

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1394

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

LESSOR: L2 LTD PARTNERSHIP
2990 N 800 E
MONTEVIEW, ID 83435-5068

RECEIVED
JUL 16 2021
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 March 16, 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)
32-7074	11/18/1979	GROUND WATER	0.12	30.4	17.1
Combined Limit Totals			0.12	30.4	17.1
Combined Lease Totals			0.12	30.4	8.7

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)
32-7074	0.10	30.4	8.7	0.014	3.49
Combined Limit Totals	0.10	30.4	8.7	0.014	3.49

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

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

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1394

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2025. 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.

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

LESSOR: L2 LTD PARTNERSHIP
2990 N 800 E
MONTEVIEW, ID 83435-5068

By Dana Newman
Title Partner
Date July 1, 2021

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 7/20/21

Lease approved by IDWR FR

Date 7/20/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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): 32-7074

GROUND WATER	SESESW	Sec. 9	Twp 08N	Rge 33E	JEFFERSON County
GROUND WATER	NENESE	Sec. 9	Twp 08N	Rge 33E	JEFFERSON County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
32-7074	IRRIGATION	04/15	to	10/15	0.12 cfs	30.4 AF
Totals:					0.12 cfs	30.4 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	
08N	33E	9					2.3	1.8	2.1	2.4	1.9	2.9		3.7					17.1

Total Acres: 17.1
Acre Limit: 8.7

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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1394

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. Use of water under this right will 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. 110.
13. Water right 32-2114 and the unleased portion of 32-7074 when combined shall not exceed a total diversion rate of 4.42 cfs, a total annual maximum diversion volume of 1075.6 af at the field headgate, and the irrigation of 298.9 acres.
14. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2000.
15. Prior to the diversion and use of water under Transfer approval 76692, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
16. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
17. The unleased portion of this right is limited to the irrigation of 147.3 acres within the authorized place of use in a single irrigation season.
18. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

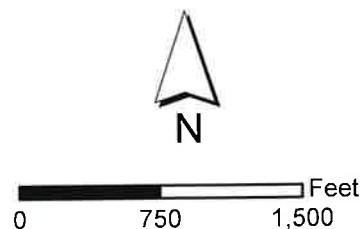
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1394

32-7074
Effective until December 31, 2025

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.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 16 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant L2 LTD PARTNERSHIP

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

Water Right No. 32-7074

(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>Ku</u>	Date Received: <u>3.16.21</u>	Receipt # <u>C110071</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>L2 Limited Partnership</u>	

2022

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 L2 LTD PARTNERSHIP
Mailing Address 2941 NORTH 800 EAST MONTEVIEW, ID 83435 2990 N 8000 E.
Street City State Zip Code
Email Address _____ Phone Number 2086040501

☒ 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 Kristin Moore Organization Rocky Mountain Environmental Associates
Professional Title Senior Water Rights Analyst Email Address kmoore.rmea@gmail.com
Mailing Address 482 Constitution, Suite 303, Idaho Falls, ID 83402 Phone Number (208) 524-2353

☐ 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.
The current water delivery and diversion system consists of pivot irrigation systems and hand lines.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water right number 32-2114 shares the same place of use but is not overlapping, therefore, it is not proposed to be leased to the WSB.

- 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. Full diversion rates have been used for beneficial use.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

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

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: 2021 to 2026 (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.

Dana Newman
Signature of Designated Applicant

Dana Newman
Printed Name

3-2-21
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>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>32-7074</u>	<u>Irrigation</u>	<u>0.25</u>	<u>61.3</u>	<u>17.5</u>
	Total Amounts:			

