

WATER SUPPLY BANK LEASE CONTRACT No. 1422

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

LESSOR: JONES & WIDERBURG FARMS
82 S 150 E
BURLEY, ID 83318

SUPPORT DATA
IN FILE # 43-13645

RECEIVED

AUG 04 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 February 22, 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)
43-13645	10/1/1964	GROUND WATER, tributary to	0.57	207	69
43-13649	9/17/1973	GROUND WATER, tributary to	0.74	276	69
Combined Limit Totals			1.31	276	69
Combined Lease Totals			1.31	276	69

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, 2021 to December 31, 2021. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1422

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

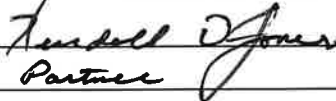
WATER SUPPLY BANK LEASE CONTRACT No. 1422

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

LESSOR: JONES & WIDERBURG FARMS

82 S 150 E

BURLEY, ID 83318

By 
Title Partner
Date 7-30-21

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By  Date 8/6/21
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 8/6/21

WATER SUPPLY BANK LEASE CONTRACT No. 1422

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): 43-13645, 43-13649

GROUND WATER	NENW	Sec. 17	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	NESW	Sec. 17	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	NESW	Sec. 16	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	SESW	Sec. 20	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	NWSW	Sec. 15	Twp 10S	Rge 28E	CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-13645	IRRIGATION	04/01	to	10/01	0.57 cfs	207 AF
43-13649	IRRIGATION	04/01	to	10/31	0.74 cfs	276 AF
Totals:					1.54 cfs	276 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	
10S	28E	20													2.6			5.8	8.4
10S	28E	21									2	20	34	4.6					60.6

Total Acres: 69

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.

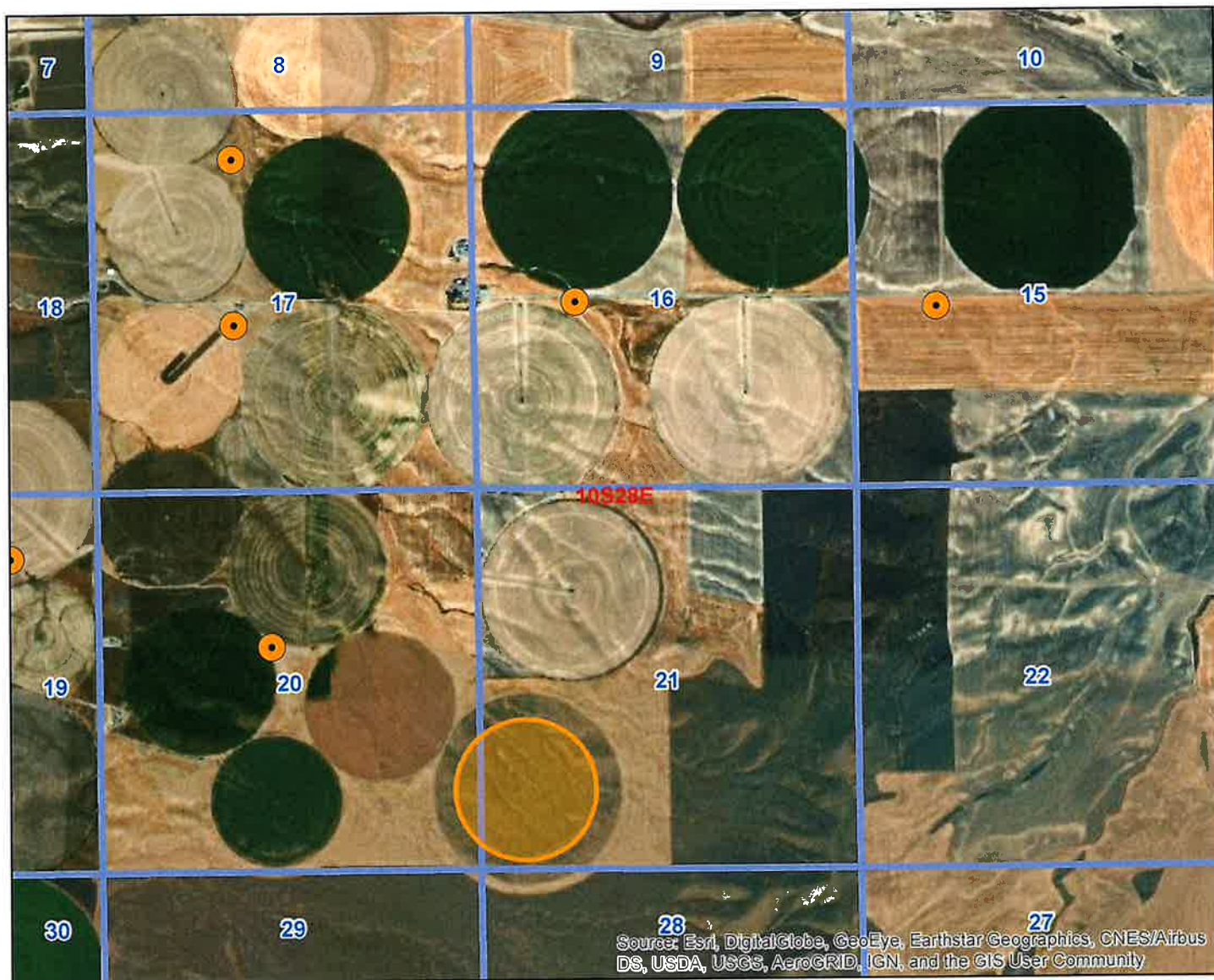
WATER SUPPLY BANK LEASE CONTRACT No. 1422

