

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1228

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

**LESSOR:** FARM DEVELOPMENT CORP  
PO BOX 1201  
BOISE, ID 83701-1201

**RECEIVED**

**JUL 31 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 July 08, 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)
2-10579	12/6/1963	SNAKE RIVER, tributary to COLUMBIA RIVER	15.99	4,744.0	1,186.0
<b>Lease Totals</b>			<b>15.99</b>	<b>4,744.0</b>	<b>1,186.0</b>

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, 2020. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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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  
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**WATER SUPPLY BANK LEASE CONTRACT No. 1228**

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

**LESSOR:** FARM DEVELOPMENT CORP

PO BOX 1201

BOISE, ID 83701-1201

By 

Title V.P.

Date July 23, 2020

**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 08/3/20

Lease approved by IDWR 

Date 08/3/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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### 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): 2-10579**

SNAKE RIVER      L 4NWSW      Sec. 34      Twp 05S      Rge 09E      ELMORE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-10579	IRRIGATION	03/15	to	11/15	15.99 cfs	4,744.0 AF
<b>Totals:</b>					15.99 cfs	4,744.0 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	
06S	09E	22	0.6			0.4													1.0
06S	09E	23					8.2	9.9	6.6	8.7					8.2	8.2	8.2	8.2	66.2
06S	09E	24									37.0	10.0	6.9	8.2					62.1
06S	09E	25		6.5	7.7	7.6	8.4	8.5	8.8	9.0	8.4	8.4	9.5	9.2					92.0
06S	09E	26	4.0	8.0	8.0	8.0													28.0
06S	09E	28											26.0	40.0					66.0
06S	09E	33					25.0	24.3											49.3
06S	10E	30									8.0	8.0	8.0						24.0
07S	09E	10																38.0	38.0
07S	09E	11			40.0	38.0				0.4	40.0		30.0	32.0		40.0	37.0		179.4
07S	09E	12							0.8					0.7			16.0	0.5	18.0
07S	09E	13	40.0	40.0	40.0	40.0	38.0			32.0					37.0	32.0			299.0
07S	09E	14					0.4	40.0	0.8										41.2
07S	09E	15	40.0			1.0													41.0
07S	10E	18						0.5	31.0	0.3	40.0	31.0							102.8

Total Acres: 1,186

#### 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1228**

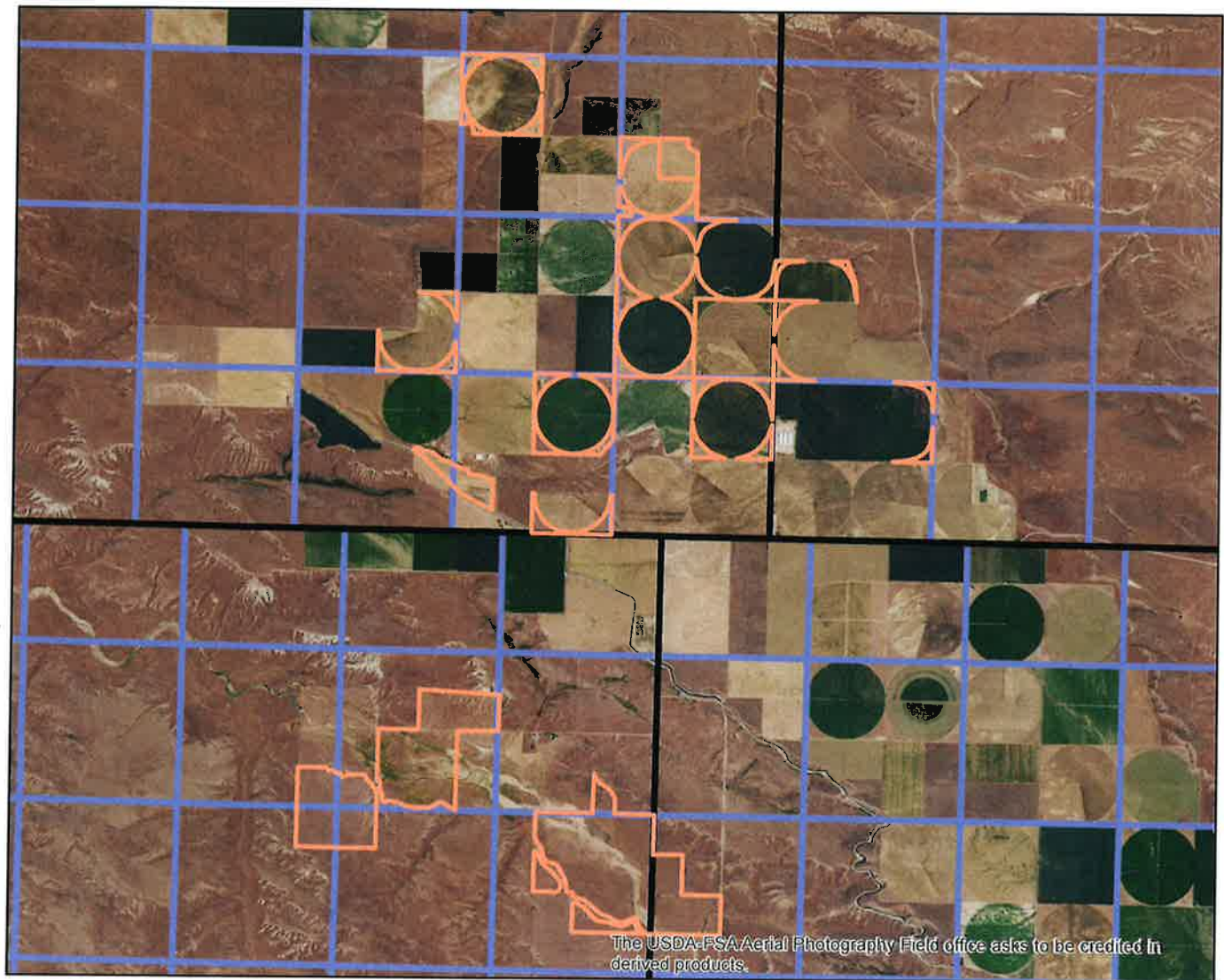
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and 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. Place of use is within the service area of Grindstone Butte Mutual Canal Company as provided for under Idaho law. The place of use is generally located within T6S, R9E; T6S, R10E; T7S, R9E; and T7S, R10E, B.M.
13. 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.
14. This right is limited to the irrigation of 1,432 acres within the place of use described above in a single irrigation season.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
16. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.




