

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 845

This is to certify that:

VALLEY VIEW FARMS LLC
715 S 750 E
BURLEY, ID 83318-5744

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)
43-13797	7/25/1973	GROUND WATER	0.30	101	25.3	0.012	4.00
Combined Rental Totals			0.30	101	25.3	0.012	4.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. 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 2024, whichever occurs last.

Annual Rental Fee:

2024: \$2,327.60

The full fee for the rental of the above-described right(s) is \$2,327.60 for 2024. The rental fee includes an administrative fee of \$232.76 for 2024. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 845

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:

Von Gibby DRA. Valley view Farms MAY 3rd 2024
Signature of Renter Date

Von Gibby owner
Printed Name Title

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

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

By Brian Patton Date 6/4/24
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR TP Date 5/4/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 845

RECEIVED

MAY 07 2024

DEPT. OF WATER RESOURCES

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VALLEY VIEW FARMS LLC
715 S 750 E
BURLEY, ID 83318-5744

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 845

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 28, Twp 10S, Rge 26E, CASSIA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.30 CFS

VOLUME
101 AF

SEASON OF USE

Water Right No. **From** **To**
43-13797 03/15 10/31

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	29												0.3			19	6.0	25.3

Total Acres: 25.3

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 right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Use of water under this right will 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. 143.
11. This right does not grant the right-of-way or easement across the land of another.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 845

12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. This rental does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 845

Effective until December 31, 2024

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



Legend

-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU
-  Township/Range
-  Sections
-  QQ



0 900 1,800 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 19 2024

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Valley View Farm LLC

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

43-13797

2908

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Valley View Farm LLC
- Mailing Address 715 South 750 East, Burley, ID 83318
- Street City State Zip Code
- Email Address gibbyvalleyview@gmail.com Phone Number 208-312-2650
- 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**:
- Renting water to account for changes in pivots and irrigation practices.
- _____
- _____

- 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)
0.30 CFS	101.2 AF	CFS	AF	25.3 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?	
02/01/2024	03/01/2024	☒ 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 wells with electromagnetic flow meters connected by main lines to pivots.

- 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
Pump	Groundwater	43-2359, 43-2460, 43-4010, 43-7054

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 25.3 (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:

No additional water rights exist. The purpose of renting water is to provide water supply for a pivot during 2024 until permanent water right transfer is in place.

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)
43-13797	Irrigation	0.3	101.2	25.3		0.3	101.2	25.3
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	0.3	101.2	25.3
						CFS	AF	AC

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

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

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

2023 Rental Agreement No. 720

2022 Rental Agreement No. 653

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

If yes, describe:

Yes ☒ No ☐

A transfer application for this same 25.3 acres will be submitted to provide permanent water to new pivot.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

Yes ☐ No ☒

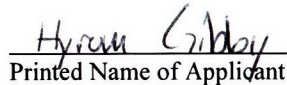
If yes, describe the date and location of the NOV.

