STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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

LESSOR: K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

SUPPORT DATA
IN FILE # 36-2081K

RECEIVED
MAY 25 2022
DEPARTMENT OF WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 08, 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)
36-2087K	1/23/1950	GROUND WATER	0.06	14.0	3.5
36-2113K	3/12/1951	GROUND WATER	0.03	5.69	1.4
36-2161K	1/11/1952	GROUND WATER	0.02	3.38	0.9
36-2289M	12/2/1955	GROUND WATER	0.01	1.84	0.5
36-2311K	11/23/1956	GROUND WATER	0.03	6.88	1.7
36-2500K	7/18/1961	GROUND WATER	0.02	6.98	1.7
36-2614K	6/7/1965	GROUND WATER	0.05	10.7	2.7
36-7307K	2/26/1973	GROUND WATER	0.04	7.12	1.7
36-7362K	8/2/1973	GROUND WATER	0.06	24.0	17.7
36-7477K	5/28/1974	GROUND WATER	0.02	3.64	0.9
36-7606K	2/4/1976	GROUND WATER	0.02	3.44	0.8
36-7779K	2/22/1978	GROUND WATER	0.05	11.1	2.7
36-7832K	12/11/1978	GROUND WATER	0.01	1.74	0.4
36-10225K	5/1/1985	GROUND WATER	0.02	3.34	0.8
36-15169K	12/11/1969	GROUND WATER	0.16	59.8	14.9
Combined Lease Totals			**0.57**	**164**	**52.6**
Combined Lease Limits			**0.55**	**112**	**28.0**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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)
36-2087K	0.06	14.0	3.5	0.016	4
36-2113K	0.03	5.69	1.4	0.020	4
36-2161K	0.02	3.38	0.9	0.020	4
36-2289M	0.01	1.84	0.5	0.010	4
36-2311K	0.03	6.88	1.7	0.020	4
36-2500K	0.02	6.98	1.7	0.013	4
36-2614K	0.05	10.7	2.7	0.017	4
36-7307K	0.04	7.12	1.7	0.020	4
36-7362K	0.06	24.0	17.7	0.003	1.4
36-7477K	0.02	3.64	0.9	0.020	4
36-7606K	0.02	3.44	0.8	0.020	4
36-7779K	0.05	11.1	2.7	0.019	4
36-7832K	0.01	1.74	0.4	0.010	4
36-10225K	0.02	3.34	0.83	0.019	4
36-15169K	0.16	59.8	14.9	0.011	4
Combined Limit Totals	**0.55**	**112**	**28.0**	**0.019**	**4**

**** 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

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.

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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.

WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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

LESSOR: K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

By Brian Beer
Title Owner
Date 5-12-22

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

By _____ Date 5/25/22
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 5/25/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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): 36-10225K, 36-15169K, 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K

GROUND WATER	SWNWSW	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENESW	Sec. 33	Twp 08S	Rge 15E	GOODING County
GROUND WATER	NESESW	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENWNE	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	NESESE	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENENW	Sec. 33	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENENW	Sec. 32	Twp 08S	Rge 15E	GOODING County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-10225K	IRRIGATION	04/01	to	10/31	0.06	14.0
36-15169K	IRRIGATION	04/01	to	10/31	0.03	5.7
36-2087K	IRRIGATION	04/01	to	10/31	0.02	3.4
36-2113K	IRRIGATION	04/04	to	10/31	0.01	1.8
36-2161K	IRRIGATION	04/01	to	10/31	0.03	6.9
36-2289M	IRRIGATION	04/01	to	10/31	0.02	6.9
36-2311K	IRRIGATION	04/01	to	10/31	0.05	10.7
36-2500K	IRRIGATION	04/01	to	10/31	0.16	59.7
36-2614K	IRRIGATION	04/01	to	10/31	0.04	7.1
36-7307K	IRRIGATION	04/01	to	10/31	0.06	24.0
36-7362K	IRRIGATION	04/01	to	10/31	0.02	3.6
36-7477K	IRRIGATION	04/01	to	10/31	0.02	3.4
36-7606K	IRRIGATION	04/01	to	10/31	0.05	11.1
36-7779K	IRRIGATION	04/01	to	10/31	0.01	1.7
36-7832K	IRRIGATION	04/01	to	10/31	0.02	3.3
				Totals:	0.55 cfs	112 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	
08S	15E	32														28			28

Total Acres: 28.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

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.
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 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
13. The unleased portion of water right 36-2087K is limited to the irrigation of 122.7 acres within the place of use described above in a single irrigation season.
14. The unleased portion of water right 36-2113K is limited to the irrigation of 49.9 acres within the place of use described above in a single irrigation season.
15. The unleased portion of water right 36-2161K is limited to the irrigation of 29.6 acres within the place of use described above in a single irrigation season.

