

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
OCT 28 2024  
DEPARTMENT OF  
WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 856**

This is to certify that:

ANDCO LEASING LLC  
6300 S 45TH WEST  
IDAHO FALLS, ID 83402

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) |
|-------------------------------|---------------|--------------|----------------------|-----------------------|-------------|------------------------|-------------------------|
| 35-2924                       | 7/21/1965     | GROUND WATER | 0.310                | 68.0                  | 0.0         |                        |                         |
| 35-2324B                      | 4/14/1953     | GROUND WATER | 0.176                | 35.2                  | 8.8         | 0.020                  | 4.0                     |
| 35-7692                       | 4/15/1977     | GROUND WATER | 0.173                | 28.8                  | 7.2         | 0.024                  | 4.0                     |
| <b>Combined Limit Totals</b>  |               |              | <b>0.320</b>         | <b>64.0</b>           | <b>16.0</b> | <b>0.020</b>           | <b>4.0</b>              |
| <b>Combined Rental Totals</b> |               |              | <b>0.430</b>         | <b>132.0</b>          | <b>33.0</b> | <b>0.020</b>           | <b>4.0</b>              |

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2025. 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 - 2025: \$3,036.00 annually

The full fee for the rental of the above-described right(s) is \$3,036.00 per year for years 2024 - 2025. The rental fee includes an administrative fee of \$303.60 per year for years 2024 - 2025.

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

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use               | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC) | Rate/Acre (CFS/AC) | Volume/Acre (AF/AC) |
|------------------------------|----------------------|-----------------------|------------|--------------------|---------------------|
| COMMERCIAL                   | 0.24                 | 50.8                  | 0.0        |                    |                     |
| IRRIGATION                   | 0.19                 | 25.2                  | 6.3        | 0.030              | 4.0                 |
| <b>Combined Rental Total</b> | <b>0.43</b>          | <b>76.0</b>           | <b>6.3</b> | <b>0.030</b>       | <b>4.0</b>          |

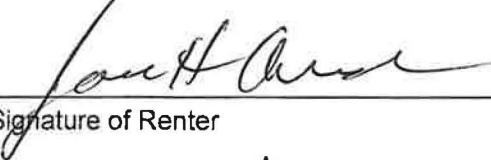
*\* The authorized water usage reflects a reduction from the water right elements rented to account for mitigation volume required to offset impacts to the middle Snake River and a change in nature of use from industrial use to commercial and irrigation use.*

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 856**

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

10/21/2024  
\_\_\_\_\_  
Date

Jason H ANDREWS  
\_\_\_\_\_  
Printed Name

EXECUTIVE VICE PRESIDENT  
\_\_\_\_\_  
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 11/12/24  
\_\_\_\_\_

Rental approved by IDWR   
\_\_\_\_\_

Date 11/12/24  
\_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 856**

**WATER USE DETAILS**

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SWSW                      Sec. 4, Twp 01N, Rge 37E,                      BONNEVILLE County

**BENEFICIAL USE**

COMMERCIAL  
IRRIGATION

**DIVERSION RATE**

0.24 CFS  
0.19 CFS

**VOLUME**

50.8 AF  
25.2 AF

**SEASON OF USE**

**Beneficial Use**

**From**

**To**

COMMERCIAL

1/1

12/31

IRRIGATION

4/1

10/31

**RENTERS PLACE OF USE: COMMERCIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 37E | 4   | X  |    | X  | X  |    |    |    |    | X  |    | X  | X  |    | X  | X  |    | X      |
| 01N | 37E | 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  | X      |
| 01N | 37E | 9   |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |    | X      |

**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  |        |
| 01N | 37E | 4   |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.1 |    |     | 2.1    |
| 01N | 37E | 5   |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    | 4.2 | 4.2    |

Total Acres: 6.3

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

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

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DEPARTMENT OF WATER RESOURCES

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7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental agreement does not authorize the construction of a well.
10. Use of water under this agreement may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
11. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
12. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
13. Right No. 35-13315 is also diverted through the point of diversion described above.
14. Use of this rental agreement with Right No. 35-13315 is limited to a total combined diversion rate of 1.0 cfs and to a total combined annual diversion volume of 206 af.
15. Use of this rental agreement with Right No. 35-13315 is limited to the irrigation of a combined total of 7.3 acres in a single irrigation season. This rental is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 856

Effective until December 31, 2025

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ

0 1,000 2,000 Feet



Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 856

Effective until December 31, 2025

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



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections
- QQ

0 1,000 2,000 Feet



STATE OF IDAHO  
WATER RESOURCE BOARD

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

**RECEIVED**  
**NOV 27 2023**  
**DEPARTMENT OF  
WATER RESOURCES**

**Applicant Name:** Andco Leasing, LC

**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](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**

- |           |                                     |                                                                                                                                                              |
|-----------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2</b>  | <input checked="" type="checkbox"/> | 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 |
| <b>3A</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water                                                                   |
| <b>3F</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion                                                           |
| <b>3H</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Water modeling to account for the impacts of the rental request                                                          |
| <b>3J</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre                                                                      |
| <b>3K</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use                                        |
| <b>4B</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes                                               |
| <b>4C</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use                           |

**Department Use Only – Proposed Water Right(s)**

~~27-12330~~

~~35-13711~~

35-2924

35-2324B 35-7692

2840

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**Application to Rent Water (Continued)**

**1. CONTACT INFORMATION**

A. Applicant Andco Leasin, LC

|                 |                             |                    |              |              |
|-----------------|-----------------------------|--------------------|--------------|--------------|
| Mailing Address | <u>6300 South 45th West</u> | <u>Idaho Falls</u> | ID           | <u>83402</u> |
|                 | Street                      | City               | State        | Zip Code     |
| Email Address   |                             |                    | Phone Number |              |

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>Luke H. Marchant</u>                            | Professional Title        | <u>Attorney</u>       |
| Organization    | <u>Holden, Kidwell, Hahn &amp; Crapo, P.L.L.C.</u> | Relationship to Applicant | <u>Attorney</u>       |
| Mailing Address | <u>PO Box 50130, Idaho Falls, ID 83405</u>         |                           |                       |
| Email Address   | <u>lmarchant@holdenlegal.com</u>                   | Phone Number              | <u>(208) 523-0620</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 for commercial use within a commercial subdivision. The amount of water required is an estimate at this time based on current and planned development within the subdivision.

