

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1070

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

**LESSOR:** GINGERICH BROTHERS FARMS LAND HOLDINGS LLC  
C/O VERLIN L GINGERICH  
19285 HIGHWAY 51  
MOUNTAIN HOME, ID 83647-6378

RECEIVED

FEB 05 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 November 27, 2019.
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)  |
|---------------------|---------------|------------------------------------------|----------------------|-----------------------|-------------|
| 2-2356              | 9/3/1964      | SNAKE RIVER, tributary to COLUMBIA RIVER | 0.71                 | 180                   | 36.0        |
| <b>Lease Totals</b> |               |                                          | <b>0.71</b>          | <b>180</b>            | <b>36.0</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, 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.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1070**

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. 1070**

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

**LESSOR:** GINGERICH BROTHERS FARMS  
LAND HOLDINGS LLC  
C/O VERLIN L GINGERICH 19285  
HIGHWAY 51  
MOUNTAIN HOME, ID 83647-6378

By Verlin Gingerich  
Title PARTNER: GINGERICH BROS FARM LLC  
Date FEB 3, 2020

**IDAHO WATER RESOURCE BOARD**

322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

By Brian Patton  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 02/18/20

Lease approved by IDWR P. Patton

Date 02/18/20

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1070**

**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): 2-2356**

SNAKE RIVER                      L 6NWSW              Sec. 31              Twp 05S              Rge 06E              OWYHEE County

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 2-2356         | IRRIGATION     | 03/01         | to | 12/01 | 0.71 cfs             | 180 AF      |
| <b>Totals:</b> |                |               |    |       | 0.71 cfs             | 180 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 |        |
| 05S | 05E | 34  | 7.0 |    | 17 |    |    |    |    |    |    |    |    |    |    | 4.1 | 7.9 |    | 36.0   |

Total Acres: 36.0

**ADDITIONAL CONDITIONS OF ACCEPTANCE**

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

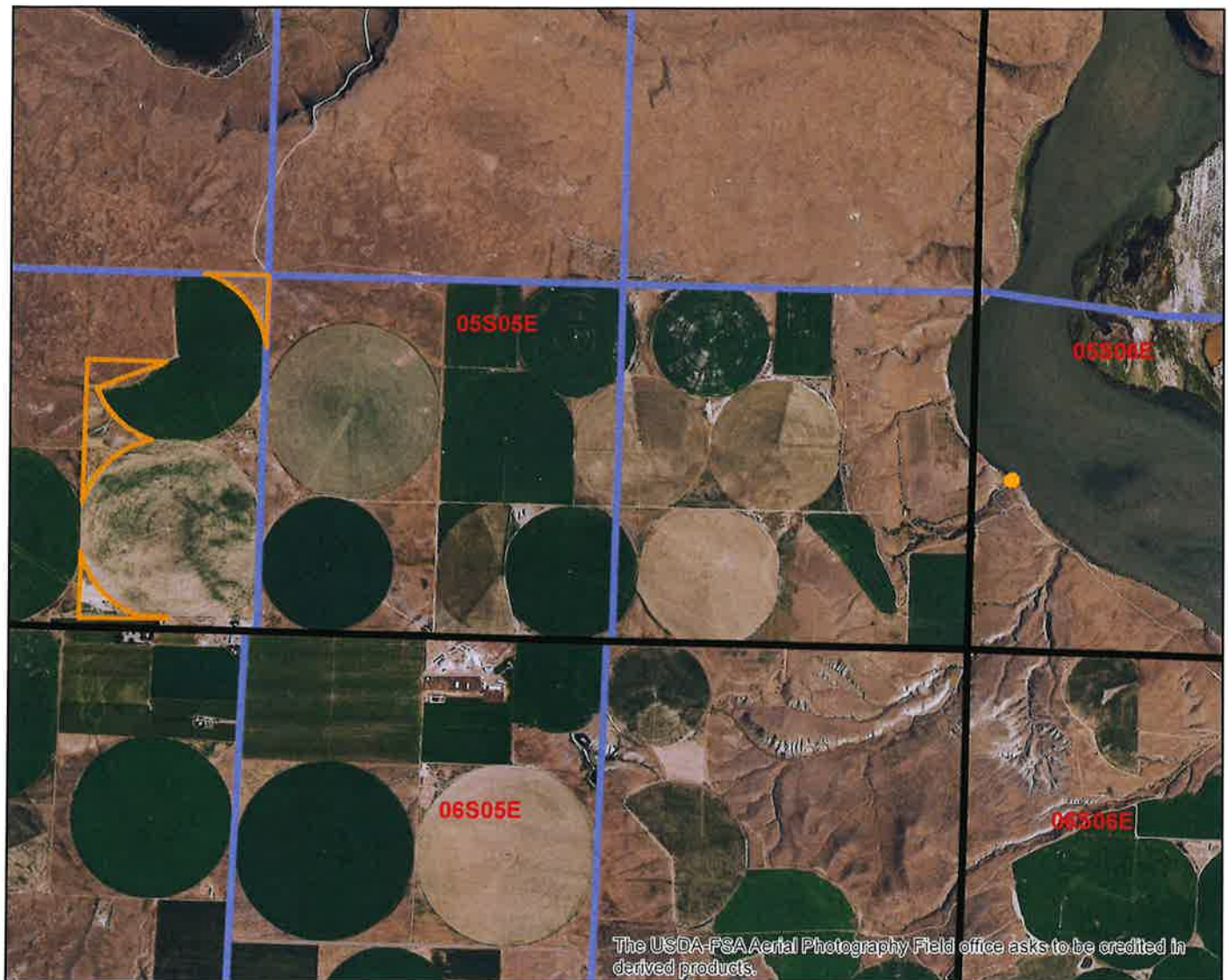
**WATER SUPPLY BANK LEASE CONTRACT No. 1070**

9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. The following rights are diverted through point(s) of diversion described above: 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222.
14. The unleased portions of this right are limited to 4.35 cfs and 1,100 af for the irrigation of 220 acres.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River from Milner Dam to Murphy Gage.

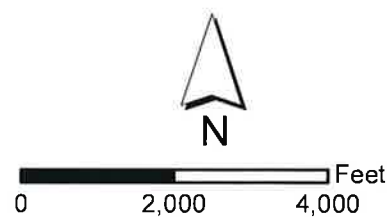
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1070

2-2356  
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



STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANK

RECEIVED

NOV 27 2019

RECEIVED

NOV 29 2019

DEPARTMENT OF  
WATER RESOURCESDesignated Applicant Gingerich Brothers Farms Land Holdings LLC

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

Water Right No. 2-2356

(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: CJDate Received: 11/27/19Receipt # W047903W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Verlin Gingerich

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 Gingerich Brothers Farms Land Holdings LLC, c/o Verlin L. Gingerich, Manager

Mailing Address 19285 HWY 51 Mountain Home ID 83647  
Street City State Zip Code

Email Address vgingeri@gmail.com Phone Number (208) 845-2872

☒ 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 Right Specialist Email Address lgraves@spfwater.com

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

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

OR

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

**2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK**

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

OR

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

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

**3. MAP**

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

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**4. GENERAL INFORMATION**

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

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

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

Existing diversion system is a pump station that diverts water from the Snake River to canals, ditches, and pipelines to pivots.

