

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 861

RECEIVED

JUL 29 2024

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

GARDNER FARMS

578 N 100 W

BLACKFOOT, ID 83221-5714

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)
35-2177	6/30/1950	GROUND WATER	2.04	408.0	102.0	0.020	4.0
Rental Totals			2.04	408.0	102.0	0.020	4.0

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: \$938.40

The full fee for the rental of the above-described right(s) is \$938.40 for 2024. The rental fee is the administrative fee of \$938.40 for 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-2177.

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	1.56	312.0	78.0	0.020	4.0
Total	1.56	312.0	78.0	0.020	4.0

*** The authorized water usage reflects a reduction from the water right elements rented to account for EPA required mitigation offset.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 861

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

7-10-24
Date

Doug Case
Printed Name

Manager
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 7/31/24

Rental approved by IDWR 

Date 7/31/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 861

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec. 1, Twp 01S, Rge 34E, BINGHAM County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.56 CFS

VOLUME
312.0 AF

SEASON OF USE

Water Right No. **From** **To**
35-2177 4/1 10/31

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	
01S	34E	2													13.0	32.5	32.5		78.0

Total Acres: 78.0

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 rental agreement does not authorize the construction of a well.
10. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
11. Future rentals for the use authorized under this agreement may be subject to further review and notice requirements.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 861

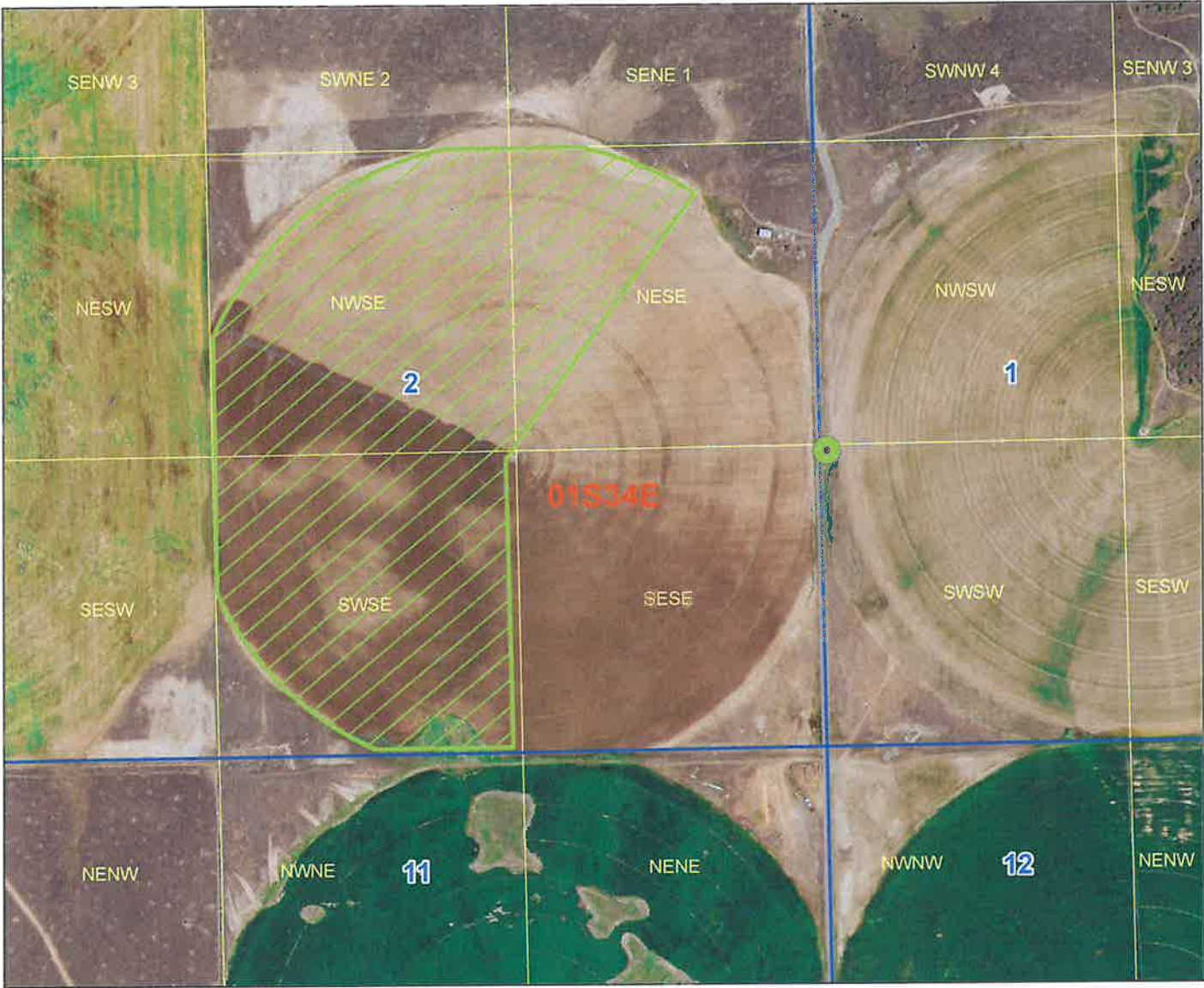
12. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
13. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
14. The following rights are diverted through point(s) of diversion described above: 35-2765.
15. The renter is not authorized to divert more than 312 acre-feet of ground water under this agreement for irrigation of 78 acres.
16. This rental 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.
17. Rental of right 35-2177 when combined with right 35-2765 shall not exceed a total diversion rate of 2.51 cfs, a total annual maximum diversion volume of 536 af at the field headgate, and the irrigation of 134 acres.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 861