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

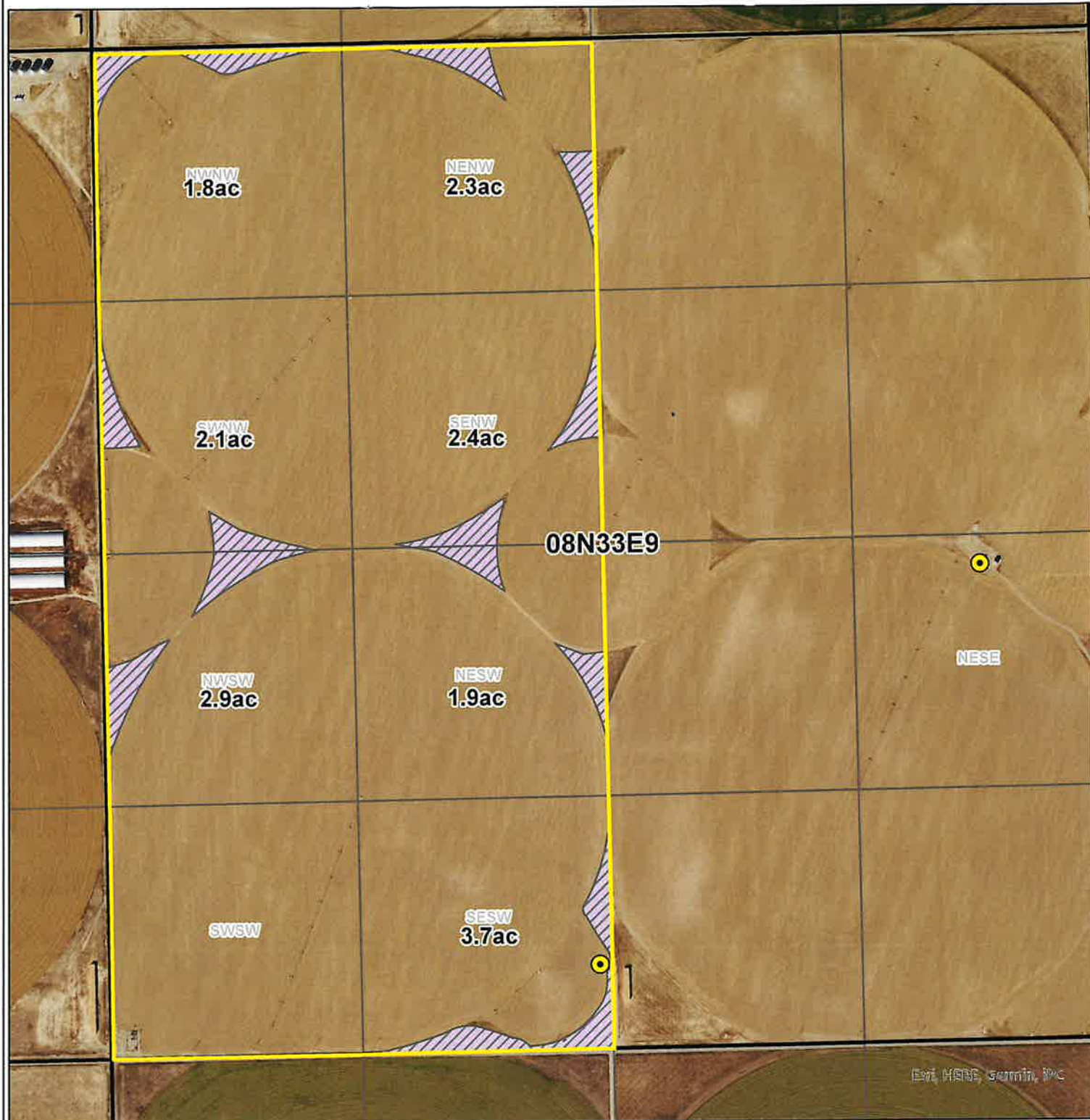
Twp	Rge	Sec	Lot	¼	¼	¼	County
08N	33E	9		SE	SW		Jefferson
				NE	SE		Jefferson

LESSOR DESIGNATION FORM

Water Right No(s). 32-7074

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	L2 LTD PARTNERSHIP	L3 LTD PARTNERSHIP	
Mailing Address	2990 N 800 E Montovlow, ID 83435	2990 N 800 E Montovlow, ID 83435	
Phone Number	208 604 0515	208 681 2536	
Email Address	lew@newman5466@yahoo.com	lwm@lwmfarm5@gmail.com	
Water Right Owner Declaration	As designated lessor, I will represent the interest of all other water right owners on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			

