

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1495

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

LESSOR: GINGERICH BROTHERS FARMS LAND HOLDINGS LLC
C/O VERLIN L GINGERICH
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

RECEIVED

APR 08 2022

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 November 26, 2021.
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)
2-2375B	7/15/1965	SNAKE RIVER, tributary to COLUMBIA RIVER	0.58	145.0	29.0
Lease Totals			0.58	145.0	29.0

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)
2-2375B	0.44	145.0	29.0	0.015	3.8
Combined Limit Totals	0.44	145.0	29.0	0.015	3.8

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

WATER SUPPLY BANK LEASE CONTRACT No. 1495

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, 2022 to December 31, 2026. 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. 1495

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

LESSOR: GINGERICH BROTHERS FARMS
LAND HOLDINGS LLC
C/O VERLIN L GINGERICH 19285
HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

By Verlin Gingerich
Title PARTNER
Date 4/2/2022

IDAHO WATER RESOURCE BOARD

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

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 4/11/22

Lease approved by IDWR Ph...

Date 4/11/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1495

**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): 2-2375B

SNAKE RIVER L 3NENENW Sec. 4 Twp 06S Rge 06E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-2375B	IRRIGATION	03/15	to	11/15	0.58 cfs	145 AF
Totals:					0.58 cfs	145 AF

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	
06S	06E	4									1.0	0.5				1.5	1.5	2.5	7.0
06S	06E	5																1.0	1.0
06S	06E	9					0.5			5.0	7.5		8.0						21.0

Total Acres: 29.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. 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.
3. 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.
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1495

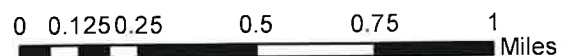
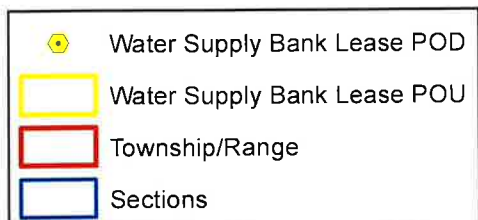
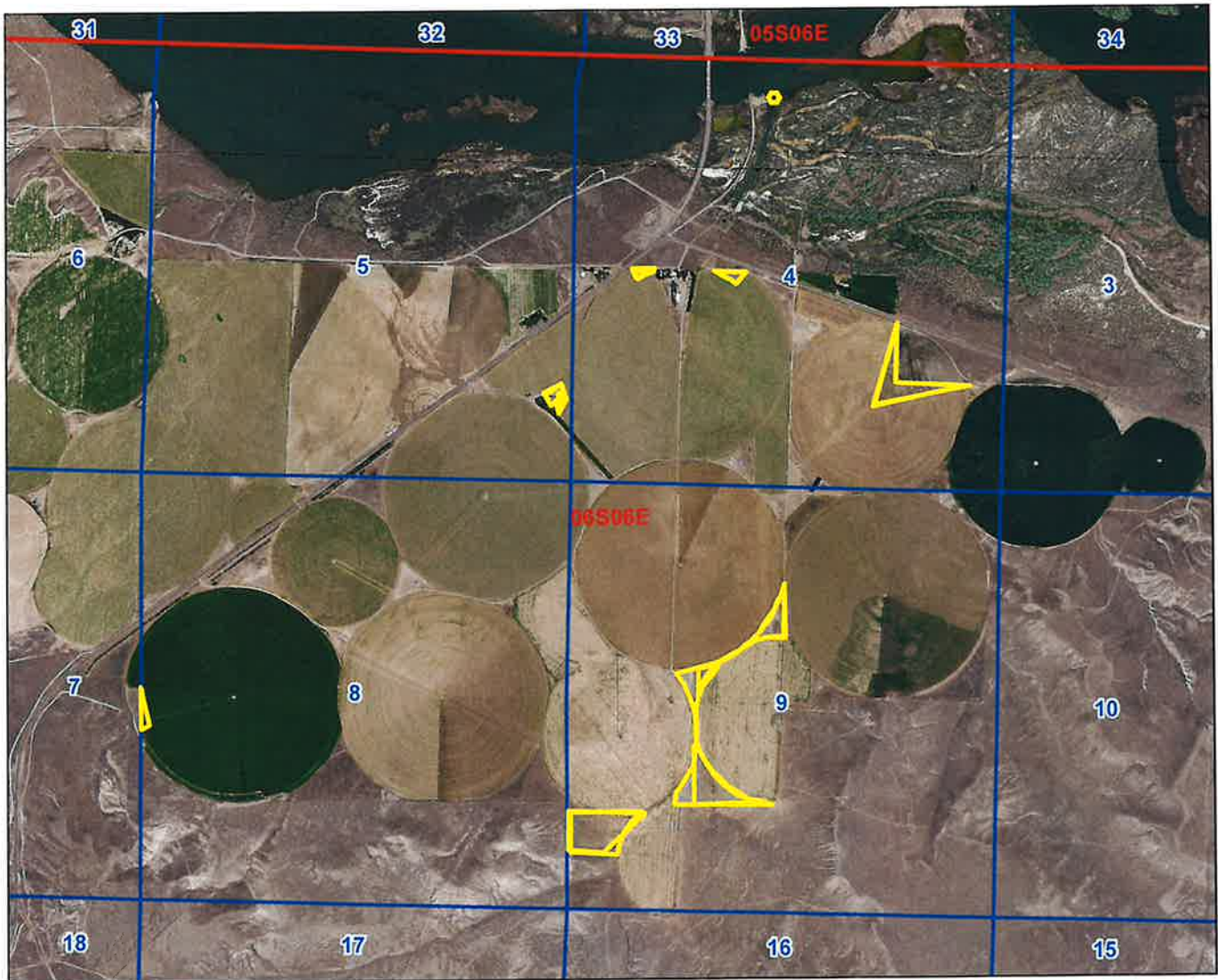
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. 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.
13. Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 are diverted at the point of diversion described above.
14. Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-10289, 02-10291, and unleased portion of 02-2375B when combined shall not exceed a total diversion rate of 19.25 cfs, 5115 af at the field headgate, and the irrigation of 1286 acres.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1495

