STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 08 2022
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 664

This is to certify that:

ADT FARMS LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2941

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)
43-2489	2/11/1960	GROUND WATER	0.23	48.0	12.0	0.019	4.00
Combined Rental Totals			**0.23**	**48.0**	**12.0**	**0.019**	**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, 2022. 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 2022, whichever occurs last.

Annual Rental Fee:

2022: $96.00

The full fee for the rental of the above-described right(s) is $96.00 for 2022. The rental fee includes an administrative fee of $96.00 for 2022. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-2489.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.15	43.4	12.0	0.013	3.62
Combined Total	**0.15**	**43.4**	**12.0**	**0.013**	**3.62**

**** The authorized water usage reflects a reduction from the water right elements rented, to account for the duty of water at the rental place of use and points of diversion.***

Detailed water right conditions are attached.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 664

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:

Alan Gerratt — Signature of Renter

11-4-2022 — Date

Alan Gerratt — Printed Name

member — Title

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

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

By _____ Date 11/8/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 11/8/22

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 664

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec. 30, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SWSE	Sec. 30, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	SWSE	Sec. 19, Twp 10S, Rge 28E,	CASSIA County
GROUND WATER	NENE	Sec. 19, Twp 10S, Rge 28E,	CASSIA County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.15 CFS	43.4 AF

SEASON OF USE

Water Right No.	From	To
43-2489	3/15	11/15

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	28E	31					11.0	11.0 0.2 L1	0.7 0.1 L2	0.7									12.0

Total Acres: 12.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The rented portion of this right is limited to a total diversion rate of 0.15 cfs, a total maximum diversion volume of 43.4 af at the field headgate, and the irrigation of 12.0 acres in a single irrigation season.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 664

10. This rental in addition to rights 43-13715 and 43-13718 when combined shall not exceed a total diversion rate of 1.38 cfs, a total annual maximum diversion volume of 408.8 af, and the irrigation of 113.0 acres.
11. This rental in addition to rights 43-13716 and 43-13719 when combined shall not exceed a total diversion rate of 14.57 cfs, a total annual maximum diversion volume of 4317.2 af, and the irrigation of 1193.0 acres.
12. 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.
13. 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, these rental POD's are within State Water District No. #43A and #143.
14. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

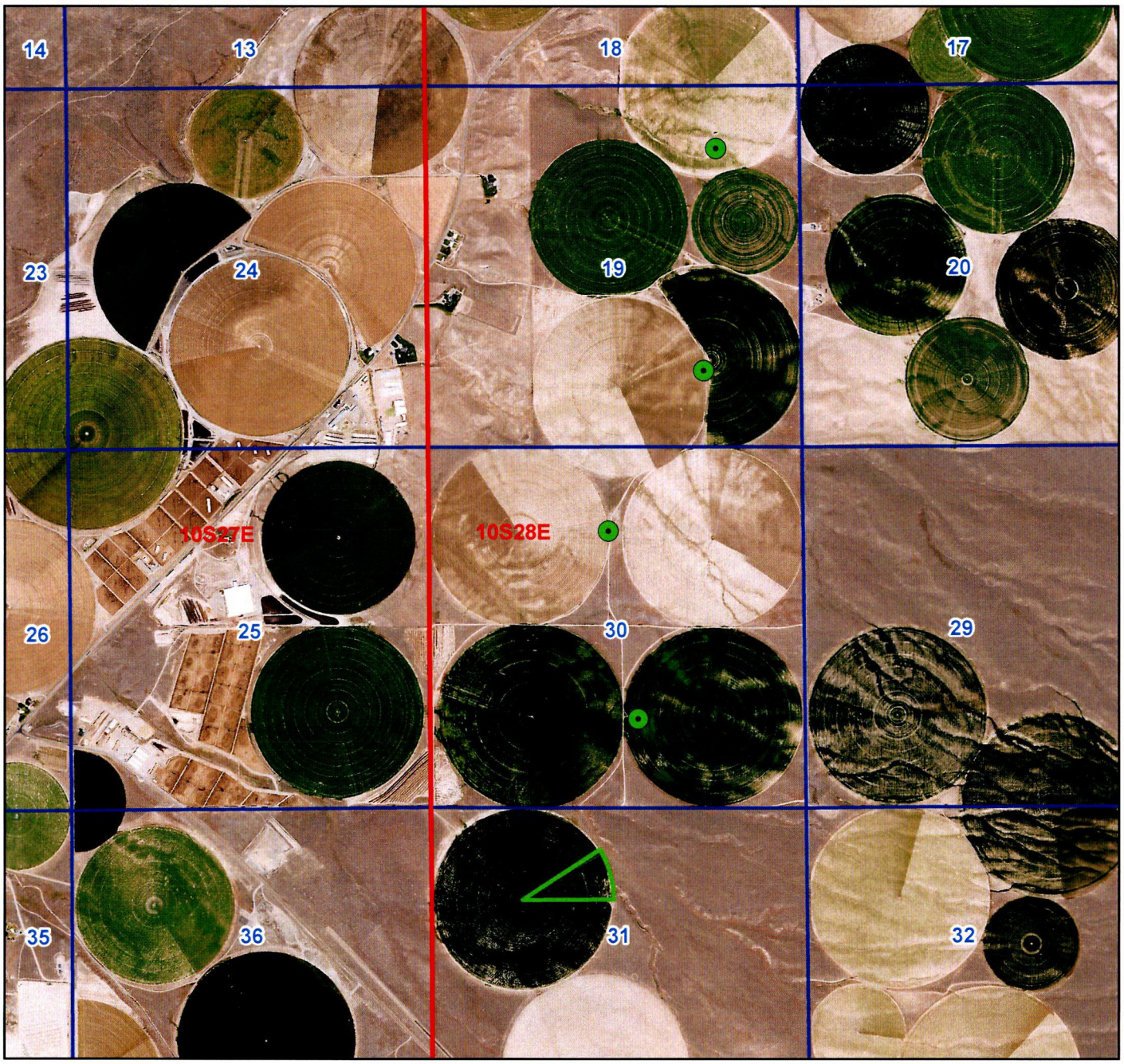
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JAN 26 2023

