

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1270

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

LESSOR: IDA GOLD FARMS GENERAL PARTNERSHIP
2500 Overland Ave.
BURLEY, ID 83318-5679

RECEIVED
JAN 28 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 December 23, 2020.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
43-13714	10/24/1961	GROUND WATER	0.16	46.0	11.5
43-13717	6/30/1985	GROUND WATER	0.01	Not Stated	1.2
Combined Limit Totals			0.16	46.0	12.7
Combined Lease Totals			0.16	46.0	12.7

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
43-13714	0.16	46.0	11.5	0.014	4.0
43-13717	0.01	4.8	1.2	0.008	4.0
Combined Limit Totals	0.16	46.0	11.5	0.014	4.0

** 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1270

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1270

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

LESSOR: IDA GOLD FARMS GENERAL PARTNERSHIP

2500 Overland Ave.

BURLEY, ID 83318-5679

By [Signature]

Title Member

Date 1-25-21

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 01/29/21

Lease approved by IDWR [Signature]

Date 01/29/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1270

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 43-13717, 43-13714

GROUND WATER	SENENW	Sec. 30	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	NWSWSE	Sec. 30	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	NESWSE	Sec. 19	Twp 10S	Rge 28E	CASSIA County
GROUND WATER	SWNENE	Sec. 19	Twp 10S	Rge 28E	CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-13717	IRRIGATION	03/15	to	11/15	0.01 cfs	Not Stated
43-13714	IRRIGATION	03/15	to	11/15	0.16 cfs	46.0 AF
Totals:					0.16 cfs	46.0 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	
10S	28E	20						0.4	11.0			1.3							12.7

Total Acres: 12.7

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1270

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. Water rights no. 43-13714 & 43-13717 are limited to a total combined diversion rate of 0.16 cfs and to a total combined annual diversion volume of 46.0 af.
13. Water rights no. 43-13714 & 43-13717 are limited to the irrigation of a combined total of 12.7 acres in a single irrigation season.
14. Water right 43-13714 is limited to the irrigation of 11.5 acres within the place of use described above in a single irrigation season.
15. Water right 43-13717 is limited to the irrigation of 1.2 acres within the place of use described above in a single irrigation season.
16. Right no. 43-13717 is an expansion of right 43-13714 pursuant to section 42-1416B, Idaho Code.
17. If rented, water rights 43-13714 and 43-13717 are limited to the irrigation of 11.5 acres.