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

16. The unleased portion of water right 36-2289M is limited to the irrigation of 16.1 acres within the place of use described above in a single irrigation season.
17. The unleased portion of water right 36-2311K is limited to the irrigation of 60.3 acres within the place of use described above in a single irrigation season.
18. The unleased portion of water right 36-2500K is limited to the irrigation of 61.2 acres within the place of use described above in a single irrigation season.
19. The unleased portion of water right 36-2614K is limited to the irrigation of 93.9 acres within the place of use described above in a single irrigation season.
20. The unleased portion of water right 36-7307K is limited to the irrigation of 62.5 acres within the place of use described above in a single irrigation season.
21. The unleased portion of water right 36-7362K is limited to the irrigation of 621.6 acres within the place of use described above in a single irrigation season.
22. The unleased portion of water right 36-7477K is limited to the irrigation of 31.9 acres within the place of use described above in a single irrigation season.
23. The unleased portion of water right 36-7606K is limited to the irrigation of 30.2 acres within the place of use described above in a single irrigation season.
24. The unleased portion of water right 36-7779K is limited to the irrigation of 97.6 acres within the place of use described above in a single irrigation season.
25. The unleased portion of water right 36-7832K is limited to the irrigation of 15.3 acres within the place of use described above in a single irrigation season.
26. The unleased portion of water right 36-10225K is limited to the irrigation of 29.3 acres within the place of use described above in a single irrigation season.
27. The unleased portion of water right 36-15169K is limited to the irrigation of 524.1 acres within the place of use described above in a single irrigation season.
28. These rights 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.
29. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.1 cfs, nor total combined annual volume of 3930 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
30. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15169K pursuant to Section 42-1426, Idaho Code.
31. Water right 36-10225K is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

AMENDED WATER SUPPLY BANK LEASE CONTRACT No. 1365 *AMENDED*

32. Use of water under these 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, this water right is within State Water District No. 130.