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.



Legend

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



0 1,000 2,000 Feet

RECEIVED

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 12 2024

FEB 05 2024

DEPT. OF WATER RESOURCES

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKDEPT. OF WATER RESOURCES
EASTERN REGIONApplicant Name: Gardner Farms

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)

2931

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Gardner Farms

Mailing Address 578 N 100 W Blackfoot ID 83221

Street City State Zip Code

Email Address doug@dc-farms.net Phone Number 208-604-2292

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

This rental will allow irrigation to occur on this pivot until permanent water can be transferred to this location.

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)
<u>1.56</u> CFS	<u>312</u> AF	<u>1.56</u> CFS	<u>312</u> AF	<u>78.0</u> 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?	
<u>4/1/2024</u>	<u>7/31/2024</u>	☒	☐	☐	☐	☐	☒ 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):

Existing well, mainlines, delivery 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
01S 34E Sec 1 SWSW	Ground Water	35-2765

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 312 (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:

(35-2765 only covers a portion of the existing pivot, and does not cover the acres to be irrigated to be irrigated by this proposed rental)

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)
35-2177	Irrigation	2.04	408	102		2.04	408	102.0
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	1.56	312	78.0
						CFS	AF	AC

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

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

(N/A)

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it Attachment 4C:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

Permanent transfers have been protested.

- 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:

When permanent water can be secured.

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

- D. Additional Information

(None)

