

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1203

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

LESSOR: MIDLAND FARM LLC
5001 N FIFESHIRE PL
BOISE, ID 83713-1802

RECEIVED
AUG 17 2020
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 May 12, 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) |
|---------------------|---------------|--------------|----------------------|-----------------------|--------------|
| 63-2750 | 1/7/1949 | GROUND WATER | 1.92 | 461.2 | 102.5 |
| Lease Totals | | | 1.92 | 461.2 | 102.5 |

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, 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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1203


5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

LESSOR: MIDLAND FARM LLC
5001 N FIFESHIRE PL
BOISE, ID 83713-1802

By 
Title MANAGER
Date 12 AUGUST 2020

Mr. David L. Palfreyman
5001 N Fifeshire Pl.
Boise, ID 83713

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 08/17/20

Lease approved by IDWR 

Date 08/17/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1203

**ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

Source and Location of Point(s) of Diversion for Water Right No(s): 63-2750

GROUND WATER SESE Sec. 32 Twp 04N Rge 02W CANYON County

| Water Right | Beneficial Use | Season of Use | | | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
| | | From | | To | | |
| 63-2750 | IRRIGATION | 03/15 | to | 11/15 | 1.92 cfs | 461.2 AF |
| Totals: | | | | | 1.92 cfs | 461.2 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 | |
| 04N | 02W | 32 | | | | | | | | | | | | | 27 | 40 | | 35.5 | 102.5 |

Total Acres: 102.5

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1203

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of this right is combined with water from Pioneer Irrigation District.
13. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1203

63-2750

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.



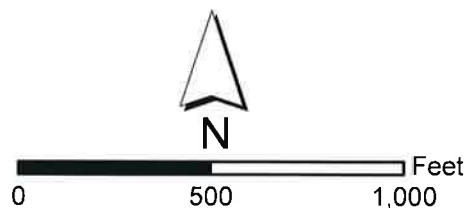
● Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
MAY 12 2020
DEPARTMENT OF
WATER RESOURCES

Designated Applicant Midland Farm LLC

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

Water Right No. 63-2750

(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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Signatures and contact information for all owners of the water right to be leased or sold on this application. |
| 1B | <input type="checkbox"/> | <input checked="" type="checkbox"/> | An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant. |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank. |
| 3 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Written consent from irrigation district or water delivery company. |
| 4G | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code . |

Department Use Only

| | | | |
|---|------------------------|---|--------------------------|
| Fee Amount \$ <u>250.00</u> | Received By: <u>KU</u> | Date Received: <u>5-12-2020</u> | Receipt # <u>C108748</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal) | Name on W-9: <u>David L. Palfreyman</u> | |

1724

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 Midland Farm LLC

Mailing Address 5001 N Fifeshire Place Boise ID 83713
Street City State Zip Code

Email Address dlpalfreyman@yahoo.com Phone Number 208-860-2303

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Lori Graves Organization SPF Water Engineering

Professional Title Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise 83706 Phone Number 208-383-4140

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

Well and pump

- 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. Pioneer Irrigation District shares

- 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. 63-2750 is a supplemental ground water right. Surface water will be used exclusively.

- 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. n/a - supplemental right

- 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. See attached narrative

- 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 2025 (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

MIDLAND FARM LLC
Printed Name

6/11/17/2020
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

| 1. <u>Water Right Number</u> | Nature of Use | Leased Rate (cfs) | Leased Volume (af) | Leased Acres (ac) |
|------------------------------|-----------------------|----------------------|-----------------------|----------------------|
| <u>63-2750</u> | <u>Irrigation</u> | <u>1.92 cfs</u> | <u>461.3 afa</u> | <u>102.5</u> |
| | | | | |
| | | | | |
| | | | | |
| | Total Amounts: | <u>1.92 cfs</u> | <u>461.3 afa</u> | <u>102.5</u> |

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:




| Twp | Rge | Sec | Lot | ¼ | ¼ | ¼ | County |
|-----|-----|-----|-----|---|----|----|--------|
| 4N | 2W | 32 | | | SE | SE | Canyon |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Water Supply Bank Lease Narrative

Water right 63-2750 is a private supplemental ground water right currently listed in the applicant's name (Midland). Brighton Corporation (Brighton) has recently purchased 32 acres of the water right's place of use and starting in 2019, began developing Arbor Subdivision. Midland did not retain the appurtenant private ground water in the sale of the property to Brighton. Brighton has since sold lots within the subdivision, without appurtenant water rights, giving Brighton authority to quitclaim all 32 acres of water right 63-2750 back to Midland. A quitclaim deed from Brighton to Midland for their 32-acre water right portion is attached. Another 4.5 acres in the SESE are owned by private parties. Quitclaim deeds from these parties for their portion of the water right have not been obtained. Consequently, these 4.5 acres are not being offered to the Bank.



