STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 713

RECEIVED
FEB 13 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

E EUGENE MATTHEWS
1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

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)
45-13552	12/10/1956	GROUND WATER	1.56	538	134.5	0.012	4.00
45-13554	2/1/1954	GROUND WATER	0.74	148	37.0	0.02	4.00
Combined Rental Totals			**2.30**	**684**	**171**	**0.013**	**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, 2023. 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 2023, whichever occurs last.

Annual Rental Fee:

2023: $15,732.00

The full fee for the rental of the above-described right(s) is $15,732.00 for 2023. The rental fee includes an administrative fee of $1,573.20 for 2023.

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 713

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:

Signature of Renter _____ Date 2/8/23

E. Eugene Matthews _____ Owner
Printed Name Title

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

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

By _____ Date 2/15/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 2/15/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 713

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec. 9, Twp 13S, Rge 22E, CASSIA County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	2.30 CFS	684 AF

SEASON OF USE

Water Right No.	From	To
45-13552	3/15	11/15
45-13554	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	
12S	22E	28																23	23.0
13S	22E	4	36 L1	36 L2	38	38													148.0

Total Acres: 171.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

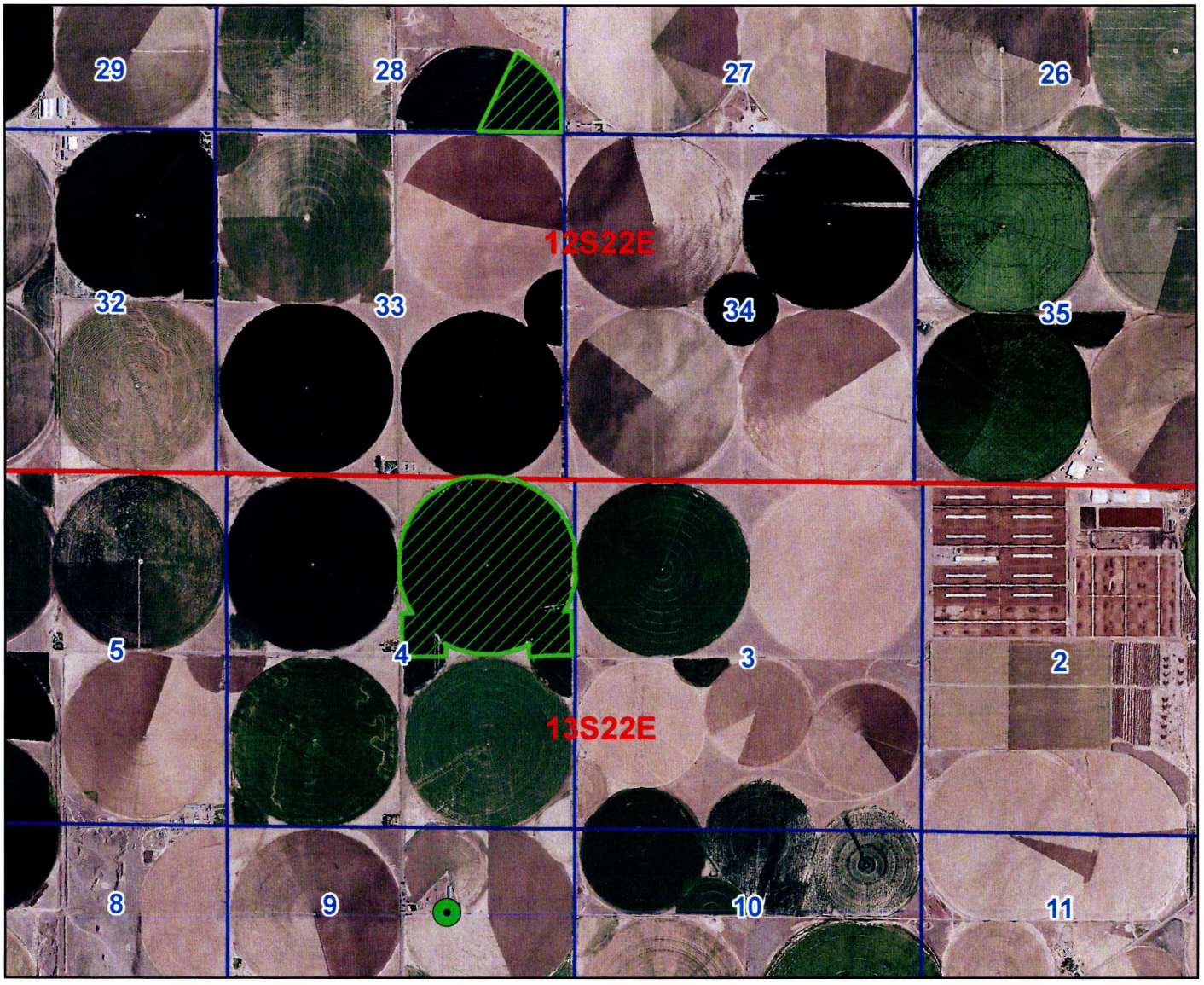
1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 713