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 right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. Use of water under the leased rights may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, the leased water rights are within State Water District No. 143.
14. The period of use for the irrigation authorized under water right 43-13645 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
15. The period of use for the irrigation authorized under water right 43-13649 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
16. The unleased extent of water rights 43-13645, 43-13647, and 43-13649 when combined shall not exceed a total diversion rate of 8.7 cfs, a total annual maximum diversion volume of 1,868 af at the field headgate, and the irrigation of 467 acres.
17. The unleased extent of water rights 43-7040, 43-7062, 43-13056, 43-13645, 43-13647 and 43-13649 when combined shall not exceed a total diversion rate of 18.33 cfs, a total annual maximum diversion volume of 5,984 af at the field headgate, and the irrigation of 1,496 acres.
18. Water rights 43-13645 and 43-13649 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1422

43-13645 & 43-13649
Effective until December 31, 2021

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

Approved Lease Place of Use



0 1 2 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 22 2021

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Jones & Widerburg Farms

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

Water Right No. 43-13645

(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 | ☒ | ☐ | <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>500.00</u>	Received By: <u>Ku</u>	Date Received: <u>2.22.21</u>	Receipt # <u>C10 9957</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 Jones and Widerburg Farms

Mailing Address 82 S 150 E Burley, Idaho 83318

Street

City

State

Zip Code

Email Address _____

Phone Number 208-678-7333

☒ 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.**

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 wells, mainlines and delivery 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. 43-7040, 43-7062, 43-13056, 43-13645, 43-13649 and 43-1347.

- 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. A full volume of water right has been diverted to these pivot to grow a productive crop 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?
If yes, describe. Yes ☐ No ☒

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 2021 (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.
The current water right owner and the proposed renter have entered into an annual payment agreement. The
10% processing fee will be paid to IDWR. No payment will be made to the water right owner through IDWR.

