

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 870

This is to certify that:

FLYING H FARMS PARTNERSHIP
518 OLD HIGHWAY 30
MOUNTAIN HOME, ID 83647-6289

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)
61-2104	3/31/1955	GROUND WATER	0.46	103.5	23.0	0.02	4.5
61-12310	3/24/1970	GROUND WATER	0.16	42.7	9.5	0.017	4.5
Combined Rental Totals			0.62	146.2	31.0	0.02	4.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. 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: \$3,362.60

The full fee for the rental of the above-described right(s) is \$3,374.10 for 2024. The rental fee includes an administrative fee of \$336.26 for 2024. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement

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)
IRRIGATION	0.62	139.5	31.0	0.02	4.5
Combined Total	0.62	139.5	31.0	0.02	4.5

*** The authorized water usage reflects a reduction from the water right elements rented, to account for standard duty of water limits.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 870

RECEIVED

OCT 04 2024

DEPARTMENT OF
WATER RESOURCES

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:

Jeff Hanper
Signature of Renter

10-2-24
Date

Jeff Hanper
Printed Name

Owner
Title

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

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

By Brian Patton
BRIAN PATTON, Executive Manager
Idaho Water Resource Board

Date 10/17/24

Rental approved by IDWR Patton

Date 10/17/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 870

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec. 6, Twp 04S, Rge 07E, ELMORE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.62 CFS

VOLUME
139.5 AF

SEASON OF USE

From To
3/15 11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	07E	6	10 L1	1.0 L2		20													31.0

Total Acres: 31.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 870

11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 161.
12. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 870

Effective until December 31, 2024

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



0 750 1,500 2,250 Feet

Legend

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



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
FEB 12 2024
DEPT. OF WATER RESOURCESApplicant Name: Flying H Farms Partnership

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

2929

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Flying H Farms Partnership

Mailing Address	<u>518 Old Highway 30</u>	<u>Mountain Home</u>	<u>Idaho</u>	<u>83647</u>
	Street	City	State	Zip Code
Email Address	<u>Melissa@flyinghfarms.net ; Jeff@flyinghfarms.net</u>		Phone Number	<u>208-587-8716</u>

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative _____	Professional Title _____
Organization _____	Relationship to Applicant _____
Mailing Address _____	
Email Address _____	Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Flying H owns water right 61-7016A which supports 119 acres. We have a pivot for 126 acres and then corners which add another 24 acres. This ground water right serves as a resource for irrigation to 1 pivot in a field that grows alfalfa. This water right is crucial in the success of cultivating our crops.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
CFS	AF	CFS	AF	31 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
3/15/2024	4/1/2024	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

The water distribution system for the described irrigation setup involves two pumps with different horsepower ratings, 115 HP and 150 HP, working together to supply water to a pivot system that covers 126 acres.

- 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
115 HP	Ground Water	61-7016A
150 HP	Ground Water	61-7016A

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 31 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

61-7016A provides 119 acres of irrigation water to this farm that is 150 acres. We need an additional 31 acres to irrigate the entire farm.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☐ No ☒

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

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

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

The pivot system is designed for precision water application, utilizing VRI to adjust water application rates based on the specific needs of the field. This allows a targeted approach, ensuring water is used where needed.

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**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☒ No ☐
If yes, describe the date and location of the NOV.

May 26, 2023 Case No. E2023-2907

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Jeff Harper
Signature of Applicant

