

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 653

RECEIVED

AUG 31 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

VON GIBBY
715 S 750 E
BURLEY, ID 83318

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	101.2	25.3	0.012	4.00
Combined Rental Totals			0.30	101.2	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, 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: \$2,024.00

The full fee for the rental of the above-described right(s) is \$2,024.00 for 2022. The rental fee includes an administrative fee of \$202.40 for 2022.

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.

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AUG 01 2022
Page 1 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 653

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
Signature of Renter

Aug 17 2022
Date

Von Gibby
Printed Name

owner
Title

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

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

By *Brian Patton*
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 8/31/22

Rental approved by IDWR *Fl...*

Date 8/31/22

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SEP 01 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 653

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
101.2 AF

SEASON OF USE

Water Right No. **From** **To**
43-13797 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	26E	29												0.3			19	6	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 rental agreement 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 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. 143.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 653

11. The renter 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).
12. This rental agreement does not authorize the construction of a well.

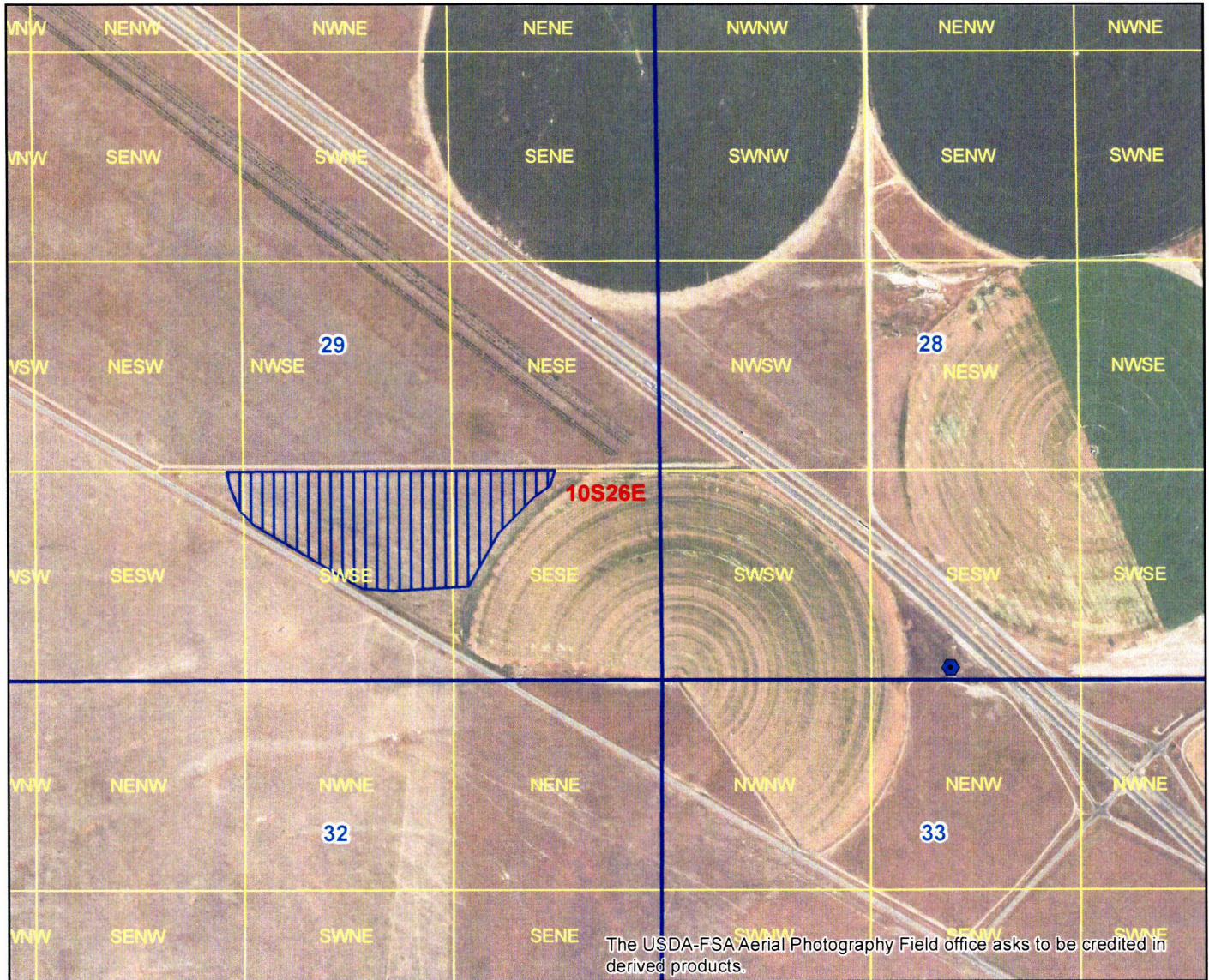
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SEP 01 2022

