

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1415

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

LESSOR: BOISE VALLEY FEEDERS LLC
2201 RIDGEWAY RD
PARMA, ID 83660

RECEIVED
JUN 11 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 April 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)
63-32049	11/8/2004	GROUND WATER	0.84	189.0	42.0
Lease Totals			0.84	189.0	42.0

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, 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1415

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. 1415

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

LESSOR: BOISE VALLEY FEEDERS LLC
2201 RIDGEWAY RD
PARMA, ID 83660

By [Signature]
Title Member
Date 5/26/21

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/21/21

Lease approved by IDWR [Signature]

Date 6/21/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1415

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): 63-32049

GROUND WATER	NWSW	Sec. 13	Twp 06N	Rge 05W	PAYETTE County
GROUND WATER	NWSE	Sec. 14	Twp 06N	Rge 05W	PAYETTE County
GROUND WATER	SESW	Sec. 13	Twp 06N	Rge 05W	PAYETTE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
63-32049	IRRIGATION	03/01	to	11/15	0.84 cfs	189.0 AF
Totals:					0.84 cfs	189.0 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	
06N	05W	24		17.0	22.0					3.0									42.0

Total Acres: 42.0

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. 1415

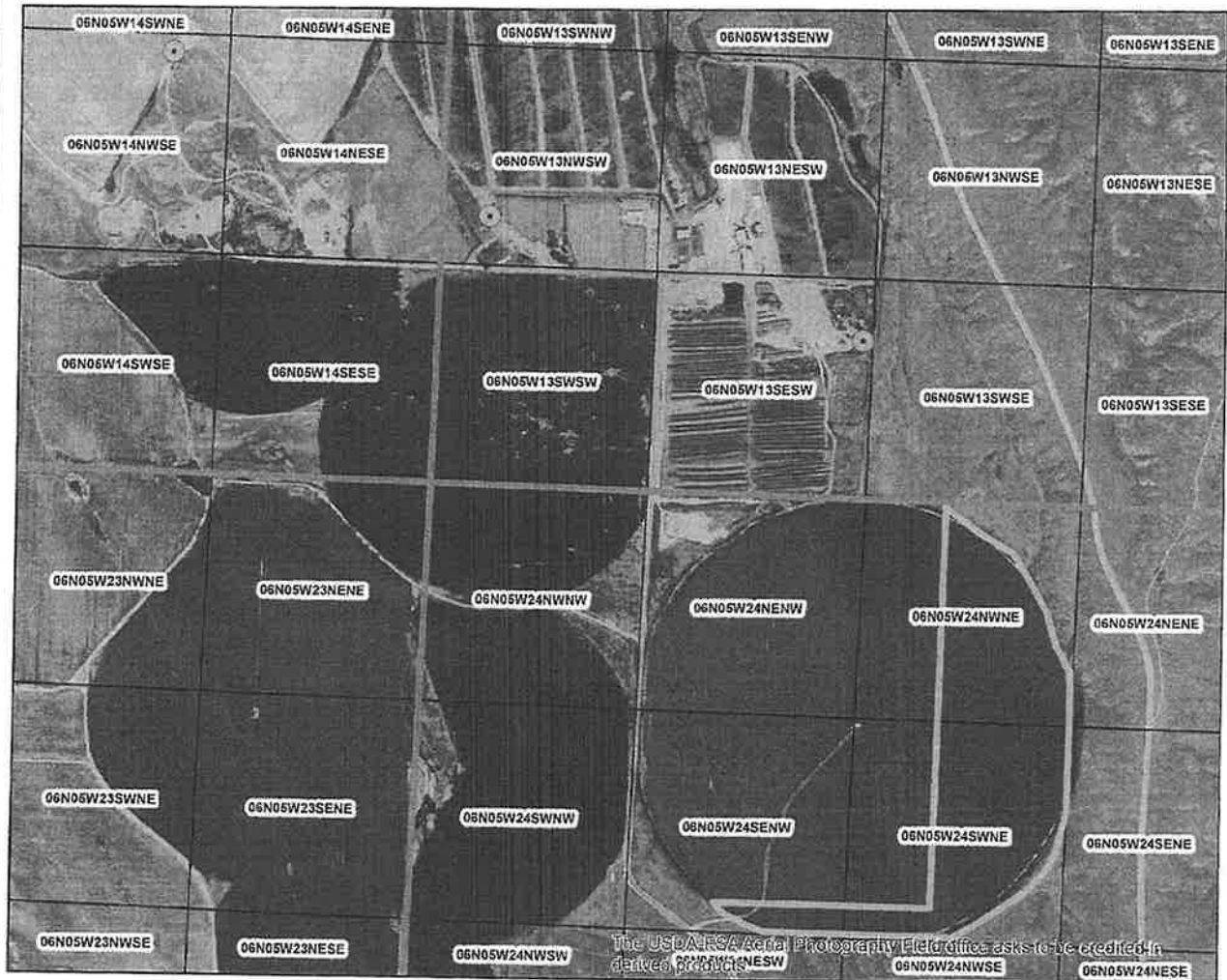
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other 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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
13. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
15. The following rights are diverted through point(s) of diversion described above: 63-3359, 63-7874, 63-31262, and 63-32049.