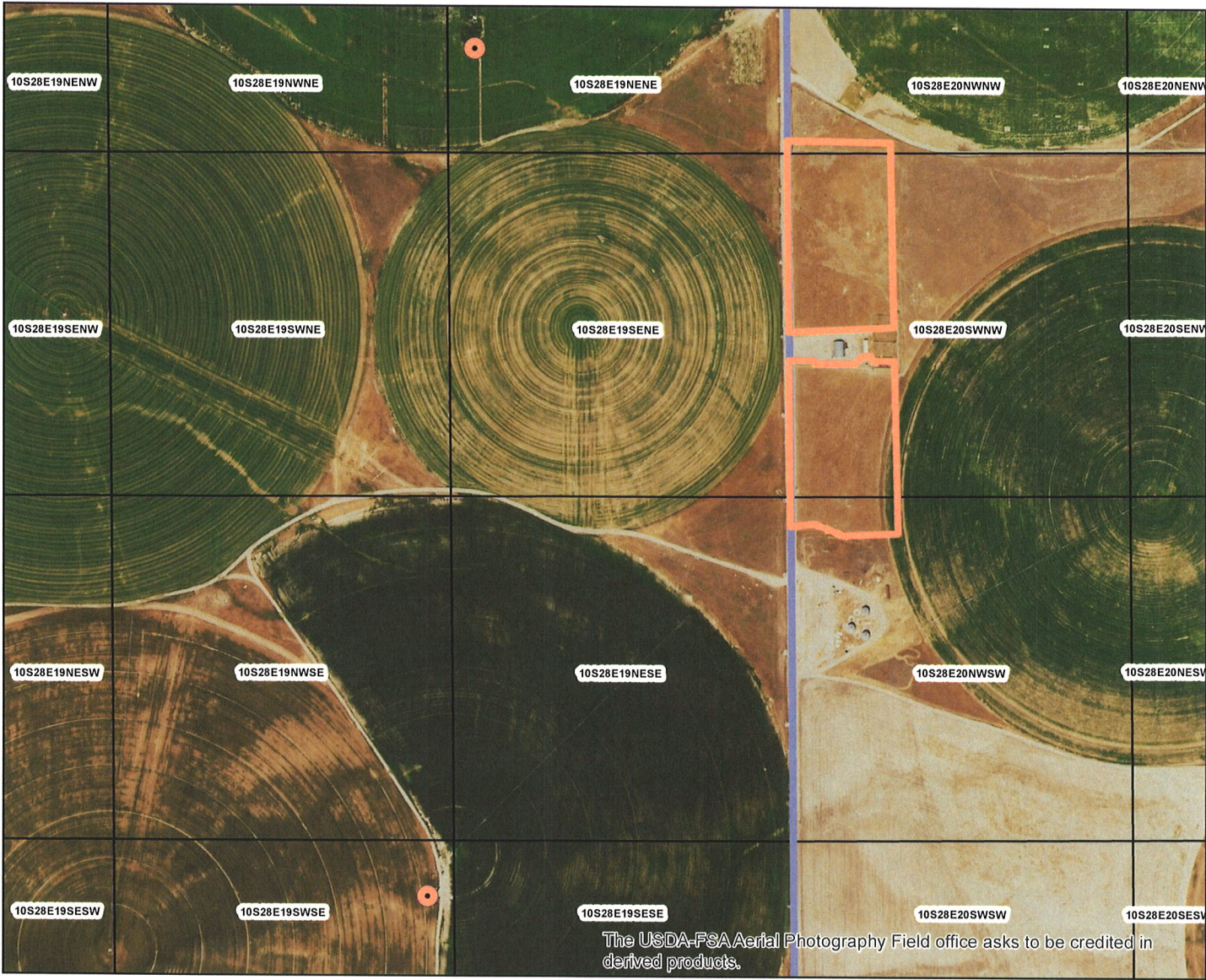
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1270

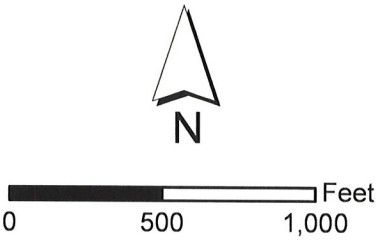
43-13714 & 43-13717

Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



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



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 09 2020

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Ida Gold Farms General Partnership
(Select one owner – see item 1A on the application)

Water Right No. 43-13717
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>250 -</u>	Received By: <u>Ku</u>	Date Received: <u>12.9.2020</u>	Receipt # <u>C109609</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>IDA Gold Farms General Partnership</u>	

1835

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 IDA Gold General Partnership

Mailing Address 246 E 300 S Burley, Idaho 83318
Street City State Zip Code

Email Address _____ Phone Number 208-678-4820

☐ 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 well, mainline and delivery system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 43-13714 and 43-13717

- 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 rights 43-13714 and 43-13715 were fully beneficially used in 2015 and 2016.