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 653

Effective until December 31, 2022

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



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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

0 0.1 0.2 0.4 Miles

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SEP 01 2022
N

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 22 2022

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Von Gibby - DBA. Valley View Farms LLCIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Attachment	N/A	Yes	
		☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
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)

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SEP 11 2022

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

- A. Applicant Von Gibby D.B.A. Valley View Farms LLC
 Mailing Address 715 S 750 E Burley IDA 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**:

For irrigation - to water ground that had been in use
years ago with hand lines. No in place

- 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)
<u>0.30</u> CFS	<u>101.2</u> AF	<u>0.30</u> CFS	<u>25.3</u> AF	<u>25.3</u> 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?	
<u>4-1-22</u>	<u>4-10-22</u>	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Deep well plastic underground pipe to center pivot 1/2 circle
(not map)

- 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
see map		43-13466, 43-13468, 43-7015,
		43-13384, 43-13386, 43-13388, 43-13390
		43-13392, 43-13394, 43-13396, 43-13398
		43-13400, 43-13402, 43-13404, 43-13406

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:

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)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

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

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

Von Gibby D.B.A. Valley View Farms LLC
Printed Name of Applicant Date 2/8/22

Signature of Representative

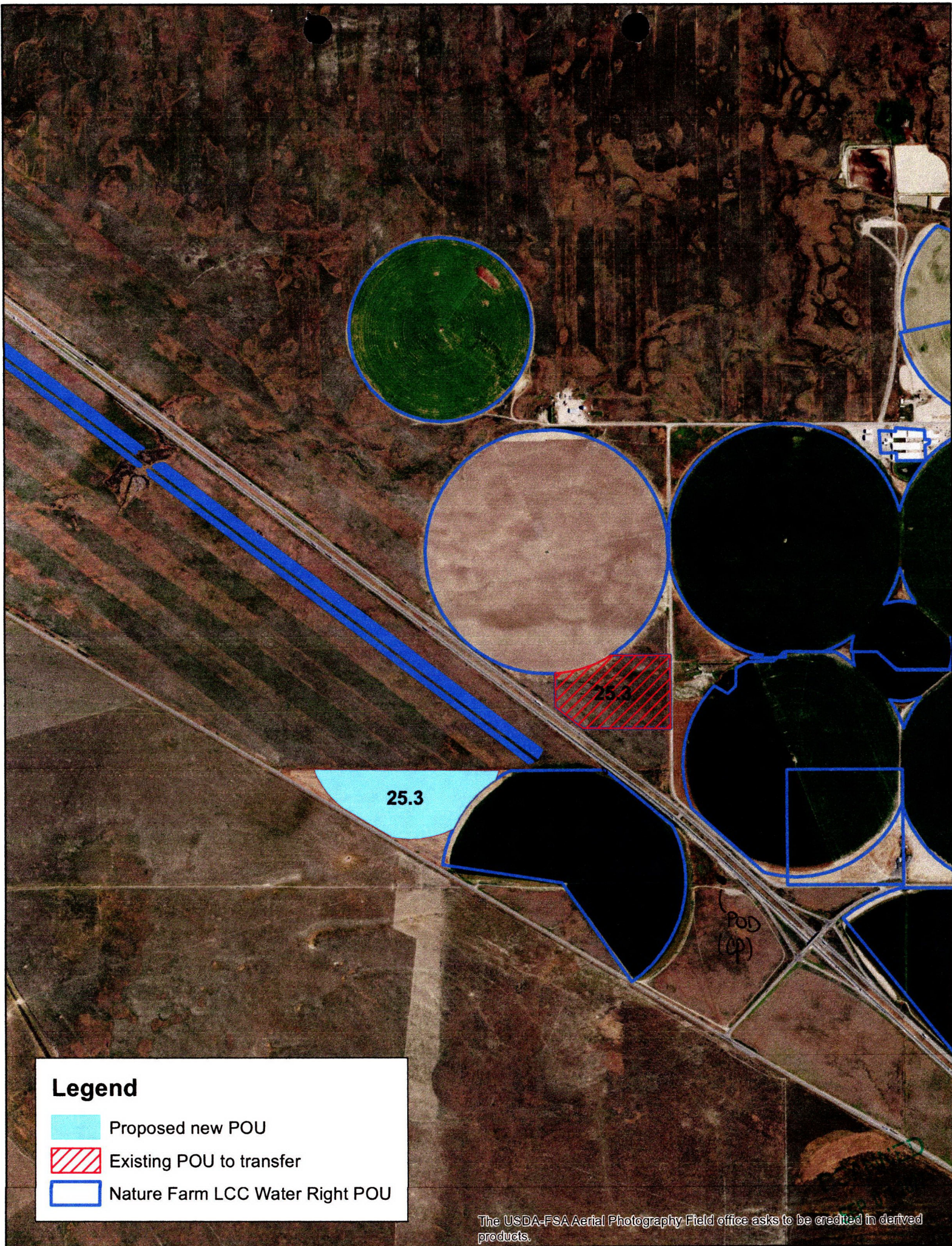
Printed Name of Representative

Date

Mail to:

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

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Legend

-  Proposed new POU
-  Existing POU to transfer
-  Nature Farm LCC Water Right POU

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FEB 22 2022

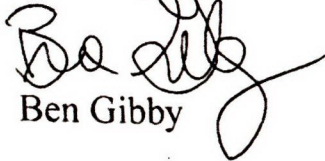
DEPARTMENT OF
WATER RESOURCES

2/16/22

To whom it may concern:

Nature Farm LLC would like to rent water right number 43-13797 to Valley View Farms for the 2022 season.

Sincerely,


Ben Gibby

2324

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SEP 01 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 2020-001

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

LESSOR: NATURE FARM LLC