Idaho Water Resource Board  
**Water Supply Bank Lease Contract No. 1228**

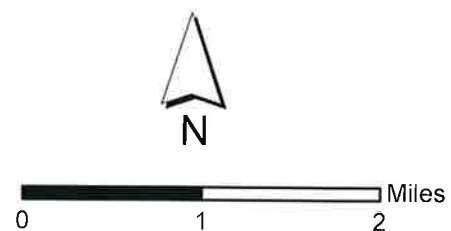
2-10579

Effective until December 31, 2020

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





Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1228

2-10579

Effective until December 31, 2020

This map depicts the **point of diversion** 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



0 500 1,000 Feet

STATE OF IDAHO  
WATER RESOURCE BOARD

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

RECEIVED  
JUL 08 2020  
DEPARTMENT OF  
WATER RESOURCES

Designated Applicant Farm Development Corporation

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

Water Right No. 2-10579

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

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

**MINIMUM REQUIREMENT CHECKLIST**

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

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.

Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.

Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

1A

Signatures and contact information for **all owners** of the water right to be leased or sold on this application.

1B

An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.

1C

*Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://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](http://www.idwr.idaho.gov).

4A



Written consent from irrigation district or water delivery company.

4G

Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

**Department Use Only**

Fee Amount \$ 250.00Received By: KYDate Received: 7-8-2020Receipt # C109007W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

1751



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 Farm Development Corporation

Mailing Address PO Box 1201 Boise ID 83701  
Street City State Zip Code

Email Address john@jmarshalllaw.com Phone Number 208-991-2701

☒ 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 Allen Noble Organization Farm Development Corporation

Professional Title Presid Email Address john@jmarshalllaw.com

Mailing Address 575 W Bannock St, Boise, ID 83702 Phone Number 208-991-2701

☒ 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.

Pumps at river, penstocks and an open canal that feeds mainlines.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

*Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.*

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right was decreed in the SRBA in 2008. Since that time the 13,432 acres authorized by the right have been irrigated or placed in the water bank. The acres identified in this application receive the proportional share of the water diverted under right 2-2262.

- 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 2020 (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.