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 664

Effective until December 31, 2022

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



Authorized Rental Point of Diversion

Authorized Rental Place of Use

Township/Range

Sections

N

0 0.125 0.25 0.5 0.75 1 Miles

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Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
APR 25 2022
DEPARTMENT OF WATER RESOURCES

Applicant Name: ADT FARMS 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)
43-2489

SCANNED JAN 26 2023

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant ADT FARMS LLC

Mailing Address 2500 Overland Ave. Burley, ID 83318
Street City State Zip Code

Email Address _____ Phone Number 2086784820

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 Greg Sullivan Professional Title Engineer

Organization Brockway Egineering Relationship to Applicant Consultant

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

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

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**:
The rented water will be used to irrigate acres that would be not irrigated other wise.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
1.22 CFS	256.0 AF	1.22 CFS	256.0 AF	64.0 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2022	7/1/2022	☑ 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.***

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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):
Existing wells, mainlines and delivery systems.

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

POD Description	Water Source	Other Water Rights Diverted from this POD
10S28E19SWNENE	Ground Water	43-13715 et al
10S28E19NESWSE	Ground Water	43-13715 et al
10S28E30SENENW	Ground Water	43-13715 et al
10S28E30NWSWSE	Ground Water	43-13715 et al

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

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

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

L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
43-13715 et al water is needed due to IDWR curtailment order.

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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)
43-2489	Irrigation	2.39	500	125		1.22	256.0	64.0
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					**TOTAL**	1.22	256.0	64.0
						CFS	**AF**	**AC**

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

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

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes ☐ No ☑

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

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

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

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

D. Additional Information
None

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
Todd Garrett	Todd Garrett	4-14-22
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

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CONTRACT OF AGREEMENT

To Whom It May Concern,

John B. Spratling and Todd Gerratt of ADT Farms LLC have entered into an agreement concerning two pivots located at Township 10 South Range 27 East Section 31. The pivot is located in Cassia County, Idaho in parcel RP10S28E310000. John B Spratling has entered into an agreement with Todd Gerratt of ADT Farms LLC for the 2022 irrigation season.

The agreement allows Todd Gerratt of ADT Farms LLC to fully manage the wells and irrigation system associated with the pivot. To the extent that John B. Spratling allows Todd Gerratt of ADT Farms LLC to rent water from the Idaho Water Supply Bank to the two pivots located at Township 10 South Range 27 East Section 31 for irrigation purposes.