872 E PEBBLE DR
BURLEY, ID 83318-5099

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JAN 28 2021

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 December 23, 2020.
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)
43-13797	7/25/1973	GROUND WATER	0.30	101.2	25.3
Lease Totals			0.30	101.2	25.3

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

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2021. 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.

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0004555448

**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 #: 0004555448

Date Filed: 1/5/2022 1:46:14 PM

Entity Name and Mailing Address:

Entity Name: V & R FARMS, L.L.C.
The file number of this entity on the records of the Idaho Secretary of State is: 0000014314
Address: 715 S 750 E
BURLEY, ID 83318-5744

Entity Details:

Entity Status: Active-Existing
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: W2106

The registered agent on record is:

Registered Agent: VON GIBBY
Registered Agent
Physical Address
715 S 750 E
BURLEY, ID 83318
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
VON GIBBY	Manager	715 S 750 E BURLEY, ID 83318

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

Job Title: Owner

Von Gibby

Sign Here

01/05/2022

Date

B0673-9222 01/05/2022 1:46 PM Received by ID Secretary of State Lawrence Denney

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WSB Mailing Checklist for Rentals

(Use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

~~MC~~ MK

REVIEWER:

Received Date: 2/22/2022

Latest Start Date:

Renter: Von Gibby

Rental Expiration Date

Lease/Rental Package

Y

(N)

Application # 2326

Agreement # 053

Water Right	Lease Contract ID
# 43-13797	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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: Von Gibby



Attorney:



Consultants

Name:



Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

(final only)



(Ground) Water Dist:

(final only)



Other:

WD Snake 01, Boise, Payette, and Bear River

(final only)



Region:

(final only)



Watermaster:

(final only)



Compliance:

(final only)



Resolving NOV? Y / N

#

Call up Date: _____

DO NOT SCAN



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 1, 2022

VON GIBBY
715 S 750 E
BURLEY, ID 83318

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13797, AGREEMENT 653**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,024.00** 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 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.

Pursuant to the Water Supply Bank Rules, 90% or \$1,821.60 of the rental fee will be paid to the lessor(s) and 10% or \$202.40 will be retained by the Department to offset administrative costs.