Allen Noble  
Signature of Designated Applicant

Allen Noble

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

STATE OF IDAHO  
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>2-10579</u>	<u>Irrigation</u>		<u>4,744</u>	<u>1,186</u>
	Total Amounts:	<u>15.98</u>	<u>4,744</u>	<u>1,186</u>

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5S	9E	34	4		NW	SW	Elmore

<u>Twn</u>	<u>Rng</u>	<u>Sec</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Totals</u>	
06S	09E	22	NENE	0.6	SENE	0.4					1	Map 1
			NESE		SESE						0	
		23	SENE								0	
			NENW	8.2	NWNW	9.9	SWNW	6.6	SENW	8.7	33.4	
			NESW		SESW						0	
		24	NESE	8.2	NWSE	8.2	SWSE	8.2	SESE	8.2	32.8	
			SWNW								0	
			NESW	37	NWSW	10	SWSW	6.9	SESW	8.2	62.1	
		25	NENE		NWNE	6.5	SWNE	7.7	SENE	7.6	21.8	Map 2
			NENW	8.4	NWNW	8.5	SWNW	8.8	SENW	9	34.7	
		26	NESW	8.4	NWSW	8.4	SWSW	9.5	SESW	9.2	35.5	
			NESE		NWSE		SWSE		SESE		0	
			NENE	4	NWNE	8	SWNE	8	SENE	8	28	
		27	NENW		SWNW		SENW				0	
			NESW		NWSW		SWSW		SESW		0	
			NESE		SESE						0	
											0	
											0	
		28	SWSW	26	SESW	40					66	Map 3
			SWSE		SESE						0	
		33	NENE		NWNE						0	
			NENW	25	NWNW	24.3					49.3	
		34	NENE		NWNE		SWNE		SENE		0	
			NENW		NWNW		SWNW		SENW		0	
			NESE								0	
											0	
											0	
	10E	30	SWNW		SENW						0	Map 4
			NESW	8	NWSW	8	SWSW	8	SESW		24	
		31	SWSE		SESE						0	
			NENE		NWNE		SWNE		SENE		0	
7S	9E	10	SESE	38							38	Solosobal Map
		11	SWNE	40	SENE	38					78	
			NESW	40	SWSW	30	SESW	32			102	
			NESE		NWSE	40	SWSE	37	SESE		77	
		12	SENW	0.4							0.4	
			NESW		NWSW		SWSW		SESW	0.7	0.7	
			SWNW	0.8							0.8	
			SWSE	16	SESE	0.5					16.5	
		13	NENE	40	NWNE	40	SWNE	40	SENE	40	160	
			NENW	38	SENW	32					70	
			NESE	37	NWSE	32					69	
		14	NWNW	40	NENW	0.4	SWNW	0.8			41.2	
			NENE	40	SENE	1					41	
7S	10E	18	SWNW	31	NWNW	0.5	SENW	0.3			31.8	Solosobal Map
			NESW	40	NWSW	31					71	