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

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

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

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

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

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water proposed for lease has been leased to the water bank for last 5 years under contract.

- 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 item F above

- 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.

Verlin Gingerich mgr.  
Signature of Designated Applicant

VERLIN GINGERICH  
Printed Name

11/26/2019  
Date

Lori Graves  
Signature of Authorized Representative

LORI GRAVES  
Printed Name

11/26/2019  
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**

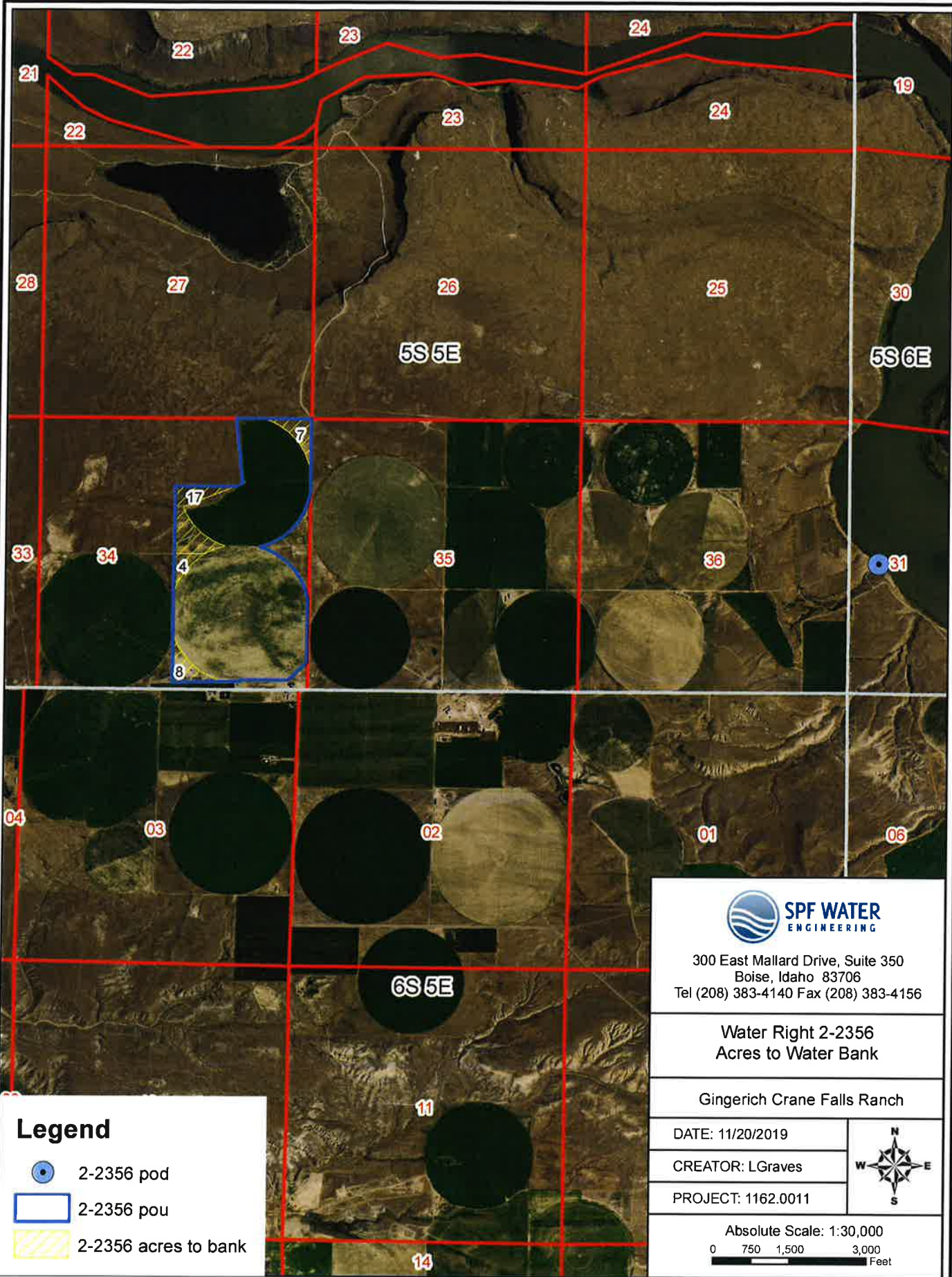
**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

| 1. <u>Water Right Number</u> | Nature of Use     | Leased Rate<br>(cfs) | Leased Volume<br>(af) | Leased Acres<br>(ac) |
|------------------------------|-------------------|----------------------|-----------------------|----------------------|
| <u>2-2356</u>                | <u>Irrigation</u> | <u>0.71</u>          | <u>180.0</u>          | <u>36</u>            |
|                              |                   |                      |                       |                      |
|                              |                   |                      |                       |                      |
|                              |                   |                      |                       |                      |
|                              | Total Amounts:    | <u>0.71</u>          | <u>180.0</u>          | <u>36</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  | 6E  | 31  | 6   |   | NW | SW | Owyhee |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |



November 29, 2019

Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

Re: Water Bank Rental Application for Frank and Cindy Bachman

To Whom It May Concern:

Gingerich Brothers Land Holdings LLC owns portions of water rights 2-7071 and 2-2356 being leased to the Idaho Water Supply Bank (IWSB). Gingerich Brothers Land Holdings LLC would like the IWSB to rent water from the leased acres to Frank and Cindy Bachman for irrigation of 70.7 acres located in Sections 27 & 34, T05S R06E.

Verlin Gingerich Manager  
Gingerich Brothers Land Holdings LLC  
Verlin Gingerich, Manager

11/26/2019  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day of November, 2019.

Holten White  
Notary Public

Residing at 1855 E Boise Ave, Boise, ID 83706

My Commission Expires 10/10/23



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Change in Water Right Ownership**

RECEIVED  
NOV 27 2019  
WATER RESOURCES  
WESTERN REGION  
RECEIVED  
NOV 29 2019  
DEPARTMENT OF  
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

| Water Right/Claim No. | Split?                                  | Leased to Water Supply Bank?            | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|-----------------------------------------|-----------------------------------------|-----------------------|------------------------------|------------------------------|
| 51-10218              | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            | 2-10519               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-7112B               | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-2245B               | Yes <input checked="" type="checkbox"/> | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-2356                | Yes <input type="checkbox"/>            | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-7071                | Yes <input type="checkbox"/>            | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

AI  
"DEC"  
Will be updated through transfer.