John B. Spratling:

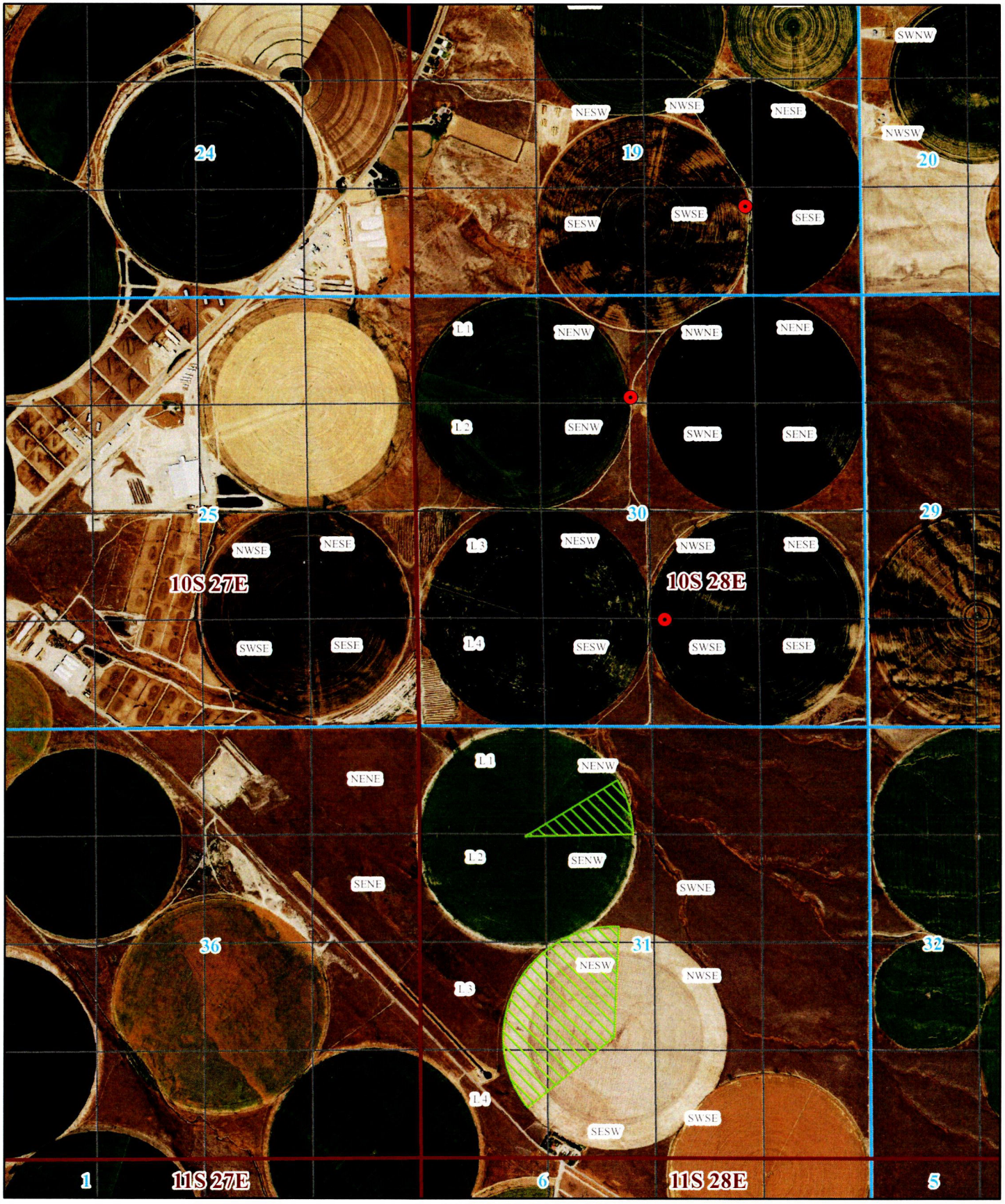
Date: 4-21-22

Todd Gerratt of ADT Farms LLC:

Date: 4-18-22

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JAN 26 2023

Path: F:\Projects\Gerratt, Todd - Water Rights\WSB 2019\Arcview 2019\RAFT RIVER FARM Rental Acres 2019.mxd



