

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 951

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

LESSOR: HOLBROOK FARM LLC
1291 US HIGHWAY 258 NORTH
KINSTON, NC 28504

RECEIVED
APR 15 2019
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 04, 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)
17-2052	4/15/1966	GROUND WATER	0.18	77.8	54.2
17-7063	9/12/1975	GROUND WATER	0.61	165.7	118.1
Combined Limit Totals			0.79	243.5	118.1
Combined Lease Totals			0.79	243.5	118.1

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, 2019 to December 31, 2019. 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. 951

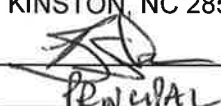
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 951

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

LESSOR: HOLBROOK FARM LLC
1291 US HIGHWAY 258 NORTH
KINSTON, NC 28504

By 
Title Representative
Date 4/8/19

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 4/15/2019

Lease approved by IDWR 

Date 4-15-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 951

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): 17-2052, 17-7063

GROUND WATER SENW Sec. 25 Twp 14S Rge 32E ONEIDA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
17-2052	IRRIGATION	04/01	to	10/31	0.18 cfs	77.8 AF
17-7063	IRRIGATION	05/01	to	09/15	0.61 cfs	165.7 AF
Totals:					0.79 cfs	243.5 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	
14S	32E	25										28.8	29.5						58.3
14S	32E	26													30.3			29.5	59.8

Total Acres: 118.1

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

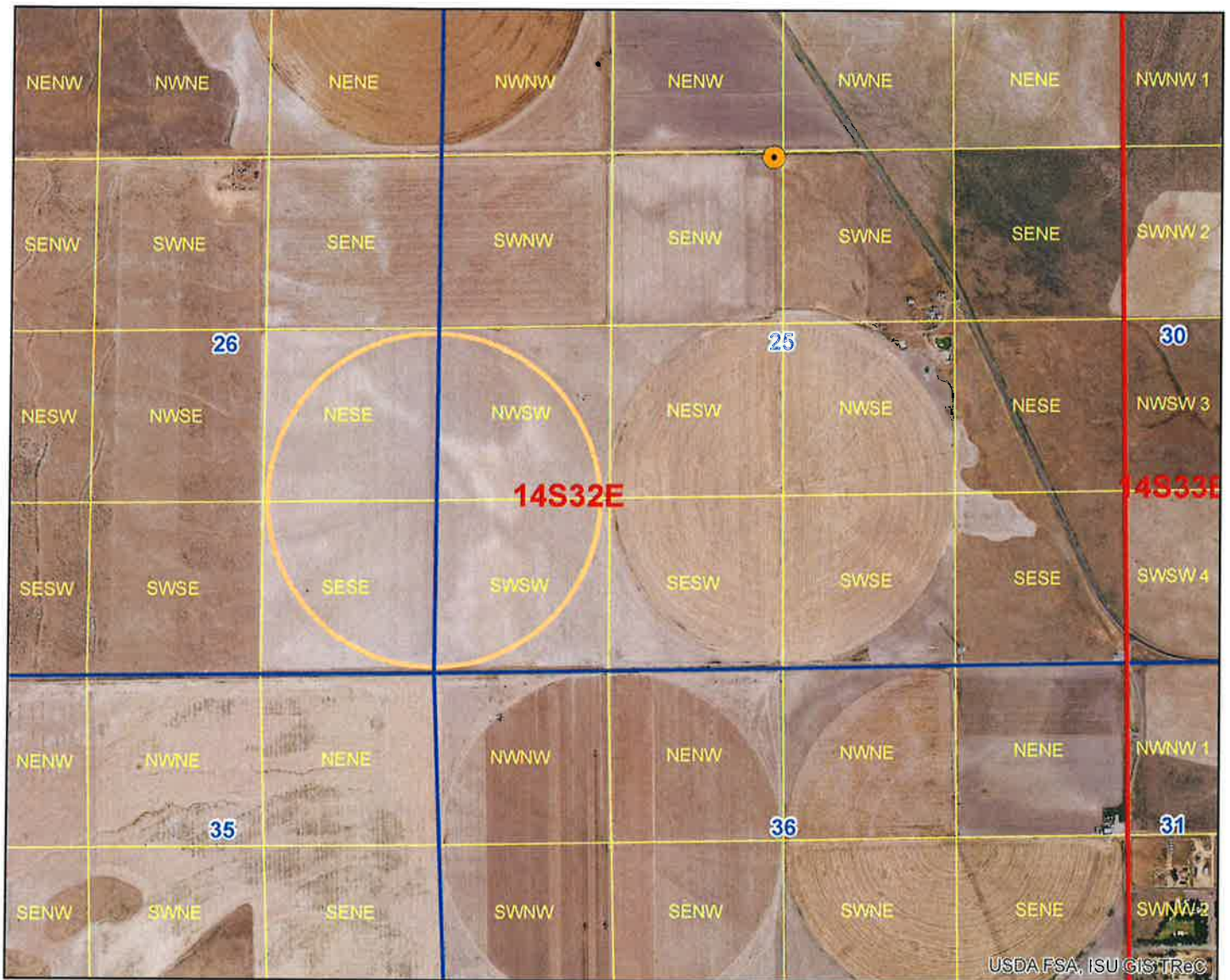
WATER SUPPLY BANK LEASE CONTRACT No. 951