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

Randall D. Jones
Printed Name

2-18-21
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>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>43-13645</u>	<u>Irrigation</u>	<u>0.57</u>	<u>207</u>	<u>69</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	<u>0.57</u>	<u>207</u>	<u>69</u>

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	28E	15			NW	SW	Cassia
10S	28E	16			NE	SW	Cassia
10S	28E	17			NE	NW	Cassia
10S	28E	17			NE	SW	Cassia
10S	28E	20			SE	NW	Cassia



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

1/25/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 43-13645

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JONES & WIDERBURG FARMS 82 S 150 E BURLEY, ID 83318 2086787333
Original Owner	GARY TEGAN HC 76 BOX 1060 AMERICAN FALLS, ID 83211 2083495741

Priority Date: 10/01/1964

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	04/01	10/01	4.16 CFS	1518.3 AFA
Total Diversion			4.16 CFS	1518.3 AFA

Location of Point(s) of Diversion:

GROUND WATER NWSW Sec. 15 Township 10S Range 28E CASSIA County
 GROUND WATER NESW Sec. 16 Township 10S Range 28E CASSIA County
 GROUND WATER NENW Sec. 17 Township 10S Range 28E CASSIA County
 GROUND WATER NESW Sec. 17 Township 10S Range 28E CASSIA County
 GROUND WATER SENW Sec. 20 Township 10S Range 28E CASSIA County

IRRIGATION Use:

Acre Limit: 505.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	28E	8		NESW	9		NWSW	1		SWSW	37		SESW	40
				NESE	2		NWSE	7		SWSE	40		SESE	40
		9		SWSW	40		SESW	40						
				SWSE	40		SESE	40						
		10		SWSW	24									
		15		NWNW	40		SWNW	40						
				NWSW	40									
		16		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		17		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		20		NENE	4		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	27		SENE	40
				NESW	40		NWSW	33		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		21		NWNE	40		SWNE	40						
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40

Total Acres: 2744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 505.1 acres within the place of use described above in a single irrigation season.
2. X35 Rights 43-13645, 43-13647, and 43-13649 when combined shall not exceed a total diversion rate of 10.24 cfs, a total annual maximum diversion volume of 2,144 af at the field headgate, and the irrigation of 536 acres.

3. X35 Rights 43-7040, 43-7062, 43-13056, 43-13645, 43-13647 and 43-13649 when combined shall not exceed a total diversion rate of 19.87 cfs, a total annual maximum diversion volume of 6,260.0 af at the field headgate, and the irrigation of 1,565.0 acres.
4. 206 Rights 43-7040, 43-7062, 43-13056, 43-13645, 43-13647 and 43-13649 are limited to the irrigation of a specific 1,565.0 acres within the 2,744.0 acre place of use authorized by these rights in a single irrigation season. The specific 1,565.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1,565.0 acres to be irrigated within the 2,744.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

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: And

Water District Number: 143

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 536

Combined Volume Limit: 2144

Combined Rate Limit: 10.24

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



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 9, 2021

JONES & WIDERBURG FARMS
82 S 150 E
BURLEY, ID 83318

**RE: WATER SUPPLY BANK LEASE CONTRACT 1422
FOR WATER RIGHTS 43-13645 & 43-13649**

Dear Lessor:

Water right **43-13645 & 43-13649** 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, 2021**, 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- Southern Region
Greg Sullivan



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 23, 2021

JONES & WINERBURG FARMS
82 S 150 E
BURLEY, ID 83318

RE: APPLICATION TO LEASE WATER RIGHTS 43-13645 & 43-13649 TO THE WATER SUPPLY BANK CONTRACT 1422

****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, 2021**, 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Greg Sullivan – Brockway Engineering

Memorandum

To: Water Supply Bank Application 1991
From: Remington Buyer
Date: July 7, 2021
Re: Lease to the Bank of water rights 43-13645 and 43-13649

Purpose/Narrative: An application was received by the Department February 22, 2021 from Eagle Creek Northwest LLC and Jones & Widerburg Farms, proposing to lease into the Bank water rights 43-2489, 43-13645 and 43-13649, for 2021, so that the leased rights might be rented as the basis for rental applications 1993 and 1994. This memo addresses the lease of water rights 43-13645 & 13649.