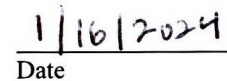
- D. Additional Information

DECLARATION

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


Signature of Applicant


Printed Name of Applicant


Date

Signature of Representative

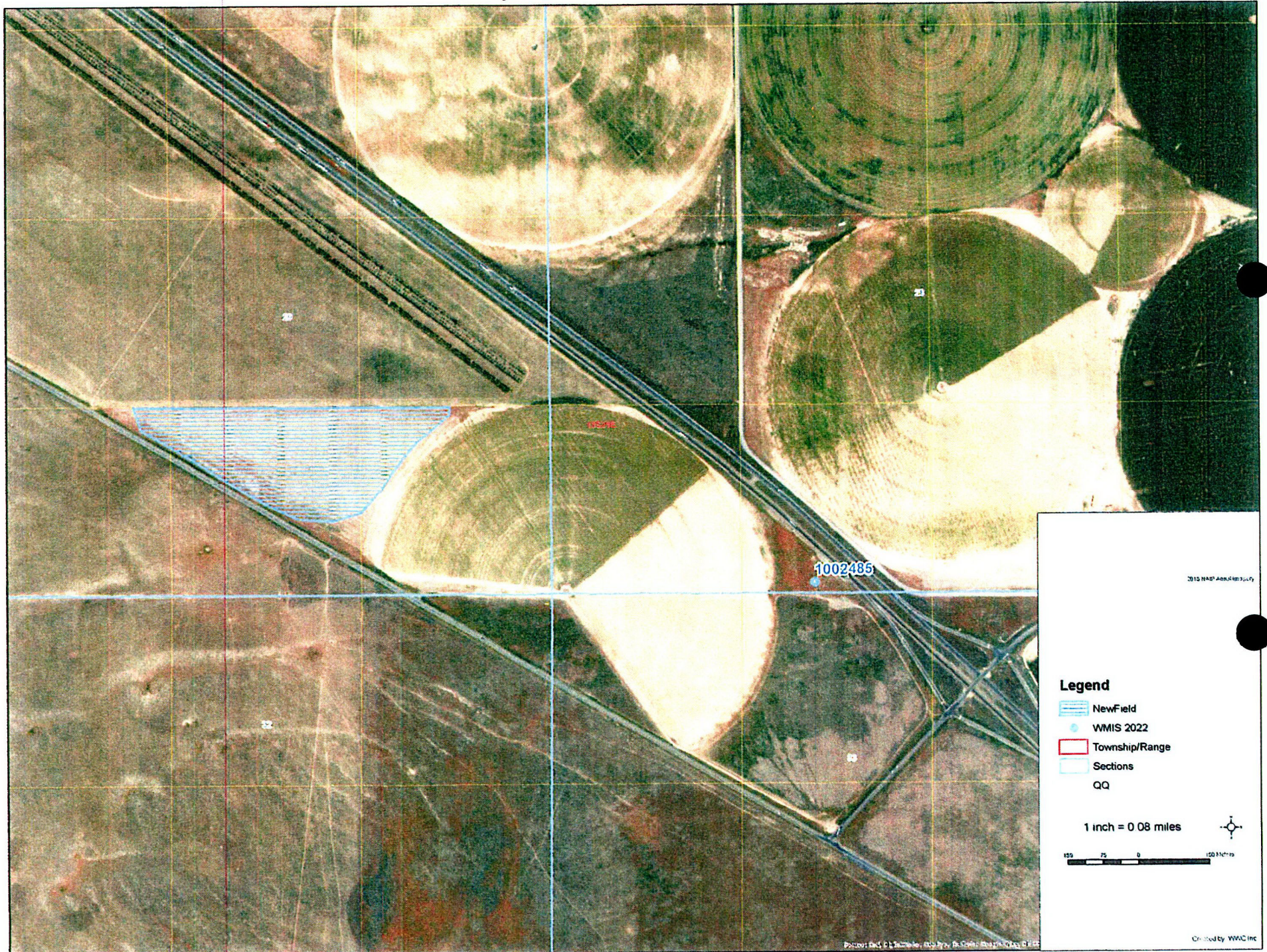
Printed Name of Representative

Date

Mail to:

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

Gibby Water Bank Rental Request



Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: Prob

Received Date: 1/19/2024

Latest Start Date: 3/1/2024

Renter: Valley View Farms LLC

Rental Expiration Date: 2024

Lease/Rental Package

(Y) N

Application # 2908

Agreement # 845

Water Right	Lease Contract ID
# 43-13797	1839 APP 2907
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?

(Y) / N

Map of POU and POD

(Y) / N

POD consent?

(Y) / N

ESPA Modeling?

Y / N (NA)

Application Complete?

(Y) / N

Minimum Checklist in database?

☐

Request for additional information letter sent:

Y NA

WSB Action Request for deficiencies

☐

Comments:

prev agreement #720

Lease 1501
Condition 16

Mailings (per application)

Original

CC

Email or Address

Renter: Valley View Farms LLC

☐
☐

Attorney:

☐
☐

Consultants

Name:

☐
☐

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)

☐

(Ground) Water

Dist: Left River GWD

(final only)

☐

Other:

(final only)

☐

WD Snake 01, Boise, Payette, and Bear River

Region: Southern - Carey Sluice

(final only)

☐

Watermaster: WD 14B - Brian Raga

(final only)

☐

Compliance:

(final only)

☐

Resolving NOV? Y / N

#

Call up Date:

DO NOT SCAN

Beck, Catalina

From: Beck, Catalina
Sent: Thursday, June 6, 2024 10:24 AM
To: Skinner, Corey
Cc: Bank; dharper@atcnet.net; Ragan, Brian
Subject: Executed Lease 1839 for Nature Farms LLC Executed Rental Agreement 845 Valley View Farms LLC
Attachments: (43-13797)WSB Lease Application to Contract 1839 Nature Farms LLC 2024.pdf; WSB Rental Application to Agreement 845 Valley View Farms LLC 2024.pdf

Good Morning,

Please see the attached executed Water Supply Bank Executed Lease 1839 for Nature Farms LLC Executed Rental Agreement 845 Valley View Farms LLC. If you have questions regarding the lease itself, please contact me or the bank at bank@idwr.idaho.gov



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
[322 E FRONT ST STE 648, BOISE ID 83702-7371](https://www.idwr.idaho.gov/locations/322-E-Front-St-Ste-648-Boise-ID-83702-7371)



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 Mathew Weaver

June 6, 2024

VALLEY VIEW FARMS LLC
715 S 750 E
BURLEY, ID 83318-5744

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13797 AGREEMENT 845**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,327.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 101.2 acre-feet of water for irrigation of 25.3 acres during 2024. 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 \$2,094.84 of the rental fee will be paid to the lessor(s) and 10% or \$232.76 will be retained by the Department to offset administrative costs.

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

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Receipt No. C118290
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 43
Rift River Ground Water District
IDWR Compliance Officer



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 Mathew Weaver

March 28, 2024

VALLEY VIEW FARMS LLC
715 S 750 E
BURLEY, ID 83318-5744

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 43-13797, AGREEMENT 845**

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

Dear Applicant:

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

A rental fee of \$2,327.60 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 101.2 acre-feet.