Effective until December 31, 2023

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



Legend

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

N

0 0.5 1 1.5 Miles

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JUL 13 2022
DEPARTMENT OF WATER RESOURCES

Applicant Name: Eugene Matthews

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)

Attachment	N/A	Yes	
			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)
45-13552
45-13554

2401

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Eugene Matthews

Mailing Address 1249 S Highway 27 (Street) Oakley (City) ID (State) 83346 (Zip Code)

Email Address _____ Phone Number 208-431-3260

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**:

Current drought conditions have decreased the allocation of water from the Oakley Canal Company and this water is needed to cover ground where shares have been used in the past but are not available this season. This application is submitted upon request of Water Master to avoid compliance issues.

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)
2.3 CFS	684 AF	2.3 CFS	684 AF	171 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?	
04/01/2022	11/01/2022	☑ 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.***

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):
Well where water will be diverted from is interconnected with delivery system for surface water that covers proposed place of use.

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
13S 22E 09 SENWNE	GROUND WATER	45-2336, 45-13553, 45-13555

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 171 (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)
45-13552	IRRIGATION	1.56	538	134.5				
45-13554	IRRIGATION	0.74	148	37				
	IRRIGATION	2.3	684	171		2.3	684	171
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	2.3	684	171
						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**:

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
Application submitted in conjunction with lease applications 45-13552 and 45-13554. Lease POD and rental POD in same model cell so no modeling is required.

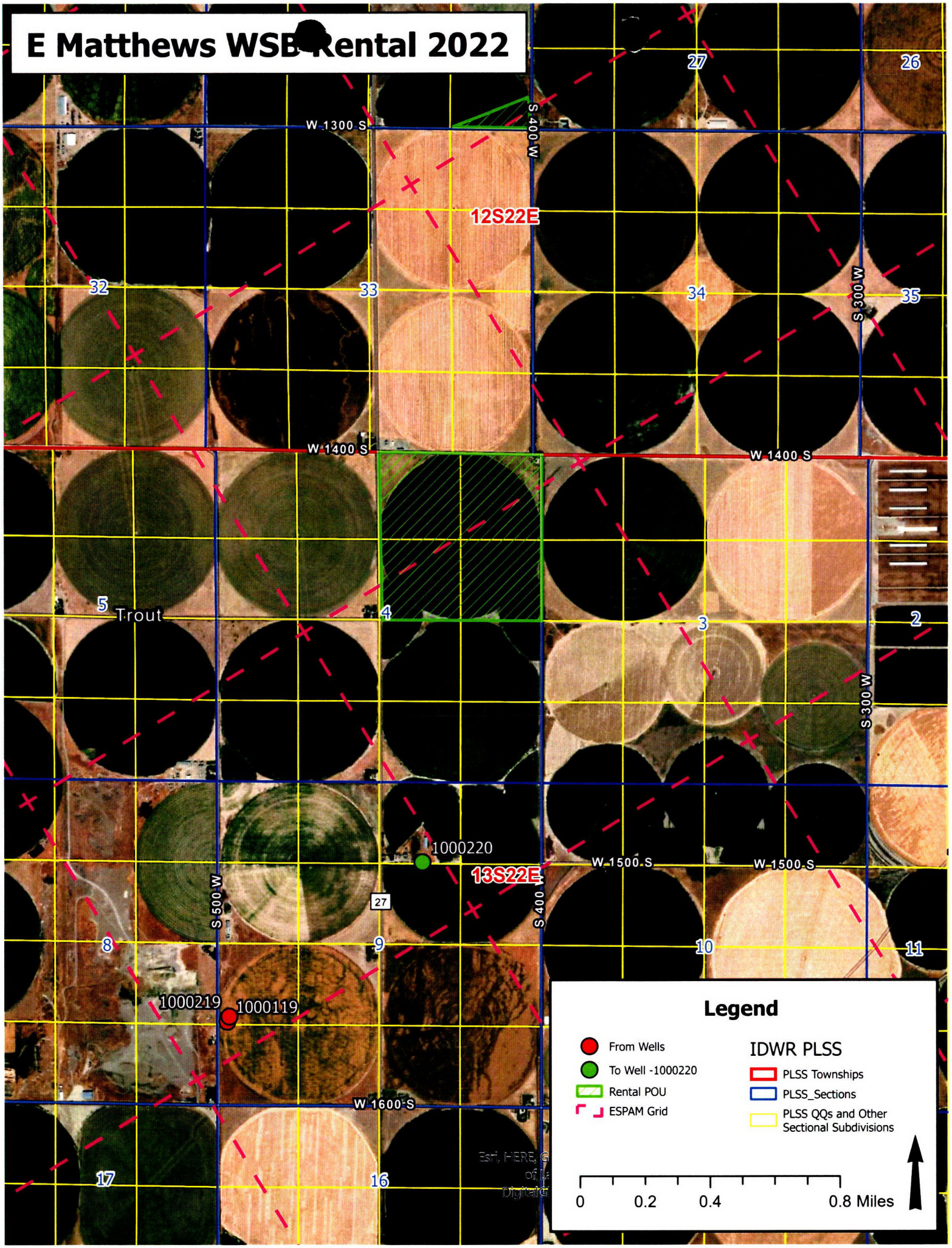
DECLARATION

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
	Eugene Matthews	7/5/22
Signature of Representative	Printed Name of Representative	Date