2-2375B

Effective until December 31, 2026

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.



Amended

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED
FEB 28 2022
DEPT OF WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant Gingerich Brothers Land Holdings LLC
(Select one owner – see item 1A on the application)

Water Right No. 2-2375B
(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 <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 Section 42-222(2), Idaho Code . |

Department Use Only

Fee Amount \$ <u>250</u>	Received By: _____	Date Received: <u>11-26-21</u>	Receipt # <u>C111383</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9: _____	

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 Gingerich Brothers Farms Land Holdings LLC, c/o Verlin L. Gingerich, Manager
Mailing Address 19285 HWY 51 Mountain Home ID 83647
Street City State Zip Code
Email Address vgingeri@gmail.com Phone Number (208) 845-2872

☒ 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 Lori Graves Organization SPF Water Engineering
Professional Title Water Right Specialist Email Address lgraves@spfwater.com
Mailing Address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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 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.
Snake River pump station, mainline, integrated pressurized irrigation system.

- 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. Combined rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 2-10291 each have "unstacked" acre limits, that when combined, total 1315 acres. Upon lease approval, combined irrigation will not exceed 1286 acres during the 5-year term.

- 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. As decreed

- 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. _____

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 ☒.

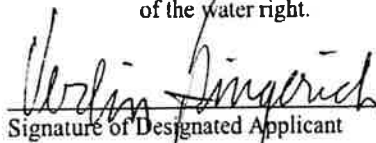
If lease, specify the years when the use of water will be suspended: 2022 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

- 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 of Designated Applicant

VERLIN GINGERICH
Printed Name

2-28-2022
Date

Signature of Authorized Representative

Printed Name

Date

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

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 2027 (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.