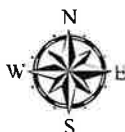
	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name			
Mailing Address			
Phone Number			
Email Address			
Water Right Owner Declaration	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.	I authorize the designated lessor to represent me on the lease of a water right to the Water Supply Bank.
Signature			



0 0.1 0.2 0.4 Miles

2019 NAIP

-  WSB Dry Corners
-  POU WR#32-2114, 32-7074
-  Twn & Rng
-  Sections
-  QQ
-  Point of Diversion



WSB Lease Application 32-7074

L2 Limited Partnership & L3 Limited Partnership

Project #: 14-0004

Drawn by: AD

Date: 2/25/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

IDAHO Department of Water Resources



WATER RIGHT REPORT

2/24/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 32-7074

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L2 LTD PARTNERSHIP 2941 NORTH 800 EAST MONTEVIEW, ID 83435 2086040501
Current Owner	L3 LTD PARTNERSHIP 2943 N 800 E MONTEVIEW, ID 83435-5069 2086572366
Original Owner	JOHN R BALL PO BOX 62 LEWISVILLE, ID 83431 2087544509
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017
Security Interest	RABO AGRIFINANCE LLC 400 COLUMBIA POINT DR STE 101 RICHLAND, WA 99352

Priority Date: 11/18/1979

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	04/15	10/15	2.23 CFS	546 AFA
Total Diversion			2.23 CFS	546 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESESW | Sec. 09 | Township 08N | Range 33E | JEFFERSON County

GROUND WATER | NENESE | Sec. 09 | Township 08N | Range 33E | JEFFERSON County

IRRIGATION Use:

Acre Limit: 156

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	33E	9		NENW	39		NWNW	38		SWNW	39		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40

Total Acres: 316

Conditions of Approval:

1. X27 This right is limited to the irrigation of 156.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 32-2114 and 32-7074 when combined shall not exceed a total diversion rate of 4.52 cfs, a total annual maximum diversion volume of 1106.0 af at the field headgate, and the irrigation of 316.0 acres.
3. R05 Use of water under this right will 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. 110.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 76692, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2000.

9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 10/27/2000

Permit Proof Due Date: 6/1/1982

Permit Proof Made Date: 7/12/1982

Permit Approved Date: 6/13/1977

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: 04/15/1977

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 110

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 316

Combined Volume Limit: 1106

Combined Rate Limit: 4.52

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

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: L2 LTD PARTNERSHIP

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of L2 LTD Partnership regarding Water Supply Bank Application(s) for water right(s).

Dana Newman

Signature

Dana Newman

Printed Name

3-2-21

Date



Er, HERE, Gamin, PC

0 0.1 0.2 0.4 Miles

2019 NAIP

- WSB Dry Corners
- POU WR#32-2114, 32-7074
- Twn & Rng
- Sections
- QQ
- Point of Diversion



Map 3 for Acre Review

Newman Lands

Project #: 14-0004

Drawn by: AD

Date: 2/25/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 21, 2021

L2 LTD PARTNERSHIP
2990 N 800 E
MONTVIEW ID 83435-5068

RE: **WATER SUPPLY BANK LEASE CONTRACT 1394
FOR WATER RIGHT 32-7074**

Dear Lessor:

Water right **32-7074** was leased into the Water Supply Bank (Bank) as of January 1, 2021, 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, 2025**, 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,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region
Rocky Mountain Environmental
Water District No. 110

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, June 30, 2021 8:09 AM
To: Jordan, Blake; Cefalo, James
Subject: WSB Lease for L2 LTD 32-7074
Attachments: Idled Acres.pdf; Lease Application Review Checklist July 2017.xls; Lease Contract - 1394.docx

Please let me know if you have any comments or concerns with the attached leases.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 30, 2021