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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
14. The unleased portions of Rights 17-2052 and 17-7063 when combined shall not exceed the irrigation of 197.9 acres.
15. The period of use for the irrigation described in this approval for right 17-7063 may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 7, 2012.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 951

17-2052 & 17-7063
Effective until December 31, 2019

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



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



0 1,000 2,000 3,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 04 2019

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Holbrook Farm, LLC

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

Water Right No. 17-2052

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

Department Use Only

Fee Amount \$ 550Received By: AWDate Received: 1-4-19Receipt # C106087W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

1297

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 Holbrook Farm, LLC

Mailing Address 1291 US Highway 258 North Kinston, NC 28504

Street

City

State

Zip Code

Email Address _____

Phone Number _____

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

OR

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

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

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

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

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N. Washington St. Ste 4 Twin Falls, Idaho 83301

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

- B. Please provide a description of the current water diversion and delivery system.
Existing well, motor, pump and delivery system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 17-2052 and 17-7063

- 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. No annual volumes or rates are available at this time. See attached aerial map of area to be dried up.

- 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: 2019 to 2019 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

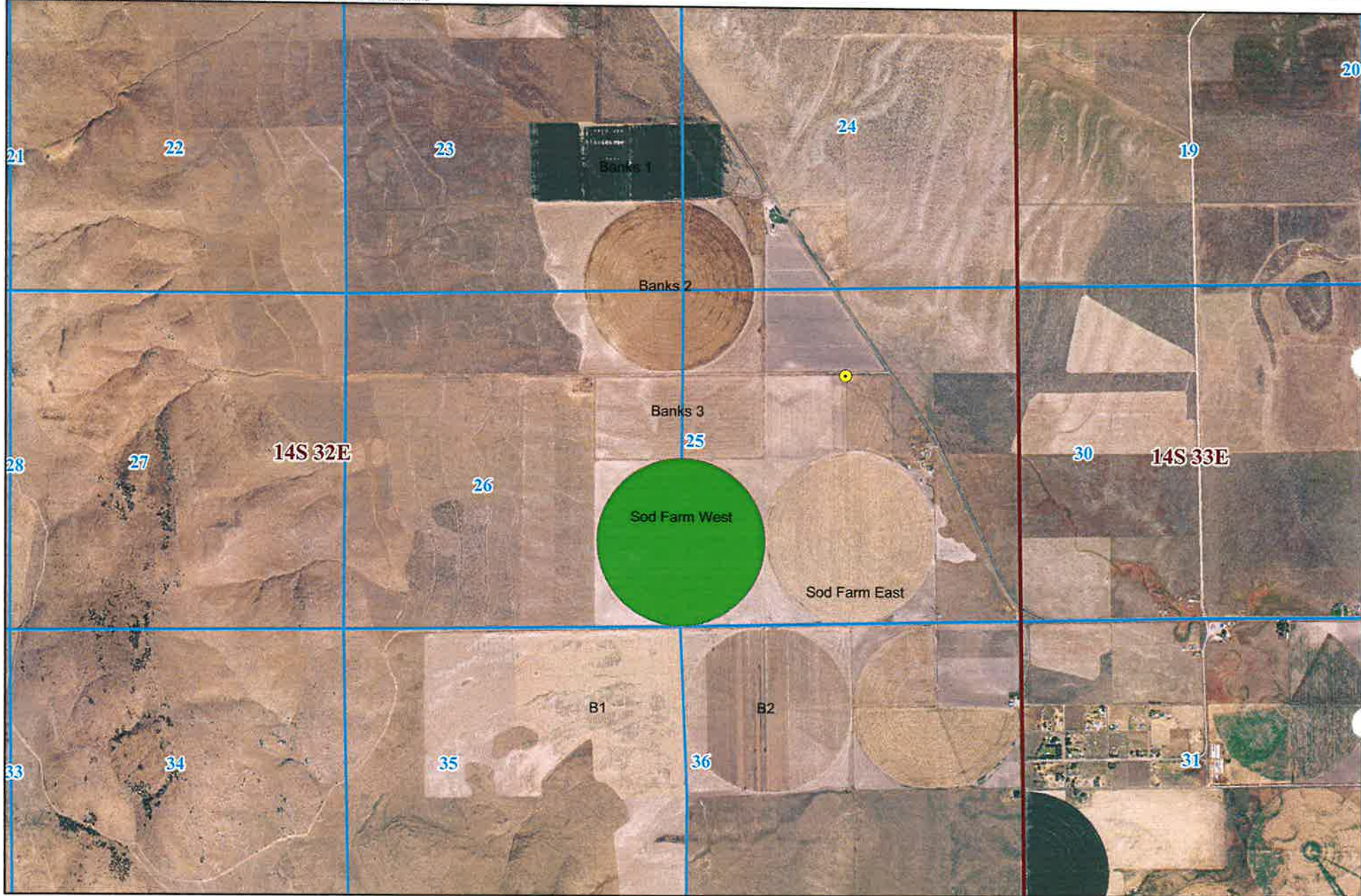
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>17-7052</u>	<u>Irrigation</u>	<u>0.19</u>	<u>82.3</u>	<u>57.4</u>
	Total Amounts:	<u>0.19</u>	<u>82.3</u>	<u>57.4</u>