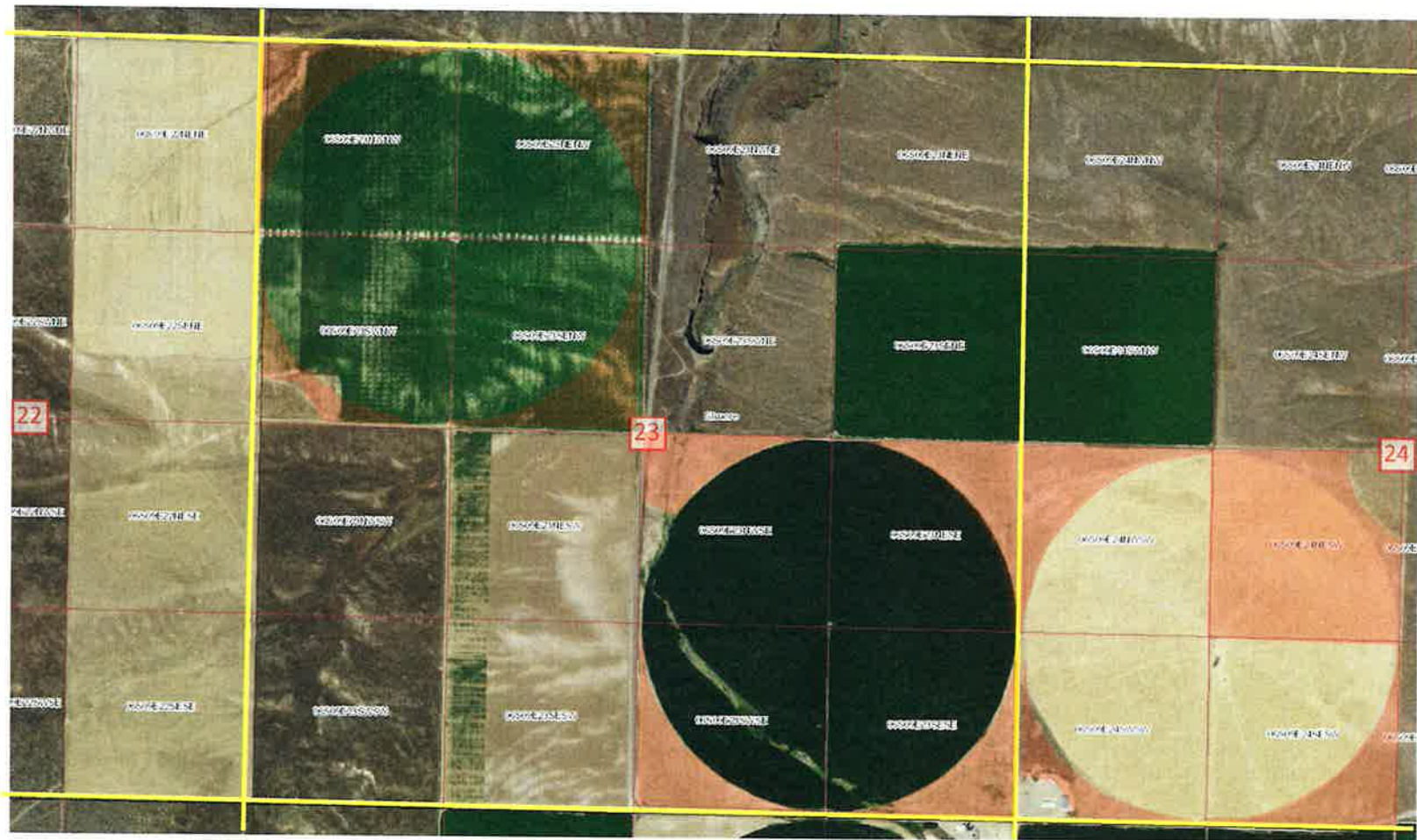
**Total: 1186**







T6S R9E S22, 23, & 24



MAP 1

# T6S R9E S25, 26, 35 & 36



MAP 2



**T6S R9E S27, 28, 33 & 34**



**MAP 3**

**T6S R10E S30, 31, & 32**



**MAP 4**





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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

August 5, 2020

FARM DEVELOPMENT CORPORATION  
C/O JOHN MARSHALL LAW PLLC  
575 W BANNOCK ST  
BOISE ID 83702

RE: **WATER SUPPLY BANK LEASE CONTRACT 1228  
FOR WATER RIGHTS 2-10579**

Dear Lessor:

Water rights **2-10579** 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, 2020**, 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](http://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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

  
for Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region  
Water District No. 02

# John Marshall Law PLLC

575 W Bannock, Suite B  
Boise, ID 83702

phone 208-991-2701  
fax 208-906-8043  
john@jmarshalllaw.com

July 23, 2020

Jean Hersley  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

RECEIVED

JUL 31 2020

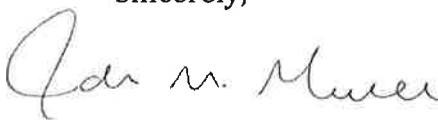
DEPARTMENT OF  
WATER RESOURCES

Re: 2-10579 Water Bank Applications

Dear Ms. Hersley,

On behalf of Farm Development Corporation, I enclose two executed copies of the Water Supply Bank Lease Contract No. 1228. Please return an original to me once fully executed.

Sincerely,

A handwritten signature in dark ink, appearing to read "John M. Marshall". The signature is fluid and cursive, with the first name "John" being the most prominent.

John M. Marshall



0003612288

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

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003612288

Date Filed: 9/3/2019 8:58:43 AM

## Entity Name and Mailing Address:

**FARM DEVELOPMENT CORPORATION**

The file number of this entity on the records of the Idaho Secretary of State is: 0000109400

Address

PO BOX 1201  
BOISE, ID 83701-1201

## Entity Details:

Entity Status

Active-Good Standing

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: C32181

## The registered agent on record is:

Registered Agent

**ALLEN NOBLE**  
Registered Agent

Physical Address

575 WEST BANNOCK  
BOISE, ID 83702

Mailing Address

## Corporate Officers and Directors:

Name	Title	Address
ALLEN NOBLE	President	P.O. BOX 1582 BOISE, ID 83701
DAMON THOMPSON	Secretary	P.O. BOX 1201 BOISE, ID 83701
ALLEN NOBLE	Director	P.O. BOX 1582 BOISE, ID 83701
MARK NOBLE	Director	P.O. BOX 1201 BOISE, ID 83701
JOHN BERG	Director	1140 S ALLANTE BOISE, ID 83709