0 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 3/31/2022

ADT FARMS LLC

2022 RENTAL MAP
NAIP 2019 AERIAL

Legend

PODs
2022_Rental

N

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WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF: ~~MC~~ MK

REVIEWER: MK

Received Date: Apirl 25th, 2022

Latest Start Date: 7/1/2022

Renter: ADT FARMS LLC

Rental Expiration Date 2022

Lease/Rental Package (Y) N

Application # 2360

Agreement # 6064

Water Right	Lease Contract ID
# 43-2489	1578
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:

Mailings (per application)	Original	CC	Email or Address
Renter: ADT Farms LLC	☒	☐	
Attorney:	☐	☐	
Consultants Name: Greg Sullivan	☐	☒	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: ~~43~~ 143, Raft River GWD + CGWMA	(final only)	☐	
Other: (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Southern	(final only)	☐	
Watermaster: 143: B. Ragan	(final only)	☐	
Compliance:	(final only)	☐	

Resolving NOV? Y / (N)

#

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

January 26, 2023

ATD FARMS LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2941

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2489, AGREEMENT 664

Dear Renter:

Please find enclosed a receipt in the amount of **$96.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 48.0 acre-feet of water for irrigation of 12 acres during 2022. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you have a private agreement with the water right owner, **you are only obligated to pay the 10% administrative fee or $96.00 for 2022.**

Please note, the above rental agreement concluded at the end of **2022**. Once the rental agreement concludes, any diversion or use of water under this rental will no longer be authorized. If you wish to rent water in the future and have not already done so, you can download and complete an Application to Rent Water Rights from the Water Supply Bank by visiting the Department's website at http://idwr.idaho.gov.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C114600
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 43 & 143
Greg Sullivan

SCANNED
JAN 26 2023

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

October 28, 2022

ADT FARMS LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2914

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2489, AGREEMENT 664

*****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 **$96.00** was calculated based on the current rental rate of $20.00 per acre-foot times a diversion volume of 48.00 acre-feet for 2022. Since you have a private agreement with the water right owner, **you are only obligated to pay the 10% administrative fee or $96.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for $96.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Greg Sullivan

SCANNED
JAN 26 2023

MEMORANDUM FOR AGREEMENT # 664

To: Water Right(s) 43-2489

From: **Mackenzie Kienholz**

Date: September 28, 2022 – October 6, 2022

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

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PURPOSE/NARRATIVE: Rental Application #2360 was received by the Department on April 25th, 2022. It was submitted by Greg Sullivan of Brockway Engineering PLLC on behalf of ADT Farms LLC. The application was submitted as a lease rental package for water right 43-2489 with Lease Application #2358 from Eagle Creek Northwest LLC and another Rental Application #2359 from ADTD Farms LLC. ADT Farms and ADTD Farms have been renting this right from Eagle Creek Northwest since 2019. Signed agreements were included with the lease application stating that there are private agreements in place for both rentals, so only an administrative fee should be collected.

The application originally proposed for rented water to be applied to portions of two different pivots. Review of sentinel imagery showed that no irrigation had occurred in 2022 for the southern requested pivot. Discussion with the representative confirmed that no diversion works had even been installed at that pivot for 2022. Because of this, only the portion of the northern pivot that was requested was included in the agreement. The agreement rental POU is overlapped by water rights 43-13715, 43-13716, 43-13718, and 43-719, however the portion of the pivot requested for this rental was curtailed. 13719

This rental is located in Water Districts #43A – Lower Raft River and #143 – Raft River Basin as well as the Raft River Ground Water District and Raft River Critical Ground Water Management Area.

AUTHORITY TO FILE: The application was signed by Todd Gerratt, who is listed as the registered agent for ADT Farms LLC on the IDSOS Business Search website. The parcels at the rental location are owned by Cathy and John B. Spratling. An agreement between John B. Spratling and Todd Gerratt was included allowing ADT to manage the wells and irrigation system associated with two pivots at the rental POU as well as permission to rent water from the WSB for the pivots.

WATER RIGHT VALIDITY: Right 43-2489 was decreed May 4th, 2004. The right had an approved transfer (with an amendment) in 2009 to change the POU and add at least one POD. A second transfer in 2014 changed the POU and an updated 206 map submitted at the request of IDWR staff in 2016 showed the addition of the half pivot previously proposed for lease. Imagery suggests that irrigation has occurred since decree in 2004 without a period of 5 years of non-use resulting in forfeiture.