Mail to:

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


E Matthews WSB Rental 2022
W 1300 S
S 400 W
12S22E
W 1400 S
W 1400 S
S 300 W
Trout
S 300 W
1000220
13S22E
W 1500 S
W 1500 S
S 500 W
S 400 W
1000219
1000119
W 1600 S
Legend
From Wells
To Well -1000220
Rental POU
ESPAM Grid
IDWR PLSS
PLSS Townships
PLSS_Sections
PLSS QQs and Other Sectional Subdivisions
0
0.2
0.4
0.8 Miles

To Whom It May Concern,

Eugene Matthews is authorized to apply for and use water rented from the water supply bank on the ground owned by Bedke Family Trust in Section 4 of Township 13 South, Range 22 East.

Sincerely,

Scott C. Bedke

Scott Bedke

0004531324

STATE OF IDAHO
Office of the secretary of state, Lawerence 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 #: 0004531324
Date Filed: 12/15/2021 12:34:08 PM

Entity Name and Mailing Address:

Entity Name:	H & E HOLDINGS, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000485955
Address	1249 S HIGHWAY 27 OAKLEY, ID 83346-9755

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:	W160064

The registered agent on record is:

Registered Agent	E EUGENE MATTHEWS Registered Agent Physical Address 1249 S HWY 27 OAKLEY, ID 83346 Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
HEIDI F. MATTHEWS	Member	1249 S. HIGHWAY 27 OAKLEY, ID 83346
E EUGENE MATTHEWS	Manager	1249 S. HIGHWAY 27 OAKLEY, ID 83346

The annual report must be signed by an authorized signer of the entity.
Job Title: Member

Heidi Matthews — Sign Here
12/15/2021 — Date

B0668-8311 12/15/2021 12:34 PM Received by ID Secretary of State Lawerence Denney

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

ESPA same cell

moved to 2023

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: MK

Received Date: 07/13/2022
Latest Start Date: 11/01/2022
Renter: Eugene Matthews
Rental Expiration Date 12/31/2023
Lease/Rental Package (Y) N

Application # 2401 Agreement # 713

Water Right	Lease Contract ID
# 45-13552	11657
# 45-13554	11657
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:
companion w/ 2402

Mailings (per application)	Original	CC	Email or Address
Renter: Eugene Matthews	☑	☐	
Attorney:	☐	☐	
Consultants Name:	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist: WD 140	(final only)	☐	
Other: ESPA, Oakley Kenyon CGWMA (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Southern	(final only)	☐	
Watermaster: Adam McCoy	(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

March 20, 2023

E EUGENE MATTHEWS
1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-13552 & 45-13554 AGREEMENT 713

Dear Renter:

Please find enclosed receipts in the amount of **$15,732.00** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 684 acre-feet of water for irrigation of 171 acres. 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 $14,158.80 of the rental fees will be paid to the lessor(s) and 10% or $1,573.20 will be retained by the Department to offset administrative costs.

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. C115273
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Water District 140

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 27, 2023

E EUGENE MATTHEWS
1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO(S). 45-13552 & 45-13554 AGREEMENT 713

*****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 $15,732.00 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 684 acre-feet.

Please send a check for $15,732.00 for 2023 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 $14,158.80 of the rental fee will be paid to the lessor(s) and 10% or $1,573.20 will be retained by the Department to offset administrative costs for **2023**.

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

MEMORANDUM FOR AGREEMENT #713 & CONTRACT #1657

To: Water Right(s) 45-13552 & 45-13554

From: Mackenzie Kienholz

Date: 1/18/2023

Re: Review & Analysis of Applications to Lease Water to and Rent Water from the State Water Supply Bank

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PURPOSE/NARRATIVE: Lease application #2402 was submitted by Colt T. Robinson and rental application #2401 was submitted by Eugene Matthews. Both were received by the Department on 7/14/2022. The applications were part of a lease/rental package which proposed to lease rights 45-13552 and 45-13554 in full to the Water Supply Bank for 2022. The rental application intends for the rights to be fully rented to irrigate acres where Oakley Canal Company shares have previously been used but are no longer available.

Because of the late submittal date for these applications and the proximity of the lease and rental, WSB staff recommended applying for a temporary change, which was approved for 2022 (TC-45-04). Confirmation was received from both the lessor and the renter to move WSB applications #2401 & #2402 to 2023.

This lease and rental package is located in the ESPA GWMA, WD 140, and Oakley Kenyon CGWMA.

