

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 1012

This is to certify that:

WOLFE BROTHERS INC
PO BOX 368
GRAND VIEW, ID 83624

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)
2-7061	4/9/1970	SNAKE RIVER	1.85	463.5	92.7	0.020	5.00
Rental Totals			1.85	463.5	92.7	0.020	5.00

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2028. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2026, whichever occurs last.

Annual Rental Fee:

2026 - 2028: \$15,295.50 annually

The full fee for the rental of the above-described right(s) is \$15,295.50 per year for years 2026 - 2028. The rental fee includes an administrative fee of \$1,529.55 per year for years 2026 - 2028.

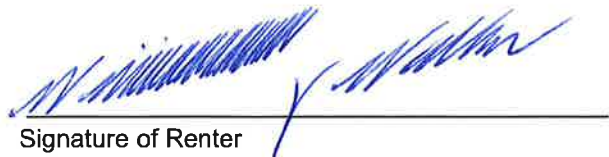
An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 1012

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

5-19-2026
Date

William R Wolfe
Printed Name

Vice President
Title

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

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

By 
BRIAN PATTON, Executive Manager
Idaho Water Resource Board

Date 5/27/26

Rental approved by IDWR 

Date 5/27/26

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 1012

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SESW Sec. 34, Twp 05S, Rge 04E, OWYHEE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.85 CFS

VOLUME
463.5 AF

SEASON OF USE

From To
3/1 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	
05S	03E	32	0.1																0.1
05S	03E	33			40.0	29.0	10.4	4.9		8.3									92.6

Total Acres: 92.7

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 4.5 afa per acre at the field headgate for irrigation of the place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 1012

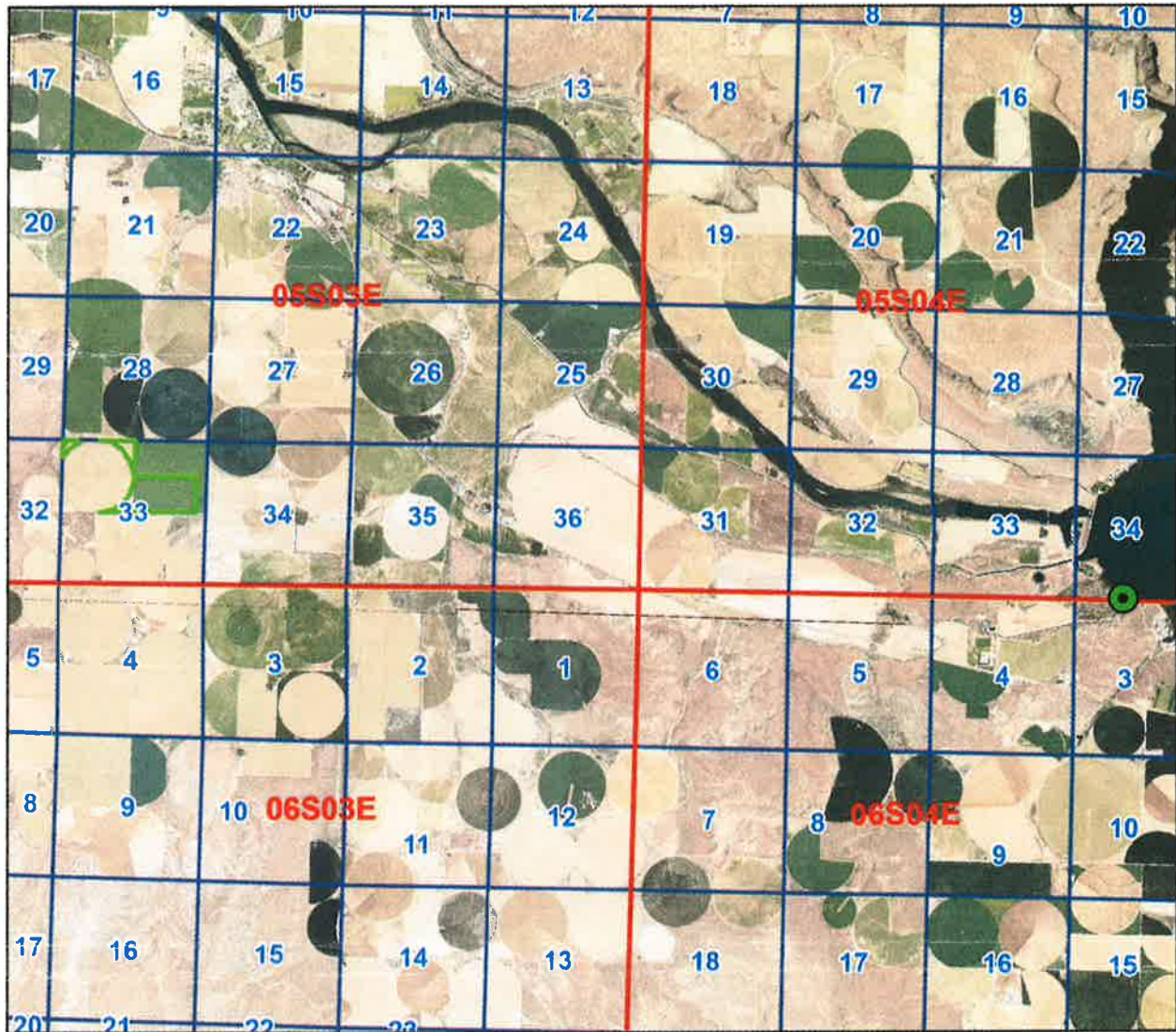
10. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
11. Water rights 2-7059, 2-7061, 2-7062, 2-7064, 2-7168A, 2-7168B, 2-7237A, 2-7275, 2-7279A, 2-7279B, 2-7060A, 2-7060B, 2-7157C when combined shall not exceed a total diversion rate of 39.16. The original combined limit of 48.44 cfs was reduced by 9.28 cfs to account for rental agreement 978 which moved water outside the Bybee Canal.
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. 02.
13. This right does not grant any right-of-way or easement across the land of another.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 1012