Please note, the above rental agreement concludes 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 you have not already done so, you can download and complete an [Application to Rent Water Rights from the Water Supply Bank](http://idwr.idaho.gov) 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. C113861
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 143

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SEP 01 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

August 11, 2022

VON GIBBY
715 S 7500 E
BURLEY, ID 83318

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-13797 AGREEMENT 653**

*****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 \$2,024.00 per year was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 724 acre-feet.

Please send a check for \$2,024.00 for 2022 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 \$1,821.60 of the rental fee will be paid to the lessor(s) and 10% or \$202.40 will be retained by the Department to offset administrative costs for **2022**.

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

c: IDWR Front Desk

SCANNED
SEP 01 2022

Memorandum

TO: Water right 43-13797 file
FROM: Cody Parker
RE: Evaluation of WSB rental application 2326
DATE: August 11, 2022

Purpose

The applicant proposes to irrigate 25.3 acres of new land from groundwater using a pivot. The requested duration for this rental is 1 year. The applicant specifically requested to rent water right 43-13797, which is leased into the Bank under lease contract no 1501 for 25.3 acres, 0.3 cfs and 101.2 afa.

The location of the point of diversion was not shown on the map submitted with the application. I reached out to the applicant to clarify where the well is located. He stated that the well is located near the interstate along the fence line to the east of the proposed POU. I have taken that to mean the active WR POD located in the SESW of Sec 28, T10SR26E. I marked this location on the applicants map and added my initials to show that I drew in the POD.

Authority to File

The application was submitted and signed by Von Gibby. The land proposed for irrigation is owned by V&R Farms LLC. Von Gibby is the registered agent for V&R Farms LLC. No concerns.

Water Right Validity

Validity of water right 43-13797 was assessed separately during the evaluation of WSB lease contract no 1501. No concerns.

Injury to Other Water Rights

The application proposes to use one of the points of diversion authorized by the rented water right. The land proposed for irrigation is less than ¼ mile from the idled acreage under the lease. No concerns.

Enlargement of Use

The applicant proposes to rent the full amounts accepted into the bank under the lease contract. There is no nature of use change. The season of use will remain the same. No enlargement concerns.

Local Public Interest

I am not aware of any information to suggest that this proposal conflicts with the local public interest.

Beneficial Use/Conservation of Water Resources

The application proposes an irrigation beneficial use within the accepted standards for irrigation for the area.

Department Staff or Watermaster Comments

Comments were requested from the IDWR southern region and the watermaster for water district 143. Correspondence is included in the file with this memorandum.

Parker, Cody

From: Parker, Cody
Sent: Thursday, August 11, 2022 9:43 AM
To: Ragan, Brian; Skinner, Corey
Subject: WSB Rental Application 2326
Attachments: RA2326_Agreement.docx; RA2326_Map.pdf; RA2326_Memo.docx

Good morning,

Attached are the relevant documents for WSB rental application 2326. The applicant proposes to irrigate 25.3 new acres from groundwater using a well that was authorized by the leased water right. Please let me know if you have any comments or concerns.

Thanks

Cody Parker



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

August 3, 2022

VON GIBBY
715 S 750 E
BURLEY ID 83318

RE: Application to rent water from the Water Supply Bank

Mr. Gibby,

On February 22, 2022 you submitted an application proposing to rent water from the Water Supply Bank to irrigate 25.3 acres of land. I emailed you on July 21, 2022 requesting additional information for your application. Since I have not received a response, I thought I would follow up with this letter to hopefully get the information needed to process your application.

You submitted a map with your application that shows the land you propose to irrigate. However, your map did not show the location of the well you propose to divert water from. Your comments on the application seem to indicate that you just want to use a single well. However, other comments say that you plan to divert water from a well that is shared by a number of different water rights. Each of those other rights list multiple wells as points of diversion so it is not possible to identify which you plan to use for this rental.

To resume processing of your application, I will need you to submit a map showing the location of the well you plan to use for irrigation under this rental. If you do not wish to pursue this rental agreement any longer, please let me know immediately.

Thank you for your time and for your attention to these matters.

Cody Parker
Water Rights Supervisor
Idaho Dept. of Water Resources
208-287-4910

SCANNED
SEP 01 2022