Verlin Gingerich
Signature of Designated Applicant

VERLIN GINGERICH
Printed Name

2-28-2022
Date

Signature of Authorized Representative

Printed Name

Date

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

**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)
<u>2-2375B</u>	<u>Irrigation</u>	<u>0.58</u>	<u>145</u>	<u>29</u>
	Total Amounts:	<u>0.58</u>	<u>145</u>	<u>29</u>

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

Twtp	Rge	Sec	Lot	¼	¼	¼	County
6S	6E	4	3		NE	NW	Owyhee

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/28/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 2-2375B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GINGERICH BROTHERS FARMS LAND HOLDINGS LLC C/O VERLIN L GINGERICH 19285 HIGHWAY 51 MOUNTAIN HOME, ID 83647-6378 2088452872
Original Owner	JOSEPH J KOUDELKA
Original Owner	R W LUEKENG , ID
Original Owner	RIVER RANCH FARMS 100 S WACKER DR STE 1140 CHICAGO, IL 60606 3122366010

Priority Date: 07/15/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	4.26 CFS	1065 AFA
Total Diversion			4.26 CFS	1065 AFA

Location of Point(s) of Diversion:

SNAKE RIVER|NENENW Lt 3|Sec. 04|Township 06S|Range 06E|OWYHEE County

IRRIGATION Use:

Acre Limit: 213

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	06E	3		SWSW	40		SESW	25.2						
				NESW	40		NWSW	34		SWSW	41.7		SESW	41.6
		4		NWSE	29.4		SWSE	41.3		SESE	40			
				SESW	0.7									
		5		NESE	11.2		SWSE	22.1		SESE	41.1			
				SENE	11									
		7												
				NENE	41.3		NWNE	41.2		SWNE	41		SENE	41
		8		NENW	31.2		NWNW	4.2		SWNW	37.5		SENW	41.2
				NESW	40		NWSW	39.1						
				NESE	40		NWSE	40						
				NENE	39.5		NWNE	41.2		SWNE	40		SENE	29.1
		9		NENW	41.5		NWNW	41.6		SWNW	41.7		SENW	41.6
				NESW	41.4		NWSW	41.4		SWSW	40			
		10		NWNW	19									

Total Acres: 1315

Conditions of Approval:

1. X36 Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 are diverted at the point of diversion described above.
2. S47 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.
3. 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.
4. Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 when combined shall not exceed a total diversion rate of 19.83 cfs.
5. X35 Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 when combined shall not exceed a total annual maximum diversion volume of 5260.0 af at the field headgate.
6. X27 This right is limited to the irrigation of 213 acres within the place of use described above in a single irrigation season.
7. Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and 02-10291 when combined shall not exceed the irrigation of 1315 acres.

Dates:

Licensed Date:

Decreed Date: 09/28/2009

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: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1315