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

| Desired Rate<br>(Cubic Feet/Second) | Desired Volume<br>(Acre-Foot) | Minimum Rate*<br>(Cubic Feet/Second) | Minimum Volume*<br>(Acre-Foot) | Desired Acres<br>(if applicable) |
|-------------------------------------|-------------------------------|--------------------------------------|--------------------------------|----------------------------------|
| 0.62 CFS                            | 148 AF                        | 0.62 CFS                             | 148 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<br>Start Date<br>(month/day/year) | Latest Possible<br>Start Date<br>(month/day/year) | *Mark Desired<br>Rental Duration<br>(Calendar Years) |                                       |                            |                            |                            | **Applicant's preference if rental<br>application cannot be processed<br>prior to the latest possible start? |                                                             |
|-------------------------------------------|---------------------------------------------------|------------------------------------------------------|---------------------------------------|----------------------------|----------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 01/01/2024                                | 01/01/2024                                        | <input type="checkbox"/> 1                           | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> Process application<br>as soon as possible                               | <input type="checkbox"/> Return application<br>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):

Water will be diverted from an existing well into a pipeline distribution 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 |
|-----------------|--------------|-------------------------------------------|
| Well/Pump       | Ground water | 35-13315                                  |
|                 |              |                                           |
|                 |              |                                           |
|                 |              |                                           |

*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: 01/01 (mm/dd) to: 12/31 (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:

Water Right No. 35-13315 is diverted from the proposed point of diversion for commercial and irrigation purposes.

It is not large enough for current and anticipated demands.

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<br>(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) |
| 27-12330                                                                                                                                                                                 | Irrigation     | 0.08                 | 16.8        | 4.2        |                                                                                                                                | 0.08                             | 16.8        | 4.2        |
| 35-2924                                                                                                                                                                                  | Industrial/StW | 1.11                 | 241         | NA         |                                                                                                                                | 0.38                             | 83.2        | NA         |
| 35-13711                                                                                                                                                                                 | Irrigation     | 0.71                 | 214         | 53.4       |                                                                                                                                | 0.16                             | 48          | 12         |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                |                                  |             |            |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                |                                  |             |            |
| <b>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</b> |                |                      |             |            | <b>TOTAL</b>                                                                                                                   | 0.62                             | 148         | 16.2       |
|                                                                                                                                                                                          |                |                      |             |            |                                                                                                                                | <b>CFS</b>                       | <b>AF</b>   | <b>AC</b>  |

*\*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**:

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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 PAGE

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STATE OF IDAHO  
WATER RESOURCE BOARD

**Application to Rent Water (Continued)**

**5. ADDITIONAL INFORMATION**

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

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- 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:  
Applicant is seeking a water right to purchase and permanently transfer for the proposed use.

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- 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.

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- D. Additional Information

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**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



Signature of Representative

Printed Name of Applicant

Luke H. Marchant

Printed Name of Representative

Date

November 21, 2023

Date

**Mail to:**

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

RECEIVED

DEC 07 2023

Department of Water Resources

**SPECIAL POWER OF ATTORNEY**

The undersigned hereby appoints **Luke H. Marchant** of the law firm of Holden Kidwell Hahn & Crapo P.L.L.C., 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho 83401, as our true and lawful attorney for the purpose of signing documents and acting on our behalf on matters associated with submission of water right applications and water supply bank rentals to the Idaho Department of Water Resources and/or the Idaho Water Resource Board, and to allow him to receive all information, and to sign documents and other filings on our behalf.

DATED this 7 day of December, 2023.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

**ANDCO LEASING, LC**

By:

  
Heber Andrus, President

# ANDCO LEASING, LC - WSB RENTAL

**Legend**

- To Well
- Proposed POU
- modelgrid
- TR Lines
- Section Lines
- Quarter Quarters



ESRI Basemap



Prepared by:  
Luke H. Marchant  
11/21/2023

Applicant used IDWR's standard consumptive irrigation requirement of 3 acre-feet/acre as the historic consumptive use for Water Right Nos. 27-12330 and 35-13711. It is assumed that the industrial portion of Water Right No. 35-2924 is 100% consumptive. The proposed commercial use for restrooms and truck washes will be largely non-consumptive.

While this rental is for 148 acre-feet, only 100 acre-feet will be diverted. The remaining 48 acre-feet will be used as mitigation and will not be diverted to offset impacts to the river shown in the modeling.