AUTHORITY TO FILE: Lease application #2402 was signed by Colt T. Robinson, who is one of four owners of rights 45-13552 and 45-13554. Attachment 1A was submitted with the application listing Colt T. Robinson as the designated lessor and was signed by all three other owners of the rights (Rick R. Robinson, Morgan Noel Robinson & Alyssa M. Robinson). The POU for 45-13552 and 45-13554 are completely overlapped and covers three pivots. The land located at the westernmost pivot is owned by Alyssa and Rick Robinson; the land at the other two pivots is owned by Morgan and Colt Robinson. There are two POD's for these rights, both located in 13S 22E 09 SWNWSW. Only rights 45-13552 and 45-13554 are diverted from these POD's. IDWR's ArcGIS data shows that the POD's are located on the edge of a parcel owned by G5 Land Company LLC, however there is a small parcel directly adjacent owned by Alyssa and Rick Robinson. Because the POD locations and known variability in mapping, it is assumed that the spatial data representing the diversions is slightly off, and that they are located on the Robinsons' parcel. No concerns with lease authority to file.

Rental application #2401 was signed by Eugene Matthews. The land at the portion of the rental POU in Section 4, T13S R22E is owned by Bedke Family Trust. An authorization letter was included with the application on behalf of the trust giving Mr. Matthews permission. This letter was signed by Scott C. Bedke. The land at the portion of the rental POU in Section 28, R12S R22E is owned by H&E Holdings LLC, for which Mr. Matthews is listed as manager on the company's SOS filing. No concerns with rental authority to file.

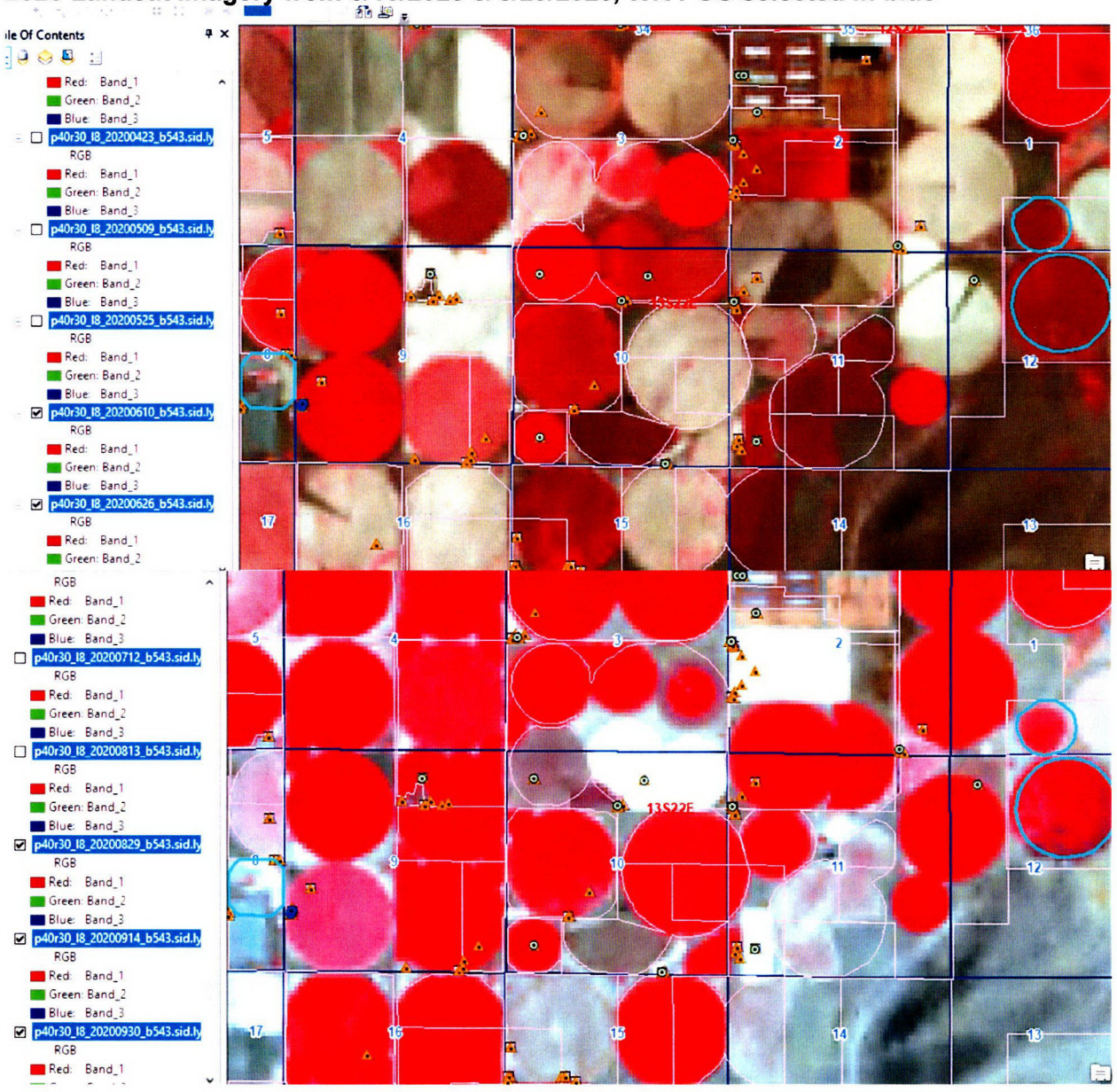
WATER RIGHT VALIDITY: A drought declaration was made in 2022 for many counties across the state including Cassia County where this lease/rental is located. This declaration allowed for temporary changes under Idaho Statute 42-222A. A temporary change (TC-45-04) was completed with these water rights for 2022. The full number of acres was used under this temporary change, and thus the water rights were fully used even if not at the recorded water right place of use. Review of Landsat and Sentinel imagery from 2016 to 2022 found that the