- 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: 2020 to 2024 (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



Printed Name

12-3-20

Date

Signature of Authorized Representative

Printed Name

Date

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

IRRIGATION





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



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

WATER RIGHT REPORT

12/3/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 43-13717

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDA GOLD FARMS GENERAL PARTNERSHIP 246 E 300 S BURLEY, ID 83318-5679 2086784820
Original Owner	LARRY GERRATT DBA IDA GOLD FARMS 246 E 300 S BURLEY, ID 83318 2086782935
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN ST STE 930 OVERLAND PARK, KS 66210-1677 9132172986

Priority Date: 06/30/1985

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.01 CFS	
Total Diversion			0.01 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 19	Township 10S	Range 28E	CASSIA County
GROUND WATER	NESW	Sec. 19	Township 10S	Range 28E	CASSIA County
GROUND WATER	SENE	Sec. 30	Township 10S	Range 28E	CASSIA County
GROUND WATER	NWSW	Sec. 30	Township 10S	Range 28E	CASSIA County

IRRIGATION Use:

Acre Limit: 1.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10S	28E	20		NWNW	0.4		SWNW	11						
				NWSW	1.3									

Total Acres: 12.7

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-13714 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.16 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 46.0 AF.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-13714 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12.7 ACRES IN A SINGLE IRRIGATION SEASON.
4. K04 THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-13714 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 143

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 12.7

Combined Volume Limit: 46

Combined Rate Limit: 0.16

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Legend



3000 ft

2950 East Rd

Untitled Map

Write a description for your map.

Google Earth



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

Instructions are included on back of application.

FILED EFFECTIVE
2012 SEP 28 AM 9:40
SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

IDA GOLD FARMS, GENERAL PARTNERSHIP

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

See attached

246 E. 300 S., Burley, ID 83318

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

ALAN GERRATT

246 E. 300 S.

Burley, ID 83318

5. Name and address for this acknowledgment copy is (if other than # 4 above):

WILLIAM A PARSONS

BOX 910

BURLEY, IDAHO 83318

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
450 North 4th Street
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

Signature: [Signature]

Printed Name: ALAN GERRATT

Capacity/Title: Partner

Signature: [Signature]

Printed Name: LARRY GERRATT

Capacity/Title: Partner

IDAHO SECRETARY OF STATE
09/28/2012 05:00
CK: 25491 CT: 3788 BH: 1341787
1 @ 25.00 = 25.00 ASSUM NAME # 3

D158403

CERTIFICATE OF
ASSUMED BUSINESS NAME, cont.
(IDA GOLD FARMS, GENERAL PARTNERSHIP)

Signature: Alan Gerratt
Printed Name: ALAN GERRATT
Capacity/Title: Partner

Signature: Todd Gerratt
Printed Name: TODD GERRATT
Capacity/Title: Partner

Signature: David Gerratt
Printed Name: DAVID GERRATT
Capacity/Title: Partner

Signature: Steve Gerratt
Printed Name: STEVE GERRATT
Capacity/Title: Partner

Signature: Dan H. Clayton
Printed Name: DAN H. CLAYTON
Capacity/Title: Partner



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

February 1, 2021

IDA GOLD FARMS GP
246 E 300 S
BURLEY ID 83318

RE: **WATER SUPPLY BANK LEASE CONTRACT 1270
FOR WATER RIGHTS 43-13714 & 43-13717**

Dear Lessor:

Water rights **43-13714 & 43-13717** were leased into the Water Supply Bank (Bank) as of January 1, 2020, 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, 2024**, 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

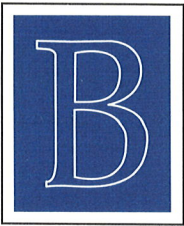
Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Nathan Erickson- Water District No. 143
Greg Sullivan- Brockway Engineering, PLLC

RECEIVED

JAN 28 2021

DEPARTMENT OF
WATER RESOURCES



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 26, 2020

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

Re: IDA Gold Farms General Partnership

Dear Mr. Buyer:

IDA Gold Farms General Partnership has signed lease contract No. 1270 and is returning it to the Idaho Water Supply Bank for the further processing.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt
Enc: Two Signed Lease Contract No. 1270

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: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, January 20, 2021 1:33 PM
To: Hersley, Jean
Subject: RE: IDA Gold Farms WSB Lease Contracts

Jean,

Use this address

2500 Overland Ave.
Burley, ID 83318

Sorry for the mix up.