Effective until December 31, 2028

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



0 5,000 10,000 15,000 Feet

Legend

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



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



DEPT. OF WATER RESOURCES

Applicant Name: Wolfe Brothers Inc.

Is this application being submitted with a lease application as a lease/rental package?
If yes, specify companion water rights in Section 4

Yes ☐ No ☒

This application must be completed according to the minimum requirement checklist below and printed single sided. 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.**

There is no filing fee for submitting a rental application. The annual rental fee due will be calculated based on the volume of water required under an approved rental agreement. **Timing:** Rental application processing is prioritized between November through March. 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 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 cannot provide retroactive approval, and applications will not be accepted once the rental season of use period has concluded. 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 applicant.

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 <https://idwr.idaho.gov/iwrb/programs/water-supply-bank/resources/>

MINIMUM REQUIREMENT CHECKLIST

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

		Yes		
		☒		Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒		Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes		
1B	☒	☐		Authorization to represent the applicant, or sign on behalf of the company
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 proposed use of rental water
3F	☐	☒		Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐		Water modeling to analyze 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)

3487

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Wolfe Brothers Inc.

Mailing Address c/o Billy Wolfe, PO Box 368 Grand View ID 83624
Street City State Zip Code
 Email Address wolfebros@hughes.net Phone Number 208-599-2691

B. Is this application being completed or signed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
 If yes, representatives (includes company employees, as well as legal counsel or consultants) should provide their information below and include their authority to represent and/or sign the application on behalf of the applicant. Label **Attachment 1B**.

Representative Lori Graves Professional Title Sr. Water Rights Specialist
 Organization HDR Relationship to Applicant Consultant
 Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise 83706
 Email Address lori.graves@hdrinc.com Phone Number 208-872-9519

2. MAP

Attach a map. Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. The map must include the rental place of use 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 to irrigate **per 40-acre tract** (1/4-1/4). Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Water has been rented for the property since 2014 under water right 2-7061. Amounts below reflect Rental Agreement 694 granted for the 2023 - 2025 irrigation seasons. The 3-year requested rental duration coincides with the current ag lease agreement that is effective through 2028 (included as Attachment 3K).

