

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

AUG 15 2024

DEPT. OF WATER RESOURCES

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Evard 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 <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
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)

43-13271	43-13275	43-13279
43-13273	43-13277	

3020

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Everad LLC

Mailing Address 134 E Highway 81 BURLEY, ID 83318
Street City State Zip Code
 Email Address _____ Phone Number 2086542733

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 Engineering 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**:

This rental will cover 82.0 acre of farm ground.

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)
1.5 CFS	328 AF	1.5 CFS	328 AF	82.0 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?	
4/1/2025	8/31/2025	☐ 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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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 pivot irrigation system.

- 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
11S 26E SEC 10 NWNW	Ground Water	43-10145
11S 26E SEC 10 NESW	Ground Water	43-10145

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 82.0 (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:

43-10145

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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)
43-13271	Irrigation	0.06	30.5	12.2		0.06	30.5	12.2
43-13273	Irrigation	0.36	154.1	73.9		0.36	154.1	73.9
43-13275	Irrigation	0.70	237.4	59.3		0.70	237.4	59.3
43-13277	Irrigation	0.42	100.2	25.1		0.42	100.2	25.1
43-13279	Irrigation	0.14	48.4	12.1		0.14	48.4	12.1
<i>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</i>					TOTAL	1.50	328	82.0
						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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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.
The proposed rental place of use on July 24, 2024

- 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

Reed Gibby
Printed Name of Applicant

8/15/2024
Date

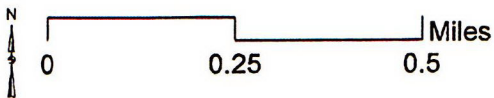
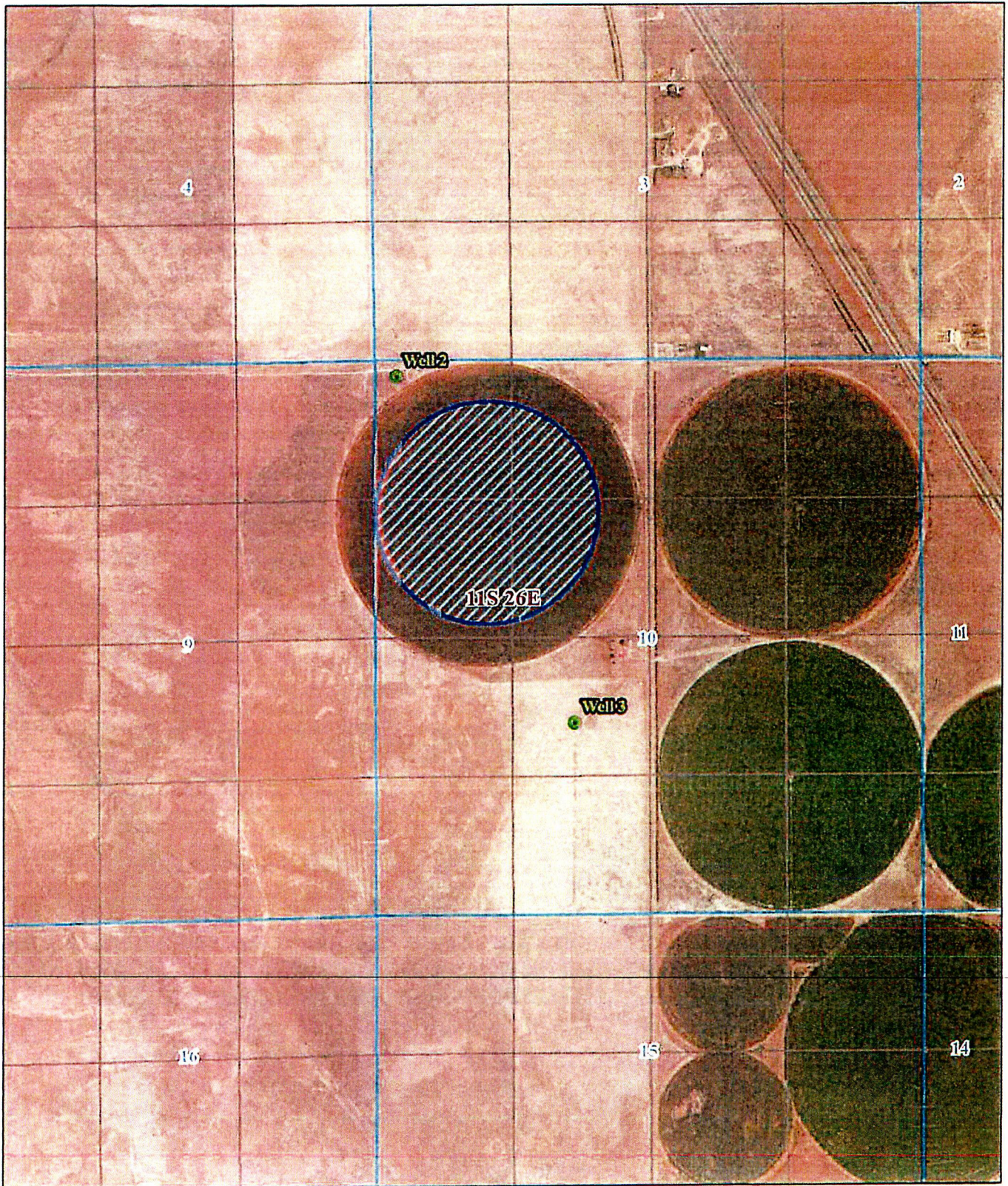
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