Idaho Water Resource Board Water Supply Bank Lease Contract No. 1415

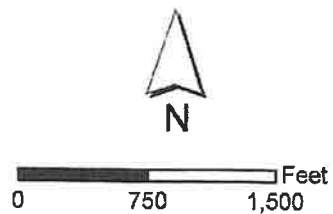
63-32049

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



APR 22 2021

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 26 2021

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant Boise Valley Feeders LLC

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

Water Right No. 63-32049

(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 \$ 250.00Received By: LGDate Received: 04/22/2021Receipt # W049327W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Boise Valley Feeders LLC

2064

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 Boise Valley Feeders LLC

Mailing Address <u>2201 Ridgeway Rd</u>	Parma	ID	83660
Street	City	State	Zip Code

Email Address _____ Phone Number 208.722.8090

☒ 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 Sr. Water Rights 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.
Three wells, interconnected pressurized 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. None
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water has been used on the 42 acres as measured, documented and licensed in 2015 and evidenced on all aerial photography available between 2015 and 2021.
- 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 ☐
The pivot area will be retired from irrigation for a feedlot expansion. 92 acres are proposed for conversion to industrial use to accommodate the expansion with the remaining 42 acres submitted for lease per this application.
(see accompanying transfer application)

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

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MAY 06 2021

DEPARTMENT OF
WATER RESOURCES

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)

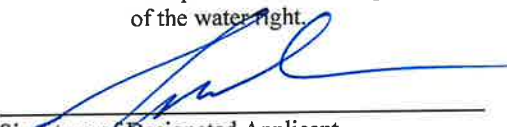
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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.


Signature of Designated Applicant

Jeff Johnson, member
Printed Name

4/29/21
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

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.