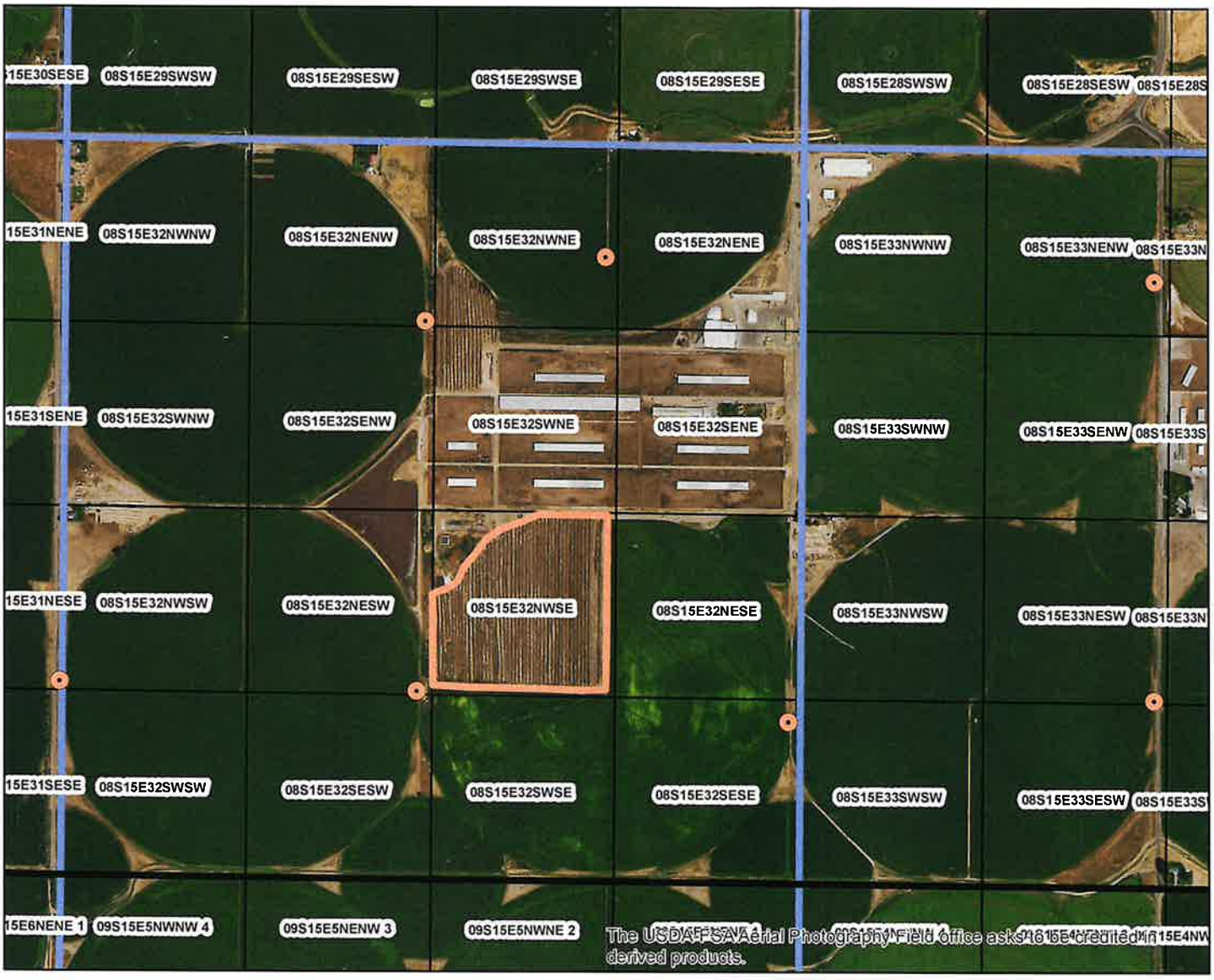
WATER RESOURCES

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1365

36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K,
36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K,
36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K
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

N

Miles
0 0.25 0.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

WATER SUPPLY BANK LEASE CONTRACT No. 1365

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

RECEIVED
MAR 15 2021
DEPARTMENT OF WATER RESOURCES

LESSOR: K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

SUPPORT DATA
IN FILE # 36-2087K

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 January 08, 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)
36-2087K	1/23/1950	GROUND WATER	0.040	9.6	28.0
36-2113K	3/12/1951	GROUND WATER	0.030	3.9	28.0
36-2161K	1/11/1952	GROUND WATER	0.020	2.3	28.0
36-2289M	12/2/1955	GROUND WATER	0.002	1.3	28.0
36-2311K	11/23/1956	GROUND WATER	0.030	4.7	28.0
36-2500K	7/18/1961	GROUND WATER	0.010	4.8	28.0
36-2614K	6/7/1965	GROUND WATER	0.040	7.3	28.0
36-15169K	12/11/1969	GROUND WATER	0.080	40.9	28.0
36-7307K	2/26/1973	GROUND WATER	0.030	4.9	28.0
36-7362K	8/2/1973	GROUND WATER	0.010	5.5	28.0
36-7477K	5/28/1974	GROUND WATER	0.020	2.5	28.0
36-7606K	2/4/1976	GROUND WATER	0.012	2.30	28.0
36-7779K	2/22/1978	GROUND WATER	0.050	7.6	28.0
36-7832K	12/11/1978	GROUND WATER	0.002	1.2	28.0
36-10225K	5/1/1985	GROUND WATER	0.020	2.3	28.0
Combined Limit Totals			**0.404**	**101.1**	**28.0**
Combined Lease Totals			**0.404**	**101.1**	**28.0**

