

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 828

RECEIVED
MAR 18 2024
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

TRAVELL ENTERPRISES
7696 W HIGHWAY 287
LANDER, WY 82520-9303

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)
13-2092	11/28/1919	CUB RIVER	0.08	14.0	4.0	0.02	3.5
13-2179	6/1/1954	CUB RIVER	0.01	14.0	4.0	0.0002	3.5
Combined Rental Totals			0.08	14.0	4.0	0.02	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2028. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2024, whichever occurs last.

Annual Rental Fee:

2024 - 2028 \$46.20 annually

The full fee for the rental of the above-described right(s) is \$46.20 per year for years 2024 - 2028. The rental fee includes an administrative fee of \$32.20 per year for years 2024 - 2028.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
DIVERSION TO STORAGE	0.08	10.0
RECREATION STORAGE	0.08	10.0
Combined Total	0.08	10.0

** The authorized water usage reflects a reduction from the water right elements rented, to account for the change in nature of use from irrigation to recreational storage & diversion to storage.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 828

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

3/7/2024
Date

Travis McNiven
Printed Name

President - Travell
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, Acting Administrator
Idaho Water Resource Board

Date 3/19/24

Rental approved by IDWR 

Date 3/19/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT 828

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

CUB RIVER	NWSE	Sec. 29, Twp 16S, Rge 40E,	FRANKLIN County
CUB RIVER	NWSE	Sec. 29, Twp 16S, Rge 40E,	FRANKLIN County
CUB RIVER	SWSE	Sec. 20, Twp 16S, Rge 40E,	FRANKLIN County
CUB RIVER	SWNW	Sec. 29, Twp 16S, Rge 40E,	FRANKLIN County

BENEFICIAL USE

DIVERSION TO STORAGE
RECREATION STORAGE

DIVERSION RATE

0.08 CFS
0.08 CFS

VOLUME

10.0 AF
10.0 AF

SEASON OF USE

Water Right No.	From	To
13-2179	4/1	11/1

RENTERS PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	40E	29													X	X	X		

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The water rented under this agreement is appurtenant to irrigation of 4.0 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT 828

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, one of the points of diversion on this water right is within State Water District No. 13A.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1811 & Rental Contract No. 828

13-2092

13-2179

Effective until December 31, 2028

This map depicts the **place of use** to be idled pursuant to the lease contract and depicts the **rental place of use** pursuant to the rental agreement and

is attached to the contracts solely for illustrative purposes.



-  Township/Range
-  Sections
- QQ
-  Approved Lease Place of Use
-  Water Supply Bank Rental POU
-  Water Supply Bank Rental POD



0 1,250 2,500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 20 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Travell Enterprises, Inc.

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

13-2092

13-2179

2787

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Travell Enterprises, Inc.

Mailing Address <u>7696 Hwy 287 N.</u>	Lander	Wyoming	82520
Street	City	State	Zip Code
Email Address <u>t_mcniven@yahoo.com</u>	Phone Number <u>307-438-3626</u>		

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 <u>TJ Budge</u>	Professional Title <u>Attorney</u>
Organization <u>Racine Olson, PLLP</u>	Relationship to Applicant <u>Attorney</u>
Mailing Address <u>P.O. Box 1391, Pocatello, Idaho 83204-1391</u>	
Email Address <u>tj@racineolson.com</u>	Phone Number <u>208-232-6101</u>

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**:

Water will be used in Legacy Lake in accordance with the enclosed Water Management Plan.

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)
CFS	14 AF	CFS	AF	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?	
01/01/2024	N/A	☐ 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):

See enclosed Water Management Plan 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
Pump	Bear River	13-2092, 13-2134, 13-2179

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 _____ (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: **Recreation Storage** from: **01/01** (mm/dd) to: **11/01** (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.

N/A

- 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:

See Water Management Plan.

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)
13-2092	Irrigation		7	29			7	69
13-2179	Irrigation		7	29			7	69
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		14	69
						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**:

See attached Water Management Plan.

**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:

Permanent water right to be secured in Bear River Adjudication.

