivot and a wiper pivot. There appears to be a couple of pivot corners that may be irrigated from the well. The total number of acres under the wiper pivot and two pivot corners is approximately 24.0 acres. 91.84 AF applied to only 24 acres is a significant amount of water (91.84 af/24 acres = 3.8 af/acre) I am concerned that Christensen may have irrigated the 90.0 acres. I don't oppose the lease/rental if Christensen can validate that the 90.0 acres was not irrigated and justify why 91.84 af was diverted from the well associated with WMIS # 500185.

Thanks,
Blake

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>

Sent: Tuesday, September 20, 2022 12:15 PM

To: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>

Cc: Normandeau, Brian <Brian.Normandeau@idwr.idaho.gov>; Holliday, Michael <Michael.Holliday@idwr.idaho.gov>

Subject: watermaster comment request

Blake,

I have completed my review of an amended WSB lease-rental package for D Cooper LLC - D Case LLC or DC Farms for ground water use in district 120 and Bingham GWD. This was a tough one.

The original proposal failed when I found that Cooper-Case didn't idle the acres that they had offered as the leased water. But they still needed rental water to complete the pivot in sec Twp 1S Rge 34E which is now property owned by Gardner Farms. Brian Normandeau has a transfer proposal which should help a little with next year's water needs.

Luckily, Cooper-Case knew somebody who knew somebody or had a cousin twice removed that wasn't using some of ground water under a water right and made it available as a substitute lease. A 90-acre portion of right 35-2178B (Christensen Farms) was idled. Cooper-Case stated that the vegetation seen early in the year was oats, watered by rain only and harvested in July. August Sentinel imagery confirms the harvest and that the field is idled now.

I phoned the manager of Bingham GWD this morning and discussed this water move briefly. He chuckled and was not opposed to it. I offered to send him a brief summary for the district's reference and accounting and he stated he would be happy to accept it.

I have attached a map of the water move.

Let me know if you have any concerns about this lease-rental or if you need to see my full memo.

Thanks
Michele

DC Farms
Cooper and Case
Christensen Farms
90.0 acre lease of 35-2178B
Brockway Engineering

24.0	Acres Irrigated
91.84	acre feet pumped in 2022
3.83	af/acre pumped in 2022

Water requirement for Alfalfa -Frequent Cuttings

841	mm/acre	Pdef or water consumed near Blackfoot based on ETIdaho 2017
2.76	af/acre	Pdef or water consumed near Blackfoot based on ETIdaho 2017

1.07	af/acre	Pumped water that evaporates or is not consumed by the crop and percolates into aquifer
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72.1% Irrigation Efficiency = **(2.76/3.83)**

60%-75% Typical irrigation efficiency for hand lines and wheel line irrigation

75%-85% Typical irrigation efficiency for pivots depending on installed nozzles

The ET Idaho data does not include the years 2018, 2019, 2020, 2021 or 2022. The data from ET Idaho represents the average values collected from historical years and up to 2017. The irrigation season for 2022 started off with cooler temperatures and some precipitation in May and June. However, the months of July, August and September have been consistently warm months with daily temperatures higher than 90 degree Fahrenheit with little to no precipitation. The calculated irrigation efficiency of 72.1% is a good representation of utilizing hand lines and an older small pivot for irrigation purposes. The volume of 91.84 acre feet pumped in 2022 has been confirmed by the tenant of the Christensen Farm. The 91.84 acre feet volume has only been applied to the 24.0 acres previously identified by IDWR staff.

MEMORANDUM

To: Water Right(s) 35-2178B

From: Michele Edl

Date: September 20, 2022

Re: Review and Analysis of Applications to Lease and to Rent Water from the State Water Supply Bank (D Cooper LLC, D Case LLC, or DC Farms LLC)

PURPOSE/NARRATIVE: On February 16, 2022, IDWR received 2 applications to lease water and 3 applications to rent water from the water supply bank for irrigation use. Greg Sullivan (Brockway Engineering, PLLC) is representing the lease-rental applicants, Cooper LLC. and Case LLC.