The proposed lease acres were reviewed using sentinel data from 3/24/2022 to 8/13/2022, and it was determined that the acres have been idled in 2022.

Review of 2021 imagery from March to August 2021 suggests that the leased acres for the previous lease (Lease Contract #1421) in 2021 for the same water right and applicants may have received water application in April, 2021. However, May through the rest of the calendar year showed no application of water on the proposed acres. The application for 2021 was received in August, 2021 and put into effect in October, 2021

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As the lease application for 2022 is only for one year, and the acres appear to have been idled in 2022 up to the date of the review, it was recommended by the reviewer that the lease be allowed for 2022. Idleness of acres should continue to be closely analyzed for future leases, especially if a period longer than one year is proposed.

No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS: The points of diversion for both the lease and rental are located within the Raft River Critical Groundwater Management Area. As of the time of this review, review staff has no knowledge of any policy regarding the Raft River CGWMA that would prevent or restrict the movement of water or water use proposed in this rental application.

ENLARGEMENT OF USE: Four water rights, all owned by the applicant, overlap part of the rental POU: 43-13715, 43-13716, 43-13718, and 43-13719. The rental PODs divert these rights as well as four other rights, however the others are not owned by ADT Farms LLC.

Rights 43-13715 and 43-13718 are limited to 1.38 cfs, 113 acres, and 408.8 af.
Rights 43-13716 and 43-13719 are limited to 14.57 cfs, 1193 acres, and 4317.2 af.
Both these limits correspond to 0.01221 cfs/acre and 3.62 af/acre.
The proposed rental amounts, 1.22 cfs, 64 acres and 256 af, correspond to values of 0.01906 cfs/acre and 4.0af/acre. After the reduction in requested acres, the useable rental diversion rate was also reduced from 0.23 to 0.15 cfs and the useable volume was decreased from 48.0 to 43.4 af in order to match the duty of water with other rights at the rental POU.

The right being rented (43-2489) has combined limits with other rights, however 43-2489 is additive to the total limit and can thus be removed from the suite without any anticipated enlargement. See associated lease review memo for more detail.

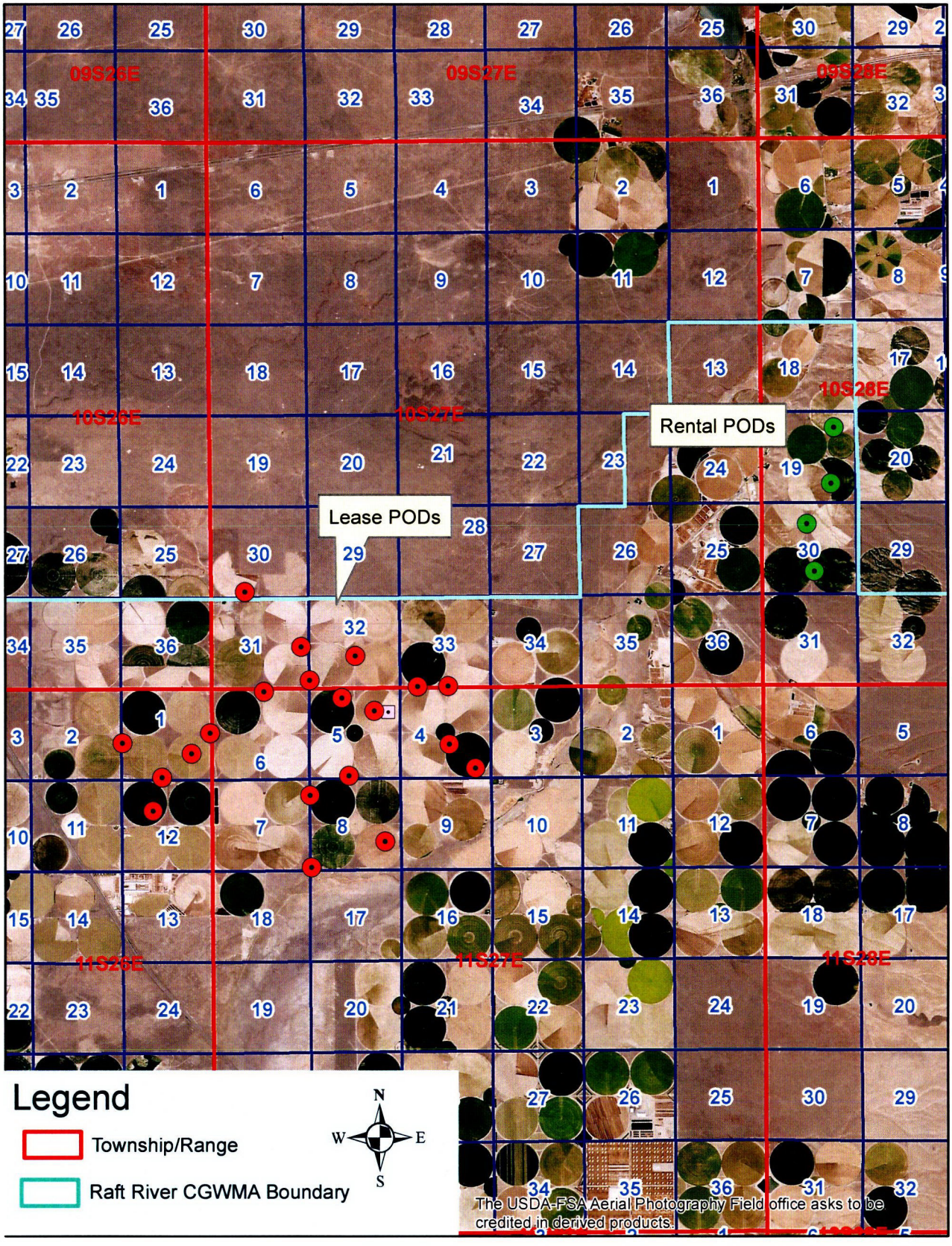
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District #43A and #143. A request for comments was sent to watermasters and the Southern Region office on 10/6/2022.