An initial review of water rights 43-13645 & 13649 (lease application 1991) revealed the rights were combined limited with water rights 43-7040, 4062, 13056 & 13647. Out of enlargement concerns, an information request was issued to Jones & Widerburg Farms on April 1, 2021, requesting that the applicant either: 1) lease the additional four combined limited water rights to the Bank through lease application 1991, or; 2) commit to a reduced, combined limited use of the remaining, unleased water rights. The application was set to deficient and placed on hold after the information request was issued.

As of today, no information has been received from the applicant. However, a subsequent review of the lease proposal conducted this week indicates that a lease may be possible, despite not receiving the requested information. Specifically, although there are combined limits associated with the lease of both water rights 43-13645 & 13659, as well as 43-2489, it appears that a lease of both water rights is possible, provided combined limit totals are accurately described on and adhered to under the lease contract.

Authority to File: A filing with the Idaho Secretary of State confirms Kendall D. Jones, Michael L. Jones and Marvin A. Widerburg are all authorized to transact business on behalf of Jones & Widerburg Farms. Lease application 1991 has been signed by Kendall D. Jones. No concerns about Mr. Jones' authority to file the lease application on behalf of Jones & Widerburg Farms.

The land proposed to be idled and left unirrigated under water rights 43-13645 & 13649 is owned by Jones & Widerburg Farms. No concerns about the authority to file lease application 1991.

Water Right Validity/Forfeiture Evaluation: Water rights 43-13645 & 13649 appear to be valid.

A review of 2020 sentinel satellite imagery for the place of use associated with water rights 43-13645 & 13649 indicates approximately 1,636 acres were vegetated, presumably through active irrigation practices, under the six water rights belonging to Jones & Widerburg Farms. Jones & Widerburg Farms' six water rights are combined limited to the irrigation of 1,565 acres, so it appears an excess of 71 acres may have been irrigated in 2020. No concerns about water right validity.

Injury Evaluation: No injury is apparent through this lease. Proper review should avoid enlargement through a rental.

Enlargement of Use: Jones & Widerburg Farms' water rights are limited to an overall annual diversion volume of 6,260 af. WIMIS Data from 2020 confirms approximately 2,603.8 af were diverted under the water rights. No concerns about diversion volume enlargements.

Lease Review Memo Appendix A

Combined limits as well as leased and unleased extents of water right 43-13645 & 13649

Water Rights	Priority	Rate	Volume	Acres	PPU Acres	Rt/Ac	Vol/Ac
43-13645	10/1/1964	4.160	1,518.3	505.1	2,744.0	0.008	3.0
43-13647	9/17/1973	0.490	98.0	54.5	2,744.0	0.009	1.8
43-13649	9/17/1973	5.590	2,092.8	523.2	2,744.0	0.011	4.0
Additive Elements		10.240	3,709.1	1,082.8			
Combined Limit		10.240	2,144.0	536.0	2,744.0	0.019	4.0
Difference		0.000	-1,565.1	-546.8			
43-7040	12/29/1972	4.120	1,196.0	299.0	2,744.0	0.014	4.0
43-7062	4/9/1976	5.510	2,260.0	565.0	2,744.0	0.010	4.0
43-13056	3/15/1987	1.540	660.0	165.0	2,744.0	0.009	4.0
Additive Elements		11.170	4,116.0	1,029.0			
Combined Limit		9.630	4,116.0	1,029.0	0.0	0.009	4.0
Difference		-1.540	0.0	0.0			
Additive Elements		19.870	6,260.0	1,565.0			
Combined Limit		19.870	6,260.0	1,565.0	2,744.0	0.013	4.0
Difference		0.000	0.0	0.0			
Proposed Lease		Rate	Volume	Acres		Rt/Ac	Vol/Ac
43-13645		0.570	207.0	69.0	2,744.0	0.008	3.0
43-13649		0.740	276.0	69.0	2,744.0	0.011	4.0
Total		1.310	276.0	69.0	2,744.0	0.019	4.0
Unleased Extent		Rate	Volume	Acres		Rt/Ac	Vol/Ac
43-13645	10/1/1964	3.590	1,311.3	436.1	2,744.0	0.008	3.0
43-13647	9/17/1973	0.490	98.0	54.5	2,744.0	0.009	1.8
43-13649	9/17/1973	4.850	1,816.8	454.2	2,744.0	0.011	4.0
Additive Elements		8.930	3,226.1	944.8			
Combined Limit		8.930	1,868.0	467.0	2,744.0	0.019	4.0
Difference		0.000	-1,358.1	-477.8			
43-7040	12/29/1972	4.120	1,196.0	299.0	2,744.0	0.014	4.0
43-7062	4/9/1976	5.510	2,260.0	565.0	2,744.0	0.010	4.0
43-13056	3/15/1987	1.540	660.0	165.0	2,744.0	0.009	4.0
Additive Elements		11.170	4,116.0	1,029.0			
Combined Limit		9.630	4,116.0	1,029.0	0.0	0.009	4.0
Difference		-1.540	0.0	0.0			
Additive Elements		18.560	5,984.0	1,496.0			
Combined Limit		18.560	5,984.0	1,496.0	0.0	0.012	4.0
Difference		0.000	0.0	0.0			