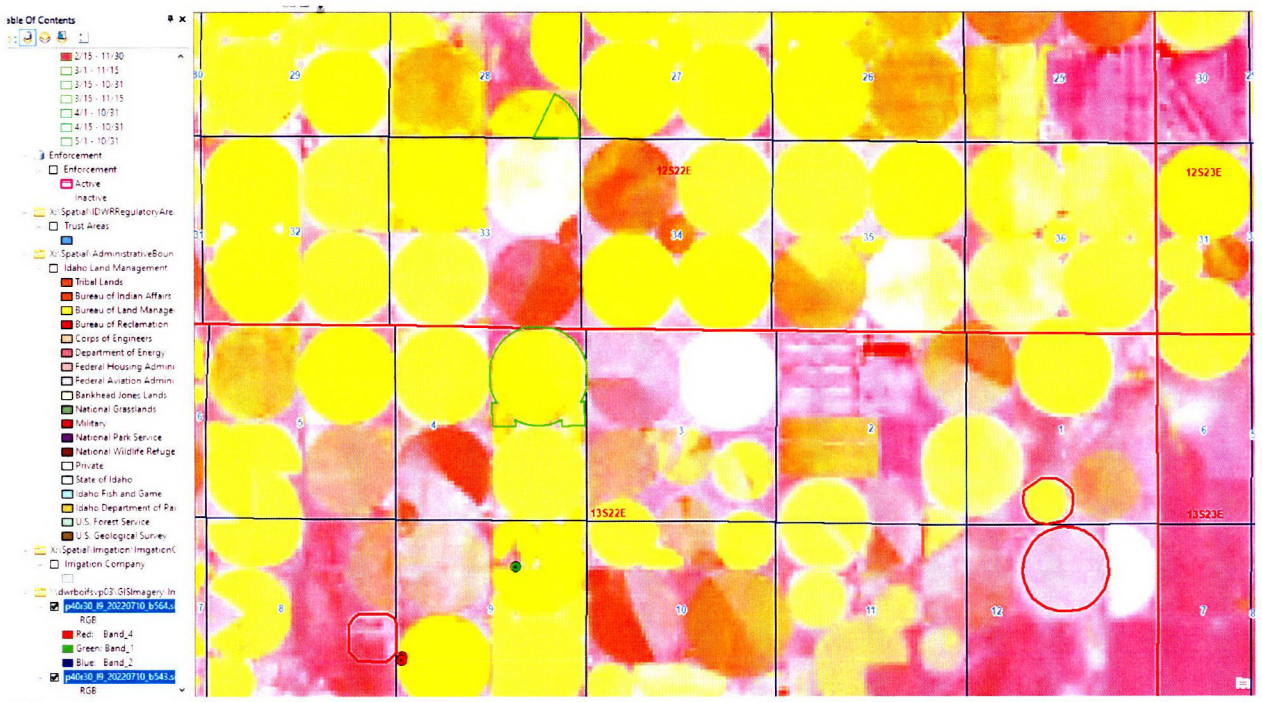
two eastern pivots were most recently irrigated in 2020. No imagery showed that the western pivot of the POU has been irrigated since 2016, however because the temporary change utilized the full 171.0 acres (confirmed through 2022 Landsat imagery) authorized under these water rights, use of the full water rights was considered resumed indicating that no portions of the rights have been lost to forfeiture.

In 2022 the acres at both the water right place of use and the temporary change place of use appear to have been idled once the temporary change was approved on August 5th. The northeastern pivot located in Section 01 T13S R22E looked to be idled earlier in the year, but imagery suggests that irrigation ceased in early August.

