



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 Gary Spackman

September 2nd, 2022

DC FARMS LLC
578 N 100 WAY
BLACKFOOT ID 83221

RE: DENIAL OF APPLICATION(S) TO LEASE WATER RIGHT NO(S). 35-2177 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application(s) to lease water right(s) to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right(s) 35-2177 into the Bank.

This letter is notice that the attached application(s) to lease water to the Bank are **denied**. The Bank rules prohibit enlargement of the use of the water right. As such, the acres to be leased to the Bank are required to be idled for the duration of the season of use during the calendar year in which the proposed lease would occur. The review of your application found that the proposed acres have not been idled during the water right's 2022 season of use.

If you can provide additional information to show reason for reconsideration, please resubmit the application with the additional information within 30 days in order to incur no additional filing fee. Department resources were expended in order to provide a full review of your applications. Therefore, the lease application filing fees will not be refunded.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz".

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Lease Application(s)

c: Greg Sullivan – Brockway Engineering

RECEIVED

Form 42-1761-1 10/15
FEB 17 2022DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

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RECEIVED

FEB 16 2022

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDepartment of Water Resources
Eastern RegionDesignated Applicant DC FARMS LLC

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

Water Right No. 35-2177

(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)*

Attachment	N/A	Yes	
		☒	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
		☒	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.
1A	☐	☐	Signatures and contact information for all owners of the water right to be leased or sold on this application.
1B	☒	☐	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.
1C	☒	☐	<i>Notice of Change in Water Right Ownership</i> 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 <u>Section 42-222(2), Idaho Code</u> .

Department Use Only

Fee Amount \$ \$250.00 Received By CMDate Received: 2/16/22Receipt # E047825W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9: _____

2319

STATE OF IDAHO
WATER RESOURCE BOARD

COPY

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 DC FARMS LLC

Mailing Address 578 N 100 W BLACKFOOT, ID 83221-5714

Street

City

State

Zip Code

Email Address _____

Phone Number 208 6042292

☒ 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 Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

☐ 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.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION 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.
Existing diversion and delivery systems _____

- 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. None _____

- 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. This water right has fully been utilized for irrigation purposes for the last 5 years. _____

- 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? Yes ☐ No ☒
If yes, describe. _____

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION 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: 2022 to 2022 (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.
Current rental rate. _____

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.

[Signature]
Signature of Designated Applicant

Dwight Case
Printed Name

2-14-22
Date

Signature of Authorized Representative

Printed Name

Date

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

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**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

<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)
35-2177	Irrigation	1.14	227.2	56.8
Total Amounts:		1.14	227.2	56.8

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of diversion:

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>Lot</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>County</u>
01S	36E	30		SE	SW	NW	Bingham

COPY

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/10/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2177

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DC FARMS LLC 578 N 100 W BLACKFOOT, ID 83221-5714 208 6042292
Original Owner	WESLEY CHRISTENSEN 649 E 1200 N SHELLEY, ID 83274 2083577347
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017
Security Interest	RABO AGRIFINANCE LLC 14767 NORTH OUTER 40 RD STE 400 CHESTERFIELD, MO 63017-2003 3143178000

Priority Date: 06/30/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	4.2 CFS	840 AFA
Total Diversion			4.2 CFS	840 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESWNW Lt 2|Sec. 30|Township 01S|Range 36E|BINGHAM County

COPY

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	35E	25		NESE	15		SESE	10						
	36E	30		SWNE	20									
			1	NWNW	15	2	SWNW	16		SENE	39			
				NESW	36	3	NWSW	15						
				NWSE	40		SWSE	4						

Total Acres: 210

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 04/30/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

COPY

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Path: F:\Projects\DC Farms\Water Supply Bank\2022\Lease 35-14407.mxd



COPY

CONTRACT OF AGREEMENT

To Whom It May Concern,

DC Farms LLC and Cooper LLC and Case LLC have entered into a water use agreement regarding water rights 35-2177 and 35-14407.

Cooper LLC and Case LLC have agreed to pay all water rental fees privately with DC Farms because all three entities are owned by Doug Case and David Cooper. No additional fees are required by DC Farms LLC of Cooper LLC and Case LLC from the Idaho Water Supply Bank.

