

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1800**

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: ARIMO CORP
C/O CHRISTOPHER F
ROBINSON 925 W 100 N STE F
PO BOX 540478
NORTH SALT LAKE, UT 84054

RECEIVED

Feb 14, 2024

DEPARTMENT OF
WATER RESOURCES**RECITALS**

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 13, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
29-4406	1/1/1880	SPRINGS, tributary to MARSH CREEK	0.55	Not Stated	30.0
29-4408	1/1/1880	SPRING, tributary to MARSH CREEK	0.39	Not Stated	22.0
29-4423	1/1/1880	UNNAMED STREAM, tributary to MARSH CREEK	0.55	Not Stated	30.0
29-12055	1/1/1880	SPRING, tributary to MARSH CREEK	0.16	Not Stated	8.0
Combined Limit Totals			1.24	Not Stated	61.8
Combined Lease Totals			1.24	Not Stated	61.8

SUPPORT DATA**IN FILE #** 29-4406

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1800

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
29-4406	0.55	105	30.0	0.018	3.5
29-4408	0.39	77.0	22.0	0.018	3.5
29-4423	0.55	105	30.0	0.018	3.5
29-12055	0.16	28.0	8.0	0.020	3.5
Combined Limit Totals	1.09	216.3	61.8	0.018	3.5

** The water right elements rentable have been changed from the water right elements leased to account for unleased stockwater use and the inclusion of diversion volume.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1800

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ARIMO CORP
C/O CHRISTOPHER F ROBINSON
925 W 100 N STE F PO BOX
540478

NORTH SALT LAKE, UT 84054

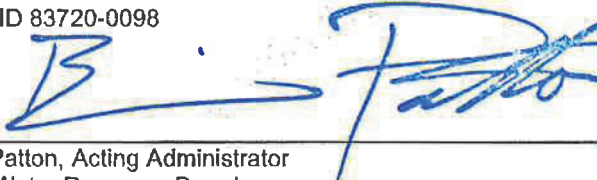
By CHRISTOPHER F ROBINSON

Title 4121EF7DF47848E... President

Date 02/13/2024

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 2/20/24

Lease approved by IDWR 

Date 2/20/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1800

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 29-4406

SPRINGS	L10 SWSWSW	Sec. 6	Twp 10S	Rge 37E	BANNOCK County
SPRINGS	L10 SWSWSW	Sec. 6	Twp 10S	Rge 37E	BANNOCK County
SPRINGS	L7 SWNWSW	Sec. 6	Twp 10S	Rge 37E	BANNOCK County

Source and Location of Point(s) of Diversion for Water Right No(s): 29-4408

SPRING	L10 SWSWSW	Sec. 6	Twp 10S	Rge 37E	BANNOCK County
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Source and Location of Point(s) of Diversion for Water Right No(s): 29-4423

UNNAMED STREAM	NWSENEW	Sec. 7	Twp 10S	Rge 37E	BANNOCK County
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Source and Location of Point(s) of Diversion for Water Right No(s): 29-12055

SPRING	NENWNW	Sec. 7	Twp 10S	Rge 37E	BANNOCK County
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Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
29-4406	IRRIGATION	04/01	to	10/31	0.55 cfs	Not Stated
29-4408	IRRIGATION	04/01	to	10/31	0.39 cfs	Not Stated
29-4423	IRRIGATION	04/01	to	10/31	0.55 cfs	Not Stated
29-12055	IRRIGATION	04/01	to	10/31	0.16 cfs	Not Stated
Totals:					1.09 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	
10S	36E	1													0.6				0.6
10S	37E	6							4.4 L8			2.8 L7 4.5 L9	17 L10						28.7
10S	37E	7						24 L1	8.3 L4				0.2 L2						32.5

Total Acres: 61.8

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
- While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1800

4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into 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.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Right 29-4406 is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
13. Right 29-4408 is limited to the irrigation of 22.0 acres within the place of use described above in a single irrigation season.
14. Right 29-4423 is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
15. Right 29-12055 is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.
16. Rights 29-4406, 29-4408, 29-4423, and 29-12055 when combined shall not exceed a total diversion rate of 1.09 cfs and the irrigation of 61.8 acres.
17. 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. 29H.
18. Source for right 29-12055 is also known as Old Stack Spring. Source for right 29-4423 is also known as Squatter Creek. Source for right 29-4408 is also known as School Spring.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1800
29-4406, 29-4408, 29-4423, 29-12055
Effective until December 31, 2024