SCANNED
MAR 24 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1365

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)
36-2087K	0.040	9.60	1.90	0.021	5.05
36-2113K	0.030	3.90	0.80	0.038	4.88
36-2161K	0.020	2.30	0.50	0.040	4.60
36-2289M	0.002	1.30	0.20	0.010	6.50
36-2311K	0.030	4.70	0.90	0.033	5.22
36-2500K	0.010	4.80	0.90	0.011	5.33
36-2614K	0.040	7.30	1.40	0.029	5.21
36-15169K	0.080	40.90	8.00	0.010	5.11
36-7307K	0.030	4.90	0.90	0.033	5.44
36-7362K	0.010	5.50	9.40	0.001	0.59
36-7477K	0.020	2.50	0.50	0.040	5.00
36-7606K	0.012	2.30	0.50	0.024	4.60
36-7779K	0.050	7.60	1.50	0.033	5.07
36-7832K	0.002	1.20	0.20	0.010	6.00
36-10225K	0.020	2.30	0.40	0.050	5.75
Combined Limit Totals	**0.404**	**101.10**	**28.00**	**0.014**	**3.61**

**** 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

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1365

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1365

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

LESSOR: K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

By Adrian Boer
Title OWNER
Date 3/10/2021

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

By _____ Date 3/18/21
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3/18/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1365

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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Source and Location of Point(s) of Diversion for Water Right No(s): 36-10225K, 36-15169K, 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K

GROUND WATER	SWNWSW	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENESW	Sec. 33	Twp 08S	Rge 15E	GOODING County
GROUND WATER	NESESW	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENWNE	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	NESESE	Sec. 32	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENENW	Sec. 33	Twp 08S	Rge 15E	GOODING County
GROUND WATER	SENENW	Sec. 32	Twp 08S	Rge 15E	GOODING County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-10225K	IRRIGATION	04/01	to	10/31	0.020 cfs	2.30 AF
36-15169K	IRRIGATION	04/01	to	10/31	0.080 cfs	40.90 AF
36-2087K	IRRIGATION	04/01	to	10/31	0.040 cfs	9.60 AF
36-2113K	IRRIGATION	04/04	to	10/31	0.030 cfs	3.90 AF
36-2161K	IRRIGATION	04/01	to	10/31	0.020 cfs	2.30 AF
36-2289M	IRRIGATION	04/01	to	10/31	0.002 cfs	1.30 AF
36-2311K	IRRIGATION	04/01	to	10/31	0.030 cfs	4.70 AF
36-2500K	IRRIGATION	04/01	to	10/31	0.010 cfs	4.80 AF
36-2614K	IRRIGATION	04/01	to	10/31	0.040 cfs	7.30 AF
36-7307K	IRRIGATION	04/01	to	10/31	0.030 cfs	4.90 AF
36-7362K	IRRIGATION	04/01	to	10/31	0.010 cfs	5.50 AF
36-7477K	IRRIGATION	04/01	to	10/31	0.020 cfs	2.50 AF
36-7606K	IRRIGATION	04/01	to	10/31	0.012 cfs	2.30 AF
36-7779K	IRRIGATION	04/01	to	10/31	0.050 cfs	7.60 AF
36-7832K	IRRIGATION	04/01	to	10/31	0.002 cfs	1.20 AF
				Totals:	0.404 cfs	101.10 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	
08S	15E	32														28.0			28.0

Total Acres: 28.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

WATER SUPPLY BANK LEASE CONTRACT No. 1365

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.
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. Right 36-10225K is an enlargement of Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, and 36-15169K pursuant to Section 42-1426, Idaho Code.
13. 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. The unleased portion of water right 36-2087K is limited to the irrigation of 124.3 acres within the place of use described above in a single irrigation season.
15. The unleased portion of water right 36-2113K is limited to the irrigation of 50.5 acres within the place of use described above in a single irrigation season.