Signature of Designated Applicant

John Wood

Printed Name

4/16/21

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

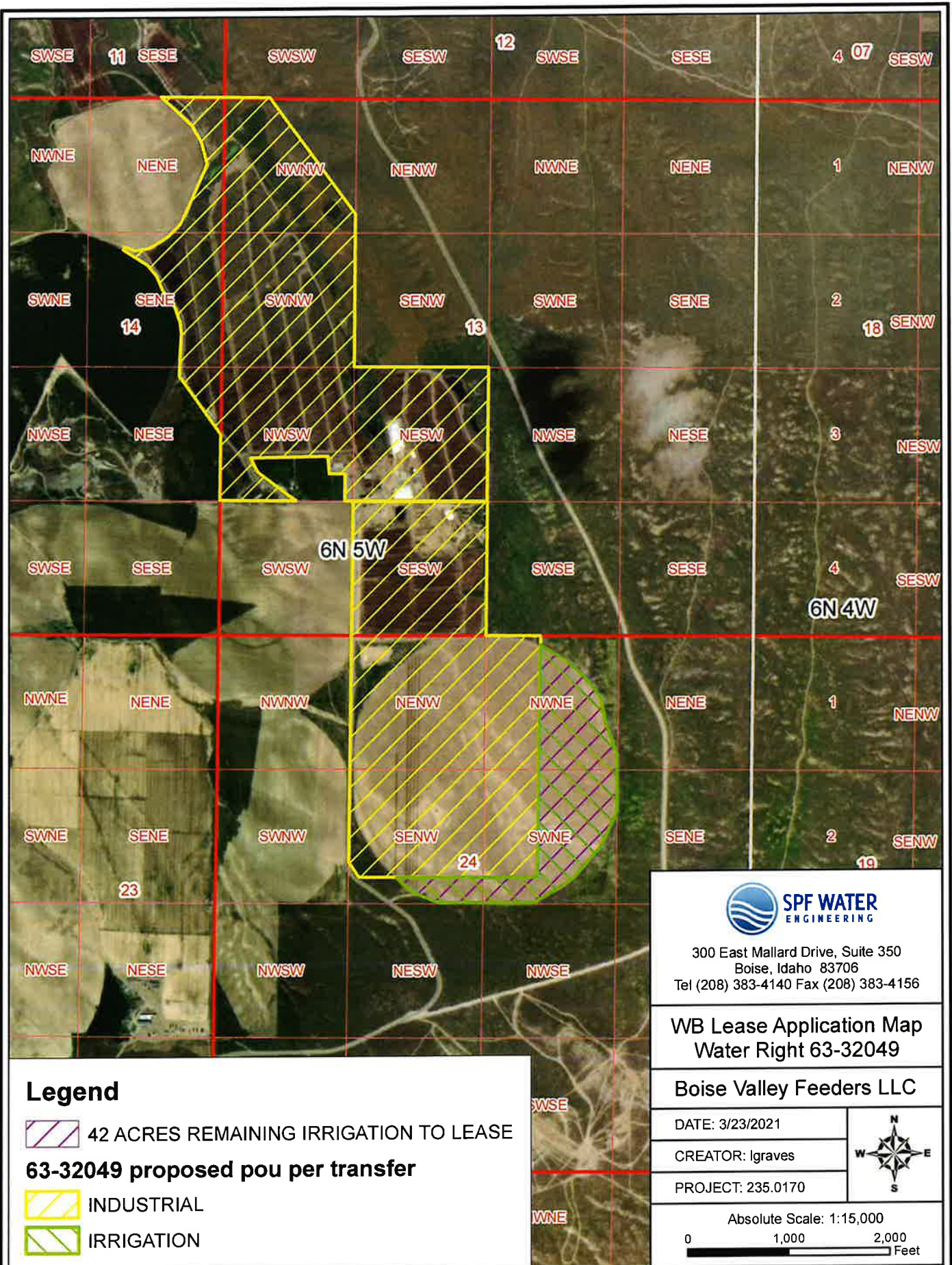
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
63-32049	Irrigation	0.84 cfs	189 af	42
	Total Amounts:	0.84 cfs	189 af	42

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
6N	5W	13			NW	SW	Payette
		13			SE	SW	Payette
		14			NW	SE	Payette



Legend

 42 ACRES REMAINING IRRIGATION TO LEASE

63-32049 proposed pou per transfer

 INDUSTRIAL

 IRRIGATION



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

**WB Lease Application Map
Water Right 63-32049**

Boise Valley Feeders LLC

DATE: 3/23/2021

CREATOR: lgraves

PROJECT: 235.0170



Absolute Scale: 1:15,000

0 1,000 2,000
Feet



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

June 23, 2021

BOISE VALLEY FEEDERS LLC
2201 RIDGEWAY RD
PARMA ID 83660

RE: **WATER SUPPLY BANK LEASE CONTRACT 1415
FOR WATER RIGHT 63-32049**

Dear Lessor:

Water right **63-32049** 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- Western Region
SPF Water Engineering LLC

Hummer, Phill

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, June 17, 2021 4:31 PM
To: Hummer, Phill
Cc: Terry Scanlan
Subject: RE: Boise Valley Feeders LLC Lease Application

Irrigation occurred via pivot, which has been removed. There is no infrastructure in place to allow irrigation.

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Thursday, June 17, 2021 4:21 PM
To: Lori Graves <LGraves@spfwater.com>
Subject: RE: Boise Valley Feeders LLC Lease Application

Lori,

It is my understanding that all of the irrigation that is not leased to the bank will be changed to industrial use. I am concerned that irrigation would continue without authorization. Can you confirm or provide something from the water right owner that the 42 acres proposed for lease will be idle for the term of the lease.

-Phill

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Wednesday, June 16, 2021 6:25 PM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: RE: Boise Valley Feeders LLC Lease Application

Hi Phill,

The NENW will be new feedlot area as illustrated on transfer map 7B (attached). Does this help, or do you need more?