Send me a scanned copy of the contracts and I will have Todd come in and sign them.

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: Wednesday, January 20, 2021 12:39 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: IDA Gold Farms WSB Lease Contracts

Greg,
I sent the lease contracts to the address on the WSB Lease Applications and they were returned to me. So you have a better address for Ida Gold Farms?

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

FIRST CLAS

JAN 19 2021

DEPARTMENT OF
WATER RESOURCES

IDA GOLD FARMS GP
~~246 E 300 S~~
BURLEY ID 83318

2550 Overland

BURLEY ID 83318

Ms. A. 9. 2. 1

81388
hale
overland
10-11-12
Buck

NIXIE 842 48 1 0101/12/21

UNDELIVERABLE TO FORWARDER
RETURN TO SENDER SENSED

BC: 837200098 0091N012172-00325

[illegible]

PO BOX 83720
SE, ID 83720-0098

Hersley, Jean

From: Skinner, Corey
Sent: Monday, January 4, 2021 9:41 AM
To: Hersley, Jean; Erickson, Nathan
Subject: RE: WSB Lease Contract for 43-13714 & 43-13717

I am good as long as Nathan is good.

From: Hersley, Jean
Sent: Monday, January 4, 2021 9:32 AM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: WSB Lease Contract for 43-13714 & 43-13717

I will add your email to the file. Thanks for the response.

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

From: Erickson, Nathan
Sent: Monday, January 4, 2021 9:27 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: WSB Lease Contract for 43-13714 & 43-13717

Hi Jean,
Just want to make sure this is clear. I know that the lease conditions state that WR 43-13717 is an expansion acre right, and that this lease is only putting the water into the bank. I want to make it clear that 43-13717 is curtailed and when these rights are rented out of the bank they would be limited to 11.5 acres of irrigation. Everything else looks good.
Thanks,
Nathan

From: Hersley, Jean
Sent: Monday, December 28, 2020 12:16 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease Contract for 43-13714 & 43-13717

Please let me know if you have any comments or concerns with the attached lease. The contract is for the 2020-2024 seasons. It does not appear any irrigation has taken place this year.

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

Hersley, Jean

From: Erickson, Nathan
Sent: Monday, January 4, 2021 9:27 AM
To: Hersley, Jean; Skinner, Corey
Subject: RE: WSB Lease Contract for 43-13714 & 43-13717

Hi Jean,

Just want to make sure this is clear. I know that the lease conditions state that WR 43-13717 is an expansion acre right, and that this lease is only putting the water into the bank. I want to make it clear that 43-13717 is curtailed and when these rights are rented out of the bank they would be limited to 11.5 acres of irrigation. Everything else looks good.

Thanks,

Nathan

From: Hersley, Jean
Sent: Monday, December 28, 2020 12:16 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: WSB Lease Contract for 43-13714 & 43-13717

Please let me know if you have any comments or concerns with the attached lease. The contract is for the 2020-2024 seasons. It does not appear any irrigation has taken place this year.

*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

December 28, 2020

IDA GOLD FARMS GP
246 E 300 S
BURLEY ID 83318

RE: APPLICATION TO LEASE WATER RIGHT 43-13714 & 43-13717 TO THE WATER SUPPLY BANK CONTRACT 1270

******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, 2024**, 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: Brockway Engineering PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Monday, December 28, 2020 12:16 PM
To: Erickson, Nathan; Skinner, Corey
Subject: WSB Lease Contract for 43-13714 & 43-13717
Attachments: Idled Acres.pdf; Lease Application Review 43-13714 43-13717.xls; Report - Lease Contract - 1270.docx

Please let me know if you have any comments or concerns with the attached lease. The contract is for the 2020-2024 seasons. It does not appear any irrigation has taken place this year.