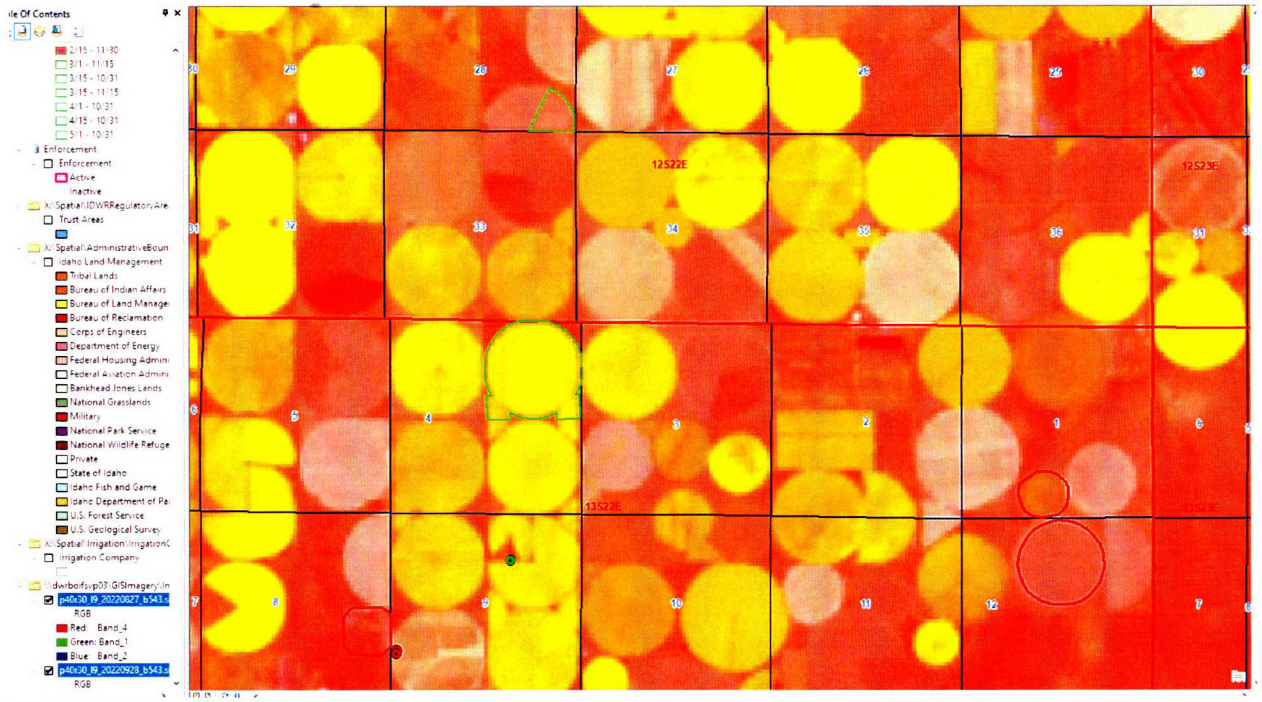
No concerns with validity of the water right and portion offered to the bank.

2020 Landsat Imagery from 6/10/2020 & 8/29/2020, WR POU selected in blue





(Pre-Temporary Change Approval) Landsat imagery from 7/10/2022. The lease POU and POD's are in red; the rental POU and POD are in green.