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Wednesday, June 16, 2021 2:59 PM
To: Lori Graves <LGraves@spfwater.com>
Subject: Boise Valley Feeders LLC Lease Application

SPF file no 235.0170

Hi Lori,

I was reviewing BVF LLC lease application for water right 63-32049 and had a question about the pending transfer and change to the nature of use. It is my understanding that most of the remaining acres will be changed to industrial use. Does BVF plan to stop irrigating in the NE and NW that is the current POU for the right or will those acres continue to be irrigated under some other authorization?

-Phill



SPF WATER
ENGINEERING

RECEIVED

JUN 11 2021

DEPARTMENT OF
WATER RESOURCES

June 8, 2021

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Signed Water Bank Lease Contracts, No. 1415

Dear Jean,

Enclosed on behalf of Boise Valley Feeders LLC, are signed lease contracts #1415. Please let me know if there are any questions. Thanks Jean.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jeff Johnson

Enclosures

SPF file number: 235.0170



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

May 17, 2021

BOISE VALLEY FEEDERS LLC
2201 RIDGEWAY RD
PARMA ID 83660

RE: APPLICATION TO LEASE WATER RIGHTS 63-32049 TO THE WATER SUPPLY BANK
CONTRACT 1415

****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: SPF Water Engineering LLC

Hersley, Jean

From: Miller, Nick
Sent: Monday, May 17, 2021 10:35 AM
To: Hersley, Jean; Bradbury, Allen
Cc: Grimm, Angie
Subject: RE: WSB Lease application for 63-32049

Allen and I discussed the transfer and I don't think there are any issues with moving forward with the lease. However, we strongly suspect the applicant plans to continue irrigating the pivot currently covered with the irrigation right because they are changing the nature of use of some of the irrigation to "industrial" for the feedlot, and putting the rest in the WSB – maybe they plan to run the pivot with "industrial effluent"? Otherwise it is a bit odd they chose to change the nature of use to Industrial, rather than stockwater or commercial...

Angie, what are your thoughts on this? I think Allen has called you, but I am curious.

Nick.

From: Hersley, Jean
Sent: Monday, May 17, 2021 8:19 AM
To: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: WSB Lease application for 63-32049

I have an application to lease 42 acres of the irrigation portion of 63-32049. The transfer that was filed with this application is still in the DRAFT stage. Are there any issues with me moving forward with the lease? There should be a map with the transfer that depicts the leased portion. Please let me know today so I can move forward or not. Thank you.

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

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Boise Valley Feeders LLC

Memo Date: May 17, 2021

Water Right Number(s): 63-32049

Reviewers Name: Jean

Quick Tools

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

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	X		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right	X		irrigation
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	X		
5	Authority to file			
	Current owner or designated applicant	X		
	SOS Web site checked for business entity	X		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2015
	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	Check box		
	Complete a POU comparison overlap analysis	X		
	Complete a combined limits review	X		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	X		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		X	
	Will the place of use continue to receive water? (if yes explain in comments)		X	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		X	
10	Have you contacted regional office and watermaster for comment/concerns?		X	
	Send the watermaster comment request form or e-mail request		X	
11	Area Headgate requirement (write in Comments)			4.5
12	Is water right involved in any other department action? Pull file and check database () Ownership Change (X) Transfer () Mitigation () Other - Explain in comments	X		

Narrative: The Department received this application on April 22, 2021. The applicant wants to place 42 acres of the irrigation portion in the Bank. Sent email on April 27, 2021 asking for documents authorizing John Wood to sign for Boise Valley Feeders. On May 6, 2021, the Department received a new signature page with Jeff Johnson's signature and IDSOS documents authorizing Jeff to sign. This right was licensed in 2015 and has been irrigation since. This application was filed with a transfer application that proposes to convert 92 of 134 acres of irrigation to industrial use. The remaining 42 acres of irrigation are the acres proposed for lease. This is a groundwater right and is not currently within a water district. There are no overlapping rights with the POU. Water rights 63-3359, 63-7874 and 63-31262 are all diverted from the POD's.