Jeff Harper
Printed Name of Applicant

2-7-24
Date

Signature of Representative

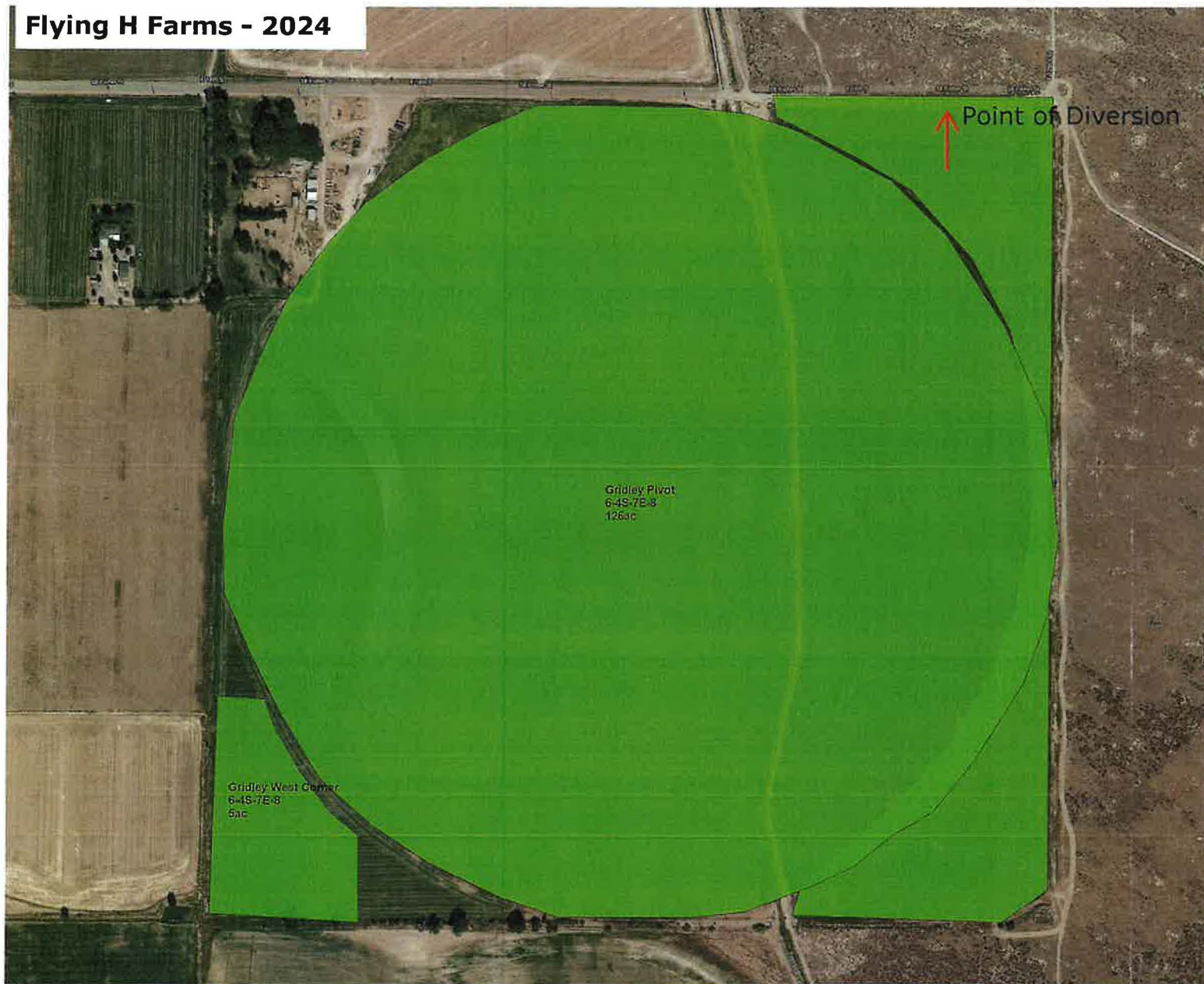
Printed Name of Representative

Date

Mail to:

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

Flying H Farms - 2024



● Alfalfa
150.00 Acres





IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

October 17, 2024

FLYING H FARMS PARTNERSHIP
518 OLD HIGHWAY 30
MOUNTAIN HOME ID 83647-6289

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2104, 61-12310, AGREEMENT 870**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,362.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 146.2 acre-feet of water for irrigation of 31.0 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 \$3,026.34 of the rental fee will be paid to the lessor(s) and 10% or \$336.26 will be retained by the Department to offset administrative costs.

Sincerely,

for
Water Supply Bank

Enclosures: Receipt No. C119018
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative
Water District 161
IDWR Compliance Officer

Mansfield, Debra

From: Mansfield, Debra
Sent: Thursday, October 17, 2024 9:17 AM
To: Miller, Nick; Palmer, Cherie; Ed Van Etten; IdwrPayable
Cc: Bank
Subject: Executed WSB Rental Agreement 870, Flying H Farms Partnership
Attachments: Executed WSB Rental Agreement 870, Flying H Farms Partnership.pdf

Hello,

Please see the attached copy of Executed WSB Rental Agreement 870, in the name of Flying H Farms Partnership, for your records.