Original proposals

The 2 original lease applications proposed to lease portions of rights 35-2177 and 35-14407 totaling 83.9 acres. The rights are owned by DC Farms, LLC. and the review of those lease applications had been completed in July 2022 but they had not been mailed. (They are lease contracts 1549 and 1550).

DC Farms, LLC, and D Cooper LLC have the same mailing address but the relationship between DC Farms, LLC, D Cooper LLC. and D Case LLC. is not clear. Each of the three rental requests were filed separately and the applicants named on the rental forms were different than the applicants named on the lease applications which delayed processing them as a lease-rental package.

The 2 of the 3 original rental applications were self-serve proposals. The applicants proposed to rent back the leased value of rights 35-2177 and 35-14407 for use in pivot irrigation of a property located in section 2 of Twp 01S Rge 34E. The entire leased value of 35-2177 and 35-14407 would have been exhausted but would not have provided sufficient water for all the irrigation use that was desired. Renting a portion of a third leased right was needed to complete a full rotation of the pivot and to provide the full water requirement.

That third rental proposal originally requested a portion of leased rights 35-13340 and 35-13362 but those rights were found to be completely utilized by other rentals. Another leased right was selected to replace them but in the end that small rental was not needed. All three proposals requested water for a different wedge of ground irrigated by the same pivot and were for the same 1-year duration.

But when I began the review of the rental three proposals, I found that the acres proposed to be idled for the leased portions of rights 35-2177 and 35-14407 had been irrigated instead, which stalled the rental processing.

Amended proposals

With the failure of the two self-serve leases, a new one-year lease was proposed as a replacement. The three original lease applications have been replaced by a single lease application submitted by Greg Sullivan on behalf of the lease applicant, Christensen Farms, Inc.

A single rental application (#2320) was retained and amended to replace the three original, separate rental proposals.

SCANNED
NOV 24 2022

The final lease-rental package acts on one leased right which is nearly fully rented through one rental for one year.

AUTHORITY TO FILE:

Lease

The final lease application proposed to lease a 90.0-acre portion of right 35-2178B. The leased water right 35-2178B is currently held by Christensen Farms, Inc. which is active with IDSOS (Idaho Secretary of State) as #129246.

David Christensen is listed as president, and he signed the application.

Rental

In early August 2022, when I began the review of the rental applications, available Bingham County parcel data showed that D Cooper LLC and D Case LLC owned the property containing the place-of-use (POU) and point-of-diversion (POD) for the consolidated rental. The property has been sold and based on recently updated Bingham County parcel data, is now owned by Gardner Farms. Late summer aerial photography shows that a rental is still needed.

The amended rental application is in the name of Cooper LLC and Case LLC. Both Doug Case and David Cooper signed the application. I assume that the correct full name for the applicant should be D Cooper LLC and D Case LLC. Both entities are currently active with IDSOS: #201615 for D Cooper LLC and #201610 for D Case LLC.

The proposed rental POD is an existing well. It is the authorized POD for Right 35-2765 which is owned by D Cooper LLC and D Case LLC. The well is also identified as WMIS# 500123.

WATER RIGHT VALIDITY:

Lease

Sentinel satellite imagery from the first half of the irrigation season, showed that the acres proposed for the substitute lease, a 90-acre portion of the POU for 35-2178B, had lush vegetation. When questioned, the farm manager insisted that the field was planted with oats but did not receive any water other than rain. The applicant had made a commitment not to water the leased acres in response to a reduction in ground water withdrawals requested by the Bingham Ground Water District.

July 2022 aerial photography shows that the field was harvested and is not revegetated.