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)
1.85 CFS	464 AF	1.85 CFS	464 AF	92.7 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.** The desired start date must be later than the date received by the Department. The latest possible start is the latest possible date you could begin diverting water to put the rental to beneficial use in the desired start year. **Rentals are not retroactive and are not approved until the annual rental fee payment is received for the year of beneficial use and an approval document is executed by the Department.**

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	4/1	☐ 1	☐ 2	☒ 3	☐ 4	☐ 5	☒ Process application as soon as possible. I understand the rental fee is annual and is not calculated on a pro rata basis.	☐ Return application to applicant
		Other Term Length (# of years): Prior IWRB approval required						

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

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

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

Water will be delivered to the property through the Bybee Canal. Consent to deliver from Bybee Lateral Water Users Association is included as Attachment 3F.

- E. **Point(s) of diversion.** Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located. An existing well must be identified for a request to rent ground water under a short-term rental.

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
5S	4E	34	9	SW	SE	SW	Owyhee	Snake River	

- F. 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.

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 92.7 (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: Attach a separate page if space is insufficient and label it **Attachment 3L**

None

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. *Rental applications that require modeling must also complete the table below for the specific water rights to be rented. 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. 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. Include any additional water required to meet area headgate requirements, minimum flow rates when combined with existing water rights at the rental location, or mitigation requirements because of [ESPA Modeling Analysis](#) results. 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. Active leases and rentals are searchable via the [Lease and Rental Map Search](#) tool. 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.**

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)
2-7061	Irrigation	6.32	1580	316		1.85	464	92.7
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	1.85	464	92.7
						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 above water right is currently banked through 2025 under lease contract #1307 and has been rented for this property since 2014. Applicant assumes this right will be "re-leased" for an additional 5 years.

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

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)

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:
See Part 3A above. Options for permanent water rights are limited, but will be aggressively pursued if the
applicants are given the option to purchase the property.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?
If yes, describe:

Yes ☐ No ☒

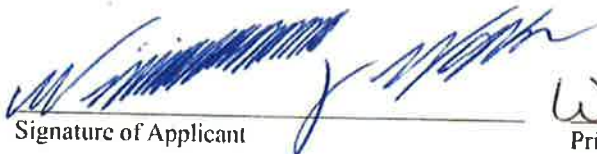
- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?
If yes, describe the date and location of the NOV.

Yes ☐ No ☒

- D. Additional Information

DECLARATION

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


Signature of Applicant

William R Wolfe
Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Print Form

Mail to:

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

Electronic Filing:

file@idwr.idaho.gov
cc bank@idwr.idaho.gov

11-18-2019

Attn: Lori Graves
383-4140

Bybee Lateral Water Users Association will distribute irrigation water through a lateral ditch to the property know as Walker Plow rented by Wolfe Brothers Inc.



Jack Post, Secretary/Treasurer
Bybee Lateral Water Users Assn.

**SECOND AMENDMENT TO
AGRICULTURAL LEASE AGREEMENT – WHITTED FARM**

THIS SECOND AMENDMENT TO THE AGRICULTURAL LEASE AGREEMENT (this “**Amendment**”) made and entered into effective as of October 24th, 2025, by and between Wolfe Brothers, Inc. (“**Tenant**”), and Walker Plow Limited Partnership, LLP (“**Landlord**”). Tenant and Landlord may be referred to herein as a “**Party**”, and Tenant and Landlord may be collectively referred to herein as the “**Parties**”.

RECITALS

1. The Parties entered into that certain **Agricultural Lease Agreement for the Whitted Farm** with an Effective Date of October 7th, 2019 (the “**Agreement**”).
2. The Parties have agreed to amend the Agreement as set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Lease Extension.** The current lease agreement as described above shall be renewed for an additional three (3) years with a new ending date of December 31st, 2028.
2. **Annual Rent.** Rent shall be increased to \$285/cropland acre and/or in the total annual amount of \$249,272 annually. This new rent will take affect beginning in the 2026 crop year.