(WSB lease)  
(app attached)

2. Previous Owner's Name: Gingerich Brothers Farms  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Gingerich Brothers Farms Land Holdings LLC  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- |                                       |                    |       |       |
|---------------------------------------|--------------------|-------|-------|
| c/o Verlin L. Gingerich, 19285 HWY 51 | Mountain Home      | ID    | 83647 |
| Mailing address                       | City               | State | ZIP   |
| (208) 845-2872                        | vgingeri@gmail.com |       |       |
| Telephone                             | Email              |       |       |
4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 11/13/2019 (formation of LLC)
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- ☐ \$25 per undivided water right.
  - ☐ \$100 per split water right.
  - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 2-2356

8. Signature: Verlin Gingerich      Manager      11/26/2019  
Signature of new owner/claimant      Title, if applicable      Date

Signature: \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature of new owner/claimant      Title, if applicable      Date

**For IDWR Office Use Only:**

Received by CS      Date 11/27/19      Receipt No. W047903      Receipt Amt. \$225<sup>00</sup>

(APP attached) Active in the Water Supply Bank? Yes ☐ No ☐      If yes, forward to the State Office for processing      W-9 received? Yes ☒ No ☐

Name on W-9 Verlin Gingerich      Approved by \_\_\_\_\_      Processed by Jah      Date 12-3-19

Instrument # 301492

MURPHY, OWYHEE, IDAHO

10-11-2019 01:07:08 PM No. of Pages: 2

Recorded for : POPPLEWELL LAW FIRM, PLLC

ANGELA BARKELL

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

**GRANT DEED**

Gingerich Brothers Farms, LLC, an Idaho limited liability company ("LLC"), for consideration paid, grants to Gingerich Brothers Farms Land Holdings, LLC, an Idaho limited liability company, whose address is 19285 Highway 51, Mountain Home, ID 83647, the following described real estate located in Owyhee County, Idaho:

IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B.M., OWYHEE COUNTY, IDAHO, Section 3: Lots 3 and 4, N $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 2), Section 4: Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

IN TOWNSHIP 5 SOUTH, RANGE 5 EAST, B.M., OWYHEE COUNTY, IDAHO, Section 34: SW $\frac{1}{4}$ ;

Subject to: any encumbrances of record, reservations, restrictions and easements of record; and taxes for the current year and subsequent years;

with those covenants specified under I.C. § 55-612, restrained by the terms hereof.

NOTE: The above-described real estate's ownership vested in Gingerich Brothers Farming, an Idaho general partnership, consisting of Verlin Gingerich and Ella Gingerich, husband and wife, and Rudy Gingerich and Colleen Martin Gingerich, husband and wife ("Partnership"). Pursuant to Idaho law, without limitation, I.C. § 30-22-401, the Partnership converted into the LLC by filing the Statement of Conversion of Gingerich Brothers Farms with the Office of the Idaho Secretary of State on July 22, 2019, which is the date that such conversion is effective pursuant to I.C. § 30-22-405 (f). Pursuant to Idaho law, without limitation, I.C. § 30-22-406 (a)(2), the above-described real estate's ownership continued to be vested in the LLC without transfer.

WITNESS its hand and seal effective the 1<sup>st</sup> day of October, 2019.

LLC:

**GINGERICH BROTHERS FARMS, LLC,**  
an Idaho limited liability company

By:

Verlin L. Gingerich  
VERLIN L. GINGERICH, Manager

CF (Lara Green)

By:

Rudy R. Gingerich  
RUDY R. GINGERICH, Manager

**ACKNOWLEDGMENTS**

STATE OF IDAHO                     )  
                                                  ) ss.  
COUNTY OF TWIN FALLS         )

This record was acknowledged before me on October 2, 2019 by Verlin L. Gingerich, as a Manager of Gingerich Brothers Farms, LLC, an Idaho limited liability company.

(SEAL)



STATE OF IDAHO                     )  
                                                  ) ss.  
COUNTY OF TWIN FALLS         )

Joseph D. Popplewell  
NOTARY PUBLIC  
My commission expires: 8/9/23

This record was acknowledged before me on October 2, 2019 by Rudy R. Gingerich, as a Manager of Gingerich Brothers Farms, LLC, an Idaho limited liability company.

(SEAL)



Joseph D. Popplewell  
NOTARY PUBLIC  
My commission expires: 8/9/23

**Instrument # 301493****MURPHY, OWYHEE, IDAHO**

10-11-2019 01:15:12 PM No. of Pages: 3

Recorded for : POPPLEWELL LAW FIRM, PLLC

**ANGELA BARKELL**

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

**GRANT DEED**

Gingerich Brothers Farms, LLC, an Idaho limited liability company ("LLC"), for consideration paid, grants to Gingerich Brothers Farms Land Holdings, LLC, an Idaho limited liability company, whose address is 19285 Highway 51, Mountain Home, ID 83647, the following described real estate located in Owyhee County, Idaho:

Refer to the legal description set forth on the Exhibit "A" attached hereto and incorporated herein by reference;

Subject to: any encumbrances of record, reservations, restrictions and easements of record; and taxes for the current year and subsequent years;

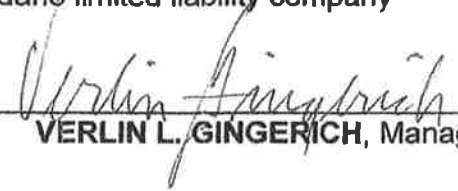
with those covenants specified under I.C. § 55-612, restrained by the terms hereof.

NOTE: The above-described real estate's ownership vested in Gingerich Brothers Farming, an Idaho general partnership, consisting of Verlin Gingerich and Ella Gingerich, husband and wife, and Rudy Gingerich and Colleen Martin Gingerich, husband and wife ("Partnership"). Pursuant to Idaho law, without limitation, I.C. § 30-22-401, the Partnership converted into the LLC by filing the Statement of Conversion of Gingerich Brothers Farms with the Office of the Idaho Secretary of State on July 22, 2019, which is the date that such conversion is effective pursuant to I.C. § 30-22-405 (f). Pursuant to Idaho law, without limitation, I.C. § 30-22-406 (a)(2), the above-described real estate's ownership continued to be vested in the LLC without transfer.

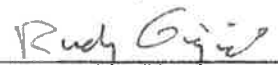
WITNESS its hand and seal effective the 1<sup>st</sup> day of October, 2019.