- 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

Travis McNiven, Manager

Printed Name of Applicant

10/2/2023

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 21, 2024

TRAVELL ENTERPRISES
7696 W HIGHWAY 287
LANDER, WY 82520-9303

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 13-2092 & 13-2179, AGREEMENT 828**

Dear Renter:

Please find enclosed a receipt in the amount of **\$46.20** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 14.0 acre-feet of water for irrigation of 4.0 acres during 2024. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to your private agreement of \$1.00 per AF, \$14.00 of the rental fee will be paid to the lessor(s) and \$32.20 will be retained by the Department to offset administrative costs.

The annual rental fee for 2025 is due by December 31, 2024. If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

for

Water Supply Bank

Enclosures: Receipt No. C117984
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
TJ Budge, Racine Olson, PLLP
Water District 13A – Cub River

Mansfield, Debra

From: Mansfield, Debra
Sent: Wednesday, March 20, 2024 2:45 PM
To: farmerkirk@hotmail.com; Cefalo, James; IdwrPayable; tj@racineolson.com
Cc: Bank
Subject: Executed WSB Rental 828
Attachments: Executed WSB Rental Agreement 828.pdf

Good afternoon,

Please see the attached copy of executed Rental Agreement 828, in the name of Travell Enterprises, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

RECEIVED

MAR 18 2024

DEPARTMENT OF
WATER RESOURCES

February 23, 2024

TRAVELL ENTERPRISES
7696 W HIGHWAY 287
LANDER, WY 82520-9303

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 13-2092, 13-2179 AGREEMENT 828**

*****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 **\$46.20 per year** was calculated based on the current rental rate of *Private rate \$1.00/AF* ¹⁴ \$23.00 per acre-foot times a diversion volume of *1080* acre-feet. The annual rental fee for 2025 is due by December 31, 2024. 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.

MO Please send a check for **\$46.20 for 2024** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Private Agreement \$1.00 per AF Pursuant to the Water Supply Bank Rules, *32.20* ~~90%~~ ^{\$14.00} of the rental fee will be paid to the lessor(s) and ~~10%~~ ^{\$32.20} of \$4.62 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

Catalina Beck

for

Water Supply Bank

Enclosure: Rental Agreement

c: IDWR Front Desk

MEMORANDUM FOR APPLICATION # 2787 & 2788

To: Water Right(s) 13-2179, 13-2092

From: Ashley Ritter

Date: February 1, 2024

Review & Analysis of Application to Lease and Rent Water to and from the State
Water Supply Bank

PURPOSE/NARRATIVE: The Department received a lease/rental companion package on October 20, 2023. There are two applications to lease rights from Franklin Cub River Pumping Co (FCRPC) and one rental from Travell Enterprises, INC (TEI). A portion, 69 acres (Increased from 29 acres from the 2019-2023 lease, due to increased sub-division expansion) of rights 13-2179 and 13-2092 will be leased into the Bank for from 2024-2028.

According to prior memos, the recreational storage pond where the rental water will be used, has been in existence for some time. Water rented under rights 13-43, 13-44, 13-45 and 13-46 provided water for the initial fill. The prior lease/rental from 2014-2018 provided maintenance of the pond level. A permanent storage right before the Department (13-7694), is still currently in the draft application for permit stage.

The Pond has expanded in size and additional water is needed to compensate for evaporation and seepage loss. Development of roads and homes in the area has also caused a decrease in the surrounding irrigation of lands by 29 acres, according to a 2008 water management plan provided with the rental. According to this plan, the drying up of those acres will offset the depletion of water from the pond. Correspondence with TJ Budge (representative) confirms that the leased amount has increased from 29 acres from previous leases to 69 acres resulting from sub-division expansion and more acres being removed from irrigation.

AUTHORITY TO FILE: Chris Allen, President of FCRPC, signed both lease applications and Travis McNiven, manager for TEI signed the rental application. The rental application was completed by attorney TJ Budge, of Racine Olson PLLP. IDSOS confirms Chris Allen as president. Travell Enterprises Inc. did not appear on the IDSOS search. A google search provided that TEI is located in Riverton, Wyoming. The Wyoming SOS site

(<https://wyobiz.wyo.gov/Business/FilingDetails.aspx?eFNum=182138219113074233056158094068168013192077085254>) shows Travis McNiven as the registered agent. Both are authorized to sign. An agreement, included with the lease authorizes Chris Allen to submit the lease applications on behalf of all other water right holders. A private lease agreement requests a rental rate of \$1.00 per acre-foot.