EVARD LLC
SKAGGS FARM

WATER RIGHT MAP
NAIP 2023 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 8/12/2024

- Legend
- PODs
 - Rental
 - PPU



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

January 16, 2025

EVARD LLC
134 E. HIGHWAY 81
BURLEY, ID 83318

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S), 43-13271, 43-13273, 43-13275, 43-13277, AND 43-13279
AGREEMENT 899**

*****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 **\$1,082.40 per year** was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 328.0 acre-feet. Since you are both the lessor and the renter of the rights, **you are only obligated to pay the 10% administrative fee or \$1,082.40.** The annual rental fee for 2026 is due by December 31, 2025. 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 in the amount of \$1,082.40 for 2025 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, \$1,082.40 will be retained by the Department to offset administrative costs for **2025.**

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Skyler Cheever
Water Resource Agent, Sr. – State Office
Idaho Dept. of Water Resources

Enclosures: Proposed Rental Agreement

c: IDWR Front Desk (via email)
Representative (via email)

MEMORANDUM FOR WSB RENTAL AGREEMENT # 899

To: Water Right No(s). 43-13271, 43-13273, 43-13275, and 43-13279

From: Skyler Cheever-Water Resource Agent, Sr – State Office

Date: 1/8/2024

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

PURPOSE/NARRATIVE:

Application 3020 was sent in by Evard LLC and received by the Department on August 15th, 2024. This application is part of a lease/rental application package with lease contract 1935. The renter, lessor and water right (WR) owner are the same according to Department records. Therefore, the renter is only required to pay the administrative rental fee. The applicant proposes to rent 82 acres or the entirety of lease contract 1935 from the water supply bank (WSB) from 2025-2029. The proposed points of diversion (POD) is within the Snake River Basin Moratorium Area, Raft River Critical Groundwater Management Area, Raft River Groundwater District, and Trust Water Area. Raft River Groundwater District was notified of this application on January 10th, 2025. This is the first time these water rights have been rented from the WSB.

AUTHORITY TO FILE:

Reed Gibby signed the application. Mr Gibby has the authority to file this agreement because he is a manager with Square Glass Holdings LLC which is a member of Evard LLC according to the Idaho Secretary of States Office Database. Evard LLC is the current owners of the leased WR along with 43-10144 and 43-10145 according to Department records. WR's 43-10144 and 43-10145 authorize diversion from the proposed POD's.

INJURY TO OTHER WATER RIGHTS:

The lease and rental PODs are from 2.7 to 3.9 miles apart. The PODs authorized under the lease are within the Raft River Critical Groundwater Management Area (CGWMA). The proposed rental PODs are also within the Raft River CGWMA. Since the lease and rental PODs are relatively close together and within the Raft River CGWMA its unlikely this rental would cause injury to other groundwater users. There are no other injury concerns.

ENLARGEMENT OF USE:

There are no other irrigation WR's overlapping the rental place of use or diverting from the proposed POD's. Water rights 43-10144 and 43-10145 overlap the proposed POD's but they both authorize domestic and stockwater use. Therefore, there is no reason to limit this rental and overlapping WR's when combined. There are no other 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 proposed PODs are within Administrative Basin 43 and Water District 143. The Watermaster and Southern Regional Manager was contacted for comment on January 10th, 2025. No response was received, its is assumed there are no concerns with the applicant's proposal.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 899