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

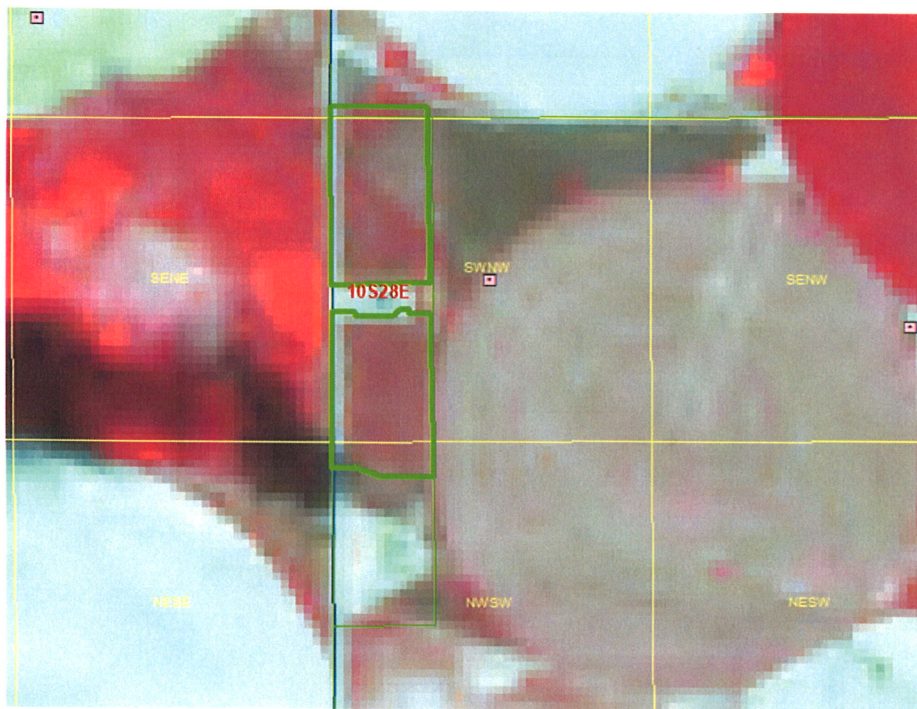
WATER SUPPLY BANK		Quick Tools	
Lease Review Checklist		Decreed	No Forfeiture Concerns Thru:
		Year	
Applicant(s) Name: Ida Gold Farms		2011	2017
Memo Date: December 21, 2020		2012	2018
		2013	2019
Water Right Number(s): 43-13714 & 43-13717		2014	2020
		2015	2021
Reviewers Name: Jean			
		Check box	COMMENTS/CONCERNS:
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		
	All of right	x	
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	Todd Gerrett, partner
	Other (explain in comments)		x
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
7	Injury to other water rights		
	If the POD is through a delivery entity, was consent provided?		x
	If the POD is through a delivery entity, was holdback required? (percentage in comments)		x
	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	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 af
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 December 9, 2020. The applications were signed by Todd Gerrett, partner. He wishes to place the entirety of both rights in the Bank for the 2020-2024 seasons. The parents of these rights were decreed in 2002 and aerial imagery suggests irrigation has taken place in the spring of 2019, 2018, 2017. Other lands around the POU are irrigated and some are not but none in 2020. No issues of forfeiture. There are no other irrigation rights that overlap these. these rights are limited to the irrigation of 12.7 acres, 0.16 cfs & 46.0 af combined. These rights are located within the Raft River CGWMA and the ESPA moratorium area. These rights are currently within WD 143. 43-13717 is an expansion right and is curtailed. When rented, these rights are limited to the irrigation of 11.5 acres according to water master.		