# ANDCO LEASING, LC - WSB RENTAL

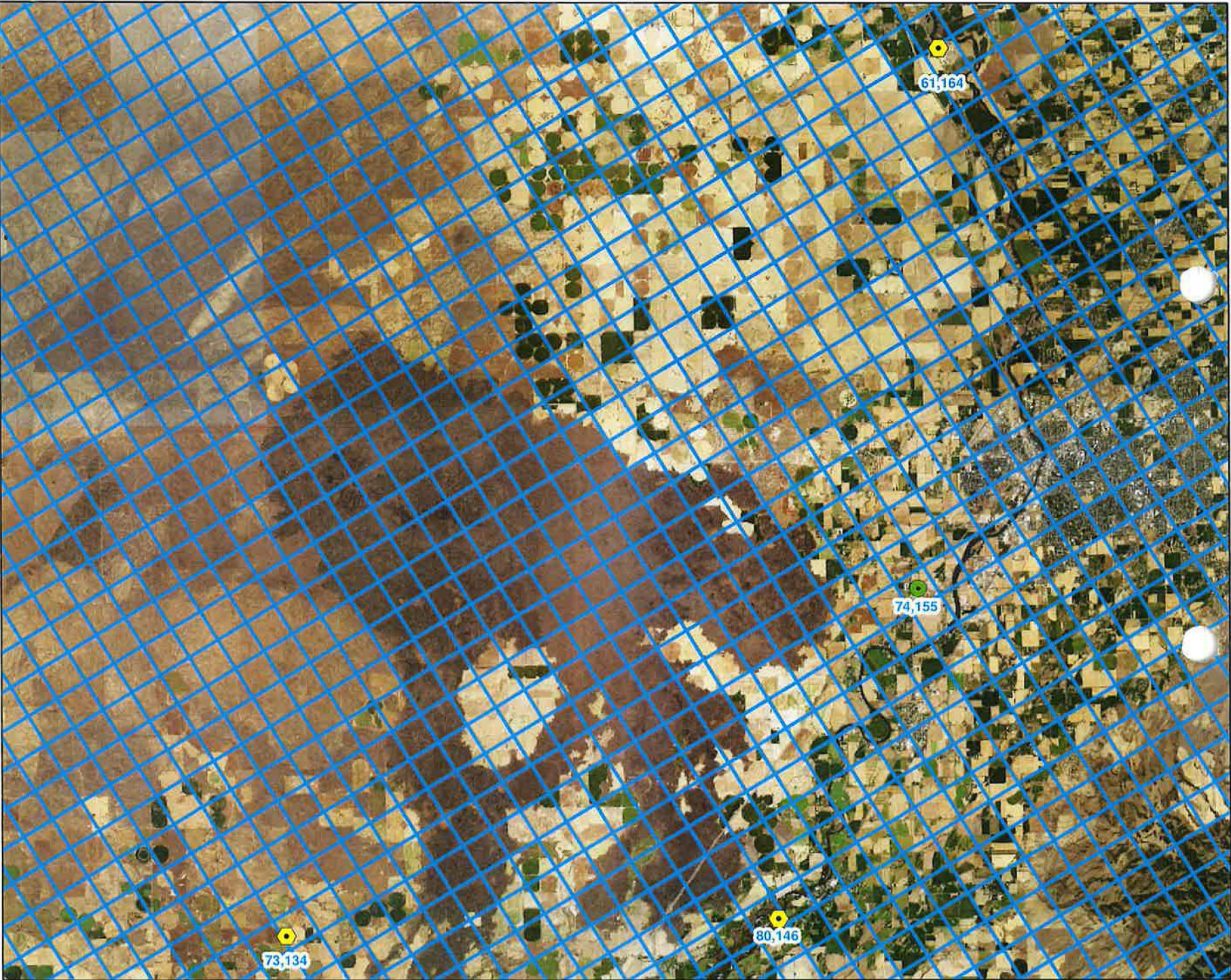


**Legend**

From Wells

To Well

modelgrid



ESRI Basemap

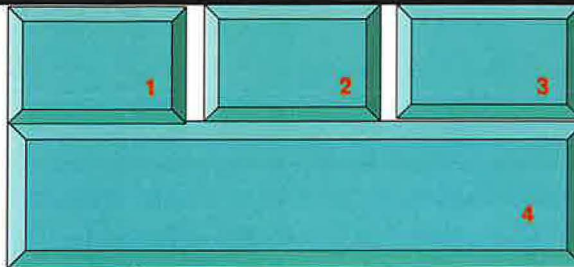


Prepared by:  
Luke H. Marchant  
11/21/2023

# ENHANCED GROUND-WATER RIGHTS TRANS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE      IDAHO DEPA

Cells this color are  
set up for user entries



ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

TRANSFER NO:

"UPDATE DATES" BUTTON

0

YEAR

1965

TRANSFER NAME:

SEASON

SUMMER

Andco Leasing

ENTER CELL LOCATIONS:

|        | 'TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
|--------|-----------|--------------|--------------|--------------|
| ROW    | 74        | 61           | 80           | 73           |
| COLUMN | 155       | 164          | 146          | 134          |

| TRIMESTER<br>OF<br>ACTIVITY | TO WELL                       | FROM1 WELL                    |                                  | FROM2 WELL                    |                                  | FROM3 WELL                    |                                  |
|-----------------------------|-------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|
|                             | Projected Use<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER |
| SUM 1965                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1965                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1966                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1966                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1966                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1967                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1967                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1967                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1968                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1968                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1968                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1969                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1969                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1969                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1970                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1970                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1970                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1971                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1971                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1971                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1972                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1972                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1972                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1973                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1973                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1973                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1974                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1974                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1974                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1975                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1975                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1975                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1976                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1976                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1976                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1977                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1977                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1977                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SPR 1978                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| SUM 1978                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |
| WIN 1978                    | 0.00                          | 27.73                         | 27.73                            | 0.00                          | 0.00                             | 16.00                         | 16.00                            |

[illegible]

|          |      |       |       |      |      |       |       |
|----------|------|-------|-------|------|------|-------|-------|
| SUM 2102 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2102 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2103 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2103 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2103 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2104 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2104 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2104 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2105 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2105 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2105 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2106 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2106 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2106 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2107 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2107 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2107 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2108 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2108 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2108 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2109 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2109 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2109 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2110 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2110 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2110 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2111 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2111 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2111 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2112 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2112 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2112 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2113 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2113 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2113 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2114 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SUM 2114 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| WIN 2114 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |
| SPR 2115 | 0.00 | 27.73 | 27.73 | 5.60 | 5.60 | 16.00 | 16.00 |

SPR 2024

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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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

November 12, 2024

ANDCO LEASING LLC  
6300 S 45<sup>TH</sup> WEST  
IDAHO FALLS ID 83402

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 35-2924, 35-2324B, 35-7692 AGREEMENT 856**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,036.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 132.0 acre-feet of water for irrigation of 33.0 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 the Water Supply Bank Rules, 90% or \$2,732.40 of the rental fee will be paid to the lessor(s) and 10% or \$303.60 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

for

Water Supply Bank

Enclosures: Receipt No. C119221  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Eastern Regional Office  
Representative  
Water District - 120  
Ground Water District – Bonneville-Jefferson  
IDWR Compliance Officer

## Mansfield, Debra

---

**From:** Mansfield, Debra  
**Sent:** Tuesday, November 12, 2024 10:58 AM  
**To:** IdwrPayable; Cefalo, James; Imarchant@holdenlegal.com; Jordan, Blake; bjgwdistrict@gmail.com; Palmer, Cherie  
**Cc:** Bank  
**Subject:** Executed WSB Rental Agreement 856  
**Attachments:** Executed WSB Rental Agreement 856 Andco Leasing LLC 2024-2025.pdf

Hello,

Please see the attached copy of Executed WSB Rental Agreement 856, in the name of Andco Leasing LLC, 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](mailto:Debra.Mansfield@idwr.idaho.gov)

## Mansfield, Debra

---

**From:** Mansfield, Debra  
**Sent:** Friday, October 11, 2024 3:20 PM  
**To:** Imarchant@holdenlegal.com  
**Cc:** Bank  
**Subject:** Proposed Rental Agreement 856, Andco Leasing LLC  
**Attachments:** Proposed Rental Agreement 856, Andco Leasing LLC, 2024-2025.pdf

Hello,

I am contacting you regarding the Proposed WSB rental agreement 856, for Andco Leasing LLC. I have attached this mailed packet above for your reference.

The agreement was mailed on September 23, 2024, via USPS. As of the date of this email the Department has not received the signed agreement or the \$3036.00 rental fee.

Please send a check in the amount of \$3036.00 for 2024, made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 10 days so we can complete processing.

Our Mailing address is:

Idaho Water Center  
322 E Front St, Ste 648  
Boise ID 83702-7371

**If we do not receive the signed agreement with the fee within 10 days, the Department will return your application, and your rental agreement will not be processed.** If the Proposed Rental Agreement mailed on September 23, 2024 was not received, please let me know as soon as possible.

If you have any questions or concerns regarding this matter, please contact the Water Supply Bank at (208)287-4800.