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ENGINEERING

RECEIVED

MAY 06 2021

DEPARTMENT OF
WATER RESOURCES

May 4, 2021

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Boise Valley Feeders WB Lease Application*

Dear Jean,

Per your email request, enclosed is an original signature page for the application that has been signed by Jeff Johnson. To show Jeff has authorization to sign, also included are documents from the IDSOS indicating West Valley Farms & Livestock are members of Boise Valley Feeders and that Jeff Johnson is a member of West Valley Farms.

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

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Jeff Johnson, JW Wood

Enclosures

SPF file number: 235.0170



0004258438

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***REINSTATEMENT ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$30.00

For Office Use Only

-FILED-

File #: 0004258438

Date Filed: 4/28/2021 10:55:29 AM

B0604-2295 04/28/2021 10:55 AM Received by ID Secretary of State Lawrence Denney

Reinstatement Annual Report Form

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Same Day Service (+\$100; filing fee \$130)

Current Entity Name

BOISE VALLEY FEEDERS, L.L.C.

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

0000030300

Organized under the laws of:

IDAHO

Entity Type:

Limited Liability Company (D)

Entity Subtype:

Limited Liability Company Subtype

Limited Liability Company

Limited Liability Company Name:

Limited Liability Company name

BOISE VALLEY FEEDERS, L.L.C.

The registered agent on record is:

Registered Agent

KIM STUART
Registered Agent

Physical Address

1555 SHORELINE DR
SUITE 320
BOISE, ID 83702

Mailing Address

The mailing address of the corporation is:

1555 W SHORELINE DR
STE 320
BOISE, ID 83702-9109

Limited Liability Company Managers and Members

Name	Title	Address
Agri Beef Co	Member	1555 W SHORELINE DR STE 320 BOISE, ID 83702
West Valley Farms & Livestock LLC	Member	24007 HWY 20/26 PARMA, ID 83660

The Application for Reinstatement must be signed by at least one governor.

Job Title:

Member

Kim Stuart

Sign Here

04/28/2021

Date



0004163071

**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 #: 0004163071

Date Filed: 2/4/2021 9:46:01 AM

B0580-0796 02/04/2021 9:46 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: WEST VALLEY FARMS & LIVESTOCK, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000122856

Address: 24007 HIGHWAY 20/26
PARMA, ID 83660-7221

Entity Details:

Entity Status: Active-Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W36772

The registered agent on record is:

Registered Agent: JEFFREY S JOHNSON
Registered Agent
Physical Address
24007 HWY 20/26
PARMA, ID 83660
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
☒ Jeffrey S Johnson	Member	23672 WALKER RD PARMA, ID 83660
☒ Edward G Johnson	Member	28335 SILOWAY WILDER, ID 83676
☒ Jenifer D Edmonds	Member	24007 HWY 20/26 PARMA, ID 83660

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

Job Title: Member

Jeffrey S Johnson

Sign Here

02/04/2021

Date

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, April 27, 2021 9:14 AM
To: Lori Graves (lgraves@spfwater.com)
Subject: WSB Lease Application for Boise Valley Feeders LLC

Lori,
The Department received an application to lease water right 63-32049 to the Water Supply Bank. The Department will need documents showing John Wood is authorized to file and sign the application on behalf of Boise Valley Feeders, LLC. Please let me know if you have any questions. Thank you.

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

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APR 22 2021

WATER RESOURCES
WESTERN REGION



SPF WATER
ENGINEERING

April 20, 2021

RECEIVED

APR 26 2021

DEPARTMENT OF
WATER RESOURCES

Nick Miller, Manager
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Boise Valley Feeders Applications

Dear Nick,

Enclosed on behalf of Boise Valley Feeders LLC, are the following:

1. Transfer Application seeking industrial water right coverage for a feedlot expansion. The Department's filing fee for the application is \$990 (\$740 plus an additional \$250 to change nature of use).
2. Water Bank Lease Application seeking protection from forfeiture for the remaining 42 acres of pivot irrigation that will be retired as a result of the expansion. The Department's filing fee for the application is \$250.
3. Permit Amendment Application seeking to enlarge the permitted stockwater place of use to cover the feedlot expansion and update the permitted pods to reflect the existing wells used. The Department's filing fee for the application is \$100.

Check #15830 is enclosed for the filing fees.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Sr. Water Rights Specialist

Cc: JW Wood, BVF

Enclosures

SPF file number: 235.0170