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
14S	32E	25			SE	NW	Oneida



0 0.15 0.3 0.6 Miles

CSS POTATO FARMS, LLC

WATER BANK 2019
NAIP 2017 AERIAL

Legend

■ 2019_Lease_Acres

**Designation of Agent and Grant of Authority
Holbrook Farm, LLC**

This Designation of Agent and Grant of Authority is made this the 26th day of January, 2017, by the Manager of International Farming Corporation GP2 LLC, a Delaware limited liability company ("IFC") to Brian Uken.

Whereas, IFC is the General Partner of U.S. Farming Realty Trust II, LP, the sole member of Holbrook Farm, LLC ("Holbrook"); and

Whereas, the undersigned is the Manager of IFC and has the power and authority to act on behalf of IFC, including without limitation acting on behalf of IFC in designating agents for Holbrook and granting authority to such agents, including Brian Uken.

Now Therefore, the Manager of IFC, on behalf of IFC and Holbrook, takes the following action and grants the authority expressly provided to Brian Uken.

The undersigned Manager of IFC does expressly designate Brian Uken as an Agent for Holbrook Farm, LLC and does expressly grant to Brian Uken the authority to execute documents on behalf of Holbrook Farm, LLC to be filed with, presented to, or otherwise utilized by the State of Idaho or any of its agencies or subdivisions, and to do such further acts and execute such further documents as may be required by the State of Idaho or any of its agencies or subdivisions in connection with the foregoing.

HOLBROOK FARM, LLC

By: U.S. Farming Realty Trust II, LP

By: International Farming Corporation GP2, LLC,
its general partner

By: _____

Charlie McNairy, Manager

No. W 167152		Due no later than May 31, 2018		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Annual Report Form 1. Mailing Address: Correct in this box if needed. HOLBROOK FARM, LLC 1291 US HWY 258 NORTH KINSTON NC 28504		PARACORP INCORPORATED 921 S ORCHARD ST STE G BOISE ID 83705	
				3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MEMBER	U.S. FARMING REALTY TRUST II,	1291 US HWY 258 NORTH	KINSTON	NC	USA 28504
5. Organized Under the Laws of: DE W 167152		6. Annual Report must be signed.* Signature: JEANETTE MILLER Name (type or print): JEANETTE MILLER Date: 04/19/2018 Title: CORPORATE COUNSEL			
Processed 04/19/2018		* Electronically provided signatures are accepted as original signatures.			