According to Department records and Franklin County parcel search, the property at the POD for leased right 13-2179 is owned by Jeffrey and Jill Hobbs. Department records

show the property at the POU for both leased rights cover various parcels. The property at the POD for right 13-2092 is owned by Olsen Valgene.

The rental map lists four POD's, one from the Cub River Pump Co. Canal in the SWNW QQ of Sec 29, Twp165, Rge 40E and the other from Maple Creek Irrigation Co. Pipeline in the SWSE QQ of Sec 20, TWP 165, Rge40E. The other two POD's are represented by the discharge locations from the canal and pipeline into Morrison Reservoir. Both are located in the NWSE QQ Sec 29 Twp 165 Rge 40E. Morrison Reservoir is now called Legacy Lake.

WATER RIGHT VALIDITY: According to prior memos, rights 13-2179 and 13-2092 were licensed in 1927 and 1921 respectively. They have been continuously leased and rented to the Bank since April 2008. Forfeiture is not an issue.

INJURY TO OTHER WATER RIGHTS: No injury is apparent from the lease or rental of rights 13-2179 and 13-2092. Modeling is not required.

ENLARGEMENT OF USE: No enlargement is evident. The lease and rental share the same season of use from 04/01 to 11/01. They also share the same headgate requirement of 3.5 af/ac and consumptive use of 2.5 af/ac. The rental will change the nature of use from irrigation to recreation storage. The lease proposes to put 69 acres into the Bank and the rental is for 14 AF. The 2008 water management plan, included with the rental, suggests that Legacy Lake will need an estimated 9.85 AF annually to compensate for evaporation and seepage losses. The rental will be limited to 10 AF (requested 14 AF divided by 3.5 af/ac headgate requirement multiplied by the consumptive use of 2.5 af/ac = 10 AF) This rental will be charged for the full headgate volume of the irrigation rights but will be limited to the consumptive use volume to avoid enlargement. This will require Travell Enterprises, Inc to rent 4 acres worth of irrigation.

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 and rental appear consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased rights are subject to Water District 13A (Cub River). Comments will be submitted to Eastern Region and Watermaster of District 13 A, Kirk Iverson. Water District 13A covers the POD's for rights 13-2092 and 13-2179 but not the rental POD's.

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Tuesday, November 14, 2023 8:18 AM
To: TJ Budge
Cc: Travis McNiven (t_mcniven@yahoo.com)
Subject: RE: Information Request - WSB Rental Application for Travell Enterprises

Good morning, T.J.,

Thank you for providing this information. I will pass along the lease and rental applications for review.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



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

From: TJ Budge <tj@racineolson.com>
Sent: Monday, November 13, 2023 2:51 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Cc: Travis McNiven (t_mcniven@yahoo.com) <t_mcniven@yahoo.com>
Subject: RE: Information Request - WSB Rental Application for Travell Enterprises

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Good morning Mackenzie. Please see my responses embedded in **red** text below. Let me know if you have any further questions.

Thanks,

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
Office: (208) 232-6101 | Direct: (208) 478-3467 | Cell: (208) 705-0826 | racineolson.com

Assistant: Tessa Sparrow | Direct: (208) 478-3444 | tessa@racineolson.com

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From: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Sent: Friday, October 27, 2023 2:06 PM
To: TJ Budge <tj@racineolson.com>
Subject: Information Request - WSB Rental Application for Travell Enterprises

Hello T.J.,

We received the Water Supply Bank rental application #2787 for Travell Enterprises, Inc. (along with associated lease applications for rights 13-2092 & 13-2179). I have a few clarifications I need to ask you to make regarding the rental application.