ALL OTHER TERMS AND CONDITIONS TO REMAIN THE SAME

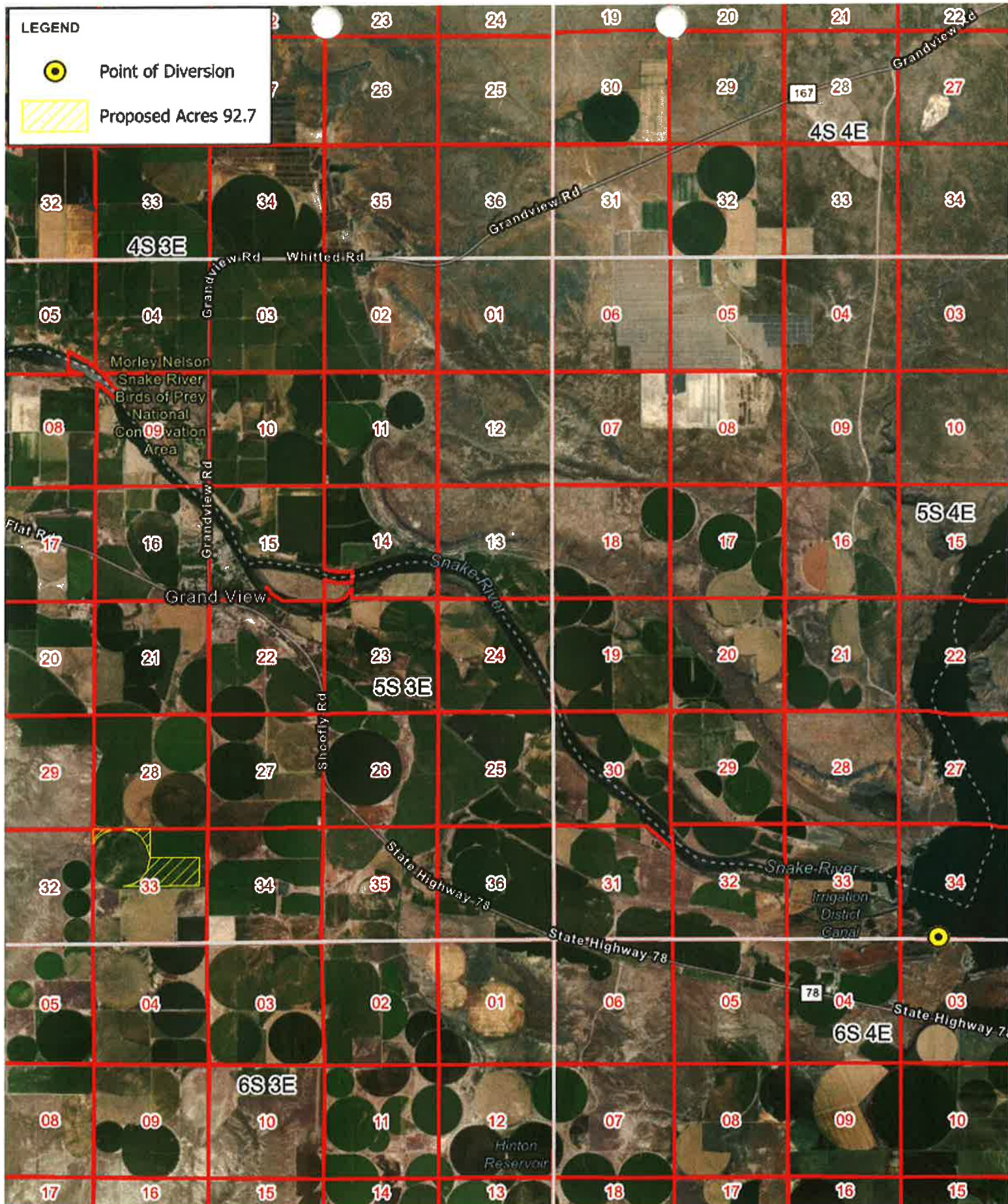
IN WITNESS WHEREOF, the Parties have duly executed this Amendment effective as of the date first written above.

Tenant:


Wolfe Brothers, Inc.

Landlord:

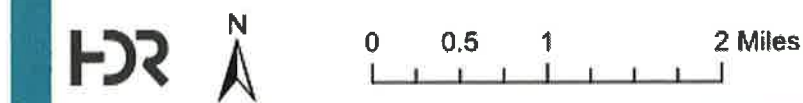

Walker Plow Limited Partnership, LLP



WOLFE BROS. WB RENTAL MAP

WALKER PLOW FARM

OWYHEE COUNTY





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

May 27, 2026

WOLFE BROTHERS INC
C/O BILLY WOLFE
PO BOX 368
GRAND VIEW, ID 83624

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-7061, AGREEMENT 1012**

Dear Renter:

Please find enclosed a receipt in the amount of **\$15,295.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 463.5 acre-feet of water for irrigation of 92.7 acres during 2026. 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 \$13,765.95 of the rental fee will be paid to the lessor(s) and 10% or \$1,529.55 will be retained by the department to offset administrative costs for 2026.