RECEIVED

JAN 04 2019

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

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

Designated Applicant Holbrook Farm, LLC

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

Water Right No. 17-7063

(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).

1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.

2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.

3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.

4A ☒ ☐ Written consent from irrigation district or water delivery company.

4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$

550

Received By:

AW

Date Received:

1-4-19

Receipt #

C106097

W-9 received?

Yes ☐ No ☒

(Route W-9 to Fiscal)

Name on W-9:

1297

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 Holbrook Farm, LLC

Mailing Address 1291 US Highway 258 North Kinston, NC 28504

Street

City

State

Zip Code

Email Address _____

Phone Number _____

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

OR

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

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒

If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐

If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐

If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N. Washington St. Ste 4 Twin Falls, Idaho 83301

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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3. MAP

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

- B. Please provide a description of the current water diversion and delivery system.
Existing well, motor, pump and delivery system.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 17-2052 and 17-7063

- 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. No annual volumes or rates are available at this time. See attached aerial map of area to be dried up.

- 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: 2019 to 2019 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Printed Name

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

<u>1. 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>17-7063</u>	<u>Irrigation</u>	<u>0.64</u>	<u>175.4</u>	<u>67.6</u>
	Total Amounts:	<u>0.64</u>	<u>175.4</u>	<u>67.6</u>

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
14S	32E	25			SE	NW	Oneida



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 16, 2019

HOLBROOK FARM LLC
1291 US HIGHWAY 258 NORTH
KINSTON NC 28504

**RE: WATER SUPPLY BANK LEASE CONTRACT 951
FOR WATER RIGHTS 17-2052 and 17-7063**

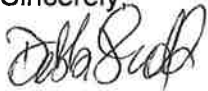
Dear Lessor:

Water rights **17-2052 and 17-7063** were leased into the Water Supply Bank (Bank) as of January 4, 2019, 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, 2019**, 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 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. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,


for Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region
Greg Sullivan – Brockway Engineering



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 27, 2019

HOLBROOK FARM LLC
1291 US HIGHWAY 258 NORTH
KINSTON NC 28504

**RE: APPLICATIONS TO LEASE WATER RIGHTS 17-2052 and 17-7063
TO THE WATER SUPPLY BANK - CONTRACT 951**

******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 rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the 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. 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 rights may not be available for immediate release if they have 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 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C106087

c. Greg Sullivan – Brockway Engineering

Condon, Mary

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, March 05, 2019 5:05 PM
To: Condon, Mary
Subject: FW: Holbrook Lease Application for 17-2052 & 17-7063

Mary,

See the below email from Trent Munden. Trent is the current farm manager for the Holbrook Farm. Please review his email and let me know if this information is sufficient for the Water Supply Bank to continue processing the lease application. If there is additional information that you require, please let me or Trent know and we will do our best to provide it.

Trent's phone number is (806) 333-0830.

Thank you,

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

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

From: Trent Munden [mailto:trent.munden@cssfarms.com]
Sent: Tuesday, March 05, 2019 4:36 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: RE: Holbrook Lease Application for 17-2052 & 17-7063

Greg,

In the spring of 2017 we pulled the Pivot off of the Sod Farm West Pivot and placed it on what we call the Hubbard field. It has remained there since that time and will continue to be there in 2019 as well. We did receive a large amount of rain in the spring of 2018 and we had dryland wheat planted on the Sod Farm West field so there was green growth early in the season but it was never irrigated.

Please let me know if you have any questions about this.

Trent

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, March 05, 2019 4:23 PM
To: Trent Munden <trent.munden@cssfarms.com>
Subject: FW: Holbrook Lease Application for 17-2052 & 17-7063

From: Condon, Mary [<mailto:Mary.Condon@idwr.idaho.gov>]
Sent: Monday, March 04, 2019 1:24 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Holbrook Lease Application for 17-2052 & 17-7063

Good afternoon, Greg,

Please see the attached letter, going out to your client in the mail, for request for additional information to continue the review process.

Any correspondence in regard to this or other matters of the bank from myself, should be directed to Remington or Clay, after March 8th.