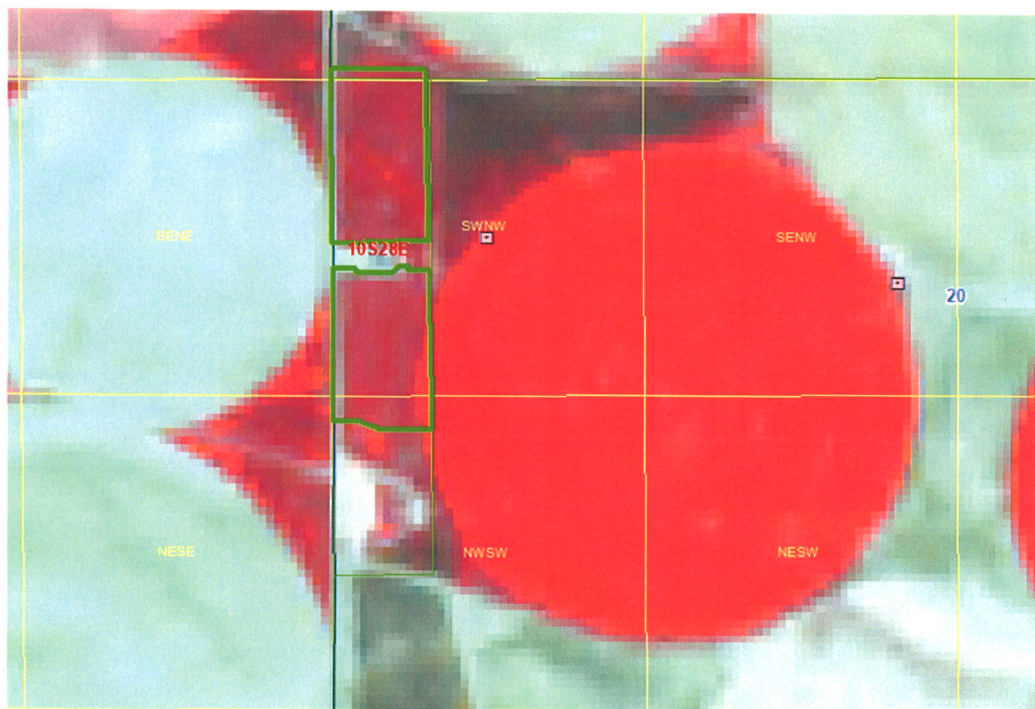
May 4, 2019



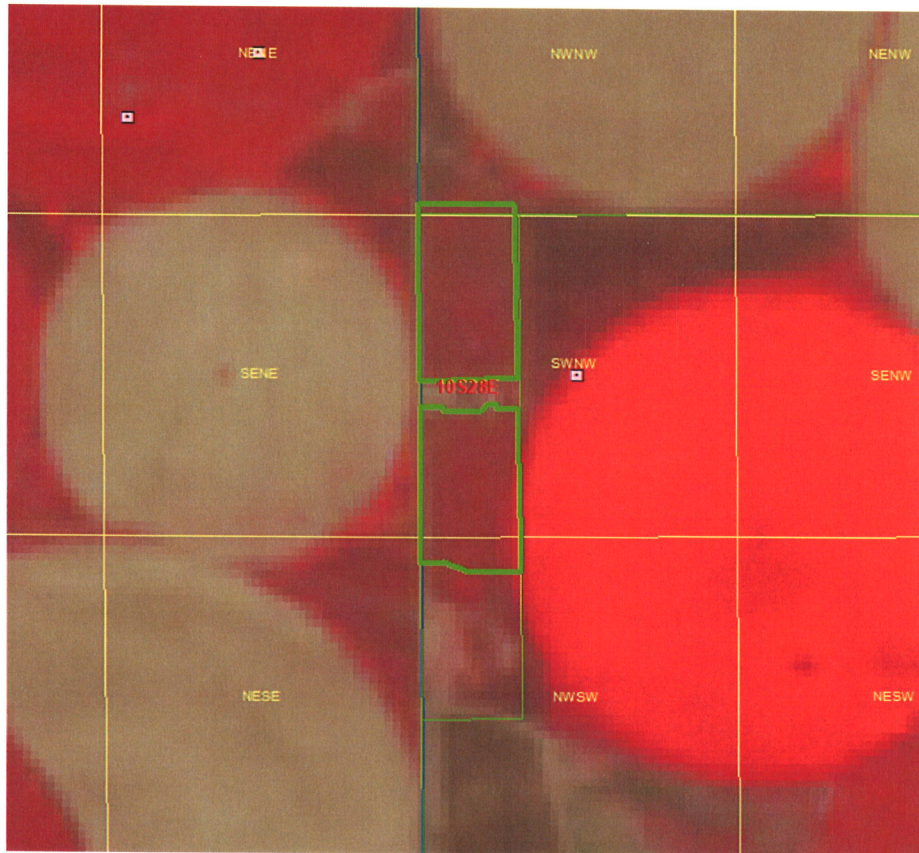
May 11, 2019



May 19, 2018



May 4, 2017



May 31, 2017



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

Instructions are included on back of application.

FILED EFFECTIVE
2012 SEP 28 AM 9:40
SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

IDA GOLD FARMS, GENERAL PARTNERSHIP

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

See attached

246 E. 300 S., Burley, ID 83318

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

ALAN GERRATT

246 E. 300 S.

Burley, ID 83318

5. Name and address for this acknowledgment copy is (if other than # 4 above):

WILLIAM A PARSONS

BOX 910

BURLEY, IDAHO 83318

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
450 North 4th Street
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

Signature: *Rex Gerratt*

Printed Name: REX GERRATT

Capacity/Title: Partner

Signature: *Larry Gerratt*

Printed Name: LARRY GERRATT

Capacity/Title: Partner

IDAHO SECRETARY OF STATE
09/28/2012 05:00
CK: 25491 CT: 3708 BH: 1341707
1 @ 25.00 = 25.00 ASSUM NAME # 3

D158403

CERTIFICATE OF
ASSUMED BUSINESS NAME, cont.
(IDA GOLD FARMS, GENERAL PARTNERSHIP)

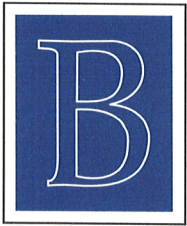
Signature: Alan Gerratt
Printed Name: ALAN GERRATT
Capacity/Title: Partner

Signature: Todd Gerratt
Printed Name: TODD GERRATT
Capacity/Title: Partner

Signature: David Gerratt
Printed Name: DAVID GERRATT
Capacity/Title: Partner

Signature: Steve Gerratt
Printed Name: STEVE GERRATT
Capacity/Title: Partner

Signature: Dan H Clayton