WATER SUPPLY BANK LEASE CONTRACT No. 1365

16. The unleased portion of water right 36-2161K is limited to the irrigation of 30.0 acres within the place of use described above in a single irrigation season.
17. The unleased portion of water right 36-2289M is limited to the irrigation of 16.4 acres within the place of use described above in a single irrigation season.
18. The unleased portion of water right 36-2311K is limited to the irrigation of 61.1 acres within the place of use described above in a single irrigation season.
19. The unleased portion of water right 36-2500K is limited to the irrigation of 62.0 acres within the place of use described above in a single irrigation season.
20. The unleased portion of water right 36-2614K is limited to the irrigation of 95.0 acres within the place of use described above in a single irrigation season.
21. The unleased portion of water right 36-7307K is limited to the irrigation of 63.3 acres within the place of use described above in a single irrigation season.
22. The unleased portion of water right 36-7362K is limited to the irrigation of 629.9 acres within the place of use described above in a single irrigation season.
23. The unleased portion of water right 36-7477K is limited to the irrigation of 32.3 acres within the place of use described above in a single irrigation season.
24. The unleased portion of water right 36-7606K is limited to the irrigation of 30.5 acres within the place of use described above in a single irrigation season.
25. The unleased portion of water right 36-7779K is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.
26. The unleased portion of water right 36-7832K is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.
27. The unleased portion of water right 36-10225K is limited to the irrigation of 29.7 acres within the place of use described above in a single irrigation season.
28. The unleased portion of water right 36-15169K is limited to the irrigation of 531.0 acres within the place of use described above in a single irrigation season.
29. These rights 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.
30. The total instantaneous diversion of water from all points of diversion under Rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15209K shall not exceed 19.25 cfs, nor total combined annual volume of 3937.3 af at the field headgate for the irrigation of 981.6 total acres, for the unleased portions.
31. Water right 36-10225K is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

WATER SUPPLY BANK LEASE CONTRACT No. 1365

32. Use of water under these 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. 130.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1365

36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K,
36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K,
36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K
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

N

0 0.25 0.5 Miles

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
JAN 08 2021
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant K & K Real Estate LLC
(Select one owner – see item 1A on the application)

Water Right No. 36-2113K
(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.**

MIMUMUM 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 $ 500	Received By: KU	Date Received: 1.8.21	Receipt # C109789
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: K & K Real Estate LLC	

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 K & K Real Estate LLC

Mailing Address 3751 S 2400 E Jerome Idaho ID 83338
Street City State Zip Code

Email Address _____ Phone Number _____

☐ 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 systems.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. N/A

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. The same 28.0 acres were under lease contract from 2015-2019.

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 (Year) to 2025 (Year) (maximum lease period 5 calendar years).

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.

_____

_____

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.

Adrian Boer	Adrian Boer	12/21/2020
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

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

Form 42-1761-1 10/15

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.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
36-2113K	Irrigation	0.03	3.9	0.8
	Total Amounts:	0.03	3.9	0.8

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
09S	15E	32		SE	NW	NE	Gooding
09S	15E	32		SE	NE	NW	Gooding
09S	15E	32		SW	NW	SW	Gooding
09S	15E	32		NE	SE	SW	Gooding
09S	15E	32		NE	SE	SE	Gooding
09S	15E	33		SE	NE	NW	Gooding
09S	15E	33		SE	NE	SW	Gooding

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LESSOR DESIGNATION FORM

When multiple individuals or business entities jointly own property to which a water right is appurtenant, the parties can use this form to nominate a designated lessor to represent their common interests on a Water Supply Bank lease contract. The signatures of all water right holders are required on this form to elect a designated lessor. The designated lessor is required to provide a completed IRS Form W-9 to receive any payment associated with the rental of a water right under a Water Supply Bank lease contract. **All correspondence and any financial payment associated with the rental of this water right will be directed to the designated lessor**. If additional space is needed to list any other water right holders, attach a second copy of this Lessor Designation Form.

Water Right No(s). 36-2087K, et al

	Designated Lessor	Water Right Co-owner	Water Right Co-owner
Name	K & K REAL ESTATE LLC	JEANNA J BOER	KENNETH W BOER
Mailing Address	3751 S 2400 E JEROME ID 83338	3751 S 2400 E JEROME ID 83338	3751 S 2400 E JEROME ID 83338
Phone Number			
Email Address			
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	Adrian Boer	Jeanna J. Boer	Kenneth W Boer

	Water Right Co-owner	Water Right Co-owner	Water Right Co-owner
Name	KEVIN S BOER	STACY L BOER	
Mailing Address	3751 S 2400 E JEROME ID 83338	3751 S 2400 E JEROME ID 83338	
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		Stacy L. Boer	