Thank you,

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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

September 26, 2024

FLYING H. FARMS PARTNERSHIP
518 OLD HIGHWAY 30
MOUNTAIN HOME, ID 83647-6289

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-2104, 61-12310 AGREEMENT 870**

*****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 **\$3,362.60 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 146.2 acre-feet. 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 \$3,362.60 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 \$3,026.34 of the rental fee will be paid to the lessor(s) and 10% or \$336.26 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

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

Enclosure(s)

c: IDWR Front Desk

Cheever, Skyler

From: Cheever, Skyler
Sent: Tuesday, June 18, 2024 11:19 AM
To: Miller, Nick; Ed Van Etten
Subject: Water Supply Bank Lease/Rental Application Package 2968/2929
Attachments: Lease Review Memo 2968.pdf; Lease 1865 Map.pdf; Rental Agreement 870.pdf; Rental Review Memo 870.pdf; Rental 870 Map.pdf

Hello Nick and Ed,

I have completed my review of a Water Supply Bank Lease/Rental Application Package 2968/2929 with the points of diversion within Administrative Basin 61 and Water District 161. The lease applicant is Barry Peterson on behalf of A-Z Lumber. The applicant proposes to lease the entirety of 61-2104 into the water supply bank from 2024-2028. The rental applicant is Flying H. Farms Partnership. They propose to rent the entirety of contract 1865 for water right 61-2104 and 8 acres of contract 1040 for water right 61-12310 or 31 acres total from the water supply bank for 2024. Attached is a copy of the rental agreement, review memos and maps of the place of use. If you have any comments on the applicant's proposals or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler



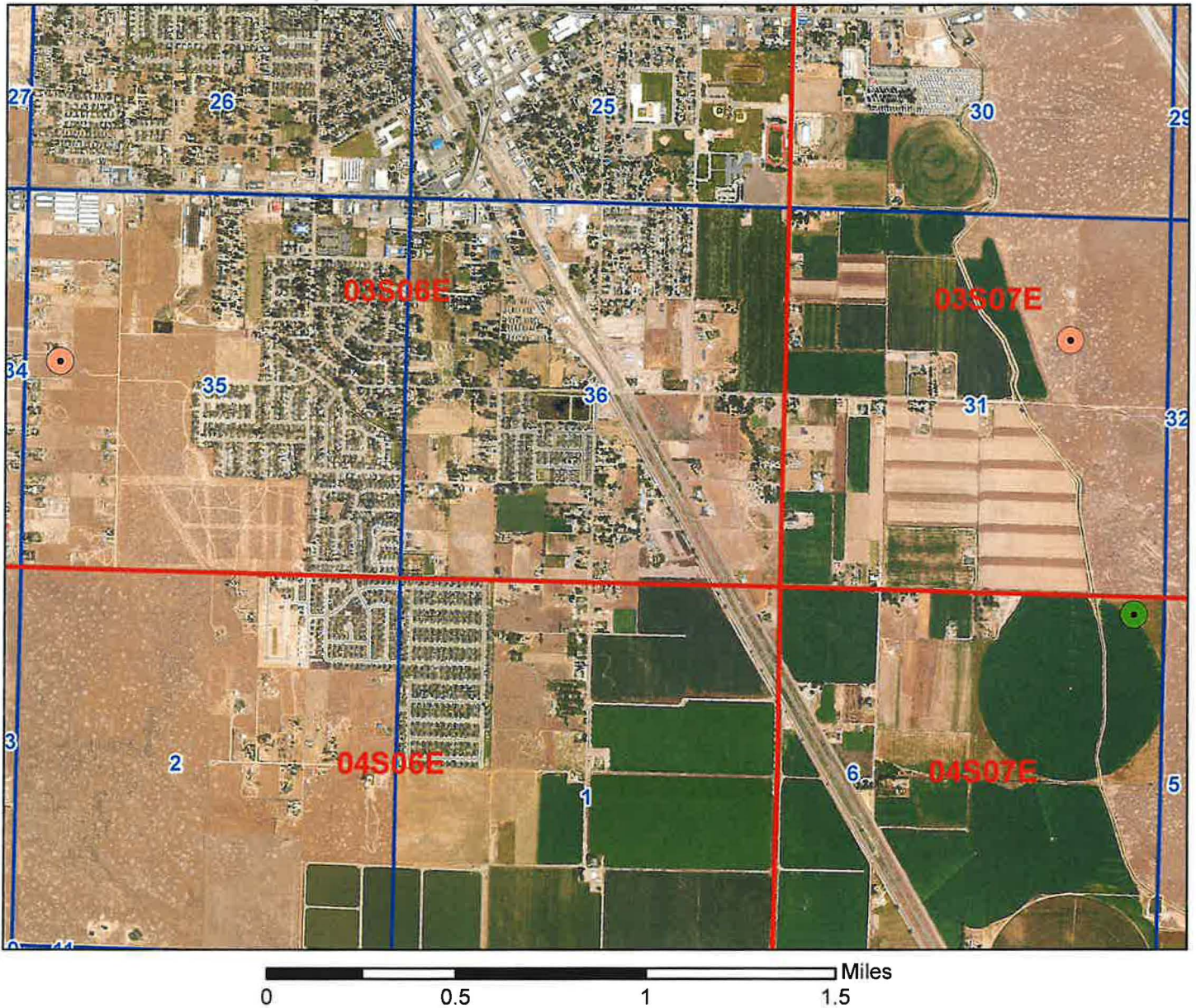
Idaho Dept. of Water Resources

322 E. Front St. PO Box 83720 Boise, ID 83720
www.idwr.idaho.gov

Idaho Water Resource Board

WSB Move Map

61-2104 AND 61-12310
2024



Legend

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

MEMORANDUM FOR WSB RENTAL AGREEMENT # 870

To: Water Right No(s). 61-2104 and 61-12310

From: Skyler Cheever-Water Resource Agent

Date: 6/17/2024

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

PURPOSE/NARRATIVE:

Application 2929, sent in by Flying H. Farms Partnership, was received by the Department on February 12th, 2024. This application was included in a lease/rental package with lease contract 1865. The applicant proposes to lease the entirety of lease contract 1865 and 8 acres of irrigation from contract 1040 or 31 acres total from the water supply bank from 2024-2028. However, contract 1040 only goes through 2024. Therefore, the rental period should only be for 2024.

This application was submitted in response to a Notice of Violation for water right 61-7016A. The applicant did not provide a GIS place of use shapefile. However, since this rental application was submitted in response to a NOV the GIS shapefile created during the NOV investigation can be used to create the GIS rental place of use shapefile. The proposed point of diversion is within the Snake River Basin Moratorium Area, Mountain Home Groundwater Management Area, and Trust Water Area. This is the first time this this applicant has rented water to irrigate the proposed acres.

AUTHORITY TO FILE:

Jeff Harper signed the application. Mr. Harper has the authority to file this agreement because he is a partner in the company according to the Idaho Secretary of States Office Database. Flying H. Farms Partnership is the current owner of the proposed place of use according to Tax Parcel Data. The proposed points of diversion, already authorized under water right 61-7016A, is also owned by Flying H. Farms according to Department records.

INJURY TO OTHER WATER RIGHTS:

The points of diversion for water right 61-2104 and 61-12310 are within the Mountain Home Groundwater Management Area and are 0.7 and 2.9 miles from the proposed rental point of diversion. Since the lease and rental points of diversion are both within the Mountain Home Groundwater Management Area and relatively close it is unlikely there would be any impact to other groundwater users. There are no other injury concerns.

ENLARGEMENT OF USE:

Historically the place of use authorized under water right 61-2104 was irrigated using water from Mountain Home Irrigation District. Therefore, to prevent enlargement the proposed rental place of use would also need to be irrigated using Mountain Home Irrigation District shares. The applicant did not indicate the place of use receives surface water from Mountain Home Irrigation District on their rental application. However, a condition under water right 61-7016A indicates historically surface water from Mountain Home Irrigation District and groundwater has been used to irrigate the authorized POU. Irrigated acres outside the authorized POU of 61-7016A, indicated in the NOV, utilized the same irrigation system as indicated by the applicant in Sec 3A on their application.

Water right 61-12310 authorizes 0.26 cfs for irrigation of 15.5 acres which is 0.0167 cfs/ac. To satisfy a rental of 31 acres at 0.02 cfs 9.5 acres of the right must be rented and reduced to 8.0 acres of authorized use. The full rental will be limited to 0.62 cfs 139.5 af, and 31.0 acres.

LOCAL PUBLIC INTEREST:

Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The proposed point of diversion is within Administrative Basin 61 and Water District 161. The Watermaster and Western Regional Manager were contacted for comment on June 18th, 2024. No comment was received, it is assumed there are no concerns with the applicant's proposal.