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



0 750 1,500 2,250 Feet

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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Dec 12, 2023

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant ARIMO CORPORATION

(Select one owner – see item 1A on the application)

Water Right No. 29-4423

(One water right per application)

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

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☒ ☐ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$

Received By:

KM

Date Received:

12.13.23

Receipt #

W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9:

Arimo Corporation

2854

**STATE OF IDAHO
WATER RESOURCE BOARD**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)**

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant ARIMO CORPORATION

Mailing Address P. O. Box 540478 North Salt Lake Utah 84054
Street City State Zip Code

Email Address crobinson@theensigngroup.com Phone Number 801-599-4397

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒

If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐

If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐

If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Christopher F. Robinson Organization Arimo Corporation (applicant)

Professional Title President Email Address crobinson@theensigngroup.com

Mailing Address P.O. Box 540478, North Salt Lake, UT 84054 Phone Number 801-599-4397

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☒ The full water right is being offered to the Bank.

OR

- ☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

Water springs up on Applicant's property and is distributed through ditches.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water Rights 29-4406 (Springs), 29-4408 (School Spring), and 29-12055 (Old Stack Spring) are stacked
with this water right. These stacked water rights are also being offered to the Bank at the same time.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☒ No ☐

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The full authorized rates have been diverted.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe.

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2024 to 2024 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

N/A

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

DocuSigned by:
By: CHRISTOPHER F. ROBINSON
4121EF7DF47848E
Signature of Designated Applicant

Christopher F. Robinson, President

Printed Name

December 12, 2023

Date

DocuSigned by:
CHRISTOPHER F. ROBINSON
4121EF7DF47848E
Signature of Authorized Representative

Christopher F. Robinson

Printed Name

December 12, 2023

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

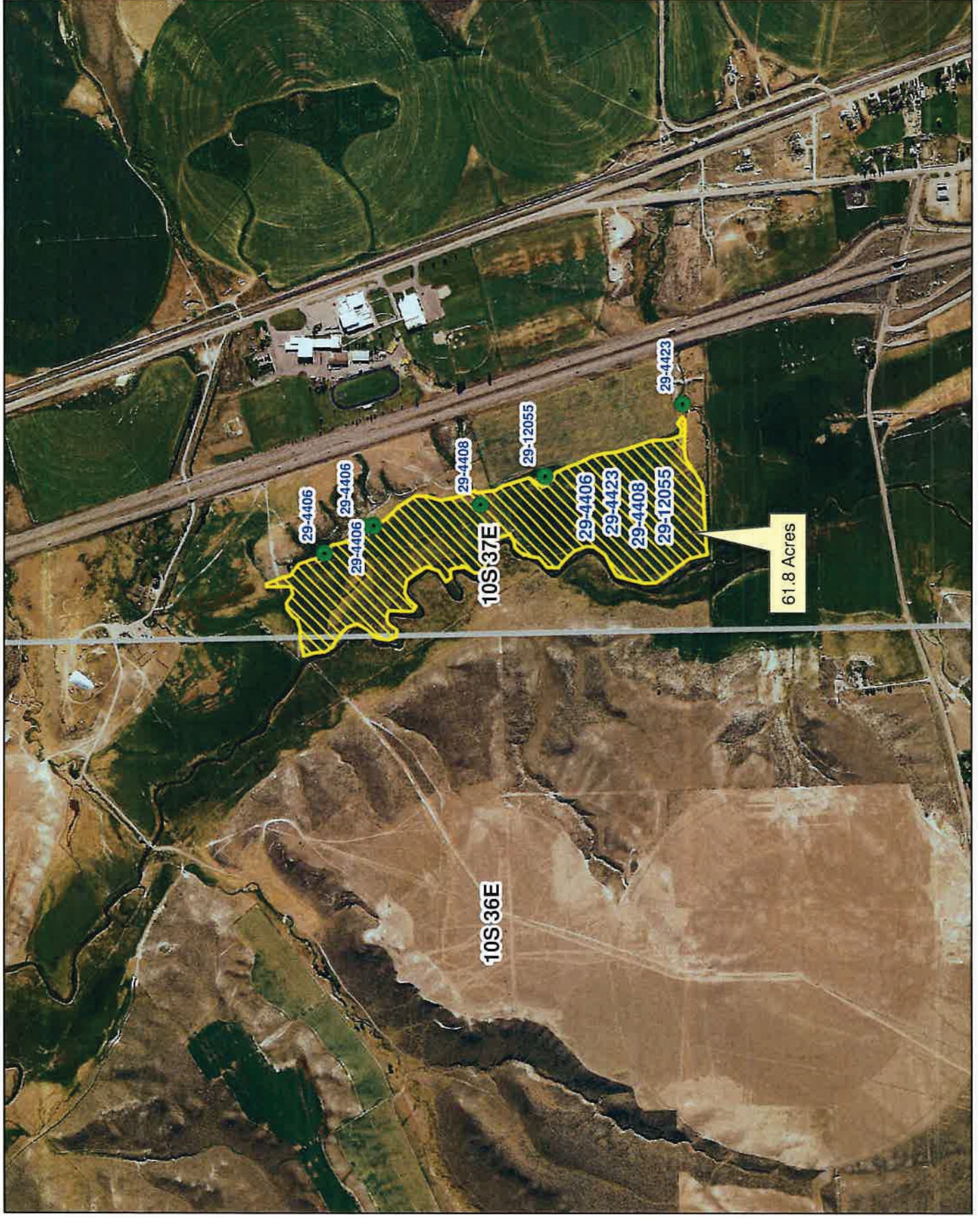
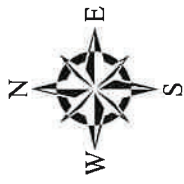
1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
_____	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	Total Amounts:	_____	_____	_____