Combined Volume Limit: 5260

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

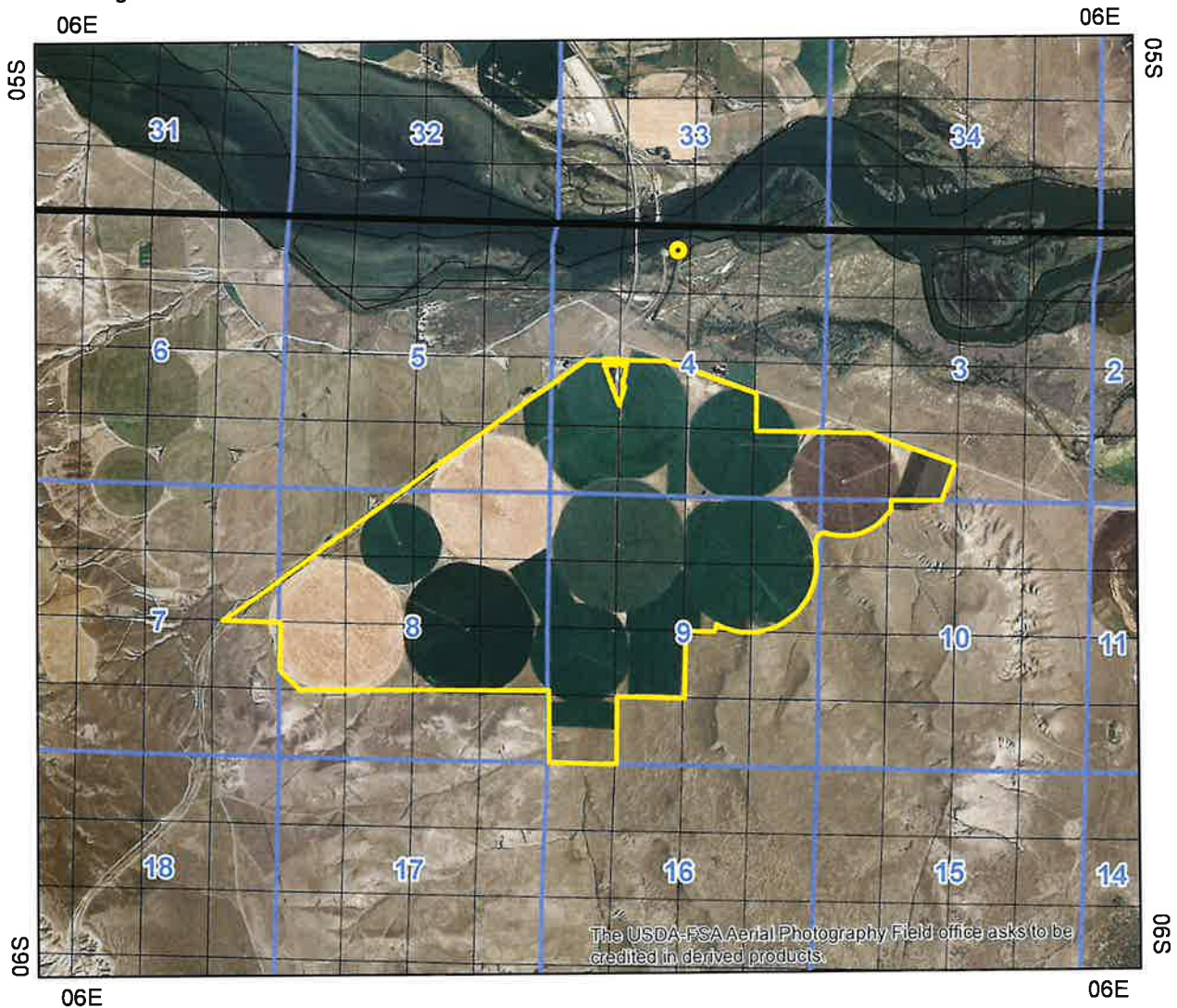
Mitigation Plan: False

State of Idaho
Department of Water Resources

**Water Right
2-2375B**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.425 0.85 1.7 Miles



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-02375B



NAME AND ADDRESS:

GINGERICH BROTHERS FARMS
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647-5081

SOURCE:

SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY:

4.26 CFS
1065.00 AFY

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B
and 02-10291 when combined shall not exceed a total annual
maximum diversion volume of 5260.0 af at the field headgate.
Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183,
02-2375A, 02-2375B, 02-10289 and 02-10291 when combined shall
not exceed a total diversion rate of 19.83 cfs.

PRIORITY DATE:

07/15/1965

POINT OF DIVERSION:

T06S R06E S04 LOT 3 (NENENW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	4.26 CFS 1065.00 AFY

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.

PLACE OF USE:

	Irrigation	Within Owyhee County
T06S R06E S03	SWSW 40.0	SESW 25.2
S04	NESW 40.0	NWSW 34.0
	SWSW 41.7	SESW 41.6
	NWSE 29.4	SWSE 41.3
	SESE 40.0	
S05	SESW 0.7	NESE 11.2
	SWSE 22.1	SESE 41.1
S07	SENE 11.0	
S08	NENE 41.3	NWNE 41.2
	SWNE 41.0	SENE 41.0
	NENW 31.2	NWNW 4.2
	SWNW 37.5	SENW 41.2
	NESW 40.0	NWSW 39.1
	NESE 40.0	NWSE 40.0
S09	NENE 39.5	NWNE 41.2
	SWNE 40.0	SENE 29.1
	NENW 41.5	NWNW 41.6
	SWNW 41.7	SENW 41.6
	NESW 41.4	NWSW 41.4
	SWSW 40.0	
S10	NWNW 19.0	
	1315.0 Acres Total	

This right is limited to the irrigation of 213 acres within the
place of use described above in a single irrigation season.