1. The Wyoming business search shows that Travell Enterprises was administratively dissolved. Please provide evidence that Travis McNiven is authorized to sign the application. **The corporate registration of Travell Enterprises has been renewed. It's active corporation number is 2022-001123438 as shown on the attached report from the Wyoming Secretary of State.**
2. The parcels at the rental POU are owned by Maple Lake LLC and Idaho Holdings LLC. Do you have documentation showing that Travell Enterprises is authorized to rent and apply water on this land. **Travell Enterprises owns the storage reservoir (Legacy Lake) along with certain undeveloped lands around the reservoir. Travell acquired this property from Nebraska Land National Bank which had acquired it from the original developer, Maple Leaf Development. Idaho Holdings LLC owns a few lots within the subdivision but has no responsibility for Legacy Lake or the lease or rental of water. Water is delivered to Legacy Lake pursuant to the Water Delivery Agreement attached as Exhibit E to the CC&Rs for Legacy Ranch Subdivision, attached.**
3. The application stated that this use is part of a Water Management Plan and that a copy of the plan would be included. Do you have a copy of this plan that you could send me? **See attached.**

I know that this is a continuation of rental agreement #341, I just want to ensure that we have all the correct information before passing it on for review.

Thank you and have a great weekend,

Mackenzie Kienholz
Water Supply Bank Specialist



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

STATE OF WYOMING * SECRETARY OF STATE
BUSINESS DIVISION

Herschler Bldg East, Ste.100 & 101, Cheyenne, WY 82002-0020
Phone: 307-777-7311 · Website: <https://sos.wyo.gov> · Email: business@wyo.gov

Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	Travell Enterprises Inc.		
Filing ID	2022-001123438		
Type	Profit Corporation	Status	Active

General Information

Old Name		Sub Status	Current
Fictitious Name		Standing - Tax	Good
		Standing - RA	Good
Sub Type		Standing - Other	Good
Formed in	Wyoming	Filing Date	06/07/2022 12:47 PM
Term of Duration	Perpetual	Delayed Effective Date	
		Inactive Date	

Share Information

Common Shares	1000	Preferred Shares	0	Additional Stock	N
Par Value	0.0000	Par Value	0.0000		

Principal Address

64 Summer Hill Rd
Riveron, WY 82501

Mailing Address

64 Summer Hill Rd
Riveron, WY 82501

Registered Agent Address

Travis McNiven
64 Summer Hill Road
Riverton, WY 82501

Parties

Type	Name / Organization / Address
Incorporator	Travis McNiven 65 Summer Hill rd. Riverton Wyoming 82501

Notes

Date	Recorded By	Note
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Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name **Travell Enterprises Inc.**

Filing ID **2022-001123438**

Type Profit Corporation

Status

Active

Most Recent Annual Report Information

Type Original

AR Year 2023

License Tax \$60.00

AR Exempt N

AR ID 08523899

AR Date 5/10/2023 12:13 PM

Web Filed Y

Officers / Directors

Type Name / Organization / Address

President / Director Travis McNevin 64 summerhill riveron Wyoming 82501

Principal Address

64 Summer Hill Rd
Riveron, WY 82501

Mailing Address

64 Summer Hill Rd
Riveron, WY 82501

Annual Report History

Num	Status	Date	Year	Tax
08523899	Original	05/10/2023	2023	\$60.00

Amendment History

ID	Description	Date
2022-003748542	Address Update	07/22/2022
	Principal Address 1 Changed From: 64 Summer road To: 64 Summer Hill Rd	
See Filing ID	Initial Filing	06/07/2022

MAPLE LEAF INVESTMENTS, LLC

Water Management Plan

This Water Management Plan is submitted to the Idaho Department of Water Resources ("IDWR") together with the Application for Permit for the storage of 52 acre-feet for recreation purposes in Morrison Reservoir (a.k.a. "Legacy Lake") submitted on behalf of Maple Leaf Investments, LLC. Maple Leaf Investments is in the process of developing 270 acres of agricultural land into commercial and residential building lots ("Legacy Ranch") south of the City of Franklin, Idaho, in Section 29, Township 16S, Range 40E, B.M. The purpose of this Water Management Plan is to demonstrate that the Legacy Ranch development will decrease depletions to the Bear River watershed such that the storage of an additional 52 acre-feet in Morrison Reservoir will not injure other water right holders. This plan details (1) historic water supply for Legacy Ranch property, (2) estimated historic depletion, (3) future water supply, (4) expansion of Morrison Reservoir, and (5) estimated future depletion.