2. Source of water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

ARIMO CORPORATION - WSB RENTAL



2021 NAIP Photo



Prepared by:
Luke H. Marchant
07/13/2023



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

February 14, 2024

ARIMO CORPORATION
C/O CHRISTOPHER F. ROBINSON
PO BOX 540478
NORTH SALT LAKE, UT 84054

**RE: WATER SUPPLY BANK LEASE CONTRACT 1800
FOR WATER RIGHT 29-4406, 29-4408, 29-4423, AND 29-12055**

Dear Lessor:

Water right **29-4406, 29-4408, 29-4423, AND 29-12055** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2024** unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

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

Sincerely,
Signature

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Water District No. 29

MEMORANDUM FOR WSB LEASE APPLICATION # 2854

To: Water Right No(s). 29-4406, 29-4408, 29-4423, 29-12055

From: Skyler Cheever, Water Resource Agent

Date: 1/11/2024

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

PURPOSE/NARRATIVE:

Application 2854 was sent in by the Arimo Corporation with co-owner Christopher F. Robinson and received on December 12th, 2023, with the correct fee payment received on December 18th, 2023. This application is part of a lease rental package with rental application 2853 which was submitted by Potter Creek Ranch with co-owner Christopher F. Robinson. The applicant proposes to lease the entirety of water rights 29-4406, 29-4408, 29-4423, and 29-12055 into the water supply bank for 2024. The proposed point of diversion is within the Snake River Basin Moratorium Area, and Non-Trust Water Area. This application is intended as a renewal of contract 1722 which expired on December 31st, 2023.

AUTHORITY TO FILE:

Christopher Robinson signed the application. Mr. Robinson has the authority to file this application because he is the president of the Armino Corporation according to the Idaho Secretary of States Office Database. The Arimo Corporation are the current owners of water rights 29-4406, 29-4408, 29-4423, and 29-12055 according to Department records.

WATER RIGHT VALIDITY:

Water rights 29-4406, 29-4408, 29-4423, and 29-12055 were decreed in 2004. During the previous review the applicants indicated the place of use was flood irrigated every year except for 2023. Aerial imagery indicated greenery was present at the place of use from 2005-2022. It was difficult to tell if the greenery is due to diversion of water from springs and surface water authorized under the proposed water rights or sub irrigation from Marsh Creek adjacent to the place of use. However, with cattle present in imagery within the place of use it is likely water was diverted to irrigate pasture or crops and not due to sub-irrigation from Marsh Creek. Therefore, enough evidence is available to the bank to conclude water rights 29-4406, 29-4408, 29-4423, and 29-12055 are likely not lost to forfeiture and can be leased into the water supply bank.