Printed Name: DAN H. CLAYTON
Capacity/Title: Partner



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 23 2020

DEPARTMENT OF
WATER RESOURCES

December 21, 2020

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

Re: IDA Gold Farms General Partnership

Dear Mr. Buyer:

IDA Gold Farms General Partnership has submitted the lease applications for 12.7 acres from water rights 43-13714 and 43-13717. It is desired to lease these two water rights into the Idaho Water Supply Bank for the years 2020, 2021, 2022, 2023 and 2024. An additional fee of \$250.00 is required and is attached to this letter.

Sincerely,

Greg Sullivan, M.S., Engineer

Enc: Brockway Engineering Check # 16191 for \$250.00

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

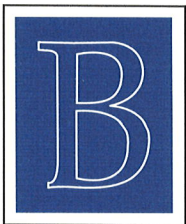
CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 09 2020

DEPARTMENT OF
WATER RESOURCES

December 3, 2020

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

Re: IDA Gold Farms General Partnership

Dear Mr. Buyer:

IDA Gold Farms General Partnership desires to lease the entire 12.7 acre amount of irrigation water under water rights 43-13714 and 43-13717. It is desired to lease these two water rights into the Idaho Water Supply Bank for the years 2020, 2021, 2022, 2023 and 2024. The 12.7 acres were fully irrigated for pasture in 2015 and 2016.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Todd Gerratt

Enc: Lease Applications, Attachment 1A, W-9 Form, Aerial Map, Annual Report, Brockway Engineering Check # 16162 for \$250.00

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

1835

1836