Sincerely,

**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](mailto:Debra.Mansfield@idwr.idaho.gov)

**From:** Mansfield, Debra  
**Sent:** Friday, September 20, 2024 11:44 AM  
**To:** Imarchant@holdenlegal.com  
**Cc:** Bank <Bank@idwr.idaho.gov>  
**Subject:** Proposed Rental Agreement 856, Andco Leasing LLC

Hello,

Please see the attached Proposed Rental Agreement 856, in the name of Andco Leasing LLC, 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](mailto: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  
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Governor Brad Little

Director Mathew Weaver

September 23, 2024

ANDCO LEASING LLC  
6300 S 45<sup>TH</sup> WEST  
IDAHO FALLS ID 83402

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 35-2924, 35-2924B, 35-7692 AGREEMENT 856**

**\*\*\*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 \$3,036.00 **per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 132.0 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.

**Please send a check in the amount of \$3036.00 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.

Pursuant to the Water Supply Bank Rules, 90% or \$2,732.40 of the rental fee will be paid to the lessor(s) and 10% or \$303.60 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](mailto:bank@idwr.idaho.gov) or (208) 287-4800.

Sincerely,

*Debra Mansfield*

for  
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk  
Representative (via email)

## Mansfield, Debra

---

**From:** Mansfield, Debra  
**Sent:** Friday, September 20, 2024 11:44 AM  
**To:** Imarchant@holdenlegal.com  
**Cc:** Bank  
**Subject:** Proposed Rental Agreement 856, Andco Leasing LLC  
**Attachments:** Proposed Rental Agreement 856, Andco Leasing LLC, 2024-2025.pdf

Hello,

Please see the attached Proposed Rental Agreement 856, in the name of Andco Leasing LLC, 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](mailto:Debra.Mansfield@idwr.idaho.gov)

## MEMORANDUM

DATE: 09/19/24  
TO: WSB Rental Application 2840  
FROM: Phill Hummer  
RE: Availability of Water Rights

---

Mary Condon's March 25, 2024 – April 15, 2024 evaluates using rights 35-2924, 35-2324B, and 35-7692 to satisfy the proposed rental. On May 30, 2024 IDWR issued Final Order Curtailing Ground Water Rights Junior to March 31, 1954 (Curtailment Order). The Curtailment Order called for the immediate curtailment of ground water rights within the ESPA listed on Attachment A and Attachment B. Rights 35-2924 and 35-7692 were listed on the attachments and therefore could not be used to satisfy the rental application.

Following the issuance of the Curtailment Order several other orders were issued in response to the filings by ground water users and forecast calculations. On July 16, 2024 IDWR issued Order Revising April 2024 Forecast Supply and Amending Curtailment Order (Forecast Order). The Department determined that the curtailment of ground water users resulted in a supply of water greater than the predicted in season demand shortfall such that continued curtailment was unnecessary.

The determination that ground water rights in the ESPA are no longer curtailed allow the use of ground water rights within the ESPA to satisfy rental applications. Specifically, rights 35-2924 and 35-7692 can be used for rental application 2840.

## MEMORANDUM

**TO:** Rental Application 2840 file  
**FROM:** Cody Parker  
**RE:** Rental water rights  
**DATE:** 5/9/2024

---

Mary recommended rental of three water rights for the applicant:

- 35-2924, 07/21/1965 priority
- 35-2324B, 04/14/1953 priority
- 35-7692, 04/15/1977 priority

I spoke with the Distribution section to evaluate how these rights may be affected by the ESPA curtailments that are to go into effect this summer. The curtailment date for groundwater in the Area of Common Groundwater Supply will be 1955. Water rights 35-2924 and 35-7692 are both junior to the curtailment date. However, 35-7692 is covered by an IGWA mitigation plan. The effect of the plan on curtailments is uncertain as of the date of this memo due to the groundwater district's failure to meet their mitigation obligations. The status of the mitigation plan will be decided within the next week. If they are to remain in place, then water right 35-7692 would not be curtailed.

Additionally, the curtailment date is re-evaluated multiple times throughout the year. While the 1965 priority will certainly be cut off in the first round of curtailments, there is at least the potential that re-evaluation later in the season would allow the right to be diverted if water conditions improved.

## MEMORANDUM FOR APPLICATION # 2840 / AGREEMENT # 856

**To:** Water Right(s) 35-2924, 35-2324B & 35-7692

**From:** Mary Condon

**Date:** March 25, 2024 – April 15, 2024

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

---

**PURPOSE/NARRATIVE:** Application to rent ground water in the Eastern Snake Plain Aquifer ('ESPA') for Commercial Use for two years beginning in 2024, received on November 27, 2023. A request for authority to sign was sent to the representative, and was provided on December 7, 2023, which changed the received date on the application to the same day.

The application for rental is in response to an enforcement investigation 2023-2925 due to annual volume used in excess of existing ground water right 35-13315 that provides for commercial use and irrigation for 1 acre (original split and transfer of 35-13315 is in the backfile for parent right 35-2654 C). The rental application requested 100 afa to cover the uses in excess of the water right and for future developments on the lands held or sold by the renter, with an additional 48 acre-feet to offset impacts in the ESPA. Water Measurement Information System (WMIS) data for 1001769 available for years 2018 through 2022 shows the annual volume measured was between 206 afa and 196 afa, respectively. The existing water right has a maximum annual volume of 130 af, resulting in a maximum shortage of 76 afa. Additional pumping exceeding the existing water right has been for commercial businesses spanning 1 mile along the SE of interstate I-84, a headquarters building on the NW side of the interstate, and an additional 6.3 acres irrigated landscaping around some of the new developments and the headquarters building.

Due to the number of earlier rental applications received and processed ahead of this application, the actual availability of ground water rights in the ESPA also changed, and therefore the rights rented are not reflective of the rights requested in the application. Different water rights were identified internally and provided to the consultant for alternate options on April 9, 2024. Confirmation of acceptable rights for rental received on April 15, 2024.

**AUTHORITY TO FILE:** Application to rent is from Andco Leasing, LC, a land holder and developer for commercial and industrial services at the location of the proposed rental place of use and was signed by their consultant, Luke Marchant. Commercial water right 35-13315 currently at the diversion well and the property under the well are both owned by Andco Leasing, LC and is identified as the diversion well for the rental. The place of use identified for the additional rental water were developed by Andco Leasing, although most of the parcels are no longer owned or operated by Andco Leasing, the sales agreements included language that Andco Leasing would provide the water for their commercial uses. Not all the parcels under the rental place of use have been developed and part of the volume requested in the rental application was for additional future development. No concerns with authority to file.

**WATER RIGHT VALIDITY:** Requested water right 35-2924 was decreed in 2007 and first placed in the bank in 2009. The right has been rented partially or fully each year since then through 2025.