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Rental Agreement #664 ADT Farms LLC 2022



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Kienholz, Mackenzie

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, October 20, 2022 4:17 PM
To: Kienholz, Mackenzie
Cc: Hummer, Phill
Subject: RE: ADT Farms WSB Rental

Follow Up Flag: Follow up
Due By: Monday, October 24, 2022 8:00 AM
Flag Status: Flagged

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

Mackenzie,

I believe that the current farmer renting the property had the option to irrigate the lower pivot in 2022 but chose not to. We have rented water to this pivot in the past with a similar rental shape. If the lower pivot truly has not been irrigated in 2022, then there is no need to rent the water there. I just talked with John Spratling and there is currently no pivot installed in the southern field. We do not need water rented there in 2022.

I also was told that Todd Gerratt passed away two weeks ago. So there will be a some transition regarding his water rights and applications that are pending.

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

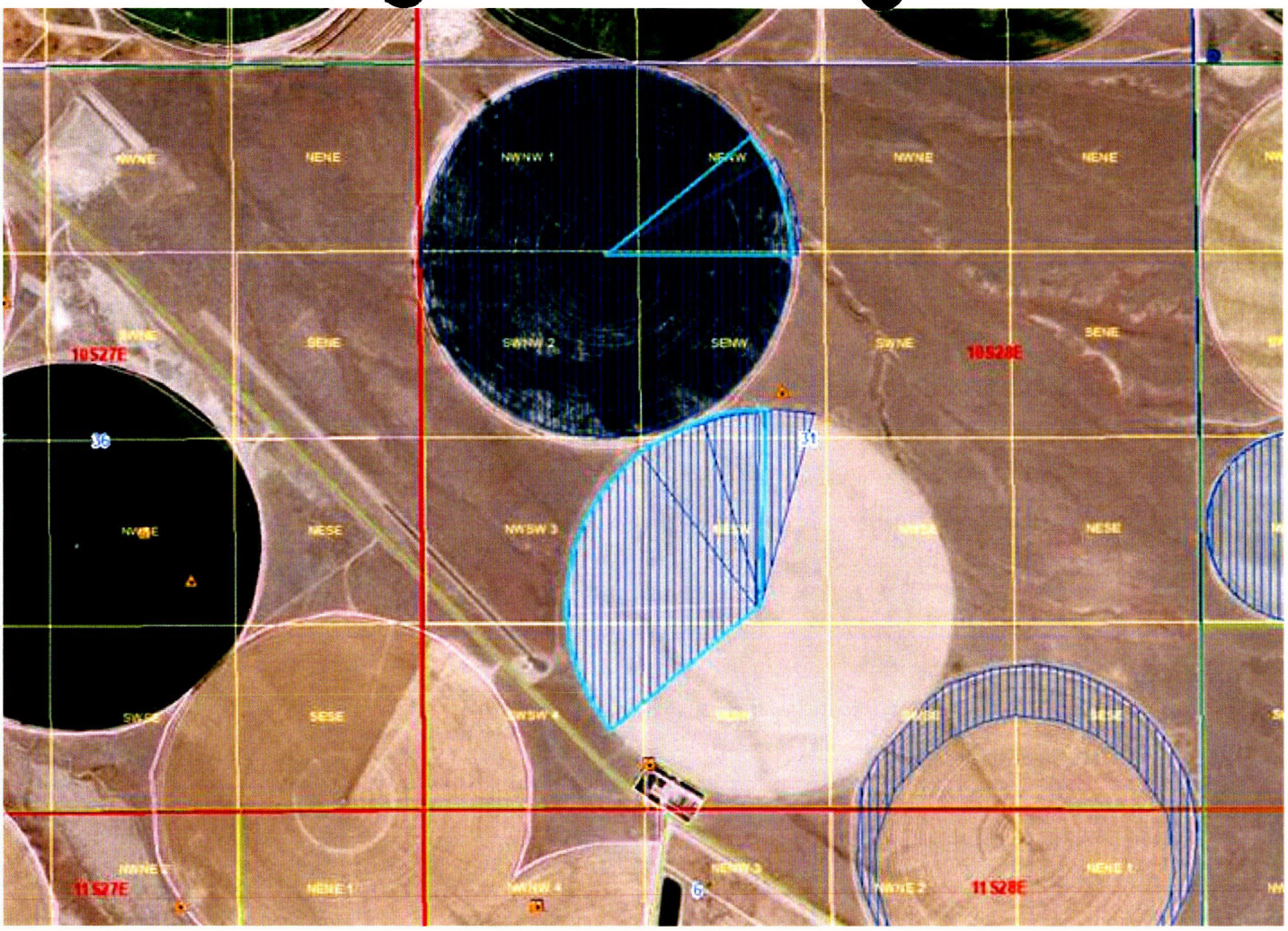
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
Sent: Tuesday, October 18, 2022 10:17 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: ADT Farms WSB Rental

Hi Greg,

Before finalizing agreements, we would like to confirm the rental POU for ADT Farms. It appears that the lower pivot has been idled this year, and parts of the requested rental POU overlaps their water rights. Is there a reason besides irrigation that the applicants requested this shape (ie rate)? We would just like to know the purpose of the rental before approval in case the location needs to change slightly.

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Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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

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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