INJURY TO OTHER WATER RIGHTS:

Any injury concerns this lease application could pose are associated to their location in relation to rental application 2853. Those concerns will be addressed in the review of the rental application.

ENLARGEMENT OF USE:

Water rights 29-4406, 29-4408, 29-4423, and 29-12055 are limited to 1.24 cfs and the irrigation of 61.8 acres. However, rights 29-4406, 29-4408, and 29-4423 include stockwater use that is not being leased into the bank according to the applicants during the last lease application review. Therefore, the diversion rate of rights 29-4406, 29-4408, 29-4423 and the combined limit total should be reduced to remove stockwater use. If these rights were leased and rented separately there would be more diversion rate, volume and acres irrigated than was historically leading to enlargement. To prevent enlargement these rights should be leased together. The place of use is within the Portneuf Irrigation Company service area. However, during the

previous application review in 2023 the applicant confirmed no surface water shares are available at the place of use. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The point of diversion is within basin 29 and Water District 29H. The Watermaster and Eastern Regional Manager were contacted for comment on January 11, 2024. No response was received, it was assumed there were no concerns with the applicant's proposal.

Cheever, Skyler

From: Cheever, Skyler
Sent: Thursday, January 11, 2024 4:48 PM
To: Cefalo, James; Kristin Evans
Subject: Water Supply Bank Lease Application 2854 Arimo Corporation c/o Christopher Robinson
Attachments: Lease Review Memo 2854.pdf; Lease 1800 Map.pdf

Hello James and Kristin,

I have completed my review of a Water Supply Bank Lease application 2854 with the point of diversion within basin 29, and Water District 29H. The applicant is the Arimo Corp. with c/o Christopher Robinson. The applicants propose to lease the irrigation portions of water rights 29-4406, 29-4408, 29-4423 and the entirety of 29-12055 into the water supply bank for 2024. Attached is a copy of the review memo and map of the place of use. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913



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

February 9, 2024

ARIMO CORPORATION
C/O CHRISTOPHER F. ROBINSON
PO BOX 540478
NORTH SALT LAKE, UT 84054

**RE: APPLICATION TO LEASE WATER RIGHTS 29-4406, 29-4408, 29-4423, AND 29-12055
TO THE WATER SUPPLY BANK CONTRACT 1800**

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Regards,

Skyler Cheever
Water Resource Agent

Enclosure: (2) Lease Contract

CC: Chris Robinson (Representative)

Margheim, Kris

From: Chris Robinson <crobinson@theensigngroup.com>
Sent: Tuesday, December 12, 2023 6:37 PM
To: IDWR File; Kienholz, Mackenzie; Chris Todd; Carly Christensen
Cc: Jeff Young; Chris Redman; Cade Willoughby; Sophie Bergman
Subject: Arimo Corp Water Bank Lease and Potter Creek Water Bank Rental Applications for 2024
Attachments: Arimo Corp WSB Lease App for 2024 WR 29-4406 Signed CFR 12 12 2023 w Map.pdf; Arimo Corp WSB Lease App for 2024 WR 29-4408 Signed CFR 12 12 2023 w Map.pdf; Arimo Corp WSB Lease App for 2024 WR 29-4423 Signed CFR 12 12 2023 w Map.pdf; Arimo Corp WSB Lease App for 2024 WR 29-12055 Signed CFR 12 12 2023 w Map.pdf; Potter Creek Rch 2024 Rental App IWSB Signed CFR 12 12 2023 w Map.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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,

Please find attached the four Arimo Corp lease apps and the one Potter Creek rental app.

Please confirm receipt.

CT and Carly,

Please prepare tomorrow an Arimo Corp check for \$500 made payable and mail the same to:

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

PLEASE NOTE ON THE CHECK THAT IT'S THE FEE FOR ARIMO CORP'S WATER SUPPLY BANK LEASE APPLICATIONS FOR WATER RIGHTS 29-4406, 29-4408, 29-4423, AND 29-12055.

Please email to me a copy of the check.

Thanks,

Chris
801-599-4397

2854