Leased water rights 35-2324B and 35-7692 were decreed in 2002 and put to beneficial use until 2016 when they were then used as part of an approved mitigation plan. They have been leased into the water supply bank since 2019 with the current term from 2022 through 2026. These rights are currently rented under multiple rentals, with approximately 24.2 acres and 103 acre-feet still available for new rentals in 2024. No concerns with validity of these rights for rental.

**INJURY TO OTHER WATER RIGHTS:** The rental diversion well is within the ESPA and the Bonneville-Jefferson Ground Water District (GWD), but outside of the Trust Water area. Ground water rights selected for the rental term are within different areas of the ESPA and Etran modeling was provided, along with an analysis and additional rental of water for the mitigation required for impacts. Only water right 35-2924 was still available for rental from the original rental request. Additional water rights 35-2324B with 35-7692 were identified as substitutes to fulfill the rental request. New ESPA Etran modeling (ESPAM) based on the new rights to be rented was provided by the consultant and verified internally in the Department to assess impacts. The amounts rented are 59% more than amounts authorized at the rental POD to provide mitigation and offset requirements. See ESPA analysis at end of this memo for calculations and results of modeling analysis.

Leased right 35-2924 for industrial use is within the Trust Area boundary, has a 1965 priority date, and as such is not subject to trust water conditions. Leased rights 35-2324B and 35-7692 for irrigation use are outside of the Trust Area boundary, has a 1953 and 1977 priority date respectively, and is not subject to trust water conditions. No injury to other water rights through the rental of these rights at the rental POD is expected.

**ENLARGEMENT OF USE:** Amounts dedicated to the rental are calculated first from the maximum overage of annual volume diverted equal to 76 acre-feet annually, less additional irrigated acres equal to 25.2 acre-feet annually based on the area headgate standard, to find the remaining volume of 50.8 acre-feet annually to allocate to commercial use. See also table at end of memo. Information on the actual building usages, employees, facilities, etc., was not provided in the rental application to estimate a maximum diversion rate at peak usage. The rental place of use is not within the municipal service boundary and the only water right authorizing use at the rental POD and POU is the existing water right 35-13315.

Rentable amounts from leased right 35-2924 was calculated in 2016 based on historic use of dust abatement, equal to 0.018 cfs per acre and 4 acre-feet per acre. Rentable amounts from leased rights 35-2324B and 35-7692 have decreed volumes for irrigation of 4 acre-feet per acre. The area standard is 4 acre-feet per acre at the rental POD. It is assumed the commercial use and irrigation are as consumptive as the water rights dedicated to the rental.

**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 is for a beneficial use and was proposed at a rate and volume consistent with the conservation of water resources in Idaho.

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The location for the rental PD is subject to Water District # 120, is within the Bonneville Jefferson Ground Water District, and IDWR Eastern Region of administration. Requests for comments or concerns about the rental request were solicited to the watermaster and the Eastern regional manager on April 12, 2024.

## ADDITIONAL INFORMATION AND CALCULATIONS

You are viewing 1001769; D0024639

| Report Year | Alternate | FM     | PCC | Time Clock |
|-------------|-----------|--------|-----|------------|
| 2022        | 196.0     |        |     |            |
| 2021        |           | 196.04 |     |            |
| 2019        |           | 202.71 |     |            |
| 2018        |           | 206.27 |     |            |
| 2015        |           |        |     |            |

| WSB              | Term      | Basin   | Sequence     | Basis               | PriorityDate   | Max Rate | Max Vol | TotalAcres | CFS/AC    | AF/AC | WaterUseList        |
|------------------|-----------|---------|--------------|---------------------|----------------|----------|---------|------------|-----------|-------|---------------------|
| Existing Right   |           | 35      | 13315        | Decreed             | 3/17/1961      | 0.62     | 130     | 1          | 0.03      |       | 4 COMMERCIAL, IRRIG |
|                  |           |         |              |                     |                | 0.59     | 126     | 0          |           |       | Commercial          |
|                  |           |         | 74, 155      |                     |                | 0.03     | 4       | 1          | 0.03      |       | 4 Irrigation        |
| Rental need      | 2024-2025 |         |              | 19.0 tri - total    | Total          | 0.43     | 76      | 6.3        | 0.03      |       | 4 COMMERCIAL, IRRIG |
|                  |           |         |              | 76/4=19             | (19*3)/3       | 0.24     | 50.8    | 0          |           |       | Commercial          |
|                  |           |         |              | equ. Ac             | cons.use / tri | 0.19     | 25.2    | 6.3        | 0.03      |       | 4 Irrigation        |
|                  |           |         |              | total max used 2018 |                | 1.0      | 206     | 7.3        |           |       |                     |
| Leased           | 2021-2025 | 35      | 2924         | Decreed             | 7/21/1965      | 1.11     | 241     |            |           |       | INDUSTRIAL, STOCK   |
| Rental 823       | 2024      | 61, 164 |              |                     |                | 0.5      | 108     | 27         | 0.0185185 | 4     |                     |
|                  |           |         |              | 17 tri - pass       | available      | 0.61     | 133     | 33.25      |           |       |                     |
|                  |           |         |              | 68 vol required     |                |          | 99.75   |            |           |       | C/U                 |
| Leased           | 2022-2026 | 35      | 2324B & 7692 |                     | 4/14/1953      | 1.72     | 344     | 86         | 0.020     | 4     |                     |
|                  |           | 74, 132 |              | 100%                | 4/15/1977      | 1.63     | 272     | 68         | 0.024     | 4     | IRRIGATION          |
|                  |           |         |              |                     |                | 3.12     | 616     | 154        | 0.020     | 4     |                     |
| multiple rentals |           |         |              | 16 tri - pass       | Available      | 0.535    | 105.6   | 26.4       |           |       |                     |
|                  |           |         |              | 64 required vol     |                |          | 79.2    |            |           |       | C/U                 |

### ESPA Analysis and Results

To well: 74; 155 – 2024 & 2025, 19 af/trimester authorized C/U

From well 1: 61, 164 – 4/1965, 17 af/trimester required C/U

From well 2: 74, 132 – 4/1953, 56% 8.94/af, 4/1977 100%, 17 af/trimester required C/U

Mitigation Analysis Period

Trimester

#### One-Way Analysis of Independent Transfers

##### New Water Right (GModelo):

| WR No.                                                            | Div Rate (CFS) | Con Vol (AF/A) | No of Irr Acres | Priority Date | POD Location | Dedicated Vol (AF/A) AFT | Model Node |
|-------------------------------------------------------------------|----------------|----------------|-----------------|---------------|--------------|--------------------------|------------|
| Transfer 1: Proposed Steady State Impacts following Transfer      |                |                |                 |               |              |                          |            |
| ???                                                               | ???            |                |                 |               |              |                          |            |
| ???                                                               | ???            |                |                 |               |              |                          |            |
| Transfer 1: Worst Case Transient State Impacts following Transfer |                |                |                 |               |              |                          |            |
| ???                                                               | ???            |                |                 |               |              |                          |            |
| ???                                                               | ???            |                |                 |               |              |                          |            |