WMIS ID	2020 Volume
1002771	231.62
1002772	796.95
1002852	1,344.63
1002856	230.62
1002938	0.00
sum	2,603.82

Buyer, Remington

From: Buyer, Remington
Sent: Wednesday, July 7, 2021 3:46 PM
To: Skinner, Corey; Erickson, Nathan
Subject: RE: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994
Attachments: Map - Lease Contract 1421.pdf; Draft Lease Contract 1421.docx; Lease Review Memo for Application 1990.docx; Draft Lease Contract 1422.docx; Lease Map - Contract 1422.pdf; Lease Review Memo for Application 1991.docx; Draft Rental Agreement 558.docx; Draft Rental Agreement 559.docx; Rental Map - Rental Agreement 558.pdf; Rental Map - Rental Agreement 559.pdf; Rental Review Memo Application 1993.docx; Rental Review Memo Application 1994.docx

OK, trying this again...

Greg Sullivan today provided me with documents affirming that 196 acres of water right 43-2489 is to be leased into the Bank in 2021, to facilitate rental applications 1993 and 1994. So, lease application 1991 (for water rights 43-13645 and 13649) is no longer required, however we will still lease the rights into the Bank this year, even though they won't be rented on applications 1993 or 1994.

Attached to this email are lease review memos, maps and approval documents for water rights 43-2489 (contract 1421), and for water rights 43-13645 & 13649 (contract 1422). Also attached are review memos, maps and approval documents for a rental of water right 43-2489 through rental applications 1992 & 1994 (rental agreements 558 and 559).

Nathan, Corey, please advise if you have any questions, comments or concerns about these WSB transactions for 2021.

Thank you,

Remington

From: Buyer, Remington
Sent: Friday, July 2, 2021 4:35 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: FW: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

It figures.

Right after I sent this email, it comes to my attention that water rights 43-13645 and 13649 are located outside the RR CGWA and are therefore ineligible for rental to both agreements. In speaking with Greg Sullivan at Brockway, it sounds like the parties will increase the amount being leased under 43-2489, to so that it can be rented instead of 43-13645 and 13649. Once we amend the lease, we can amend the rentals, and I'll reach out to you for comments again.

Sorry for the confusion.

From: Buyer, Remington
Sent: Friday, July 2, 2021 1:15 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: WSB Lease and Rental Applications 1990, 1991, 1993 and 1994

Corey, Nathan,

I hope you're staying cool in this heatwave we're having.

Attached to this email are a lot of files associated with 2021 Water Supply Bank lease/rental transaction in the Raft River area.