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

Allen Noble

Sign Here

09/03/2019

Date

Signer's Title: President

B0339-2723 09/03/2019 8:58 AM Received by ID Secretary of State Lawrence Denney

## Hersley, Jean

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**From:** Whitney, Rob  
**Sent:** Friday, July 17, 2020 8:00 AM  
**To:** Hersley, Jean; Miller, Nick  
**Subject:** RE: WSB Lease for Farm Development Corp

Lease #1228  
2-10579

Thanks Jean. I am aware of the rentals and leases related to this farm and Andersons. I don't have any concerns.

RW, WD02

**From:** Hersley, Jean  
**Sent:** Thursday, July 16, 2020 8:17 AM  
**To:** Whitney, Rob <Rob.Whitney@idwr.idaho.gov>; Miller, Nick <Nick.Miller@idwr.idaho.gov>  
**Subject:** WSB Lease for Farm Development Corp

This contract is to lease the remaining 1186 acres to the Bank for this season only. There is another contract that was executed earlier this year for 246 acres. Please let me know if you have any comments or concerns within 7 days. 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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 16, 2020

FARM DEVELOPMENT CORPORATION  
C/O JOHN MARSHALL LAW PLLC  
575 W BANNOCK ST  
BOISE ID 83702

### RE: APPLICATION TO LEASE WATER RIGHT 2-10579 TO THE WATER SUPPLY BANK CONTRACT 1228

\*\*\*\*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, 2020**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

for Water Supply Bank

Enclosures: Proposed Lease Contracts  
Receipt # C109007



## Hersley, Jean

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**From:** Hersley, Jean  
**Sent:** Thursday, July 16, 2020 8:17 AM  
**To:** Whitney, Rob; Miller, Nick  
**Subject:** WSB Lease for Farm Development Corp  
**Attachments:** Lease Application Review Checklist July 2017.xls; Report - Lease Contract - 1228.docx; Idled Acres.pdf; POD.pdf

This contract is to lease the remaining 1186 acres to the Bank for this season only. There is another contract that was executed earlier this year for 246 acres. Please let me know if you have any comments or concerns within 7 days. Thank you.

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

# WATER SUPPLY BANK

## Lease Review Checklist

**Applicant(s) Name:** Farm Development Corp

**Memo Date:** July 15, 2020

**Water Right Number(s):** 2-10579

**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)		
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	Allen Noble-president
Other (explain in comments)		
6 Water Right validity		
Decreed/Licensed/Statutory claim date (write in comments section)		2008
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	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	
Are there overlapping rights that need to be placed in the bank also?	Yes No	
Will the place of use continue to receive water? (if yes explain in comments)	x	Grindstone Butte Mutual Canal
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	2
11 Area Headgate requirement (write in Comments)		
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 this application on July 8, 2020. The application was signed by Allen Noble, president. This application is to place the remaining 1186 acres in the Bank for the 2020 season. An application was filed earlier for 246 acres, Contract 1065, 2020-2024. The parent of this right was decreed in 2008. Portions of this water right have been in the Bank since 2012. Grindstone Butte conveyed a portion of the water right, 1432.0 acres, 19.3 cfs and 5728.0 af to Farm Development in 2019. This was conveyed without land. The shape in ArcMap is the same as 2-2262 however, there should be 1432.0 acres that are not irrigated. This right is currently within WD 02.

RECEIVED

JUL 08 2020

DEPARTMENT OF  
WATER RESOURCES

# John Marshall Law PLLC

575 W Bannock, Suite B  
Boise, ID 83702

phone 208-991-2701  
fax 208-906-8043  
john@jmarshalllaw.com

July 6, 2020

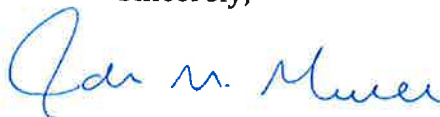
Remington Buyer  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Re: 2-2262 Water Bank Applications

Dear Mr. Buyer,

On behalf of Farm Development Corporation, I enclose an executed Water Bank Lease Application for water right 2-10579 along with a check for \$250.00 to cover the required fee. Please let me know if you have questions about the application.

Sincerely,



John M. Marshall

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