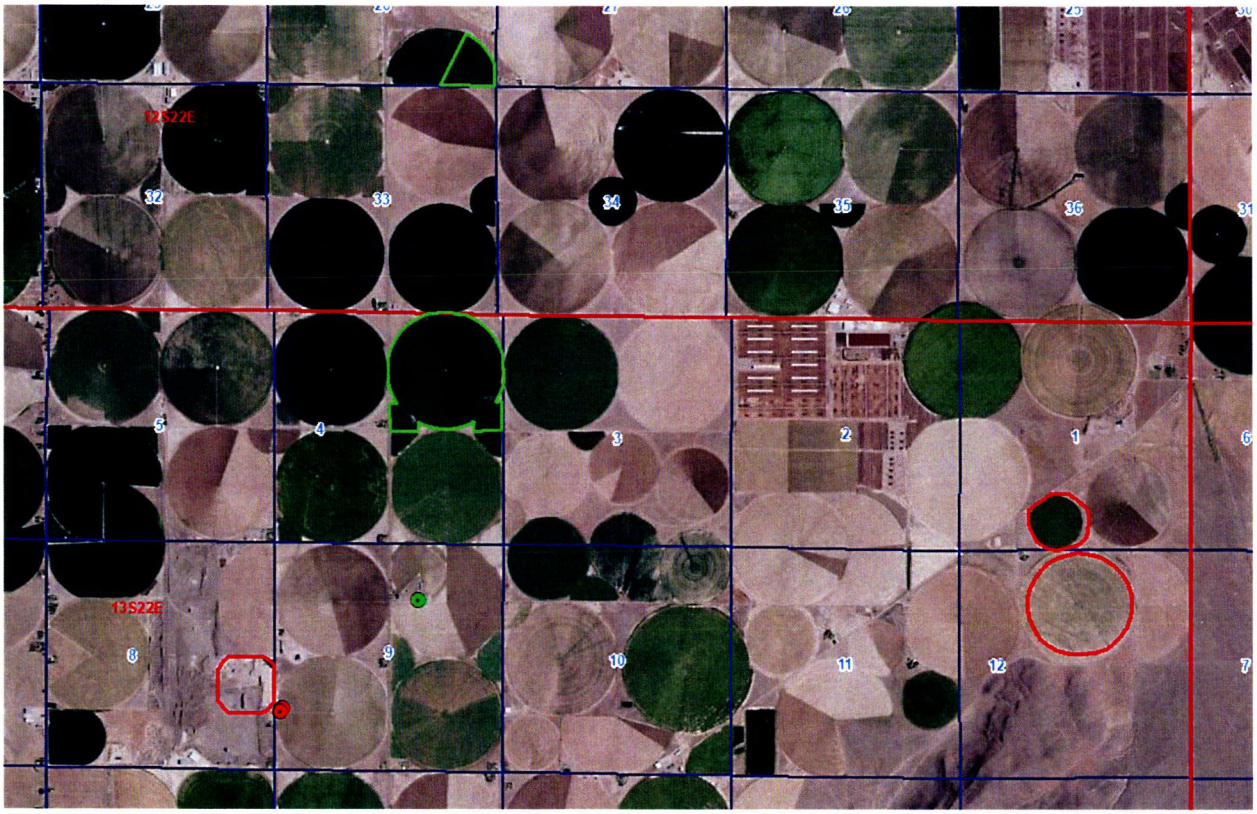


(Post-Temporary Change Approval) Landsat imagery from 8/27/2022. The lease POU and POD's are in red; the rental POU and POD are in green.

INJURY TO OTHER WATER RIGHTS: Both the lease and rental are located within the ESPA GWMA, WD 140, and the Oakley Kenyon CGWMA. The lease and rental POD's are within the same ESPA model grid cell, therefore no modeling is required. The lease and rental POD's are within a two-mile radius of each other.

No impacts to surface or ground water rights should occur through the proposed use.

ENLARGEMENT OF USE: The rental POU is only overlapped by various canal company and municipal rights. The rental applicant stated that the rental POU pivots are normally irrigated with canal shares, but that shares have not been recently available due to drought conditions. As previously stated, the places of use are within a two mile radius of each other, and the lease and rental POD's are within the same ESPA model grid cell. The season of use for the rights being leased/rented is 3/15-11/15 which is the standard for the area. The rights when combined allow for 2.3 cfs, 171.0 acres, and 686.0 af. This corresponds to 0.013 cfs/acre and 4.01 af/acre. The area standard headgate is 4.0 af/acre. No concerns with enlargement of use.



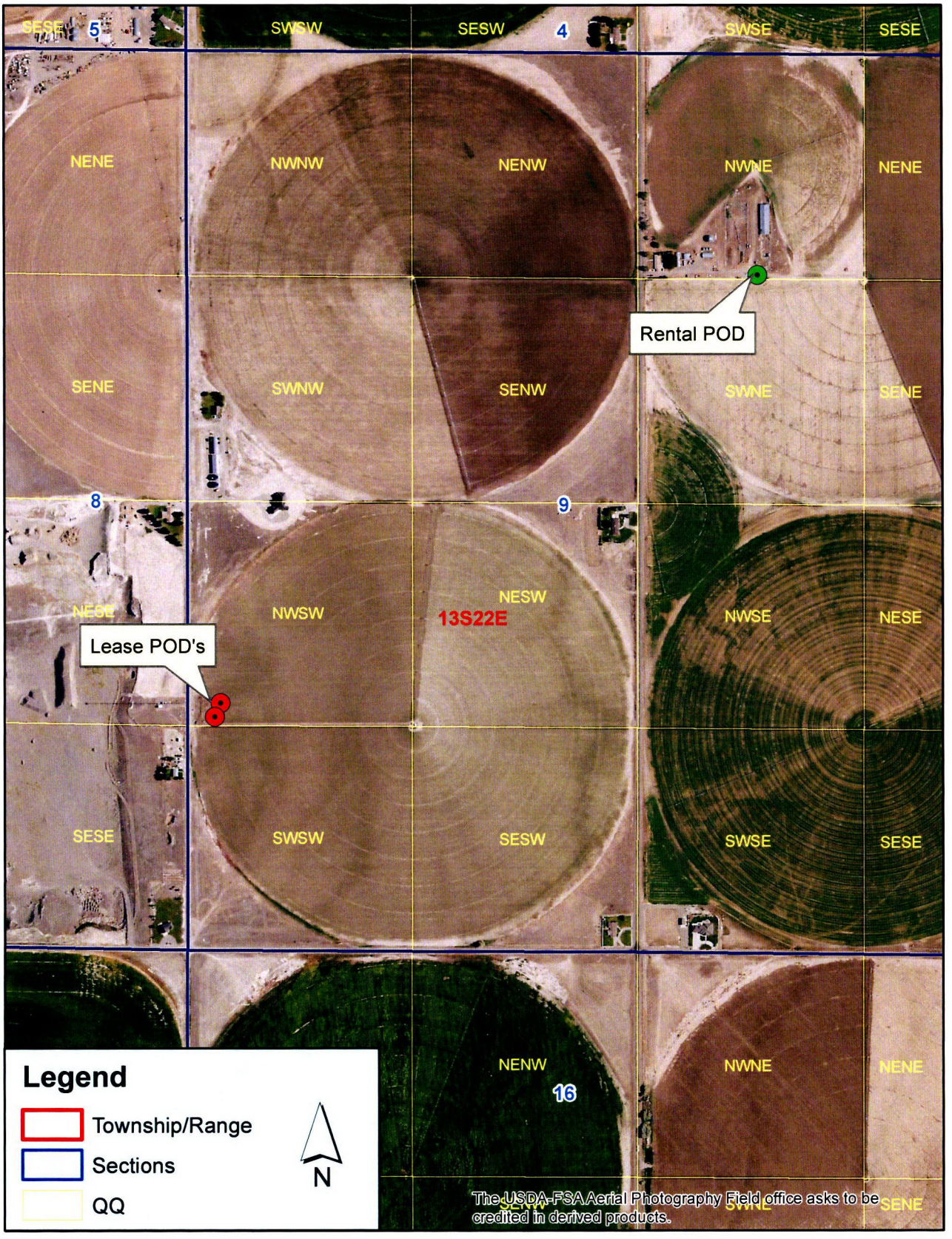
Lease and Rental POD's and POU's. The lease POU and POD's are in red; the rental POU and POD are in green.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental POD is subject to WD 140. A request for comments was sent to the WD 140 watermaster and the Southern Regional Office on 1/18/2023.