May 9, 2022

ADTD & ATD FARMS LLC
2500 OVERLAND AVE
BURLEY ID 83318

RE: APPLICATION 2359 & 2360 TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water from the Idaho Water Resource Board's Water Supply Bank (Bank) for the irrigation of 61 acres and 64 acres. Filing a Bank rental application does not automatically result in approval.

Before a rental application can be approved, the rental request must be reviewed, a rental agreement must be prepared, the agreement must be approved by the applicant and the Department, and the rental fee must be paid. To maximize the number of rental applications processed while managing competing priorities, the Department begins accepting rental applications on November 1 for use in the next calendar year, and it processes as many applications as it can before the start of the irrigation season in March or April. Once the irrigation season begins, Department staff members are reassigned to address field work and other duties. Consequently, few rental applications are processed after May 1.

Because your application was received near the beginning of the irrigation season, which is now underway, the Department may not be able to process your application prior to the latest possible start date on your application. Your application will remain in the order it was received for review, unless you request it be returned, or the irrigation season ends prior to finalization of a review.

In future years, we encourage you to file your rental applications as soon as possible after November 1 to improve the chances that they will be processed.

Water Supply Bank Processing for application status may be found on the Department's website at https://idwr.idaho.gov/iwrb/programs/water-supply-bank/reports/

If you have questions regarding this matter, please contact me at 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Greg Sullivan – Brockway Engineering

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