DECLARATION

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


Signature of Applicant


Printed Name of Applicant

2-1-24
Date

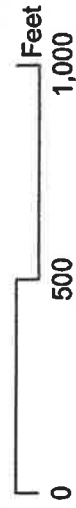
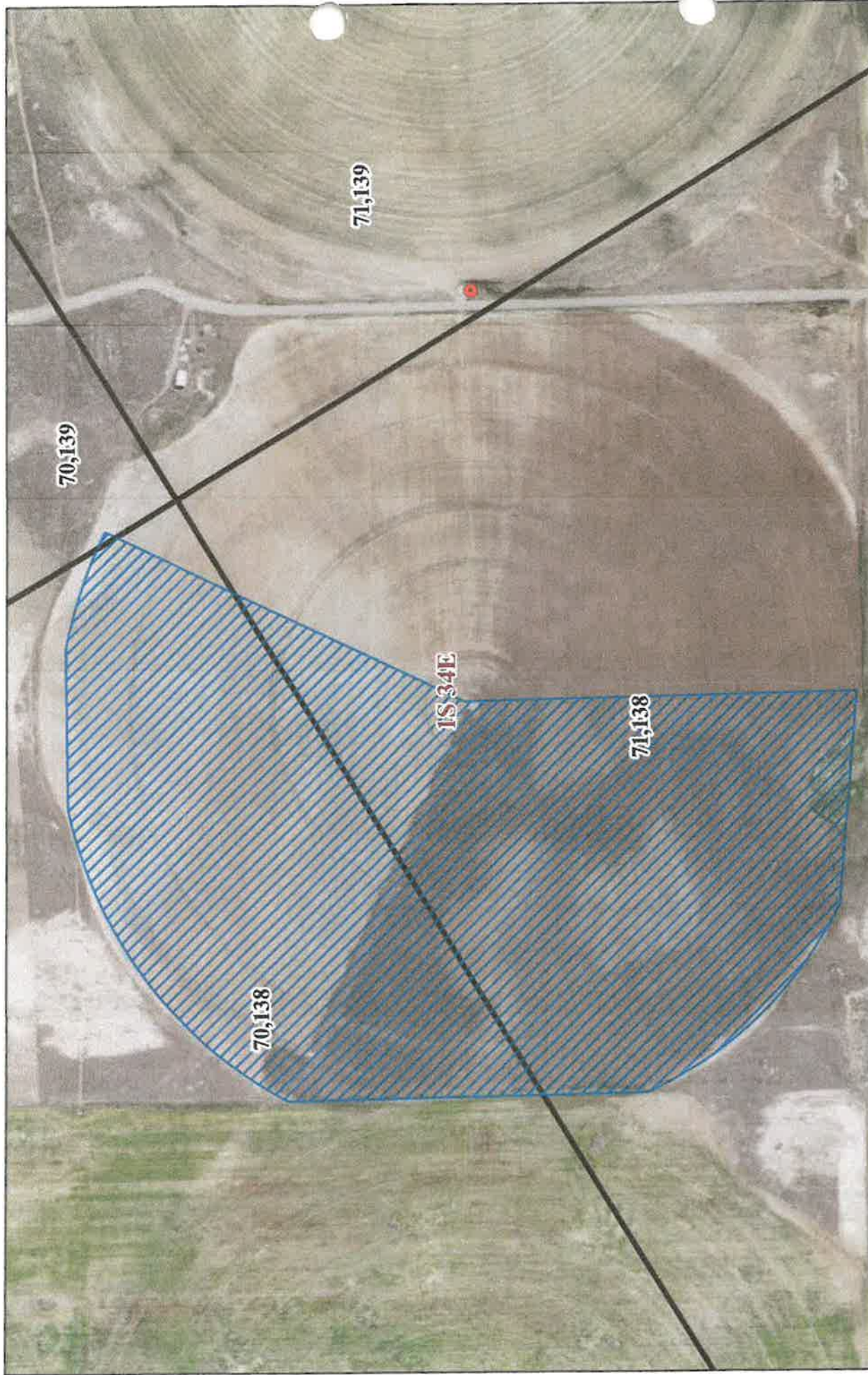
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



GARDNER FARMS
FARM 13
78.0 ACRE RENTAL

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 2/1/2024

Legend



Well



78_Acre_Rental

One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
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Transfer 1: Proposed Steady State Impacts following Transfer

Transfer 1: Worst Case Transient State Impacts following Transfer

Impact by Reach (AFT/Trimester)

Reach	100.00%	100.00%							
Ashton to Rexburg	Shelley	Shelley to Neeley	Nr Bicklt To Neeley	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Malad	Malad to Bancroft		
2.43	6.22	48.50	42.46	0.57	0.60	0.49	0.21	0.24	0.03
2.43	6.22	48.50	42.46	0.57	0.60	0.49	0.21	0.24	0.03
2.43	6.22	48.50	46.53	0.60	0.60	0.49	0.21	0.24	0.03

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AFT/:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	2.4%	6.1%	47.6%	41.6%	0.6%	0.5%	0.2%	0.2%	0.0%
Mitigation Required?:	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

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	9.59%	3.9%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AFT/:	0.0	0.0	0.0	4.1	0.02	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	4.1	0.0	0.0	0.0	0.0	0.0

Read More

Impact by Reach (AFT/Trimester)

Impact by Reach (AF/Trimester)									
Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bicklt	Nr Bicklt to Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr to Malad	Malad to Bancroft	
0.0	0.0	0.0	43.0	43.0	0.0	0.0	0.0	0.0	0.0
0.0	0.0	0.0	43.0	43.0	0.0	0.0	0.0	0.0	0.0
0.0	0.0	0.0	43.0	43.0	0.0	0.0	0.0	0.0	0.0
0.0	0.0	0.0	47.1	47.1	0.0	0.0	0.0	0.0	0.0

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AFT/:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Required?:	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

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	9.5%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AFT/:	0.0	0.0	0.0	4.09	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	4.09	0.0	0.0	0.0	0.0	0.0