##### Impact by Reach (AF/Trimester)

| Ashlon to Rexburg | Hesse to Shelley | Shelley to Nr Bickn | Nr Bickn To Neeley | Neeley to Mandaka | Dev. Wbl To Buhl | Buhl to Kspr | Kspr to Maad | Maad to Bancroft |
|-------------------|------------------|---------------------|--------------------|-------------------|------------------|--------------|--------------|------------------|
| 1.58              | 6.43             | 7.58                | 16.48              | 0.22              | 0.23             | 0.19         | 0.09         | 0.09             |
| 1.58              | 6.43             | 7.58                | 16.48              | 0.22              | 0.23             | 0.19         | 0.09         | 0.09             |
| 1.58              | 6.43             | 7.58                | 16.48              | 0.22              | 0.23             | 0.19         | 0.09         | 0.09             |
| 1.58              | 6.43             | 9.26                | 16.48              | 0.22              | 0.23             | 0.19         | 0.09         | 0.09             |

##### Steady State Analysis

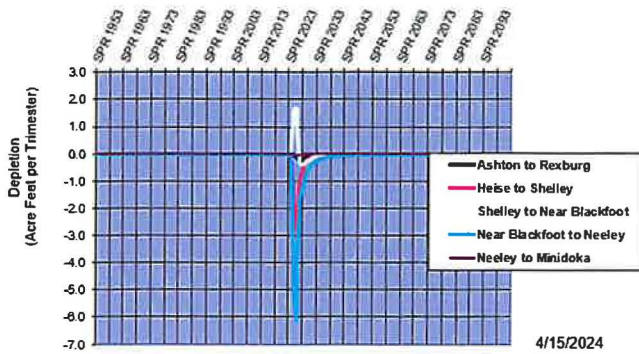
|                                         |      |       |       |       |      |       |       |       |       |       |       |
|-----------------------------------------|------|-------|-------|-------|------|-------|-------|-------|-------|-------|-------|
| Mitigation Check 1 - >10% of Historical | 0.0% | 0.0%  | 0.0%  | 0.0%  | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| Mitigation Check 2 - >2 AF/T            | 0.0  | 0.0   | 0.0   | 0.0   | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
| Mitigation Check 3 - >10% of Total      | 4.8% | 19.5% | 23.0% | 50.0% | 0.7% | 0.6%  | 0.3%  | 0.2%  | 0.3%  | 0.0%  | 0.0%  |
| Mitigation Required?                    | NO   | NO    | NO    | NO    | NO   | NO    | NO    | NO    | NO    | NO    | NO    |
| Mitigation Vol. Req'd (ac-ft)           | 0.0  | 0.0   | 0.0   | 0.0   | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |

##### Transient State Analysis

|                                         |      |      |       |      |      |       |       |       |       |       |       |
|-----------------------------------------|------|------|-------|------|------|-------|-------|-------|-------|-------|-------|
| Mitigation Check 1 - >10% of Historical | 0.0% | 0.0% | 22.1% | 0.0% | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| Mitigation Check 2 - >2 AF/T            | 0.0  | 0.0  | 1.7   | 0.0  | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |
| Mitigation Required?                    | NO   | NO   | NO    | NO   | NO   | NO    | NO    | NO    | NO    | NO    | NO    |
| Mitigation Vol. Req'd (ac-ft)           | 0.0  | 0.0  | 1.7   | 0.0  | 0.0  | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |

Read Me

**Net Transfer Effect Above Milner**  
(Total Effect With Transfer - Total Effect Without Transfer)

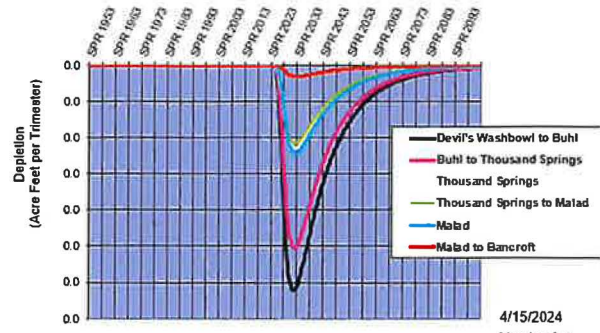


4/15/2024  
Version 3.4

Customer Name: Andco Rental

Transfer No: 2840

**Net Transfer Effect Below Milner**  
(Total Effect With Transfer - Total Effect Without Transfer)



4/15/2024  
Version 3.4

Customer Name: Andco Rental

Transfer No: 2840

ENTER STARTING DATE FOR  
SIMULATION. THEN PUSH  
"UPDATE DATES" BUTTON

TRANSFER NO:

2840

YEAR

1953

TRANSFER NAME:

Andco Rental

SEASON

SPRING

**CALCULATE EFFECTS**

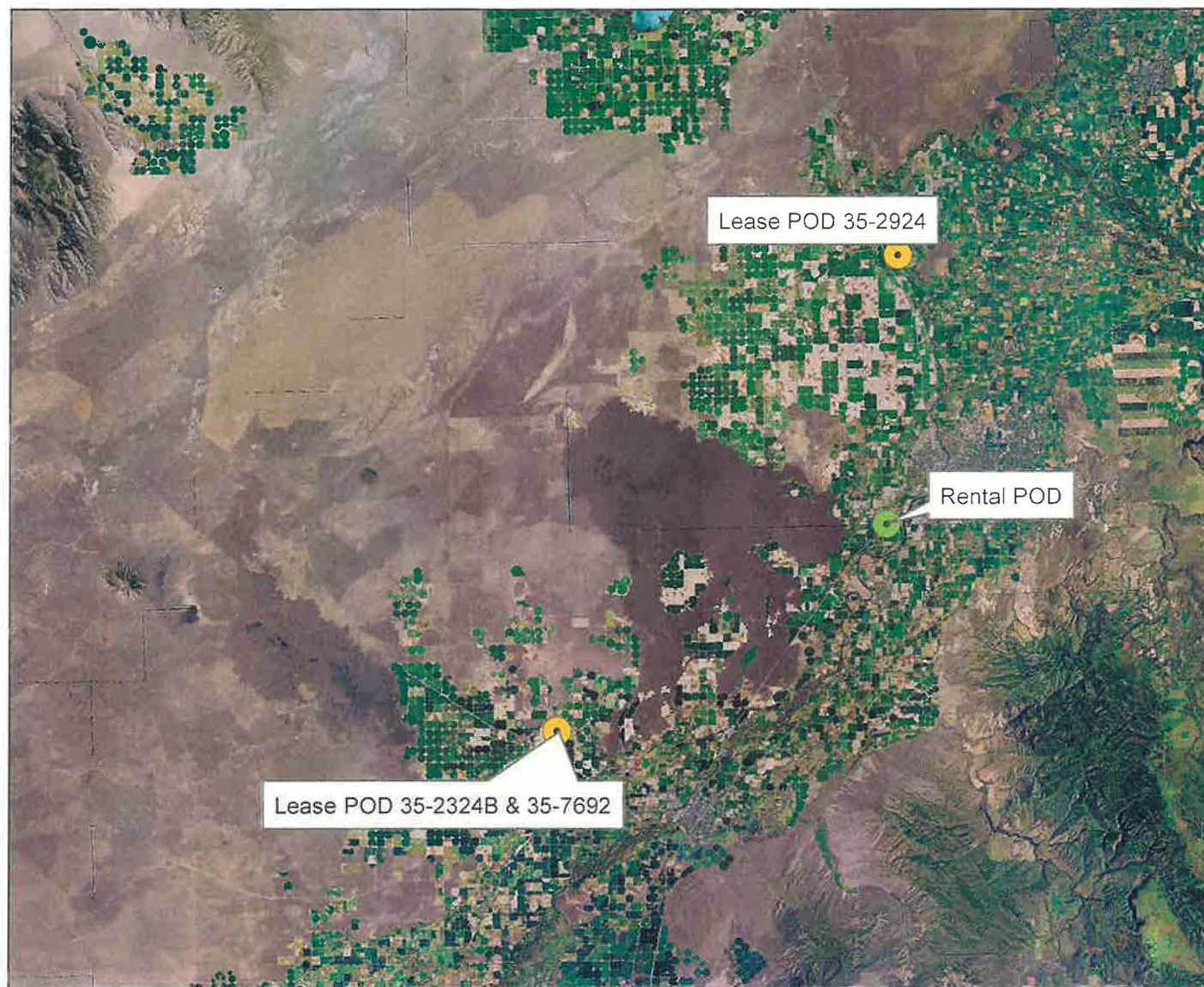
ENTER CELL LOCATIONS:

|        | TO CELL | FROM1 CELL | FROM2 CELL | FROM3 CELL |
|--------|---------|------------|------------|------------|
| ROW    | 74      | 74         | 61         | 0          |
| COLUMN | 155     | 132        | 164        | 0          |

| TRIMESTER<br>OF<br>ACTIVITY | TO WELL                       | FROM1 WELL                    |                                  | FROM2 WELL                    |                                  | FROM3 WELL                    |                                  |
|-----------------------------|-------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|-------------------------------|----------------------------------|
|                             | Projected Use<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER | With Transfer<br>AF/TRIMESTER | Without Transfer<br>AF/TRIMESTER |
| SPR 1953                    | 0.00                          | 8.94                          | 8.94                             | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SUM 1953                    | 0.00                          | 8.94                          | 8.94                             | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1953                    | 0.00                          | 8.94                          | 8.94                             | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1954                    | 0.00                          | 8.94                          | 8.94                             | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| WIN 1964                    | 0.00                          | 8.94                          | 8.94                             | 0.00                          | 0.00                             | 0.00                          | 0.00                             |
| SPR 1965                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 1965                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 1965                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SPR 1966                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 1966                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 1966                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 1976                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 1976                    | 0.00                          | 8.94                          | 8.94                             | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SPR 1977                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 1977                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 1977                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 2023                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 2023                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SPR 2024                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| SUM 2024                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| WIN 2024                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| SPR 2025                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| SUM 2025                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| WIN 2025                    | 19.00                         | 0.00                          | 16.00                            | 0.00                          | 17.00                            | 0.00                          | 0.00                             |
| SPR 2026                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| SUM 2026                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |
| WIN 2026                    | 0.00                          | 16.00                         | 16.00                            | 17.00                         | 17.00                            | 0.00                          | 0.00                             |

Idaho Water Resource Board  
Draft MOVE MAP  
WSB Rental Application 2840

This map depicts the rental place of use proposed solely for illustrative purposes.



**From:** [luke@minicassialaw.com](mailto:luke@minicassialaw.com)  
**To:** [Condon, Mary](#)  
**Subject:** RE: Andco Leasing - Availability  
**Date:** Monday, April 15, 2024 11:06:53 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Mary,

Yes, let's move forward with that proposal. I appreciate your help with this.

Thank you.

**Luke H. Marchant**

Darrington Law, PLLC  
601 7th St.  
P.O. Box 536  
Rupert, ID 83350  
Phone: (208) 944-9310  
Email: [luke@minicassialaw.com](mailto:luke@minicassialaw.com)



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**From:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Sent:** Monday, April 15, 2024 11:04 AM  
**To:** [luke@minicassialaw.com](mailto:luke@minicassialaw.com)  
**Cc:** Kienholz, Mackenzie <[Mackenzie.Kienholz@idwr.idaho.gov](mailto:Mackenzie.Kienholz@idwr.idaho.gov)>  
**Subject:** RE: Andco Leasing - Availability

Good morning, Luke,

I am currently proposing a rental of 132 acre-feet from water rights 35-2924 and 35-2324B & 35-7691 for the use of 76 acre-feet for years 2024-2025. The WMIS data shows the maximum overage used was 76 acre-feet in 2018, and 66 acre-feet in 2022. The rental would cover the additional irrigation and for commercial use, as requested.