LLC:

**GINGERICH BROTHERS FARMS, LLC,**  
an Idaho limited liability company

By: 

**VERLIN L. GINGERICH, Manager**

By: 

**RUDY R. GINGERICH, Manager**

## ACKNOWLEDGMENTS

STATE OF IDAHO                     )  
                                                  ) ss.  
COUNTY OF TWIN FALLS         )

This record was acknowledged before me on October 2, 2019 by Verlin L. Gingerich, as a Manager of Gingerich Brothers Farms, LLC, an Idaho limited liability company.

(SEAL)



Joseph D. Popplewell  
NOTARY PUBLIC  
My commission expires: 8/9/23

STATE OF IDAHO                     )  
                                                  ) ss.  
COUNTY OF TWIN FALLS         )

This record was acknowledged before me on October 2, 2019 by Rudy R. Gingerich, as a Manager of Gingerich Brothers Farms, LLC, an Idaho limited liability company.

(SEAL)



Joseph D. Popplewell  
NOTARY PUBLIC  
My commission expires: 8/9/23

## **EXHIBIT "A"**

That certain property located in Owyhee County, State of Idaho, described as follows: The East one-half of Section 34, in Township 5 South, Range 5 East, B.M.; EXCEPTING THEREFROM, all oil and gas together with the right to prospect for, mine and remove such deposits as excepted and reserved in the Patent from The United States of America to Heirs of Thomas E. Greer dated August 18, 1969 and recorded November 18, 1969 as Instrument No. 124588 of Owyhee County records, Idaho; ALSO EXCEPTING THEREFROM, those certain two tracts of land as described in the Quitclaim Deed from George R. Greer, also known as Rex Greer, individually and as executor of the Estate of Thomas E. Greer, etal to A. Clay Atkins, etux dated March 29, 1978 and recorded May 22, 1978 as Instrument No. 154863 of Owyhee County records, Idaho; ALSO EXCEPTING THEREFROM, that certain tract of land described in the Quitclaim Deed from George R. Greer, also known as Rex Greer, individually and as executor of the Estate of Thomas E. Greer, etal to Roger G. Young, a single man, etal dated March 29, 1978 and recorded May 22, 1978 as Instrument No. 154864 of Owyhee County records, Idaho; ALSO EXCEPTING THEREFROM, that certain tract of land as described in the Quitclaim Deed from George R. Greer, also known as Rex Greer, individually and as executor of the Estate of Thomas E. Greer, etal to Roger G. Young, a single man, etal dated March 29, 1978 and recorded May 22, 1978 as Instrument No. 154865 of Owyhee County records, Idaho; and ALSO EXCEPTING THEREFROM, that certain tract of land as described in the Quitclaim Deed from George R. Greer, individually and as executor of the Estate of Thomas E. Greer, and Jessie L. Greer, husband and wife, to Roger G. Young, a single man, dated March 1, 1978 and recorded May 22, 1978 as Instrument No. 154869 of Owyhee County records, Idaho.

## Split Analysis

**Water Right Number: 2-2245B**

**Diversion Rate: 0.8 cfs**

**Date:**            **11/20/2019**

### Acreage Analysis:

[illegible]

**Water Right Number:** 2-2245B  
**Diversion Rate:** 0.8 cfs  
**Date:** 43789

**Split Tree:**

|                                                        |                      |
|--------------------------------------------------------|----------------------|
| <div>2-2245B</div> <div>(40.0 ac &amp; 0.80 cfs)</div> | To Stay              |
|                                                        | (32.0 ac & 0.64 cfs) |
|                                                        | To Transfer          |
|                                                        | (8.0 ac & 0.16 cfs)  |
|                                                        |                      |
|                                                        |                      |
|                                                        |                      |
|                                                        |                      |
|                                                        |                      |
|                                                        |                      |

**Summary:**

| Water Right No. | Diversion Rate<br>(cfs) | Irrigated Area<br>(acres) | Rate per Acre<br>(cfs/acre) |
|-----------------|-------------------------|---------------------------|-----------------------------|
| To Stay         | 0.64                    | 32                        | 0.020                       |
| To Transfer     | 0.16                    | 8                         | 0.020                       |
|                 |                         |                           |                             |
|                 |                         |                           |                             |
|                 |                         |                           |                             |
|                 |                         |                           |                             |
|                 |                         |                           |                             |
|                 |                         |                           |                             |
|                 |                         |                           |                             |

**To Stay Acres Ownership:** Gingerich Brothers Farms Land Holdings LLC  
**To Transfer Acres Ownership:** V&E Gingerich Properties LLC

[illegible]

Total Acres: 40

Conditions of Approval:

1. Rights 2-2156, 2-2245A, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.
2. 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.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

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: OR

Water District Number: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 43.5

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

Water Supply Bank:

Lessor Name(s): GINGERICH BROTHERS FARMS

Lease Status: Active

Lease Amount: 40af

Rental Availability: None

Date Received: 9/4/2015

Lease Begin Date: 9/4/2015

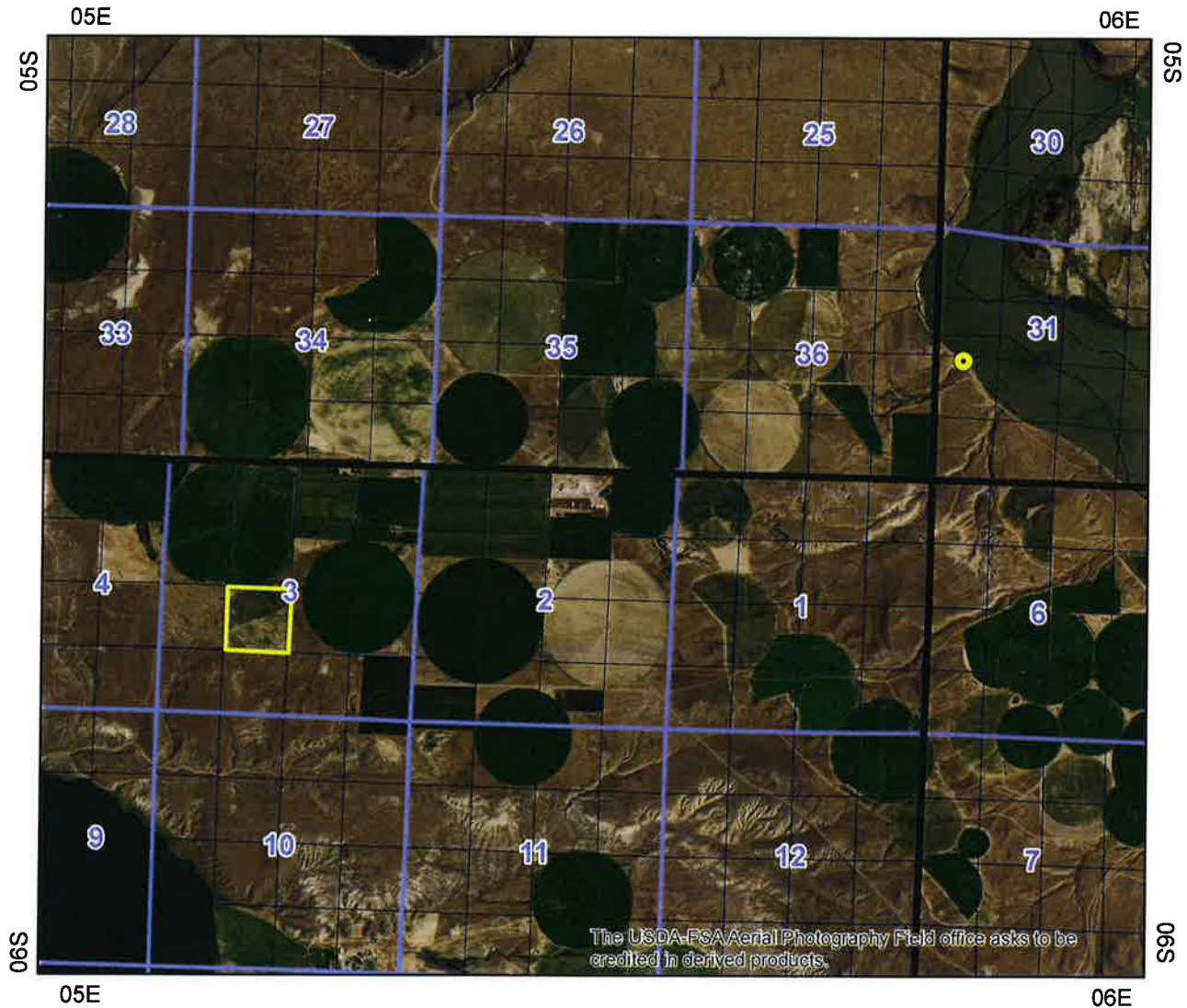
Expiration Date: 12/31/2019

State of Idaho  
Department of Water Resources

# Water Right 2-2245B

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.45 0.9 1.8 Miles





## WATER RIGHT REPORT

11/20/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 2-2356

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | GINGERICH BROTHERS FARMS<br>47589 STATE HWY 78<br>MOUNTAIN HOME, ID 83647-5081<br>2088452868 |
| Original Owner    | MRS T E GREER<br>BONNERS FERRY, ID                                                           |

Priority Date: 09/03/1964

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SNAKE RIVER   | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | 12/01     | 5.06 CFS              | 1280 AFA      |
| Total Diversion       |             |           | 5.06 CFS              | 1280 AFA      |

Location of Point(s) of Diversion:

SNAKE RIVER|NWSW Lt 6|Sec. 31|Township 05S|Range 06E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 05S             | 05E          | 34             |            | NENE         | 40           |            | NWNE         | 2            |            | SWNE         | 40           |            | SENE         | 31           |
|                 |              |                |            | NESE         | 35           |            | NWSE         | 40           |            | SWSE         | 36           |            | SESE         | 32           |

Total Acres: 256

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02, Snake River from Milner Dam to Murphy Gage.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. F06 The following rights are diverted through point(s) of diversion described above: 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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: 02

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 43.5

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

Water Supply Bank:

Lessor Name(s): GINGERICH BROTHERS FARMS

Lease Status: Active

Lease Amount: .71cfs

Rental Availability: None

Date Received: 9/4/2015

Lease Begin Date: 9/4/2015

Expiration Date: 12/31/2019

State of Idaho  
Department of Water Resources

**Water Right**  
**2-2356**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.4 0.8 1.6 Miles





## WATER RIGHT REPORT

11/20/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 2-7071

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | GINGERICH BROTHERS FARMS<br>47589 STATE HWY 78<br>MOUNTAIN HOME, ID 83647-5081<br>2088452868 |
| Original Owner    | TERESA WHITNEY<br>, ID                                                                       |
| Original Owner    | KAREN E HUNEMILLER                                                                           |
| Original Owner    | RUSSELL D HUNEMILLER<br>STAR RT BOX 20C<br>MOUNTAIN HOME, ID 83647                           |

Priority Date: 11/07/1970

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SNAKE RIVER   | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 6.4 CFS               | 1440 AFA      |
| Total Diversion       |             |           | 6.4 CFS               | 1440 AFA      |

Location of Point(s) of Diversion:

SNAKE RIVER|NWNWSW Lt 6|Sec. 31|Township 05S|Range 06E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 05S             | 05E          | 34             |            | NESW         | 40           |            | NWSW         | 40           |            | SWSW         | 40           |            | SESW         | 40           |
| 06S             |              | 3              | 3          | NENW         | 40           | 4          | NWNW         | 40           |            | SWNW         | 40           |            | SENW         | 40           |

Total Acres: 320

Conditions of Approval:

1. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7112A, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.
2. S47 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.
3. 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.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

Permit Proof Due Date: 12/1/1976

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 12/8/1971

Permit Moratorium Expiration Date:

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: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 43.5

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

Water Supply Bank:

Lessor Name(s): GINGERICH BROTHERS FARMS

Lease Status: Active

Lease Amount: .80cfs

Rental Availability: .11cfs

Date Received: 9/4/2015

Lease Begin Date: 9/4/2015

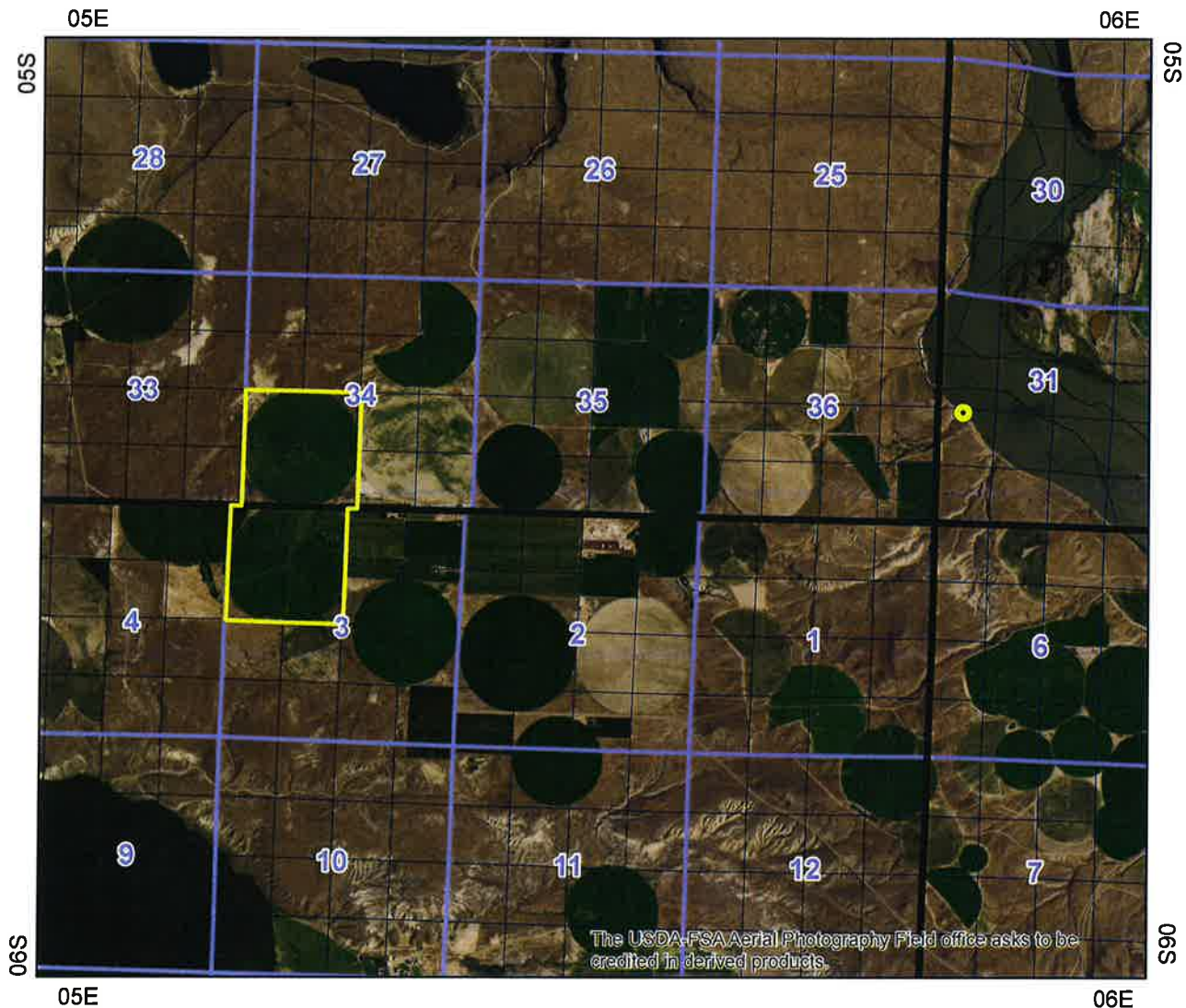
Expiration Date: 12/31/2019

State of Idaho  
Department of Water Resources

# Water Right 2-7071

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles





## WATER RIGHT REPORT

11/20/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 2-7112B

| <u>Owner Type</u> | <u>Name and Address</u>                                                                      |
|-------------------|----------------------------------------------------------------------------------------------|
| Current Owner     | GINGERICH BROTHERS FARMS<br>47589 STATE HWY 78<br>MOUNTAIN HOME, ID 83647-5081<br>2088452868 |
| Original Owner    | JACK WITHERSPOON<br>PO BOX 1525<br>TWIN FALLS, ID 83301                                      |

Priority Date: 02/22/1973

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SNAKE RIVER   | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 1.6 CFS               | 400 AFA       |
| Total Diversion       |             |           | 1.6 CFS               | 400 AFA       |

Location of Point(s) of Diversion:

SNAKE RIVER|NWNWSW Lt 6|Sec. 31|Township 05S|Range 06E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 06S             | 05E          | 4              | 1          | NENE         | 40           | 2          | NWNE         | 40           |            |              |              |            |              |              |

Total Acres: 80

Conditions of Approval:

1. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7182 and 2-7222 are also diverted through the point of diversion described above.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A and 2-7112B when combined shall not exceed a total diversion rate of 43.5 cfs.
3. S47 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.
4. 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.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

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: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 43.5

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

State of Idaho  
Department of Water Resources

# Water Right 2-7112B

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles



[illegible]

Total Acres: 9

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. Rights 2-2156, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182, 2-7222 and 2-10519 are also diverted through the point of diversion described above.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

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: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