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

"UPDATE DATES" BUTTON

TRANSFER NO:

0

YEAR

1950

TRANSFER NAME:

SEASON

SPRING

ENTER CELL LOCATIONS:

	TO CELL	FROM1' CELL	FROM2' CELL	FROM3' CELL
ROW	71	78	0	0
COLUMN	139	143	0	0

78

102

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1950	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1950	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1951	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1951	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1951	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1952	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1952	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1953	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1953	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1953	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1954	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1954	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1954	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1955	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1955	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1955	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1956	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1956	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1956	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1957	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1957	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1957	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1958	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1958	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1958	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1959	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1959	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1959	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1960	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1960	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1960	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1961	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1961	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1961	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1962	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1962	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1962	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 1963	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 1963	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 1963	0.0	102.0	102.0	0.0	0.0	0.0	0.0

[illegible]

SPR 2089	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2089	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2089	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2090	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2090	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2090	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2091	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2091	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2091	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2092	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2092	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2092	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2093	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2093	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2093	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2094	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2094	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2094	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2095	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2095	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2095	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2096	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2096	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2096	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2097	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2097	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2097	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2098	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2098	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2098	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SPR 2099	0.0	102.0	102.0	0.0	0.0	0.0	0.0
SUM 2099	0.0	102.0	102.0	0.0	0.0	0.0	0.0
WIN 2099	0.0	102.0	102.0	0.0	0.0	0.0	0.0



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

August 1, 2024

GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-2177, AGREEMENT 861**

Dear Renter:

Please find enclosed a receipt in the amount of **\$938.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 408 acre-feet of water for irrigation of 102 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, 10% or \$938.40 will be retained by the Department to offset administrative costs.

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Receipt No. C118686
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Water District 120
Bingham Ground Water District
IDWR Compliance Officer

Beck, Catalina

From: Beck, Catalina
Sent: Wednesday, July 24, 2024 11:36 AM
To: doug@dc-farms.net
Cc: Greg Sullivan; Bank
Subject: Rental Agreement 861 for Gardner Farms
Attachments: R2.1.2 Proposed Rental Agreement Cover Letter-10% only fee.docx; Report, Rental Agreement - 861.docx; Rental Map 861.pdf

Good morning,

We have not received the signed rental agreement mailed for your signature on June 25, 2024, but we would like it to be returned to us within 14 days.

Please take a look at the proposed rental agreement, sign the rental agreement, and return it to us for execution. The signed agreements can be sent via postal mail to IDWR, PO Box 83720, Boise, ID 83720-0098.

If there has been a change to the mailing address for this business/trust different from the proposed lease contracts, please single line through the address on each rental contract, write the new address, and initial so we can update our records.

Thank you,
Catalina



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371

Beck, Catalina

From: Beck, Catalina
Sent: Tuesday, June 25, 2024 7:13 AM
To: greg.sullivan@brockwayeng.com
Subject: Rental Agreement 861 for Gardner Farms
Attachments: Initial Mailing For Representative.pdf

Good Morning,

Here is a copy of the Rental Agreement 861 For Gardner Farms that was sent out for signature.



Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371



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

June 25, 2024

GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-2177, AGREEMENT 861**

*****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 **\$938.40 per year** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 408 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$938.40.** 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 \$938.40 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, \$938.40 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Brockway Engineering Representative

MEMORANDUM FOR APPLICATION #2931 / AGREEMENT # 861

To: Water Right(s) 35-2177

From: Mary Condon

Date: May 7, 2024

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

PURPOSE/NARRATIVE: Repeat rental application for 78 acres of irrigation to partially complete a pivot from ground water in the Eastern Snake Plain Aquifer (ESPA) for 2024 received as part of a companion lease and rental package on February 8, 2024. The rental move requires mitigation, requiring a rental of 102 acres for the use of 78 acres for irrigation.

AUTHORITY TO FILE: Application to rent is signed by Doug Case on behalf of Gardner Farms, with consultation provided by Brockway Engineering. The location of the rental place of use and well diversion works is owned by Gardner Farms per current county tax lot data. Mr. Case is a partner of Gardner Farms, according to the most recent record with the Idaho Secretary of State. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right 35-2177 is partially leased into the bank for year 2024 and 102 acres are available for this rental. No concerns with validity for a consecutive, repeat rental of this water right.