Legend

-  63-2750 pou
-  102.5 acres to Bank
-  4.5 acres remaining



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

Midland Farm LLC
WB Lease Application Map

Water Right 63-2750

DATE: 4/6/2020

CREATOR: Igraves

PROJECT: 1553.0010



Absolute Scale: 1:5,201

0 187.5 375 750 Feet

EXHIBIT A
Depiction (vertical lines) of Quitclaimed Water Right



Recording Requested by and
After Recording Return to:

Brighton Development Inc.
2929 W Navigator Dr., Ste. 400
Meridian, ID 83642

| | |
|----------------------------|---------|
| 2020-023633 | |
| RECORDED | |
| 05/04/2020 10:16 AM | |
| CHRIS YAMAMOTO | |
| CANYON COUNTY RECORDER | |
| Pgs=2 PBRIDGES | \$15.00 |
| TYPE: DEED | |
| TITLE ONE BOISE | |
| ELECTRONICALLY RECORDED | |

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

FOR VALUE RECEIVED, Brighton Development Inc., an Idaho corporation ("Grantor"), does hereby convey, release, remise and quitclaim unto Midland Farm, LLC ("Grantee"), whose current address is 5001 Fifeshire Place, Boise, Idaho 83713, all right, title and interest held by Grantor in and to a portion of water right 63-2750 in the amount of 0.60 cubic feet per second and 144 acre-feet per year and heretofore appurtenant to 32 acres within the following-described real property situated in Canyon County, Idaho, as depicted on Exhibit A attached hereto:

In Section 32, Township 4 North, Range 2 West, B.M.:

| | |
|------|------------|
| NESE | 19.5 acres |
| NWSE | 3.5 acres |
| SESE | 9.0 acres |

No land is conveyed by this instrument.

IN WITNESS WHEREOF, Grantor has executed the within instrument as of the 29th day of April, 2020.

GRANTOR:

BRIGHTON DEVELOPMENT INC., an Idaho corporation

By: _____

Jonathan D. Wardle, President

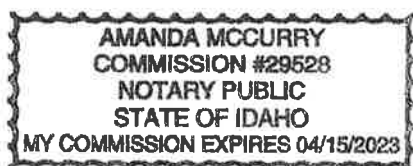
ATTEST:

State of Idaho)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 29th of April, 2020.



Amanda McCurry
Notary Public
My Commission expires: 4/15/2023



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

August 18, 2020

MIDLAND FARM LLC
5001 N FIFESHIRE PL
BOISE, ID 83713-1802

**RE: WATER SUPPLY BANK LEASE CONTRACT 1203
FOR WATER RIGHTS 63-2750**

Dear Lessor:

Water rights **63-2750** was 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,

f Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region
Lori Graves – SPF Water Engineering



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

August 10, 2020

MIDLAND FARM LLC
5001 N FIFESHIRE PL
BOISE, ID 83713-1802

**RE: APPLICATION TO LEASE WATER RIGHT 63-2750 TO THE WATER SUPPLY BANK
CONTRACT 1203**

******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,


Amanda Solera-Vazquez
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C108748

c. Lori Graves – SPF Water Engineering

Memorandum

To: Water Right 63-2750
From: Justin Ferguson
Date: August 7, 2020
Re: Water Supply Bank Lease Application 1724

Purpose/Narrative: An application was received on behalf of Midland Farms offering a portion of water right 63-2750 for lease to the Bank through 2024. Review of the water right indicates that it had been conveyed during the sale of the land to the development company that purchased the land from the farm. Per the information provided in the application, Midland Farm re-acquired the portions of the water rights from Brighton leaving each developed parcel without a right to water.

Review of satellite imagery shows that there has been use within the last five years across the acreage. It appears that, through the sale of the land and lease proposal, Midland Farm intends allow Brighton to develop a subdivision leaving the water right un-useable at the place of use unless conveyed proportionally to each parcel owner.

Authority to File: Canyon County data shows that Midland has retained ownership of the acreage surrounding the development while the development acres are held by Brighton Development. Review of IDWR records indicate that Midland Farm is the current water right holder for the entire area excluding the acreage in the SESE quarter-quarter as the water rights have not yet been acquired. No concerns at this time

Water Right Validity/Forfeiture Evaluation: From a review of the Sentinel imagery it appears that irrigation has occurred on the acreage held by the applicant. The 4.5 acres held by Brighton was not part of the scope of this review and, as such, was not examined for validity. No concerns at this time.

Injury Evaluation: No injury is apparent as the applicant intends to idle the water right through this lease proposal.

Enlargement of Use: No enlargement is evident through the lease, the place of use falls within the Pioneer Irrigation District and, as such, may be irrigated with canal shares. Per the water right decree, this right must be combined with water from Pioneer. Should the right be requested for a rental, the applicant may need to secure sufficient canal shares within the district to prevent enlargement.

Local Public Interest: Staff are unaware of any local public interests that are averse to the lease.

Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Because the water right is not currently part of a water district and in an area where water issues are not present, no comment is necessary.

Water Supply Bank Evaluation: Based on the information presented by the applicant, staff recommend the application be approved for Midland Farm through 2024.

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MAY 12 2020

DEPARTMENT OF
WATER RESOURCES



SPF WATER
ENGINEERING

May 11, 2020

Justin Ferguson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Midland Farm LLC Water Bank Lease Application

Dear Justin,

Enclosed on behalf of Midland Farm LLC, is a Water Supply Bank Lease Application for 102.5 acres authorized under water right 63-2750. Check No.1253 is enclosed for the \$250 filing fee.

Please let me know if there are any questions. Thanks Justin.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: David Palfreyman

Enclosure

SPF file numbers: 1553.0010

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