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

Sincerely,

Darin Vrem
Water Supply Bank

Enclosures: Receipt No. C126400
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Regional Office (via email)
Lori Graves - HDR
Water District – 02



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: ldwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 18, 2026

WOLFE BROTHERS INC
C/O BILLY WOLFE
PO BOX 368
GRAND VIEW, ID 83624

RECEIVED

MAY 26 2026

DEPT. OF WATER RESOURCES

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 2-7061 AGREEMENT 1012**

*****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 **\$15,295.50 per year** was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 463.5 acre-feet. The annual rental fee for 2027 is due by December 31, 2026. 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 \$15,295.50 for 2026 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 \$13,765.95 of the rental fee will be paid to the lessor(s) and 10% or \$1,529.55 will be retained by the Department to offset administrative costs for **2026**.

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: Proposed Rental Agreement 1012

c: IDWR Front Desk
Bank
Representative (Lori Graves)

Cheever, Skyler

From: Smith, Kellie
Sent: Tuesday, May 5, 2026 2:05 PM
To: Cheever, Skyler; Scott King
Cc: Erling, Jes
Subject: RE: Water Supply Bank Rental Agreement 1012

Skyler,

This group of rights originated from the initial use of this ditch (previously called Mud Flat Canal) claimed in the SRBA. The adjudication backfile for any of these rights is a good resource for this. With splits, SRBA, and changes of ownership those 13 rights (now 16) with the 48.44 limit are numbered as 2-7168A, 2-10436, 2-7168B, 2-10435, 2-10181, 2-7064, 2-7237A, 2-7060B, 2-10316, 2-7059, 2-7275, 2-7061, 2-7062, 2-7279B, 2-7157C, 2-10315. Of these rights there are nested conditions for three (2-7168, 2-10436) and 2-10316. Three of the rights with that 48.44 limit (2-10181, 2-7064, 2-7237A) have been completely transferred to a different POD and are no longer authorized to divert at Bybee.

Water right 2-7061 has a rate of 6.32 cfs. According to the lease contract 2112 Only 3.23 cfs of the 6.32 is leased into the bank (It was previously fully leased in). There is another active rental (agreement 984) from this lease agreement right (2-7061) for 0.12 cfs with no condition applied (even though your memo mentions something similar).

The 9.28 cfs rented from the lease contract 2119 is delivered at the Flying H diversion way upstream. I am surprised the bank would let a rental out in the full rate of the water right (7.37 cfs) with no reduction due to the combined limit.

I would be wary to place an updated combined limit condition that applies to the other rights. Rather a condition or a lowered amount allowed for rental based on this limit that applies only to this rental. Ultimately the total of all the rights is more than the 48.44 cfs, so which right should be reduced? Of this group, considering the transfer, other water rights that have leases and rentals, the amount remaining with all the leases and rentals (assuming this rental of 1.85 cfs). I have 32 cfs allowed to be diverted at the Bybee from this group of rights.

I am not sure how the bank determines this allowed rental rate, but I know Mary did a breakdown analysis of combined limits in March of 2025 to determine the allowed portion that could be rented for a different water right on this diversion.

To summarize.

- The amount allowed to be rented from this right should have some description of how the rental rate was determined, considering the conditions. I don't think it is appropriate to apply a limiting condition which has not been fully considered.