INJURY TO OTHER WATER RIGHTS: Rental diversion is within the ESPA Ground Water Management Area (GWMA), and ESPA modeling analysis was included with the rental application and verified during this review. Water right 35-2177 requested for this rental did have additional acres idled and not rented in 2023 that were not used as part of the mitigation consideration during 2023 but will be included in 2024.

The reason the additional offset is allowable in the mitigation analysis is that only 75.7 acres were leased in 2023 for 50.8 acres of irrigation, while in fact 102 acres were idled, as was verified during the 2024 lease review for the newest contract. During 2024, acres offered and accepted for lease increased to 102 acres, which are rented under this rental for the irrigation of 78 acres. No injury to other rights is expected through this rental.

ENLARGEMENT OF USE: Existing water rights at the rental place of use are ground water right 35-2765 for 56 acres, with a calculated rate of 0.017 cfs per acre and the standard headgate of 4.0 acre-feet per acre and a condition that when used with other rights the combined rate cannot exceed 0.020 cfs per acre. Requested water right 35-2177 has a calculated rate of 0.020 cfs per acre and the same headgate. No concerns with enlargement.

There was a preliminary order issued approving transfer 87701 for child water rights 35-14825 and 35-14826 to the rental pivot for an additional 13 acres on 3/27/2024, but a petition for reconsideration was filed prior to the deadline and resolution of the transfer is not expected by this spring.

Additionally, 10 acres of right 35-2177 as child right 35-14827 was also filed under transfer 87702 from the lease place of use to the rental place of use but was withdrawn prior to approval.

LOCAL PUBLIC INTEREST: Applicant sought permanent transfer 87701 for 13 acres of different ground water rights 35-14407 & 35-11408 (child rights 35-14825 & 35-14826) to the rental place of use, as well as transfer 87702 for 10 acres of 35-2177, the same ground water right for this rental, both of which were protested. Transfer 87701 has not been resolved, and 87702 was withdrawn. Previous requests for comments from 2023 WSB review from the regional manager and watermaster while both transfers were in advertisement resulted in a one-year lease and rental approval. This rental is a continuation of the same effort while the transfers can be resolved for additional acres.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental proposal is for beneficial use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is within the ESPA GWMA, IDWR Eastern Region, Bingham Ground Water District (GWD) and is subject to Water District # 120. Requests for comments or concerns were sent to the regional manager and watermaster on May 14, 2024.

ESPA ANALYSIS:

TO WELL – 71, 138

2023 // 50.8 AF PER TRIMESTER $((50.8 \text{ AC} * 3) / 3 = 50.8$

2024 // 78.0 AF PER TRIMESTER $((78 \text{ AC} * 3) / 3 = 78$

FROM WELL – 78, 143

2023 & 2024 // 102 AF PER TRIMESTER $((102 \text{ AC} * 3) / 3 = 102$

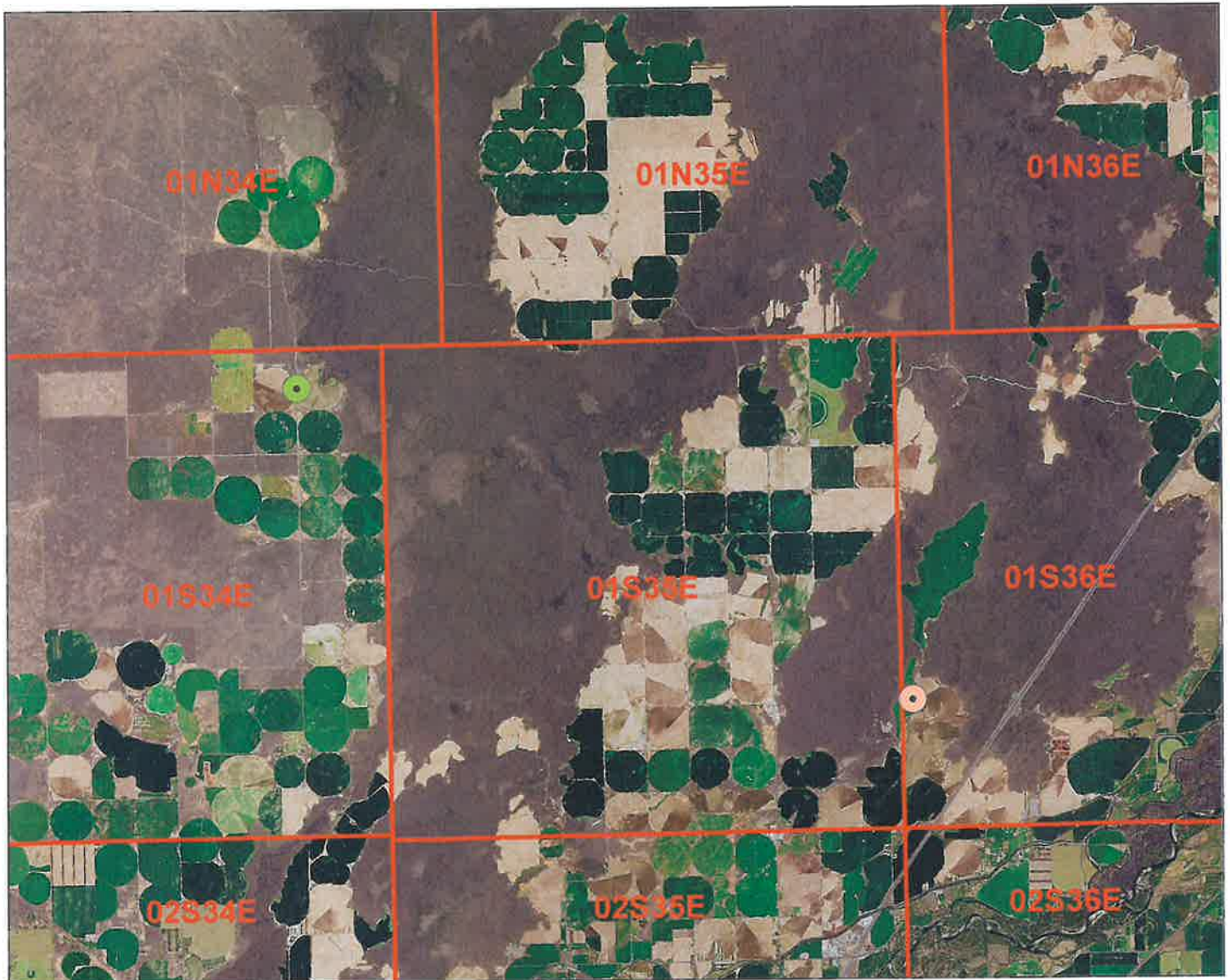
					Impact by Reach (AF/Trimester)										
Priority Date	POD Location	Dedicated Vol AFA/ AFT		Model Node	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Impacts following Transfer															
1/1/1960	8S26E-3				2.43	6.22	48.50	42.46	0.57	0.60	0.49	0.22	0.21	0.24	0.03
1/1/1960	8S26E-3				2.43	6.22	48.50	42.46	0.57	0.60	0.49	0.22	0.21	0.24	0.03
State Impacts following Transfer															
1/1/1960	8S26E-3	0	0.0	0	2.43	6.22	48.50	42.46	0.57	0.60	0.49	0.22	0.21	0.24	0.03
1/1/1960	8S26E-3	0	0.0	SP068066	2.43	6.22	48.50	46.53	0.60	0.60	0.49	0.22	0.21	0.24	0.03
Steady State Analysis															
Mitigation Check 1 - >10% of Historical:					0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
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:					2.4%	6.1%	47.6%	41.6%	0.6%	0.6%	0.5%	0.2%	0.2%	0.2%	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%	0.0%	9.6%	3.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AF/T:					0.0	0.0	0.0	4.1	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	0.0	4.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Idaho Water Resource Board

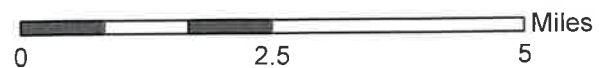
WSB Move Map

35-2177

2024



- Active Water Supply Bank Lease POD
- Active Water Supply Bank Rental POD
- Township/Range
- Sections
- QQ



Condon, Mary

From: Condon, Mary
Sent: Tuesday, May 14, 2024 12:16 PM
To: Cefalo, James; Jordan, Blake
Subject: Rental Review - Gardner Farms WD 120
Attachments: Move Map.pdf; Rental Review Memo - 861.docx; Rental Map 861.pdf

Good afternoon, James, and Blake,

Please see the attached rental review memo, move map, and rental map for a repeat rental during 2024 for Gardner Farms, and kindly reply with comments or concerns within 10 days.