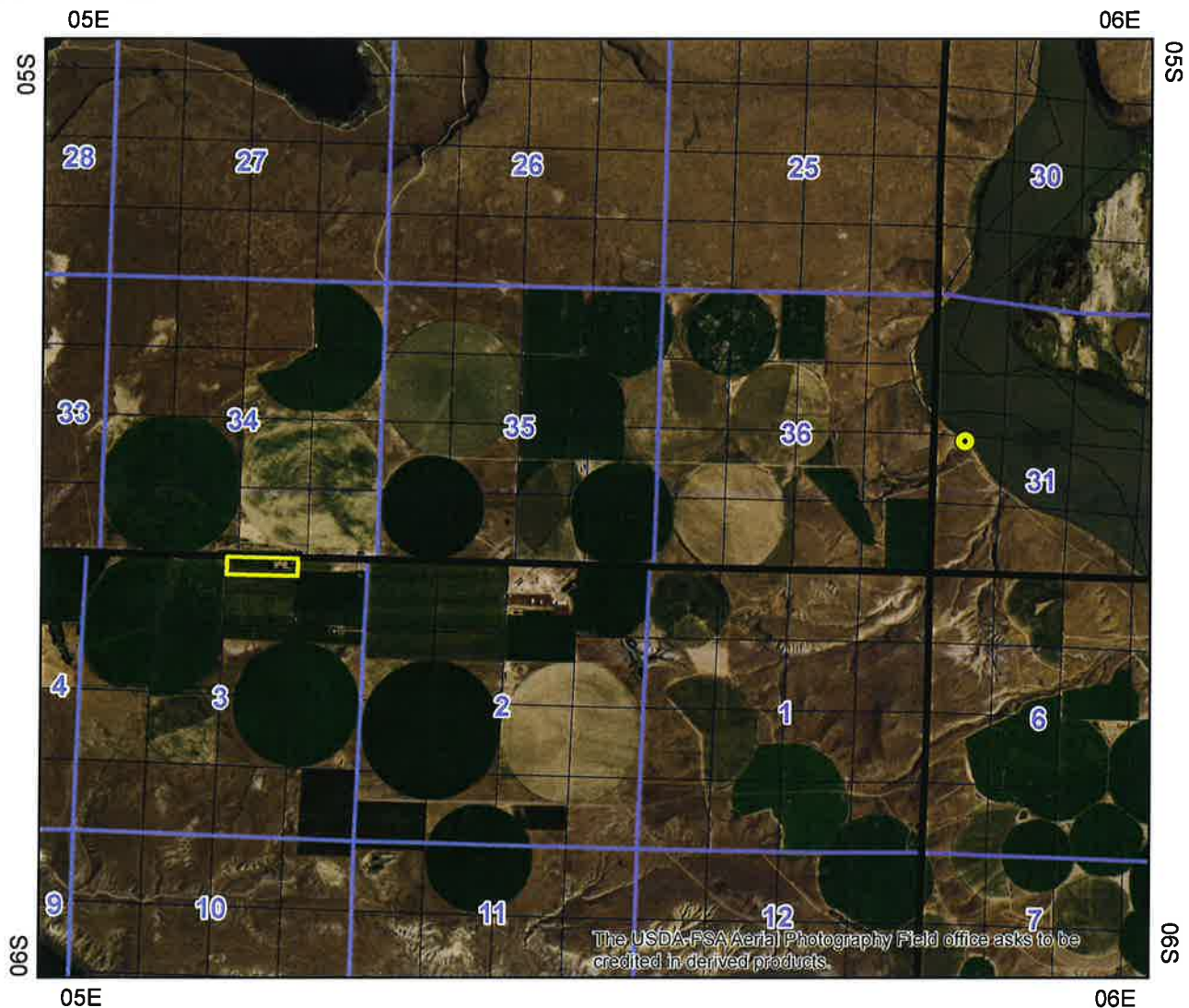
Mitigation Plan: False

State of Idaho  
Department of Water Resources

# Water Right 2-10519

## IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.4 0.8 1.6 Miles



| <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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|

|     |     |    |      |    |   |      |    |  |  |  |  |  |  |
|-----|-----|----|------|----|---|------|----|--|--|--|--|--|--|
| 06S | 06E | 31 | NESW | 40 | 3 | NWSW | 29 |  |  |  |  |  |  |
|     |     |    | SWSE | 32 |   |      |    |  |  |  |  |  |  |

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 101

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. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 101.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-10219 & 51-10225
4. THE APPROPRIATOR IS ENTITLED TO DIVERT UP TO THE QUANTITY OF 3.904 CFS AT THE FIELD HEADGATE TO MEET PEAK CROP DEMAND SO LONG AS (1) THE APPROPRIATOR IS ABLE TO MAKE THAT QUANTITY AVAILABLE THROUGH A VOLUNTARY ROTATION AGREEMENT AMONG SOME OR ALL OTHER USERS OF WATER FROM THE SAME SOURCE OR BY ROTATING SOME OR ALL OF THE APPROPRIATOR'S OTHER WATER RIGHTS FROM THE SAME SOURCE, (2) DIVERSION OF ANY QUANTITY ABOVE 0.17 CFS WILL NOT INJURE OTHER WATER RIGHTS, (3) ANY QUANTITY ABOVE 0.17 CFS WILL NOT BE SUBJECT TO A PRIORITY CALL UNDER THIS WATER RIGHT ON JUNIOR WATER RIGHTS, AND (4) DIVERSION OF THAT QUANTITY DOES NOT CONSTITUTE WASTE.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER IS DELIVERED THROUGH SOUTH SIDE BRUNEAU CANAL COMPANY. THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 51-00050A & 51-00050B.

Dates:

Licensed Date:

Decreed Date: 03/06/2003

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: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 327.8

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

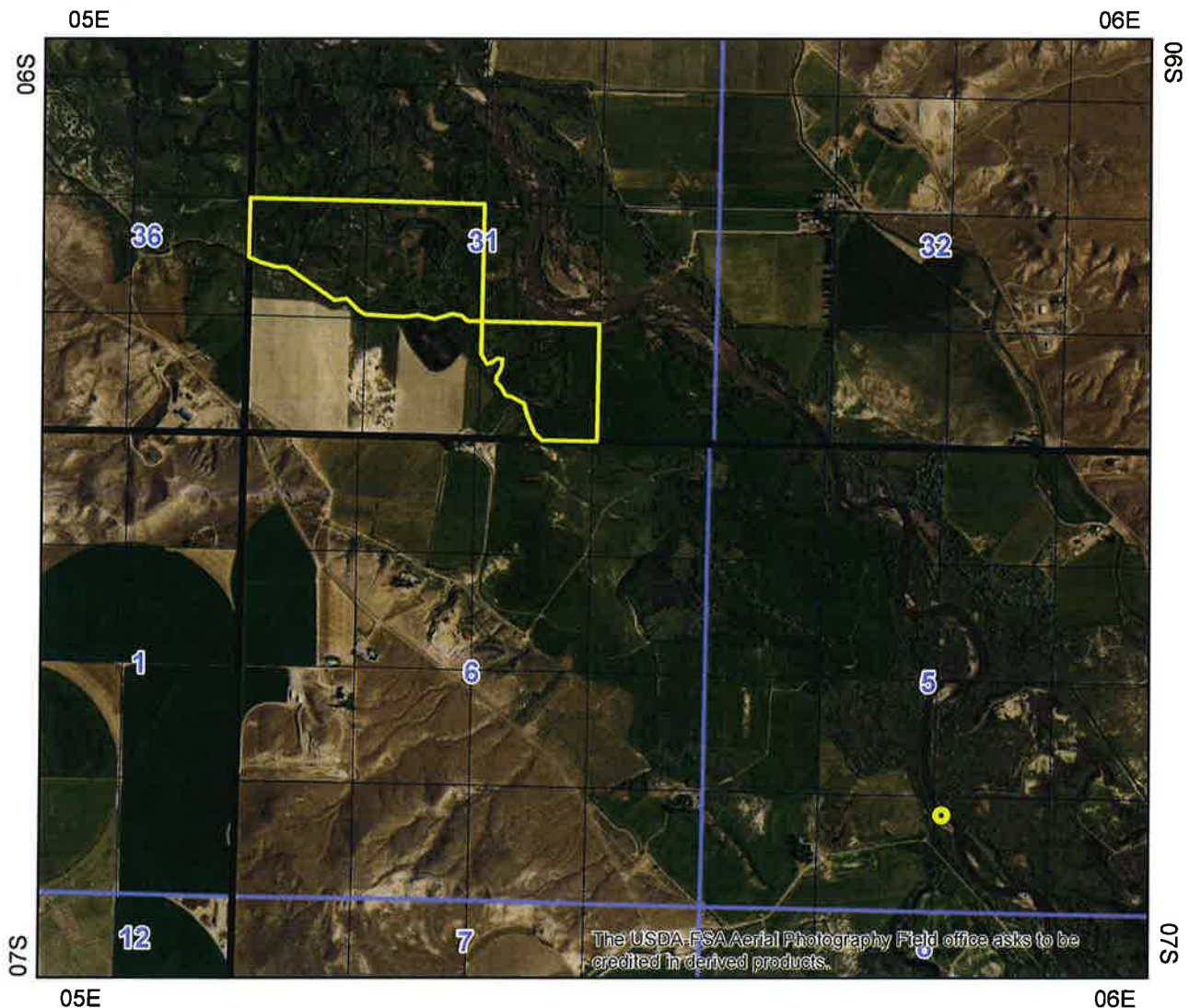
Mitigation Plan: False

State of Idaho  
Department of Water Resources

**Water Right  
51-10218**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.25 0.5 1 Miles





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

February 19, 2020

GINGERICH BROTHERS FARMS LAND HOLDINGS LLC  
C/O VERLIN L GINGERICH  
19285 HIGHWAY 51  
MOUNTAIN HOME, ID 83647-6378

**RE: WATER SUPPLY BANK LEASE CONTRACT 1070  
FOR WATER RIGHTS 2-2356**

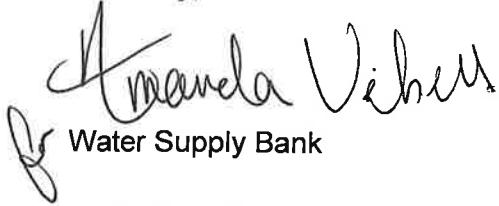
Dear Lessor:

Water rights **2-2356** were leased into the Water Supply Bank (Bank) as of January 14, 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](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,



Amanda Vihuri  
for Water Supply Bank

Enclosure: Executed Lease Contract

c: Nick Miller - IDWR Western Region  
Rob Whitney - Water District 02  
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](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

January 28, 2019

GINGERICH BROTHERS FARMS LAND HOLDINGS LLC  
C/O VERLIN L GINGERICH  
19285 HIGHWAY 51  
MOUNTAIN HOME, ID 83647-6378

**RE: APPLICATION TO LEASE WATER RIGHT 2-2356 TO THE WATER SUPPLY BANK  
CONTRACT 1070**

**\*\*\*\*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.

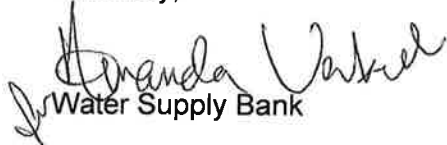
The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

  
Amanda Vahsel  
Water Supply Bank

Enclosures: Proposed Lease Contracts

**Ferguson, Justin**

---

**From:** Ferguson, Justin  
**Sent:** Thursday, January 16, 2020 10:29 AM  
**To:** Miller, Nick; Erling, Jes; Whitney, Rob  
**Subject:** WSB Lease Contract - Gingerich Brothers Farms Land Holdings LLC  
**Attachments:** Draft Lease Contract Gingerich Brothers 2-2356.docx; Gingerich 2-2356.pdf; Lease Review Memo.docx

Morning!

Attached is the lease map, contract, and review memo for Gingerich Brothers Farms Land Holdings LLC. Please let me know if you have and comments or concerns, IDWR will assume you do not object to this application if a timely response is not received

Thank you!



November 26, 2019

Patrick Kelly  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

RECEIVED  
NOV 27 2019  
WATER RESOURCES  
WESTERN REGION

**Subject: Notice of Change in Water Right Ownership (3)**  
**Application for Transfer**  
**Water Supply Bank Lease Applications (2)**

Dear Patrick,

Enclosed on behalf of the Gingerich family are the following:

**Notice of Change in Water Right Ownership (4)**

- Rudy and Colleen Gingerich wish to change their two water rights into the name of R&C Gingerich Properties LLC. (IDWR filing fee \$50)
- The Gingerich Brothers wish to change the water rights appurtenant to their "River Ranch Farm" and their "Crane Falls Farm" into the name of Gingerich Brothers Land Holdings LLC. A notice is being submitted for each farm. Note, eight acres of water right 2-2245B appurtenant to the "Crane Falls Farm" is proposed for split and transfer to the "Home Place Farm" on the accompanying transfer application. A split tree has been included for this right. Verlin Gingerich is the managing member for the LLC. (IDWR filing fee \$200 for the River Ranch notice and \$225 for the Crane Falls notice)
- Verlin and Ella Gingerich wish to change the water rights appurtenant to their "Home Place Farm" into the name of V&E Gingerich Properties LLC. Verlin Gingerich is the sole manager for the LLC. (IDWR filing fee \$100)

**Transfer Application**

V&E Gingerich Properties LLC would like to reconfigure the irrigation place of use for two water rights appurtenant to their "Home Place Farm" to more accurately reflect current irrigation practices. To account for additional acres recently purchased from the neighbor, they also propose transfer of eight acres of Snake River water appurtenant to their "Crane Falls Farm" west of the Snake River to the "Home Place Farm". Quitclaim deeds for the recently purchased property are attached to the transfer application. (IDWR filing fee \$820)

**Water Bank Lease Applications**

Gingerich Brothers Land Holdings LLC wish renew their leases for portions of water rights 2-2356 and 2-7071 for another 5 years. The current leases are set to expire 12/31/2019. These rights are appurtenant to their "Crane Falls Farm". Gingerich Brothers have an agreement with Frank and Cindy Bachman allowing them to rent a portion of the leased water. A rental authorization is included with each lease application. Frank and Cindy Bachman's rental request is forthcoming. (IDWR filing fee \$500)

Check No. 2003 for \$1,895 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Verlin Gingerich

Enclosures

SPF file number: 1162.0011



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

December 03, 2019

GINGERICH BROTHERS FARMS LAND HOLDINGS LLC  
C/O VERLIN L GINGERICH  
19285 HIGHWAY 51  
MOUNTAIN HOME ID 83647-6378

Re: Change in Ownership for Water Right No(s): 2-2356, 2-7071, 2-7112B & 2-10519

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Please note, the ownership of water right 51-10218 was not updated. Water right 51-10218 is an irrigation/stockwater right currently owned by the State of Idaho, Dept of Fish and Game. The place of use for this water right is Township 06S, Range 06E, Section 31 NESW, SWSE, NWSW. The deeds provided did not convey any land with this legal description. A refund of \$25 has been requested and will be sent to you under separate cover from the State Controller's Office.

Also, water right 2-2245B will be split in the transfer filed with our Western Region Office.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Also note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist 2

Enclosure(s)

c: SPF Water Engineering, LLC

## ***MEMORANDUM***

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: December 3, 2019  
RE: **Refund: one water right not updated**

Please refund \$25.

NAME: GINGERICH BROTHERS FARMS  
47589 STATE HWY 78  
MOUNTAIN HOME, ID 83647-5081

RECEIPT #: W047903

Thank you.

Jean

**Hersley, Jean**

---

**From:** Hersley, Jean  
**Sent:** Tuesday, December 03, 2019 1:14 PM  
**To:** Financial  
**Subject:** refund  
**Attachments:** Gingerich Brothers Farms.doc

Please process the attached refund. Thank you.

***Jean***



November 26, 2019

Patrick Kelly  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

RECEIVED  
NOV 27 2019  
WATER RESOURCES  
WESTERN REGION

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Water Supply Bank Lease Applications (2)**

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Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Verlin Gingerich

Enclosures

SPF file number: 1162.0011