Kellie Smith

Technical Hydrologist
Water Administration Bureau
Watermaster Water District 02
Idaho Department of Water Resources
Phone: (208) 287-4842
Email: kellie.smith@idwr.idaho.gov

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>

Sent: Tuesday, May 5, 2026 12:04 PM

To: Scott King <scott.king@idwr.idaho.gov>; Smith, Kellie <Kellie.Smith@idwr.idaho.gov>

Cc: Erling, Jes <Jes.Erling@idwr.idaho.gov>

Subject: Water Supply Bank Rental Agreement 1012

Hello Scott and Kellie,

I have completed my review of Water Supply Bank Rental Application 3487 with the proposed point of diversion within Administrative Basin 2 and Water District 2. The applicant is Wolfe Brothers Inc. They propose to rent a 92.7-acre portion of water right 2-7061 from lease contract 2119 from the Water Supply Bank from 2026-2028. Attached is a copy of the rental agreement, review memo, and map of the place of use. If you have any comments regarding 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, Sr - State Office

(208)-287-4913

skyler.cheever@idwr.idaho.gov

Idaho Dept. of Water Resources

322 E. Front St., P.O. Box 83720 Boise, ID 83720

(208)-287-4800 or www.idwr.idaho.gov

MEMORANDUM FOR RENTAL AGREEMENT # 1012

To: Water Right No(s). 2-7061

From: Skyler Cheever – Water Resource Agent, Sr – State Office

Date: 5/4/2026

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

PURPOSE/NARRATIVE:

Application 2487 was sent in by Wolfe Brothers Inc and received by the Idaho Dept. of Water Resources on March 13th, 2026. The applicant proposes to rent 92.7 acres of Water Right 2-7061 (Lease Contract 2119) from the Water Supply Bank (WSB) from 2026-2028. The proposed point of diversion is within the Snake River Basin Moratorium Area and Trust Water Area. This application is intended as a renewal of rental agreement 694 which expired on December 31st, 2025.

AUTHORITY TO FILE:

William R. Wolfe signed the application. Mr. Wolfe has the authority to sign on behalf of Wolfe Brothers Inc because he is a secretary with the company according to the Idaho Secretary of States Office Database. The proposed place of use (POU) is not owned by the applicant according to Idaho Tax Parcel Data. Documentation was provided with the application indicating the applicant is in a farming agreement with the property owner during the proposed rental duration. The applicant proposes to divert from the Bybee canal. A consent letter was included with the application granting delivery to the proposed POU. Therefore, there are no legal access concerns to the proposed POU and POD.

INJURY TO OTHER WATER RIGHTS:

The proposed rental POD is the same as the lease POD, the Bybee Canal system. The applicant provided a letter of consent from the canal co. indicating the Bybee Canal Co. will deliver water to the proposed POU. Therefore, it seems unlikely there would be any impact to other canal users.

ENLARGEMENT OF USE:

There are no other WR's overlapping the proposed POU. WR 2-7061 is limited when combined with 12 other WR's (2-7060A, 2-7060B, 2-7062, 2-7157C, 2-7279A, 2-7168B, 2-7064, 2-7237A, 2-7168A, 2-7275, 2-7059, and 2-7279B) to 48.44 cfs. After reviewing WSB records it was determined WR's 2-7061 (3.23 cfs), 2-7062 (4.10 cfs), and 2-7157C (7.37 cfs) are leased into the WSB. 1.91 cfs of 2-7062 and the entirety of 2-7157C is rented outside of the Bybee Canal administration. Therefore, a combined limit should be placed on the agreement reducing the total limit for all 13 WR's from 48.44 cfs to 39.16 cfs to prevent an enlargement of the remaining WR's within the combined limit. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

The proposed rental of water is in the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The proposed POD is within Administrative Basin 2 and Water District 2. A request for comment was sent to the Watermaster and Western Regional Manager on May 5th, 2026. No concerns were received.



RECEIVED

MAR 13 2026

DEPT. OF WATER RESOURCES

March 11, 2026

Mary Condon
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *WB Rental Application*

Dear Mary,

Enclosed on behalf of Wolfe Brothers Inc. is a rental application requesting 3 years rental of water right 2-7061 that has been leased to the Bank. Wolfe Brothers has rented water from this right since 2014. The 3-year requested rental duration coincides with the current ag lease agreement that is effective through 2028 (included as Attachment 3K).

Please let me know if there are any questions. Thanks Mary.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Water Rights Specialist

Cc: Wolfe Bros.

Project #10352806

hdrinc.com

HDR, 412 E Parkcenter Blvd, Suite 100, Boise, ID 83706
(208) 387-7000

3487