I. Historic Water Supply

Legacy Ranch encompasses 270 acres of real property, of which 242.1 acres have historically been sprinkler irrigated¹ via appurtenant water rights represented by 470 shares of stock in the Franklin Cub River Pump Company ("Cub River Pump") and 279 shares of stock in the Franklin Maple Creek Pioneer Irrigation Company ("Franklin Maple Creek"). A portion of the water available under Maple Leaf Investments' stock in Franklin Maple Creek shares was historically utilized to irrigate approximately 48.7 acres directly from the Maple Creek pipeline as shown on Figure 1 attached hereto. The remaining water from Franklin Maple Creek and all water available from Cub River Pump have since at least 1970 been diverted into Morrison Reservoir and then pumped from the Reservoir to irrigate the remaining 193.4 acres.

In the 1950's Maple Leaf Investments' predecessor in interest constructed Morrison Reservoir as a storage facility for his water available under his shares of stock in Cub River Pump and Franklin Maple Creek. Although most of such water has since at least 1970 been stored in Morrison Reservoir, the water rights of Cub River Pump and Franklin Maple Creek had never been amended to include "irrigation storage" as an authorized nature of use. Therefore, Cub River Pump and Franklin Maple Creek each filed a Statutory Claim to a Water Right with IDWR for the storage of 47 acre-feet in Morrison Reservoir in accordance with historic practice.

II. Historic Depletion

Within what is now the Legacy Ranch subdivision, the historic crop mix averaged 9.4% alfalfa and 90.6% small grains, as shown in Table 1 below. Based upon Franklin

¹ Based on Farm Service Agency (FSA) records from 1995-2005 in the Preston, Idaho FSA office.

County depletion figures supplied by Robert W. Hill², depletion of the water source under historic farming practices averaged 329 acre-feet annually, as shown in Table 2 below.

Table 1. Legacy Ranch crop history and irrigated acres (1997 – 2005)

Year	Safflower	W. Wheat	Barley	Alfalfa	Total irrigated acres
2005	103.5	127.5	0.0	20.7	251.7
2004	117.4	103.5	0.0	20.7	241.6
2003	121.1	109.9	0.0	20.7	251.7
2002	94.1	141.7	0.0	20.7	256.5
2001	0.0	225.0	0.0	20.7	245.7
2000	0.0	175.0	50.0	31.5	256.5
1999	0.0	99.2	28.0	31.5	158.7
1998	0.0	141.5	83.5	31.5	256.5
1997	<u>0.0</u>	<u>170.8</u>	<u>54.2</u>	<u>31.5</u>	<u>256.5</u>
Average	43.6	150.9	24.6	22.9	242.1

Table 2. Annual depletion rate, existing acreage and total existing depletion.

Crop	Annual Depletion inches	Water use Acres	Depletion Ac-ft
Alfalfa	19.9	22.95	38.1
Pasture	15.5	0.00	0
Other Hay	16.1	0.00	0
Sp. Grain	13.9	219.16	253.9
Turf	14.4	0.00	0
Garden	10.3	0.00	0
Phreatophytes	39.8	9.26	30.7
Open Water ³	19.1	5.27	6.3
Total	15.5	256.64	329.0

III. Water Supply for Legacy Ranch

Two sources of water will supply the needs of the Legacy Ranch development. The City of Franklin will supply all domestic in-house water use within Legacy Ranch as

² Hill, Robert W., January 27, 2003. Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho. Report submitted to Pacificorp.

³ Depletion figures for Morrison Reservoir (phreatophytes; open water) are based upon a survey completed in the spring of 2006, which identified a total surface area of 14.53 acres, comprising 5.27 acres of open water and 9.26 acres of riparian wetland vegetation. According to Idaho State Dam Safety Records the reservoir has a surface area of 12 acres. The surface area discrepancy between the survey and Dam Safety Records is explained by the presence of emergent wetland vegetation in the shallower areas of the reservoir when filled to capacity.

well as all irrigation water on lands located outside of the “Irrigation Service Area” (see Figure 3 attached hereto). Water available to Maple Leaf Investments under its shares of stock in Cub River Pump and Franklin Maple Creek will be utilized to irrigate lots located within the Irrigation Service Area and to provide additional storage water in Morrison Reservoir.