L2 LTD PARTNERSHIP
2990 N 800 E
MONTVIEW ID 83435-5068

RE: APPLICATION TO LEASE WATER RIGHTS 32-7074 TO THE WATER SUPPLY BANK
CONTRACT 1394

****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, 2025**, 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: Rocky Mountain Environmental

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: L2 LTD Partnership

Memo Date: April 2, 2021

updated 6-30-21 Jmk

Water Right Number(s): 32-7074

Reviewers Name: Jean

Quick Tools

Decreed	No Forfeiture Concerns Thru:
Year	
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		2001
Decreed/Licensed/Statutory claim date (write in comments section)		
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?	na	
If the POD is through a delivery entity, was holdback required? (percentage in comments)		%
Any other concerns	x	
8 Enlargement concerns		
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)		3.5
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 March 16, 2021. The applicant wishes to place 17.5 acres in the Bank. The acres are the pivot corners. This right was decreed in 2001 and aerial imagery shows these pivot corners were irrigated 2020, 2019, 2017 and whatever year our ESRI imagery is. I contacted the applicant's consultant and she indicated they have irrigated the corners using hand lines for the first crop of hay then the handlines are pulled. There are combined conditions with 32-2114. The acres and diversion volume are additive but the diversion rate is limited. The rentable amount of this right will reflect the difference so 32-2114 gets the full rate. This right is currently within WD 110.		

Hersley, Jean

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Monday, June 28, 2021 1:36 PM
To: Hersley, Jean
Subject: RE: WSB lease for L2 LTD

Jean,

I spoke with Lane Newman today about irrigation on this property. He indicated that for the last three years they have irrigated all of those little corners using hand lines for a first crop of hay only. After they finish the first crop, they removed the hand lines, usually by about June 15.

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



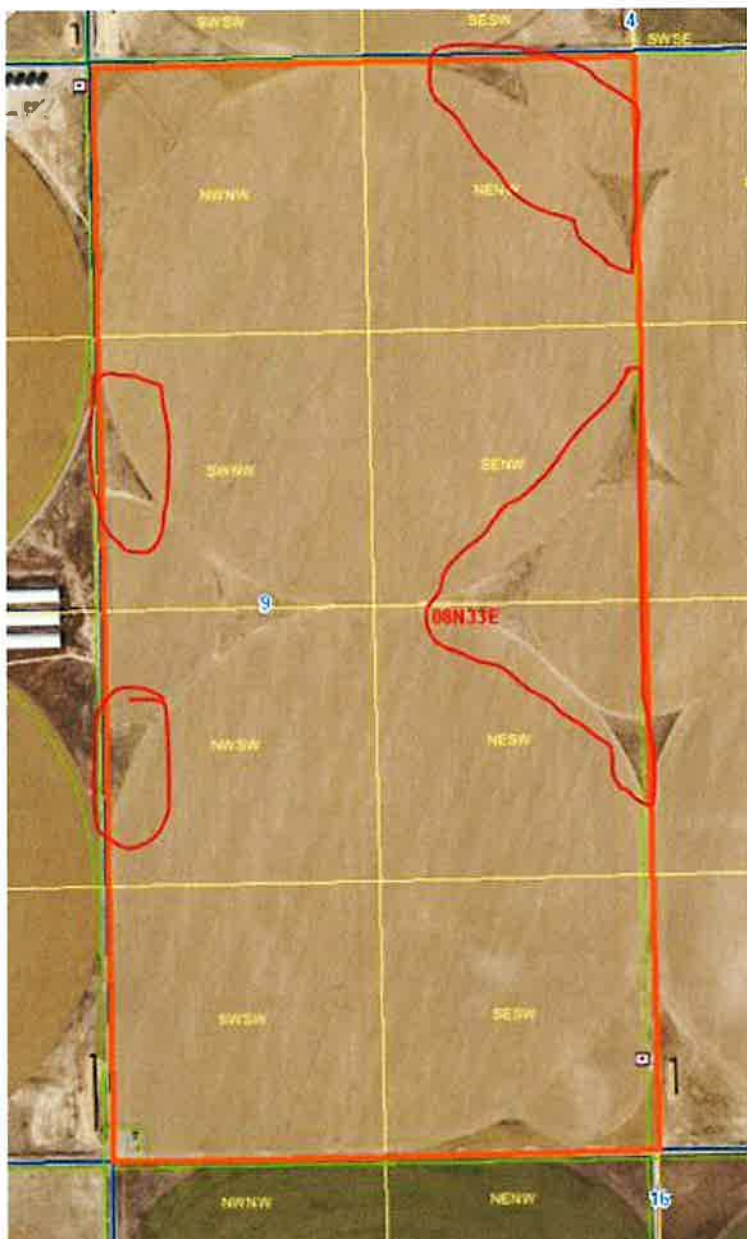
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From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Tuesday, June 15, 2021 1:07 PM
To: kristin.rmea@gmail.com
Subject: WSB lease for L2 LTD