Therefore, the rental payment of the 90% of the rental fees for water rights 35-2177 and 35-14407 for the year 2022 have been paid in full.

Cooper LLC and Case LLC will pay the Idaho Water Supply Bank the 2022 10% rental fee when the rental agreement is signed and submitted to IDWR.

DC Farms LLC:

DC Farms LLC by [Signature]

Date: 2-14-22

Cooper LLC:

Cooper LLC by [Signature]

Date: 2-14-22

Case LLC:

Case LLC by [Signature]

Date: 2-14-22



0004372015



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004372015

Date Filed: 8/6/2021 9:28:39 AM

Entity Name and Mailing Address:		
Entity Name:		DC FARMS HOLDINGS, LLC
The file number of this entity on the records of the Idaho Secretary of State is:		0000361193
Address		578 N 100 W BLACKFOOT, ID 83221-5714
Entity Details:		
Entity Status		Active-Existing
This entity is organized under the laws of:		IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:		W117535
The registered agent on record is:		
Registered Agent		DAVID B COOPER Registered Agent Physical Address 578 N 100 W BLACKFOOT, ID 83221 Mailing Address
Limited Liability Company Managers and Members		
Name	Title	Business Address
David Cooper	Member	578 N 100 W BLACKFOOT, ID 83221
The annual report must be signed by an authorized signer of the entity.		
Job Title: Member		
David Cooper		08/06/2021
Sign Here		Date

B0631-7114 08/06/2021 9:28 AM Received by ID Secretary of State Lawrence Denney



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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FEB 16 2022

Department of Water Resources
Eastern Region

February 11, 2022

RECEIVED

FEB 17 2022

DEPARTMENT OF
WATER RESOURCES

Mary Condon
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: 35-2177 Lease and Rental Package

Dear Ms. Condon:

DC Farms LLC is submitting a lease rental package for a portion of water right 35-2177. DC Farms LLC desires to lease a 56.8 acre portion of water right 35-2177 into the Idaho Water Supply Bank. A fee of \$250.00 is being submitted with this letter.

Cooper LLC and Case LLC are submitting a rental application that will rent the entire leased volume of 56.8 acres under 35-2177. The allowed rental amount will be limited to 55.5 acres. The ESPA Model analysis tool has been run and sufficient mitigation is being provided with adjusted rental acre amounts.

DC Farms LLC, Cooper LLC and Case LLC are all owned by the same individuals. A contract of agreement between these three entities regarding rental payments has been signed and is being submitted to the Idaho Water Supply Bank with this letter.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: DC Farms

Enc: Lease Application, Rental Application, Aerial Maps, Annual Reports, Contract of Agreement, ESPA Model Analysis, Brockway Engineering Check # _____

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208 • 736 • 8543

FAX: 736 • 8506

2319



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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FEB 22 2022

DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 16 2022

Department of Water Resources
Eastern Region

February 11, 2022

Mary Condon
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: 35-2177 Lease and Rental Package

Dear Ms. Condon:

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DC Farms LLC, Cooper LLC and Case LLC are all owned by the same individuals. A contract of agreement between these three entities regarding rental payments has been signed and is being submitted to the Idaho Water Supply Bank with this letter.

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Sincerely,

Greg Sullivan, M.S., Engineer

Cc: DC Farms

Enc: Lease Application, Rental Application, Aerial Maps, Annual Reports, Contract of Agreement, ESPA Model Analysis, Brockway Engineering Check # _____

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

WATER SUPPLY BANK
Lease Review Checklist
Applicant(s) Name: DC Farms

Memo Date: July 8, 2022

Water Right Number(s): 35-2177

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right	x		
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	x		
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2002
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?		x	
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?			
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			4
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		x	
13	Narrative: The Department received this application on Feb. 16, 2022. This is part of a lease/rental package. The application was signed by Doug Case. The applicant is offering 56.8 acres to the Bank. This right was decreed in 2002 and irrigation has taken place as late as 2021. Forfeiture is not an issue. There are no overlapping rights that need to be placed in the Bank. This right is currently within WD 120.			