Effectively, two ground water users have proposed to lease into the Bank portions of some of their water rights, so that the leased extent of the water rights might be rented by ADT Farms and ADTD Farms. The applications are as follows:

WSB	Application	Water Rights Involved	Water User
Application	Type		
1990	Lease	43-2489	Eagle Creek Northwest LLC
1991	Lease	43-13645 & 43-13649	Jones & Widerburg Farms
1993	Rental	43-2489, 43-13645 & 43-13649	ADTD Farms LLC
1994	Rental	43-13645 & 43-13649	ADT Farms LLC

Because these lease and rental applications were submitted at the same time, I processed them concurrently and even did a joint review of the lease applications. Hopefully my review memos seem logical to you and you can follow along.

If you would provide any questions, comments or concerns that you foresee with these lease/rentals, that'd be greatly appreciated.

Thank you, and may you have an enjoyable 4th of July!

-Remington



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

April 1, 2021

JONES & WIDERBURG FARMS
82 S 150 E
BURLEY, ID 83318

RESPONSE DEADLINE:
May 1, 2020

RE: Action Required on WSB Lease Application 1991

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your applications to lease water rights 43-13645 & 43-13649 to the Water Supply Bank and determined that your applications are incomplete. The following items are required to continue processing these applications:

- the water rights are stacked with rights 43-7040, 43-4062, 43-13056 & 43-13647, portions of these rights will need to be offered for lease to the Bank to avoid enlargement
- the water rights share a combined rate and acre limit, the amounts offered for lease to the Bank does not provide a rentable amount for ADT and ADTD Farms.
 - o Additional rate, volume, and acreage are necessary if you would like to proceed with the lease-rental package else, we can lease these amounts into the Bank and return/adjust the rental applications

As part of the evaluation for water right being accepted in to the Bank, enlargement cannot occur. As these two water rights are stacked with rights 43-7040, 43-4062, 43-13056 & 43-13647, a portion of each right must be leased to the Bank such that enlargement can be prevented. Further, because these rights feature a combined rate and acre limit, more acreage must be leased to the Bank if you would like to facilitate a rental for both ADT and ADTD Farms.

A second option, should you wish to facilitate a rental for ADT and ADTD Farms, the Bank can pull the offered rate, volume, and acreage from the combined limit of the water rights. This would also require, from you, confirmation that you agree to stay below what the remaining unleased portions of you water rights authorizes. If that is agreeable, please provide conformation that you would like to do so and that you are willing to irrigate the remaining authorized acreage under your water rights.

To continue processing your applications please provide us with the above requested information within 30 days (deadline of May 1, 2021). If we do not hear from you prior to the established deadline, your applications will be returned and your filing fee refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,

Justin Ferguson
Water Supply Bank Specialist

cc: Greg Sullivan – Brockway Engineering PLLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 22 2021

DEPARTMENT OF
WATER RESOURCES

February 18, 2021

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

Re: Jones and Widerburg Farms

Dear Mr. Buyer:

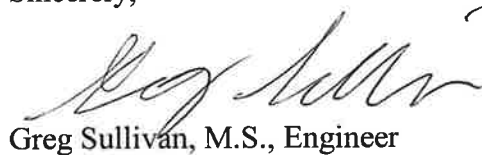
Jones and Widerburg Farms desires to lease 69.0 acres from water rights 43-13645 and 43-13649 into the Idaho Water Supply Bank for the 2021 irrigation season. Water rights 43-13645 and 43-13649 are two of 6 water rights that are utilized to irrigate 1,565.0 acres of farm ground.

Irrigation at the 69.0 acres to be dried up for 2021 has occurred over the past several years and can be document by aerial photography. No irrigation will occur under the 69.0 acres during the 2021 irrigation season.

An agreement has been signed between Jones and Widerburg Farms, ADT Farms LLC and ADTD Farm LLC regarding a rental payment. Only the 10% processing fee will be paid to the Idaho Water Supply Bank. No rental payment will be paid to Jones and Widerburg Farms by the Idaho Water Supply Bank at the end of 2021.

Please copy our office on all correspondence regarding this application.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt, Jones and Widerburg
Enc: Lease Applications, Aerial Map, Brockway Engineering Check # 116296 will include \$500.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

1991

1992