Please send a check for \$2,327.60 for 2024 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or \$2,094.84 of the rental fee will be paid to the lessor(s) and 10% or \$232.76 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

Bob Howe

For-
Water Supply Bank

Enclosure

c: IDWR Front Desk
Watermaster-WD143-Brian Ragan
Southern Regional Manager- Corey Skinner

Howe, Bob

From: Ragan, Brian
Sent: Friday, March 22, 2024 4:01 PM
To: Howe, Bob; Skinner, Corey; dharper@atcnet.net
Cc: Bank
Subject: RE: Comment Requested-Water Supply Bank Rental-845 -Valley View Farms LLC

Bob, as Watermaster for Water District 143, I have no questions or concerns with this proposed water supply bank rental package.

Brian Ragan
IDWR Water Distribution Section
208.287.4934

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Friday, March 22, 2024 3:23 PM
To: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; dharper@atcnet.net
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Comment Requested-Water Supply Bank Rental-845 -Valley View Farms LLC

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Rental Agreement 845, for Valley View Farms LLC. The rental is for the same right and portion as previous rental (Agreement 720-ending 12/31/2023) for 2024. A copy of the proposed rental agreement, the review memo, and map are attached for your reference.

Please submit your comments within 14 days, no later than April 5, 2024. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the execution of the lease.

Comments are preferred to be received by e-mail to bob.howe@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov



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 Mathew Weaver

April 26, 2024

VALLEY VIEW FARMS LLC
715 S 750 E
BURLEY, ID 83318-5744

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 845 AND PAYMENT FOR
WATER RIGHT 43-13797**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on **March 28, 2024**. The signed agreement and annual rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$2,327.60 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

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

Sincerely,

Bob Howe

For-
Water Supply Bank

MEMORANDUM FOR AGREEMENT # 845

To: Water Right No. 43-13797

From: Bob Howe

Date: 03/22/2024

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

PURPOSE/NARRATIVE:

The Water Supply Bank (WSB) received rental application 2908 on January 19, 2024, signed and submitted by Hyrum Gibby, on behalf of Valley View Farms LLC. The application proposes to rent the portion of right 43-13797 leased into the WSB under contract 1839, for 2024. This application is part of a lease/rental package. This application is only requested for one year to provide for irrigation until the transfer application submitted in 2023 can be completed to move water permanently to the place of use. This application is a renewal of agreement 720, which expired in 2023.

AUTHORITY TO FILE:

The 2024 annual report for Valley View Farm LLC lists Hyrum Gibby as a member and Von Gibby as registered agent and manager. Cassia County tax parcel records list V & R Farms LLC as the current owners of the parcel appurtenant to the rental place of use (POU). The 2024 annual report for V & R Farms LLC list Von Gibby, as the registered agent and manager. There are no concerns regarding the authority to file the rental application.

INJURY TO OTHER WATER RIGHTS:

The proposed rental point of diversion (POD) is also in the companion lease contract 1839. The proposed rental POU is across the road from the idled acres under contract 1839. It is unlikely movement of groundwater from the lease to rental place of use would impact neighboring water users.

ENLARGEMENT OF USE:

The application proposes to rent the full leased water for contract 1839 and does not change the nature of use or season of use. The combined duty of water for rights 43-2359, 43-2460, 43-4010, and 43-7054, which share the rental POD is the same as the duty of water for leased right 43-13797. Therefore, there are no enlargement concerns.

LOCAL PUBLIC INTEREST:

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The point of diversion is within Basin 43 and Water District 143. The Water Master and Southern Regional Manager were contacted for comment on March 22, 2024.

Howe, Bob

From: Howe, Bob
Sent: Thursday, April 25, 2024 1:54 PM
To: gibbyvalleyview@gmail.com
Cc: Bank
Subject: Fee Payment and Document Signature Required- Water Supply Bank Rental Agreement #845
Attachments: Rental Agreement 845- Draft.pdf; Rental 845 Map.pdf; R2.1 Proposed Rental Agreement Cover Letter-90-10% fees.pdf

From: Howe, Bob
Sent: Thursday, April 25, 2024 1:52 PM
To: gibbyvalleyview@gmail.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Fee Payment and Document Signature Required- Water Supply Bank Rental Agreement #845

Dear Hiram Gibby-Valley View Farm LLC,

On March 28, 2024, the attached documents were mailed to the address provided on your application for signature and return with the fee payment for the 2024 season within 14 days. Please sign and return the attached rental agreement with fee payment as soon as possible so your rental can be executed. The documents can be signed and mailed with the requested fee to the state office address found in my signature below. If you are not seeking to rent water for the 2024 season, please notify the Department of your intent.

If you have any questions or concerns, please feel free to call me at (208) 287-4847. You will receive an action request letter from the Water Supply Bank regarding this issue within the next week. If this issue has been resolved, please disregard the letter. Thank you for your time and attention in this matter.

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
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(208) 287-4800 | www.idwr.idaho.gov