Best,
Mary

Mary Condon
Water Supply Bank Program Coordinator



Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Condon, Mary

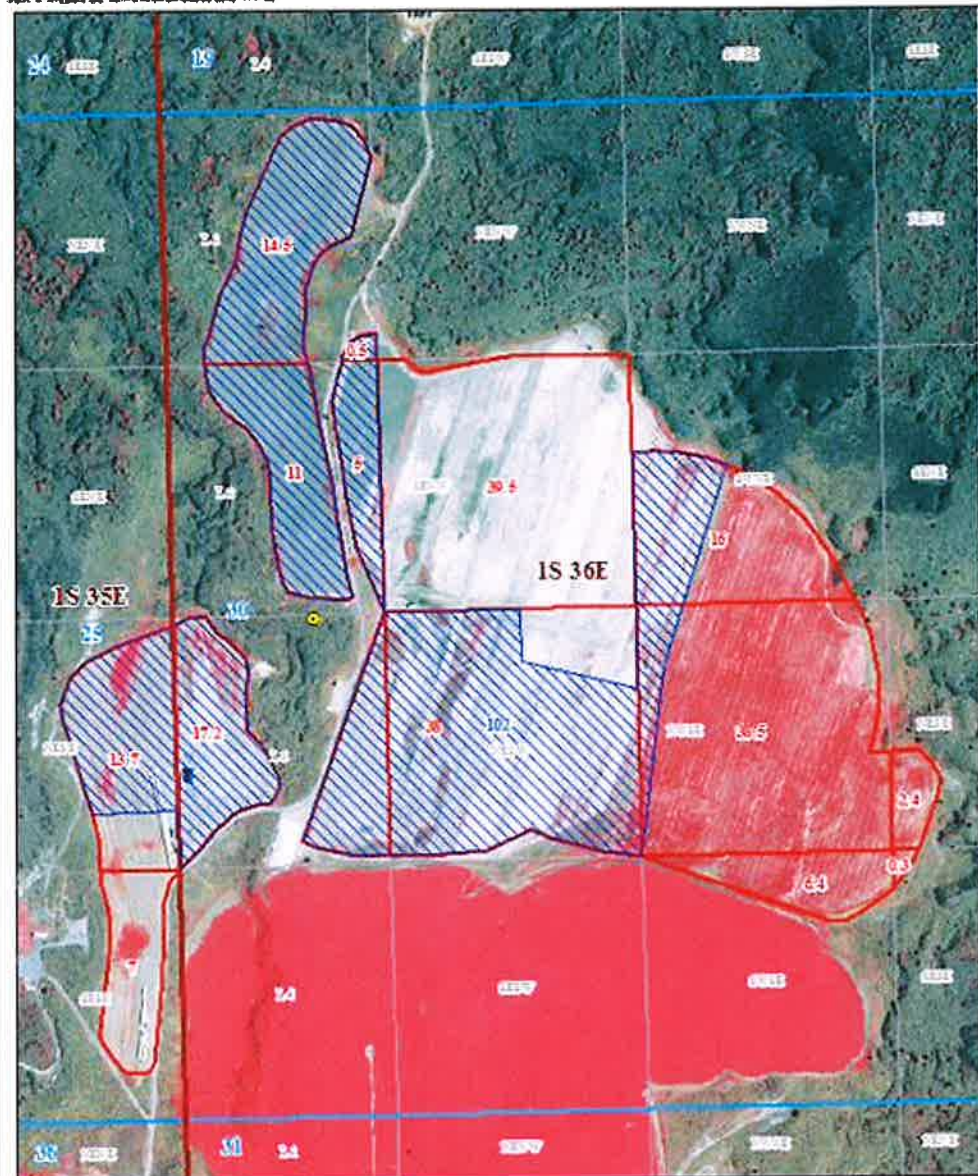
From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, April 23, 2024 9:02 AM
To: Condon, Mary
Subject: RE: Gardner Farms 2024 Rental Application 2937 - Etran

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.

Mary,

When you have a minute, please give me a call to discuss this.

The entire 102.0 acres was not irrigated in 2023 and will not be irrigated in 2024. See the 2023 infrared image below.