Path: F:\Projects\Boer\ArcView\BOER DAIRY 8S15E WSB LEASE.mxd

0 0.25 0.5 Miles

K & K REAL ESTATE LLC

WATER SUPPLY BANK LEASE
NAIP 2019 AERIAL

Legend

WSB Lease

Boer_Dairy_PODs

N

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 12/18/2020

0004086234

STATE OF IDAHO
Office of the secretary of state, Lawerence 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 #: 0004086234

Date Filed: 12/3/2020 12:53:49 PM

Entity Name and Mailing Address:

Entity Name:	K & K REAL ESTATE, LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0000369710
Address	472 S 200 W JEROME, ID 83338-6065

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:	W120424

The registered agent on record is:

Registered Agent	ADRIAN BOER Registered Agent Physical Address 472 S 200 W JEROME, ID 83338 Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Adrian Boer	Manager	472 S 200 W JEROME, ID 83338

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

Adrian Boer
Sign Here

12/03/2020
Date

Job Title: President

B0557-3975 12/03/2020 12:53 PM Received by ID Secretary of State Lawerence Denney

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STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169K

	Designated Applicant	Applicant #2	Applicant #3
Name	K & K Real Estate LLC		
Mailing Address	3751 S 2400 E Jerome, Idaho 83338		
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature	Adrian Boer		

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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**

May 27, 2022

K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

RE: WATER SUPPLY BANK LEASE AMENDED CONTRACT 1365
FOR WATER RIGHTS 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-3762K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K & 36-15169K

Dear Lessor:

Water rights **36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-3762K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K & 36-15169K** were 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,

Amanda Johnson-Veibell
for
Water Supply Bank

Enclosure: Executed Lease Contract

c: Greg Sullivan

IDAHO DEPARTMENT
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

May 5, 2022

K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

RE: APPLICATION TO LEASE WATER RIGHTS 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K & 36-15169K TO THE WATER SUPPLY BANK AMENDED CONTRACT 1365

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed a secondary review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Amended 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,

Amanda Johnson-Veibell
for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Greg Sullivan

MEMORANDUM

To: **Water Right File No(s).** 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K

From: Mary Condon, WSB Coordinator

Date: March 29, 2022

Re: Lease Contract 1365 Correction to Leased Amounts

Remington Buyer reviewed these rights for rental application 2087 and discovered the proportions leased to the bank were not calculated correctly. The overall leased is still equal to 28 acres, but the combined rate and volume limits are 0.545 cfs and 112 af, reducing the amount available under the unleased portions of these rights still in use. See the table below for the proportionate splits, which I confirmed.