Kristen,

I'm trying to wrap up the review on the lease for L2 LTD. I'm having a hard time finding any irrigation in the last 5 years for the pivot corners circled on the map below. The Department is going to need more information on how these acres have not been lost to forfeiture. I can only come up with approximately 9.3 acres that can be leased to the Bank. Please provide the Department with additional information for the acres in question within 30 days or I will go ahead with leasing the 9.3 acres.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942



Hersley, Jean

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Monday, April 5, 2021 11:42 AM
To: Hersley, Jean
Subject: RE: WSB Lease Contract for L2 LTD Partnership
Attachments: STATE OF IDAHO.pdf

Jean,

See the attached Lessor Designation form. Do you need the original?

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Thursday, April 01, 2021 2:54 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: WSB Lease Contract for L2 LTD Partnership

Thank you. L2 needs to sign the lessor designation form also.

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Thursday, April 1, 2021 2:53 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease Contract for L2 LTD Partnership

Jean,

It appears the map slipped out before mailing. See the attached map.

I will have L3 sign the Lessor Designation form and send you over a copy.

Thanks,

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]

Sent: Thursday, April 01, 2021 2:28 PM

To: kristin.rmea@gmail.com

Subject: WSB Lease Contract for L2 LTD Partnership

Kristin,

The Department is in the process of reviewing the lease application to place a portion of water right 32-7074 into the Water Supply Bank. The application states your client wishes to place 17.5 acres in the Bank. A map was not included showing which 17.5 acres has been offered to the Bank. Can you please provide a map showing which acres will be idled during the term of this lease?

The Department is also going to need the lessor designation form filled out, signed and returned to the Department.

Please provide the requested information within 30 days or the application will be returned unprocessed. If you have any questions, please contact me. Thank you.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942



0004035449

**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 #: 0004035449

Date Filed: 10/15/2020 2:31:06 PM

Entity Name and Mailing Address:

Entity Name: L2 LIMITED PARTNERSHIP

The file number of this entity on the records of the Idaho Secretary of State is: 0000018925

Address: 2990 N 800 E
MONTEVIEW, ID 83435-5068

Entity Details:

Entity Status: Active-Current

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: L2913

The registered agent on record is:

Registered Agent: LEWIS J NEWMAN
Registered Agent
Physical Address
2996 N 800 E
MONTEVIEW, ID 83435
Mailing Address

Limited Partnership General Partners

Name	Business Address
☒ Lewis Newman	2996 N 800 E MONTEVIEW, ID 83435
☒ Dana Newman	2996 N 800 E MONTEVIEW, ID 83435

The annual report must be signed by an authorized signer of the entity.

CANDACE J COPE

Sign Here

10/15/2020

Date

Job Title: Secretary

B00403-30062 10/13/2020 2:31 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

Hersley, Jean

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Thursday, April 1, 2021 2:53 PM
To: Hersley, Jean
Subject: RE: WSB Lease Contract for L2 LTD Partnership
Attachments: Map_LeaseApp_FINAL.pdf

Jean,

It appears the map slipped out before mailing. See the attached map.

I will have L3 sign the Lessor Designation form and send you over a copy.

Thanks,

Kristin Moore

Senior Water Rights Analyst

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Jean Hersley

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