0 500 1,000 Feet

GARDNER FARMS
WATER RIGHT 35-2177
2023 NAIP INFRARED AERIAL

Legend

- Irrigation Well
- ▨ Lease Acres
- 35-2177

BRIDGEMAN ENGINEERING, PLLC
CNS-0000 4/23/2024

Page 2 of 2

Cells this color are set up for user entries

UPDATE DATES RUN MODEL GET OUTPUT

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

TRANSFER NO: 0

YEAR: 1950

SEASON: SPRING

TRANSFER NAME:

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	TO CELL	FROM1 CELL	FROM2 CELL	FROM3 CELL
ROW	71	78	78	0
COLUMN	139	143	143	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Protected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 1950	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 1950	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2021	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2022	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2022	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2022	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2023	50.8	0.0	75.7	0.0	26.3	0.0	0.0
SUM 2023	50.8	0.0	75.7	0.0	26.3	0.0	0.0
WIN 2023	50.8	0.0	75.7	0.0	26.3	0.0	0.0
SPR 2024	78.0	0.0	75.7	0.0	26.3	0.0	0.0
SUM 2024	78.0	0.0	75.7	0.0	26.3	0.0	0.0
WIN 2024	78.0	0.0	75.7	0.0	26.3	0.0	0.0
SPR 2025	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2025	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2025	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2026	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2026	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2026	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2027	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2027	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2027	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2028	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2028	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2028	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SPR 2029	0.0	75.7	75.7	26.3	26.3	0.0	0.0
SUM 2029	0.0	75.7	75.7	26.3	26.3	0.0	0.0
WIN 2029	0.0	75.7	75.7	26.3	26.3	0.0	0.0

Greg Sullivan
 Brockway Engineering
 2016 North Washington Street, Suite 4
 Twin Falls, Idaho 83301
 208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Condon, Mary [mailto:Mary.Condon@idwr.idaho.gov]
 Sent: Monday, April 22, 2024 11:57 AM
 To: Greg Sullivan <greg.sullivan@brockwayeng.com>
 Subject: Gardner Farms 2024 Rental Application 2937 - Etran

Hello, Greg,

I noticed the modeling submitted with the new rental application did not leave any of the non-rented right for 2023 at the 'from well with transfer.' Please send me successful modeling with corrections to year 2023. I've included a snippet of the modeling you provided and some information from the 2023 review.

SUM 2021	0.0	102.0	102.0	0.0
WIN 2021	0.0	102.0	102.0	0.0
SPR 2022	0.0	102.0	102.0	0.0
SUM 2022	0.0	102.0	102.0	0.0
WIN 2022	0.0	102.0	102.0	0.0
SPR 2023	60.0	0.0	102.0	0.0
SUM 2023	60.0	0.0	102.0	0.0
WIN 2023	60.0	0.0	102.0	0.0
SPR 2024	75.0	0.0	102.0	0.0
SUM 2024	75.0	0.0	102.0	0.0
WIN 2024	75.0	0.0	102.0	0.0
SPR 2025	0.0	102.0	102.0	0.0
SUM 2025	0.0	102.0	102.0	0.0
WIN 2025	0.0	102.0	102.0	0.0
SPR 2026	0.0	102.0	102.0	0.0
SUM 2026	0.0	102.0	102.0	0.0
TOTAL RENTAL	0.0	102.0	102.0	0.0

INJURY TO OTHER WATER RIGHTS: The rental POD has historically been used for the irrigation of the pivot at the rental POU and will continue to be used for this purpose. The rental POD is in the ESPA GWMA, Bingham GWD, and WD 120 as is the lease POD. The lease and rental PODs both divert from the same aquifer. There will be no change to source.

ESPA modeling was completed as below for the rental using ETRAN V3.4. The rental is proposing to rent 75.7 acres worth of right 35-2177 for the irrigation of 52.0 acres. The difference in these amounts is water which will be left undiverted to mitigate for impacts of the rental. With this reduced diversion amount, the model found that no other mitigation would be required for this rental.

**The rental application proposed to rent 75.7 acres for the use of 52.0 acres, which passed the ETRAN V3.4 modeling. However, there were concerns with the combined effects of this rental and rental application #2609 as they are both for the same rental pivot. When the two WSB applications were modeled together, a total of 61.8 acres passed the modeling instead of the proposed combined 63.0 acres (52.0 acres under #2610 and 11.0 acres under #2609). The further reduction of this rental to 50.8 acres reflects this difference.

**Modeling was not rerun after reducing the rental amounts to 50.8 acres instead of 52.0 acres. The amount being rented did not change, and using less water at the rental location would not increase the amount of potential mitigation required.

Thank you,
Mary

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