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

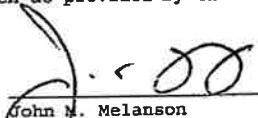
Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B
and 02-10291 when combined shall not exceed the irrigation of
1315 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

OCT 01 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 28 2009
By _____ Clerk _____ Deputy Clerk _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

Subcases: See Attached Exhibit A
(Gingerich)

On July 20, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED September 28, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - GINGERICH

Subcase Nos:

02-02094B
02-02181
02-02182B
02-02183
02-02284B
02-02375B
02-10289
02-10291

(Subcase list: GINGERICH)
7/30/09

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on September 28, 2009, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

COLLEEN MARTIN GINGERICH
RUDY GINGERICH
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647

GINGERICH BROTHERS FARMS
47589 STATE HWY 78
MOUNTAIN HOME, ID 83647-5081
Phone: 208-845-2868

ORDER

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FILE COPY FOR 00185

Deputy Clerk





IDAHO DEPARTMENT
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 Gary Spackman

April 12, 2022

GINGRICH BROTHERS FARMS LAND HOLDINGS LLC
C/O VERLIN L GINGERICH
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

**RE: WATER SUPPLY BANK LEASE CONTRACT 1495
FOR WATER RIGHTS 2-2375B**

Dear Lessor:

Water right **2-2375B** was leased into the Water Supply Bank (Bank) as of January 1, 2022, 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 rights will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. 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 have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Water District No. 02
Lori Graves



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
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Governor Brad Little

Director Gary Spackman

March 30, 2022

GINGERICH BROTHERS FARMS LAND HOLDINGS LLC
C/O VERLIN GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647-6378

**RE: APPLICATION TO LEASE WATER RIGHTS 2-2375B TO THE WATER SUPPLY BANK
CONTRACT 1495- AMENDED**

******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, 2026**, 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.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: SPF Water Engineering

MEMORANDUM

DATE: 3/23/22
TO: 2-10291, 2-2375B, Lease Application 2209
FROM: Phill Hummer (Water Rights Supervisor)
RE: Water Right Validity and Amended Application

Background

After initial review of application to lease right 2-10291 (application 2209) IDWR staff sent Gingerich Brothers Land Holdings LLC a Lease Contract (Contract 1495) to be signed and returned. Further review of aerial imagery raised questions about the validity of water right 2-10291. Water right 2-10291 is the most junior right in a suite of rights that together authorize a combined 1315 acres. Irrigation occurring within the place of use would accrue to water rights in the suite in order of priority. Aerial imagery shows the total number of acres irrigated within the combined place of use is likely less than the total authorized amount. Since right 2-10291 is the most junior right in the suite, it is unclear how much of the right is valid.

Water Supply Bank Rule 25 (IDAPA 37.02.03.25.02.c) requires applicants to submit information demonstrating the right proposed for lease has not been lost through abandonment or forfeiture. On February 4, 2022 I sent the applicants a letter requesting additional information regarding their irrigation practices, specifically the number of acres irrigated within the last five years. In response, and working with their representative HDR Engineering, the applicants submitted an amended application proposing to lease 29 acres of water right 2-2375B.

Analysis

Review of aerial imagery suggests as much as 1224 acres have been irrigated in the last five years, leaving 91.0 acres unaccounted for. Since the applicants did not provide information demonstrating those acres that appear un-irrigated in available images had been irrigated it is assumed that 1224 acres are valid and can be accepted into the water supply bank. The rights are utilized in a combined system such that water diverted under the suite of rights and applied for irrigation of 1224 acres would accrue to all of rights 2-2094B, 2-2181, 2-2182B, 2-2183, and 2-2284B (1056 acres), and to a portion of right 2-2375B (additional 168). See Table 1. The applicants propose a lease of 0.52 cfs, 145 af, and 29 acres of right 2-2375B. According to review of aerial imagery 29 acres can be accepted into the water supply bank. Enlargement of the right will not occur since the ratios of rate and volume to the number of acres will be maintained. Enlargement of the remaining right will not occur since those portions previously irrigated will continue to be irrigated and more than 1286 acres within the place of use will not occur. The applicant plans to resume use on the non-irrigated acres that are not leased.