Effective until December 31, 2029

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



0 500 1,000 1,500 Feet

Legend

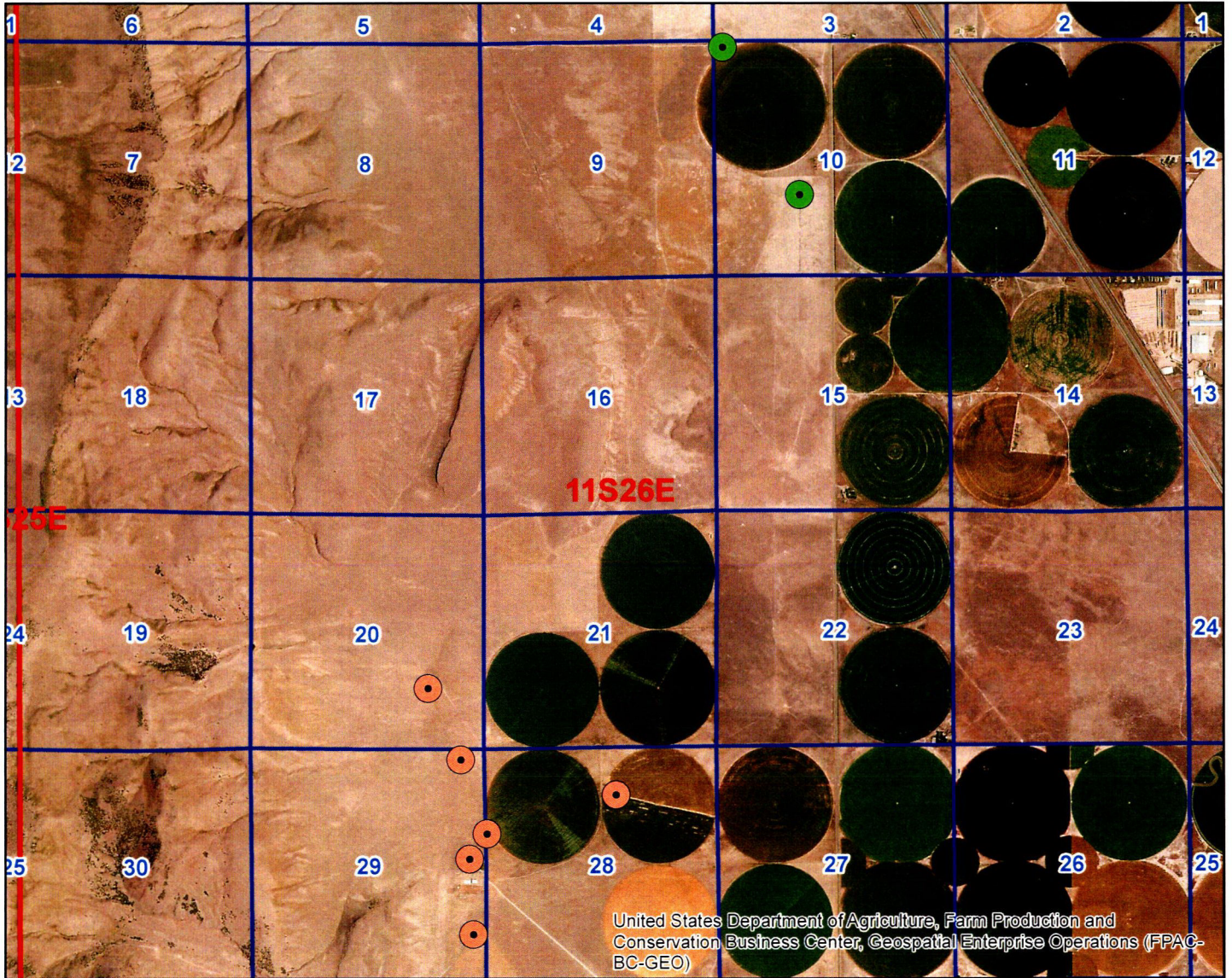
- Water Supply Bank Rental Point of Diversion
- Water Supply Bank Rental Place of Use
- Township/Range
- Sections
- QQ



Idaho Water Resource Board

WSB Move Map

43-13271, 43-13273, 43-13275, 43-13277, and 43-13279
2025-2029



0 1 2 3 Miles

Legend

- Water Supply Bank Rental Point of Diversion
- Water Supply Bank Lease Point of Diversion
- Township/Range
- Sections



Cheever, Skyler

From: Cheever, Skyler
Sent: Friday, January 10, 2025 3:40 PM
To: Skinner, Corey; Ragan, Brian
Subject: Water Supply Bank Lease/Rental Package 3019/3020 Evard LLC
Attachments: Lease Contract 1935 Map.pdf; Lease Contract 1935.pdf; Lease Review Memo 3019.pdf; Rental 899 Map.pdf; Rental Agreement 899.pdf; Rental Review Memo 899.pdf

Hello Corey and Brian ,

I have completed my review of a Water Supply Bank Lease/Rental Application Package with the points of diversion within Administrative Basin 43 and Water District 143 . The applicant for both the lease and rental application is Evard LLC. The applicant proposes to lease portions of water rights 43-13271, 43-13273, 43-13275, and 13279 or 82 acres when combined into the water supply bank from 2025-2029. The applicant proposes to rent the entire lease contract to irrigate 82 acres at a different place of use and diverting from different points of diversion. Attached is a copy of a draft rental agreement, lease/rental review memo and maps of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler



Idaho Dept. of Water Resources

322 E. Front St. P.O. Box 83720 Boise, ID
83720