Right 35-2182B shares the well-PODs with 35-2178B and is also owned by Christensen Farms, Inc. The conditions on their use are additive rather than limiting. Only 35-2178B will be listed on the lease and the lease will be available for the 2022 irrigation season only.

Rental

Sufficient portions of the right have been offered to the bank to satisfy the companion 2022 rental request.

I used a 90-acre rental POU shape as the most accurate representation of the irrigation seen in the Sentinel satellite images.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Consultant Greg Sullivan provided modeling of the impact that the rental would have on Eastern Snake Plain Aquifer (ESPA) using an approved version of the ETRANS utility for MSExcel. I reran the model adjusting to the lease and confirmed that no additional mitigation is required.

The lease well is Non Trust but the rental well water is subject to a Trust Water Rights review. The right providing the rental water is senior to October 1, 1984, and therefore protected from a call to meet the minimum stream flow at the Murphy gage on the Snake River.

ENLARGEMENT OF USE: The lease and the rental locations have the same standard season-of-use and irrigation use allowances. An existing native right 35-2765 provides some irrigation under the pivot. That right and the rented portion of right 35-2178B have similar elements. No enlargement is expected through the rental if it is made proportional to the lease.

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

The Christensen lease POUs and PODs and the DC rental POUs and PODs are all within the Bingham Ground Water District.

The Bingham Ground Water District made commitments to a plan for management of the ESPA. But the WSB has no knowledge of the amounts requested from each member of the district. On 9/20/2022 I called Mr. Alan Jackson, the manager of Bingham Ground Water District, and briefly explained this lease-rental package. I agreed to send him a short summary of the water move for their records.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The lease and the rental PODs are subject to oversight by Water District 120. Comments were requested from the watermaster via email on 9/20/2022.

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NOV 22 2022

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, September 13, 2022 1:39 PM
To: Edl, Michele
Subject: Christensen Lease Acres
Attachments: 35-2178B.cpg; 35-2178B.dbf; 35-2178B.prj; 35-2178B.sbn; 35-2178B.sbx; 35-2178B.shp; 35-2178B.shx

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.

Michele,

See the attached lease acre shape files for the 90.0 acres.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

SCANNED
NOV 22 2022

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, September 12, 2022 11:34 AM
To: Edl, Michele; IDWR File
Cc: 'Richard Brown'
Subject: DC Farms Rental and New Lease Application
Attachments: Christensen Lease Application.pdf

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.

Michele,

See the attached lease application for 90.0 acres from 35-2178B that will be used to satisfy rental agreement #2320.

Check #17108 for \$250.00 will be delivered and received at the IDWR Twin Falls office today.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

RECEIVED
NOV 22 2022



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

September 14th, 2022

CHRISTENSEN FARMS INC
914 N 150 W
BLACKFOOT ID 83221

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO. 35-2178B TO THE WATER
SUPPLY BANK**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz", is written over a light blue horizontal line.

Mackenzie Kienholz
Water Supply Bank Specialist

c: Greg Sullivan – Brockway Engineering

Enclosure: Receipt #S039428

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NOV 22 2022



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 12 2022

DEPARTMENT OF
WATER RESOURCES

September 12, 2022

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

Re: 35-2178B Lease and Rental

Dear Ms. Edl:

Christensen Farms Inc. is submitting a lease application for 90.0 acres from water right 35-2178B for the 2022 irrigation season. An infrared image from July of 2022 shows that the 90.0 acres have not been irrigated during 2022.

DC Farms LLC has previously submitting a rental application that has been identified as rental agreement # 2320. The lease of the 90.0 acres under 35-2178B is to be used to satisfy rental agreement # 2320.

ESPA model analysis has confirmed that no mitigation is required for this rental. There is no change of beneficial use or period of use.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: DC Farms
Enc: Rental Application, Aerial Maps, Annual Reports, ESPA Model Analysis, Brockway
Engineering Check # 17108 for \$250.00

2016 NORTH
WASHINGTON
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NOV 22 2022