IV. Expansion of Morrison Reservoir

Maple Leaf proposes to expand Morrison Reservoir from its current volume of 47 acre-feet to an expanded volume of 99 acre-feet (see Table 3 below and Figure 2 attached hereto). The additional 52 acre-feet of storage will be utilized for recreation purposes. The original 47 acre-feet of irrigation storage will continue to be utilized for irrigation within the Irrigation Service Area, resulting in surface area fluctuation generally limited to the top 3 feet of reservoir operation.

Table 3. Conditions of proposed modified Reservoir

New reservoir area	15.32
Average open water	13.90
Perimeter wetland	2.96
Park wetland	2.19
Mitigation wetland	2.07
Total area	19.05
Total wetland vegetation	7.22
Total Volume – ac-ft	99
Side Slopes	3:1
Maximum Depth – ft	10

The initial fill of the additional 52 acre-feet to be used for recreation storage will be accomplished during the 2008 irrigation season via a one-time lease of 52 acre-feet from Franklin Maple Creek. This lease will be processed through the Idaho Department of Water Resources (“IDWR”) Water Supply Bank.

There will be no irrigation demand at Legacy Ranch in the year 2008 due to construction of the development. Accordingly, there will be no irrigation of the 242.1 acres historically irrigated. As shown in Table 1 above, the reduced depletion to the Bear River Basin resulting from drying up 242.1 acres is 329 acre-feet. Therefore, the initial fill of the 52 acre-feet will be more than offset by the 329 acre-feet reduction in depletion from irrigation. Thus, in 2008 the Legacy Ranch development will reduce depletions to the Bear River basin by 277 acre-feet.

With the additional 52 acre-feet of storage in Legacy Lake, an estimated 9.85 acre-feet will be needed annually to compensate for evaporation and seepage from the Reservoir. This ongoing water requirement will be supplied via an annual renewable lease of 9.85 acre-feet annual from Cub River Pump, which will also be processed through the Water Supply Bank. Because of the implementation of roads, driveways, and

homes within the development, there will be a permanent decrease in irrigable lands within Legacy Ranch of 29 acres. There is a 71.2 acre-feet reduction in depletion resulting from the drying up of 29 acres (compare Tables 2 & 4) which will easily offset the 9.85 acre-feet needed to mitigate for evaporation and seepage.

V. Future Depletion

The Legacy Ranch development will reduce overall depletion to the Bear River system by an estimated 71.2 acre-feet annually, as shown by comparing Tables 2 above with Table 4 below. The expansion of Morrison Reservoir slightly increases depletion resulting from evaporation and increased phreatophyte area⁴; however, that slight increase is offset the substantial decrease in depletion resulting from the 29-acre reduction in irrigable acres. Maple Leaf accepts the risk that water shortage and seepage may diminish reservoir elevations, and has implemented procedures for restricting irrigation within the Irrigation Service Area as necessary.

Table 4. Expected average annual depletions after project development

Crop	Annual Depletion inches	Acres	Depletion ac-ft
Turf	14.4	85.0	102.0
Pasture	15.5	85.0	109.8
New Open Water	19.1	13.9	22.1
New Phreatophyte Area	39.8	<u>7.2</u>	<u>23.9</u>
Total Depletion		191.1	257.8

CONCLUSION

Maple Leaf Investments' development of Legacy Ranch and expansion of Morrison Reservoir decreases overall depletions to the Bear River System and does not harm other water rights. Thus, Maple Leaf Investments' accompanying Application for Permit to store an additional 52 acre-feet in Morrison Reservoir should be expeditiously approved.

⁴ The expansion of Morrison Reservoir is not expected to increase seepage from the reservoir by a measurable amount. The expansion only slightly increases contact area (see Figure 2), and the Reservoir is located in an area of low permeability clay resulting in minimal seepage historically as evidenced by very stable water levels in the reservoir during periods of no inflow.