Water Rights As Licensed / Decreed									WRs, if Leased Proportionately					WRs, As Leased Under Contract 1365				
WR	Priority	Use	Rate	Vol	Acres	PPU AC	Vol/Ac	Vol/Ac	Rate	Vol	Acres	Vol/Ac	Vol/Ac	Rate	Vol	Acres	Vol/Ac	Vol/Ac
36-2087K	1/23/1950	irrigation	1.990	504.8	126.2	1009.6	0.016	4.00	0.055	14.0	3.5	0.016	4.0	0.040	9.6	1.9	0.021	5.1
36-2113K	3/12/1951	irrigation	1.030	205.2	51.3	1009.6	0.020	4.00	0.029	5.7	1.4	0.020	4.0	0.030	3.9	0.8	0.038	4.9
36-2161K	1/11/1952	irrigation	0.600	122.0	30.5	1009.6	0.020	4.00	0.017	3.4	0.8	0.020	4.0	0.020	2.3	0.5	0.040	4.6
36-2289M	12/2/1955	irrigation	0.160	66.4	16.6	1009.6	0.010	4.00	0.004	1.8	0.5	0.010	4.0	0.002	1.3	0.2	0.010	6.5
36-2311K	11/23/1956	irrigation	1.240	248.0	62.0	1009.6	0.020	4.00	0.034	6.9	1.7	0.020	4.0	0.030	4.7	0.9	0.033	5.2
36-2500K	7/18/1961	irrigation	0.820	251.6	62.9	1009.6	0.013	4.00	0.023	7.0	1.7	0.013	4.0	0.010	4.8	0.9	0.011	5.3
36-2614K	6/7/1965	irrigation	1.690	386.4	96.6	1009.6	0.017	4.00	0.047	10.7	2.7	0.017	4.0	0.040	7.3	1.4	0.029	5.2
36-15169K	12/11/1969	irrigation	5.760	2156.0	539.0	1009.6	0.011	4.00	0.160	59.8	14.9	0.011	4.0	0.080	40.9	8.0	0.010	5.1
36-7307K	2/26/1973	irrigation	1.270	256.8	64.2	1009.6	0.020	4.00	0.035	7.1	1.8	0.020	4.0	0.030	4.9	0.9	0.033	5.4
36-7362K	8/2/1973	irrigation	2.050	866.1	639.3	1009.6	0.003	1.35	0.057	24.0	17.7	0.003	1.4	0.010	5.5	9.4	0.001	0.6
36-7477K	5/28/1974	irrigation	0.660	131.2	32.8	1009.6	0.020	4.00	0.018	3.6	0.9	0.020	4.0	0.020	2.5	0.5	0.040	5.0
36-7606K	2/4/1976	irrigation	0.610	124.0	31.0	1009.6	0.020	4.00	0.017	3.4	0.9	0.020	4.0	0.012	2.3	0.5	0.024	4.6
36-7779K	2/22/1978	irrigation	1.930	401.2	100.3	1009.6	0.019	4.00	0.054	11.1	2.8	0.019	4.0	0.050	7.6	1.5	0.033	5.1
36-7832K	12/11/1978	irrigation	0.160	62.8	15.7	1009.6	0.010	4.00	0.004	1.7	0.4	0.010	4.0	0.002	1.2	0.2	0.010	6.0
36-10225K	5/1/1985	irrigation	0.580	120.4	30.1	1009.6	0.019	4.00	0.016	3.3	0.8	0.019	4.0	0.020	2.3	0.4	0.050	5.8
combined		irrigation	19.650	4038.4	1009.6	1009.6	0.019	4.00	0.545	112.0	28.0	0.019	4.0	0.404	101.1	28.0	0.014	3.6

An amended contract for the remainder of the lease from 2022-2025 will be sent to the lessor. The amount available to rent under application 2087 will also be reflected with the changes of 0.545 cfs, 112 af, and limited to 28 acres.

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

March 24, 2021

K & K REAL ESTATE LLC
3751 S 2400 E
JEROME, ID 83338

RE: WATER SUPPLY BANK LEASE CONTRACTS 1365
FOR WATER RIGHTS 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-5169, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K & 36-10225K

Dear Lessor:

Water right **36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-5169, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K & 36-10225K** were 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District 130
Greg Sullivan – Brockway Engineering

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
MAR 15 2021
DEPARTMENT OF
WATER RESOURCES

March 11, 2021

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

Re: K & K Real Estate

Dear Mr. Buyer:

K & K Real Estate LLC has signed the two lease contracts for Water Supply Bank Contract 1365. Please finalize the lease of these water rights into the Idaho Water Supply Bank.

Sincerely,

Greg Sullivan, M.S., Engineer

Enc: Lease Contract 1365 Signed

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

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

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

Hersley, Jean

From: Erickson, Nathan
Sent: Friday, March 5, 2021 1:14 PM
To: Hersley, Jean; Skinner, Corey
Subject: RE: WSB Lease contract for K & K Real Estate

Since it is a renewal I have no concerns. Thanks!

From: Hersley, Jean
Sent: Wednesday, March 3, 2021 10:05 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: WSB Lease contract for K & K Real Estate

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

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

Hersley, Jean

From: Skinner, Corey
Sent: Monday, March 8, 2021 3:40 PM
To: Hersley, Jean
Subject: RE: WSB Lease contract for K & K Real Estate

I am good with this one.

From: Hersley, Jean
Sent: Wednesday, March 3, 2021 10:05 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: WSB Lease contract for K & K Real Estate

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

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

Hersley, Jean

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, March 5, 2021 4:10 PM
To: Hersley, Jean
Subject: RE: WSB Lease Applications for K & K Real Estate
Attachments: SKM_C300i21030503580.pdf

Jean,

See the attached document. Will this scanned copy work for you or would you like me to mail the original to you?