Water Supply Bank Rental Application #2401, E Matthews 2023



Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Friday, July 15, 2022 11:57 AM
To: ematt1954@gmail.com
Subject: RE: APPLICATION 2401 TO RENT WATER FROM THE WATER SUPPLY BANK
Attachments: Eugene Matthews Rental App #2401 Late Season Rental Notification.docx; Temporary Change Form.pdf

Hi Eugene,

This email is a follow up of our phone conversation earlier this morning. Your rental is application #2401 for water rights 45-13552 and 45-13554 for 171 acres. The associated lease application for the water rights is #2402 (submitted by Colt Robinson). After speaking with the Water Supply Bank Coordinator, it seems unlikely that your Water Supply Bank Lease/Rental Package would reach approval before the end of the irrigation season (see attached late season letter, a copy of which is being mailed as well). We will keep it in the queue to be reviewed, but there are still quite a few applications that were filed earlier. Applications are reviewed in the order in which they were received.
You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:
Water Supply Bank Reports | Idaho Department of Water Resources (Serve Idaho)

You are not authorized to divert any water for purposes associated with your rental request until you have paid the rental fee and you and the Department have both signed and executed a rental agreement. If your application is approved later in the year, it is not backdated. If more than your current allowance is diverted before the rental is approved, it will be in violation. If enforcement action is taken, they will check with us first to see if you filed an application.

Because of the declared drought emergency this year, I have discussed the possibility of your situation falling under the criteria of a temporary change (Idaho Code 42-222A - Section 42-222A – Idaho State Legislature) with another staff member. This process is typically much quicker than the Water Supply Bank if all information is included and valid. To be eligible for a temporary change, the proposed 171 acres needs to be acres that are normally covered by your canal shares, and the only reason they won't be this year is due to the drought. There cannot be any acres included in a temporary change where the water is for new projects or allows expansion of the use of water under existing water rights. It looks like the only water rights at the proposed rental place of use are owned by Oakley Valley Water Co and Oakley Canal Co, so you may qualify.

If a temporary change application is filed, you would just need to be very clear in your remarks about what is to be done with the Bank Lease/Rental. If you file a temporary change application, you can request on it that your Water Supply Bank application is to remain in the queue in case the temporary change is not approved. You would also need to include whether you would like the Water Supply Bank application to be returned/cancelled or pushed to 2023 if the temporary change is approved. All this information makes the process move faster.

Please keep in contact/call if you believe your situation would qualify for a temporary change so we can sort out the details and avoid a submittal that may not qualify and cost you some time and money. I have attached the temporary change application form for you to look at, but it can also be found on the IDWR website Water Rights Forms | Idaho Department of Water Resources (Serve Idaho) under Water Rights Forms, Changed in Use. The application form requires a $50.00 fee. Keeping in touch with your Watermaster about this would not be a bad idea if we do end up doing something other than the Water Supply Bank Lease/Rental.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

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

IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

July 15th, 2022

EUGENE MATTHEWS
1249 S HIGHWAY 27
OAKLEY ID 83346

RE: APPLICATION 2401 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 171 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 (208) 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, July 14, 2022 4:01 PM
To: Jaxon Higgs
Subject: RE: Matthews Rental Application

Hi Jaxon,

Perfect. Thank you for passing these along!

Have a great afternoon,

Mackenzie

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Thursday, July 14, 2022 2:58 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: Matthews Rental Application

HI Mackenzie,

Eugene Matthews came into the office today and asked that I email this map and permission letter to you. I have the hard copies here if you need them. Apparently, they got left out of the mailing on accident.

Thanks!

Jaxon