Basin	Sequence	Suffix	Priority Date	Diversion Rate	Total Acres	Acre Limit	Volume	Water District
2	2094 B		8/30/1955	3.510	1,315.0	182.0		02 - Snake River from Milner Dam to Murphy Gage
2	2181		1/4/1963	5.800	1,315.0	301.0		02 - Snake River from Milner Dam to Murphy Gage
2	2182 B		1/4/1963	3.760	1,315.0	196.0		02 - Snake River from Milner Dam to Murphy Gage
2	2183		1/4/1963	6.060	1,315.0	315.0		02 - Snake River from Milner Dam to Murphy Gage
2	2284 B		3/5/1964	1.240	1,315.0	62.0	310.0	02 - Snake River from Milner Dam to Murphy Gage
2	2375 B		7/15/1965	4.260	1,315.0	213.0	1,065.0	02 - Snake River from Milner Dam to Murphy Gage
2	10291		11/3/1978	1.000	1,315.0	46.0	184.0	02 - Snake River from Milner Dam to Murphy Gage
total acre limit						1,315.0		
acres not irrigated						91.8		
difference						1,223.2	number of acres valid and available to lease	
Sum of WR 2094A through 2284B						1,056.0	all these can be leased	
1223.2 - (2094A through 2284B)						167.2	number of acres under 2375B that can be leased	

Table 1. Gingerich Brothers Farms Water Rights in order of priority most senior to most junior.



RECEIVED

MAR 10 2022

DEPARTMENT OF
WATER RESOURCES

March 8, 2022

Phill Hummer
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Gingerich Bros. Revised Water Bank Lease Application*

Dear Phill,

As promised, enclosed on behalf of **Gingerich Brothers Land Holdings LLC**, is the original signature page for the revised lease application I emailed you Monday, February 28, 2022.

Please let me know if there are any further questions. Thanks Phill.

Sincerely,

HDR Engineering, Inc.

Lori Graves
Sr. Water Rights Specialist

Enclosers: form signature page



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

02/04/22

GINGERICH BROTHERS FARMS LAND HOLDINGS LLC
C/O VERLIN GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

RE: Water Supply Bank Application No. 2209 – Water Use Information Request

Dear Applicant,

Recently IDWR received an application to lease a portion of water right no. 2-10921 into the water supply bank. This water right is one among a suite of rights that together are limited to the irrigation of 1315 acres. Review of aerial imagery and Landsat images of the place of use since 2017 show irrigation has occurred within the place of use but it appears the total irrigated acres is less than 1315. Water right no. 2-10921 has a priority date of 11/3/1978 making it the most junior right in the suite of rights. Therefore, water diverted and applied for irrigation within the place of use likely accrues to all other water rights within the suite before right no. 2-10921 is satisfied. Since information available to IDWR at this time shows total irrigation within the last five years of less than the total authorized, the validity of right no. 2-10291 cannot be verified at this time.

Water Supply Bank Rule 25 (37.02.03.25.02.c) requires applicants to submit information demonstrating the right proposed for lease into the Bank has not been lost through abandonment or forfeiture as defined by Idaho Code 42-222. Section 4 of the application form provides space for applicants to provide general information about the water right, part F asks the applicant to provide the amount of water diverted under the right in the last 5 years. The information provided on Application No. 2209 states, "As decreed." Based on a review of available information as previously described, this information is insufficient to demonstrate the right has not been lost through abandonment or forfeiture, therefore the application is incomplete.

Please provide additional information demonstrating water right no. 2-10291 has been used within the last 5 years or a valid defense from forfeiture pursuant to Idaho Code 42-223. Please submit the requested information with the next thirty days for application processing to continue. If the information is not received, the application will be considered incomplete and may be returned un-processed. Thank you or your attention to this matter.

Respectfully,

Phill Hummer
Water Rights Supervisor

Cc: Lori Graves, SPF Water Engineering (via email)