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, March 01, 2021 2:25 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: WSB Lease Applications for K & K Real Estate

Greg,
I am in the process of reviewing 15 WSB Lease applications for Boer. On the applications, the applicant is listed as K & K Real Estate but the current owners of these rights is Jeanna J Boer, Kenneth W Boer, Kevin S Boer, Stacy L Boer and K & K Real Estate. The Department is going to need all of the owners to sign the lessor designation form, attached.

I will finish my review and get the contracts out but they will not be executed until we receive the lessor designation form. Please let me know if you have any questions. Thank you.

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

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

March 3, 2021

K & K REAL ESTATE LLC
3751 D 2400 E
JEROME ID 83338

RE: APPLICATION TO LEASE WATER RIGHTS 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K, 36-15169K TO THE WATER SUPPLY BANK CONTRACT 1365

******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."

Since there are multiple owners of these water rights, a lessor designation form needs to be completed. I have attached a form for your convenience. Please have all current owners sign the form and return it with the signed contracts. These contracts will not be executed until the Department receives the signed form.

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: Brockway Engineering, PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, March 3, 2021 10:05 AM
To: Skinner, Corey; Erickson, Nathan
Subject: WSB Lease contract for K & K Real Estate
Attachments: Idled Acres.pdf; Lease Application Review .xls; Report - Lease Contract - 1365.docx

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

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

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: K & K Real Estate LLC

Memo Date: March 1, 2021

Water Right Number(s): 36-2087K, et al

Reviewers Name: Jean

Quick Tools

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

		Check box		COMMENTS/CONCERNS:
1	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right	x		
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)	x		
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2002
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		2015-2019
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
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 these applications on January 8, 2021. The applicant wishes to place the same 28 acres of 15 water rights in the Bank. These rights are limited to the irrigation of 1009.6 acres, 19.65 cfs and 4038.4 af. These rights were decreed in 2002 and were put to beneficial use until these 28 acres were placed in the Bank in 2015. Each right has an acre limit that add up to the 28 total acres. They are all ground water rights that are currently within WD 130.

Hersley, Jean

From: Hersley, Jean
Sent: Monday, March 1, 2021 2:25 PM
To: 'Greg Sullivan'
Subject: WSB Lease Applications for K & K Real Estate
Attachments: WSB-lessor-designation.pdf

Greg,
I am in the process of reviewing 15 WSB Lease applications for Boer. On the applications, the applicant is listed as K & K Real Estate but the current owners of these rights is Jeanna J Boer, Kenneth W Boer, Kevin S Boer, Stacy L Boer and K & K Real Estate. The Department is going to need all of the owners to sign the lessor designation form, attached.

I will finish my review and get the contracts out but they will not be executed until we receive the lessor designation form. Please let me know if you have any questions. Thank you.

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

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
JAN 08 2021
DEPARTMENT OF
WATER RESOURCES

January 5, 2021

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

Re: K & K Real Estate and 2+ Ranch

Dear Mr. Buyer:

K & K Real Estate LLC desires to lease 28.0 acres of water rights 36-2087K, 36-2113K, 36-2161K, 36-2289M, 36-2311K, 36-2500K, 36-2614K, 36-7307K, 36-7362K, 36-7477K, 36-7606K, 36-7779K, 36-7832K, 36-10225K and 36-15169K. These same 28.0 acres were under lease contract from 2015 through 2019. There is a $500.00 lease processing fee for these applications.

2+ Ranch LLC is submitting two groups of lease applications. One application is proposing to lease 20.3 acres under water right 36-2412C. The same 20.3 acres were under lease contract from 2015 through 2019. There is a $250.00 lease processing fee for this application.

A second lease application for water rights owned by 2+ Ranch LLC is proposing to lease 11.3 acres of water rights 36-16158 and 36-16161. The same 11.3 acres were under lease contract 2015 through 2019. There is a $500.00 lease processing fee for these applications.

Please copy our office on all correspondence regarding this applications.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ken Boer
Enc: Lease Application 20.3 Acres, Lease Application 11.3 Acres, Lease Application 28.0 Acres, Attachment 1As, W-9 Forms, Annual Reports, Aerial Maps, Brockway Engineering
Check 16218 for $1,250.00

1942
1943
1944

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

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

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506