| WSB              | Term      | Basin     | Sequence     | Basis               | Priority        | Date | Max Rate  | Max Vol | Total Acres | CFS/AC    | AF/AC | WaterUseList        |
|------------------|-----------|-----------|--------------|---------------------|-----------------|------|-----------|---------|-------------|-----------|-------|---------------------|
| Existing Right   |           | 35        | 13315        | Decreed             | 3/17/1961       |      | 0.62      | 130     | 1           | 0.03      |       | 4 COMMERCIAL, IRRIG |
|                  |           |           | 74 155       |                     |                 |      | 0.59      | 126     | 0           |           |       | Commercial          |
|                  |           |           |              |                     |                 |      | 0.03      | 4       | 1           | 0.03      |       | 4 Irrigation        |
| Rental need      | 2024-2025 |           |              | 19.0 tri - total    | Total           |      | 0.43      | 76      | 6.3         | 0.03      |       | 4 COMMERCIAL, IRRIG |
|                  |           |           |              | 76/4=19             | (19*3)/3        |      | 0.24      | 50.8    | 0           |           |       | Commercial          |
| Total rented vol |           | 132       |              | equ. Ac             | cons. use / tri |      | 0.19      | 25.2    | 6.3         | 0.03      |       | 4 Irrigation        |
| Total fee        | \$        | 3,036.00  |              | total max used 2018 |                 |      | 1.0       | 206     | 7.3         |           |       |                     |
| Leased           | 2021-2025 | 35        | 2924         | Decreed             | 7/21/1965       |      | 1.11      | 241     |             |           |       | INDUSTRIAL, STOCK   |
| Rental 823       | 2024      | 61, 164   |              |                     |                 |      | 0.5       | 108     | 27          | 0.0185185 |       | 4                   |
|                  |           |           |              | 17 tri - pass       | available       |      | 0.61      | 133     | 33.25       |           |       |                     |
|                  |           |           |              | 68 vol required     |                 |      | 0.3148148 | 68      | 17          |           |       | C/U                 |
| Leased           | 2022-2026 | 35        | 2324B & 7692 | 56%                 | 4/14/1953       |      | 1.72      | 344     | 86          | 0.020     |       | 4                   |
|                  |           | 74, 132   |              | 100%                | 4/15/1977       |      | 1.63      | 272     | 68          | 0.024     |       | 4 IRRIGATION        |
|                  |           |           |              |                     |                 |      | 3.12      | 616     | 154         | 0.020     |       | 4                   |
| multiple rentals |           | 8,935     |              | 16 tri - pass       | Available       |      | 0.535     | 105.6   | 26.4        |           |       |                     |
|                  |           |           |              | 64 required vol     |                 |      |           |         |             |           |       |                     |
|                  |           | 35-2324B  |              | 2840                | UR              |      | 0.176     | 35.2    | 8.8         | 0.020     |       | 4                   |
|                  |           | 35-7692   |              |                     |                 |      | 0.175     | 28.8    | 7.2         | 0.024     |       | 4                   |
|                  |           | 2024-2025 |              | limited to          |                 |      | 0.32      | 64      | 16          | 0.020     |       | 4                   |

I have already run the modeling under this scenario, and I just need to know if it is acceptable to move forward for your client. Please let me know if this proposal is sufficient by the end of the day since we process ESPA rentals in the order received and there is limited availability in the ESPA for other rentals in line after this application.

Thank you,  
Mary

Mary Condon  
Water Supply Bank Program Coordinator



From: [luke@minicassialaw.com](mailto:luke@minicassialaw.com) <[luke@minicassialaw.com](mailto:luke@minicassialaw.com)>  
Sent: Wednesday, April 10, 2024 3:27 PM  
To: Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
Subject: RE: Andco Leasing - Availability

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Mary,

I'll get on this as soon as I can (hopefully tomorrow) and get back to you.

Thanks.

**Luke H. Marchant**

Darrington Law, PLLC  
601 7th St.  
P.O. Box 536  
Rupert, ID 83350  
Phone: (208) 944-9310  
Email: [luke@minicassialaw.com](mailto:luke@minicassialaw.com)



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**From:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>

**Sent:** Tuesday, April 9, 2024 5:40 PM

**To:** [luke@minicassialaw.com](mailto:luke@minicassialaw.com)

**Subject:** Andco Leasing - Availability

Hi Luke,

During the review of the requested rights for this rental application, I have found that requested right 27-12330 cannot be rented due to enlargement concerns at the lease POU and requested right 35-13711 was completely rented. I've been working on running different scenarios for the last two days to find a combination of other water rights that might work and the best combination I could find would be equal parts of rights 35-2924 with 35-2324B (& 35-7692). There is some water available under rights 35-13340 & 35-13362 as well. All of these except the 35-2924 were earmarked for another rental application in basin 35, but this rental will not take all the supply.

Please let me know what works as soon as possible and send me the new modeling work-up so that I can finish this out.

Thanks,

Mary

Mary Condon  
Water Supply Bank Program Coordinator

 IDAHO DEPARTMENT OF  
**WATER RESOURCES**  
Planning & Projects  
[mary.condon@idwr.idaho.gov](mailto:mary.condon@idwr.idaho.gov)  
Direct: (208) 287-4936

## Kienholz, Mackenzie

---

**From:** Luke Marchant <lmarchant@holdenlegal.com>  
**Sent:** Thursday, December 7, 2023 2:53 PM  
**To:** Kienholz, Mackenzie  
**Subject:** RE: Information Needed - WSB Rental Application for Andco Leasing LC  
**Attachments:** SPECIAL POWER OF ATTORNEY\_signed\_Heber Andrus.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Mackenzie,

See attached.

Thank you.



**Luke H. Marchant**

Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
1000 Riverwalk Drive, Suite 200  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
Phone: (208) 523-0620  
Fax: (208) 523-9518  
Email: [lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)

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**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>  
**Sent:** Wednesday, December 6, 2023 3:16 PM  
**To:** Luke Marchant <lmarchant@holdenlegal.com>  
**Subject:** RE: Information Needed - WSB Rental Application for Andco Leasing LC

Luke,

I have attached a copy of the most recent IDSOS filing for Andco Leasing LLC. The authorized agents listed are Heber Andrus and Jarin O. Hammer. We will need signed application documents from one of them or documentation showing Jason Andrus's authority to sign on behalf of the company.

Thank you,

Mackenzie Kienholz

Water Supply Bank Specialist



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Planning & Projects

[Mackenzie.kienholz@idwr.idaho.gov](mailto:Mackenzie.kienholz@idwr.idaho.gov)

Phone: (208) 287-4822

**From:** Luke Marchant <[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)>

**Sent:** Tuesday, December 5, 2023 2:55 PM

**To:** Kienholz, Mackenzie <[Mackenzie.Kienholz@idwr.idaho.gov](mailto:Mackenzie.Kienholz@idwr.idaho.gov)>

**Subject:** RE: Information Needed - WSB Rental Application for Andco Leasing LC

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Mackenzie,

I've attached a signed power of attorney from my clients.

Thank you.



**Luke H. Marchant**

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

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**From:** Kienholz, Mackenzie <[Mackenzie.Kienholz@idwr.idaho.gov](mailto:Mackenzie.Kienholz@idwr.idaho.gov)>

**Sent:** Tuesday, December 5, 2023 1:36 PM

**To:** Luke Marchant <[lmarchant@holdenlegal.com](mailto:lmarchant@holdenlegal.com)>

**Subject:** Information Needed - WSB Rental Application for Andco Leasing LC

Good afternoon, Luke,

We received Water Supply Bank Rental Application #2840 for Andco Leasing, LC. The application was signed by yourself, however no power of attorney or other authorization was included. Please provide evidence that you are authorized to sign on behalf of Andco Leasing, LC or submit a new signature page within **30 days** or the application may be returned, **unprocessed**. Please feel free to contact me with any questions.

Thank you,

Mackenzie Kienholz  
Water Supply Bank Specialist



Planning & Projects

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