Best,
Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 4, 2019

HOLBROCK FARM, LLC
1291 US HWY 258
NORTH KINSTON NC 28504

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT Nos 17-2052 AND 17-7063 TO THE WATER SUPPLY BANK**

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

One of the requirements for acceptance and continuation of a water right leased into the Water Supply Bank is idling acres placed into the bank, per the conditions of acceptance on the Lease Contract and enforceable pursuant to Idaho Code 42-351. During a review of Sentinel Imagery for 2018 season, acres under a pivot leased to the bank show vegetation well into June, as well as other acres outside of the irrigable allowable. In July, harvesting may have occurred on the leased pivot and unrented lands and heavy vegetation is no longer apparent.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will not be refunded:

- **Explanation for heavy vegetation on land owned by Holbrook Farms, LLC, as indicated on the attached imagery, in excess of the unleased 197.9 acres for rights 17-2052 & 17-7063**

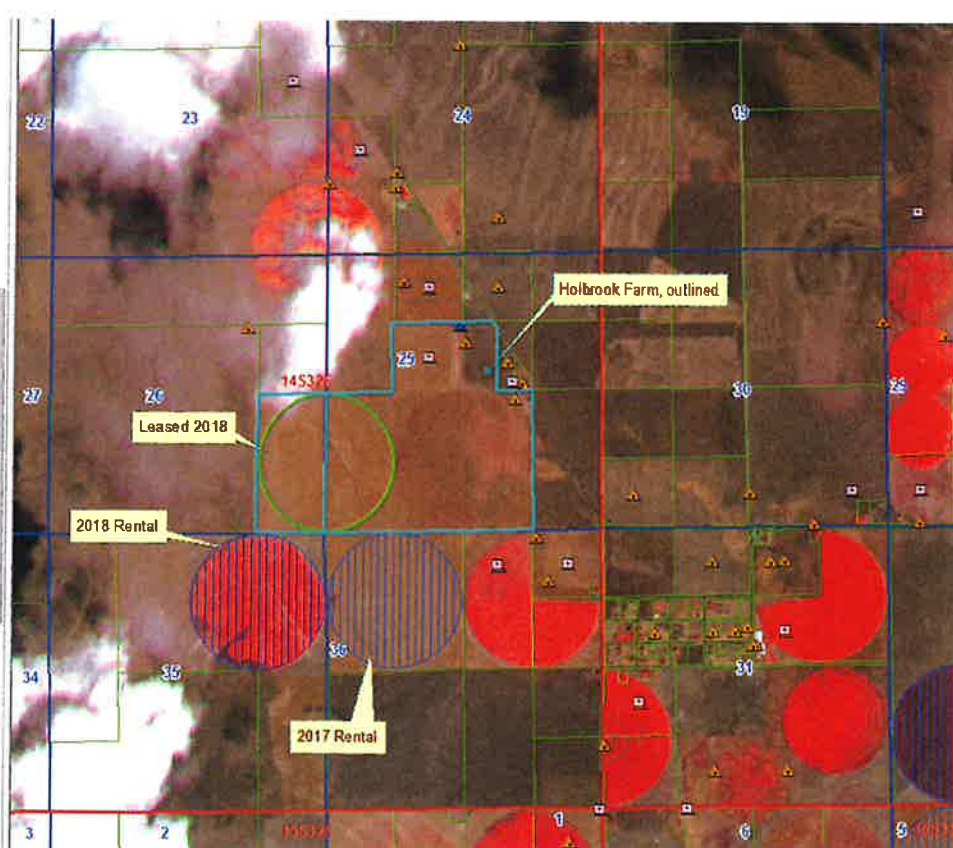
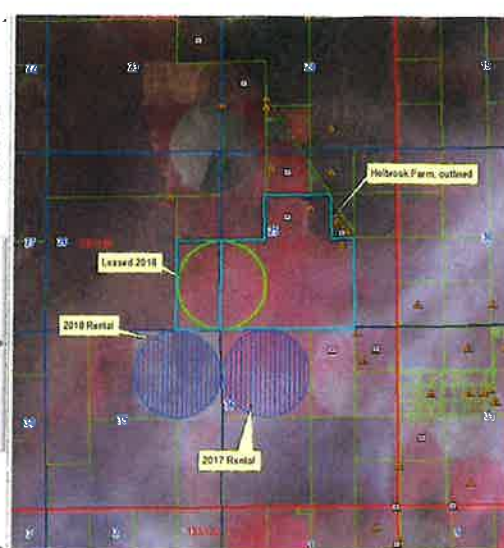
The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

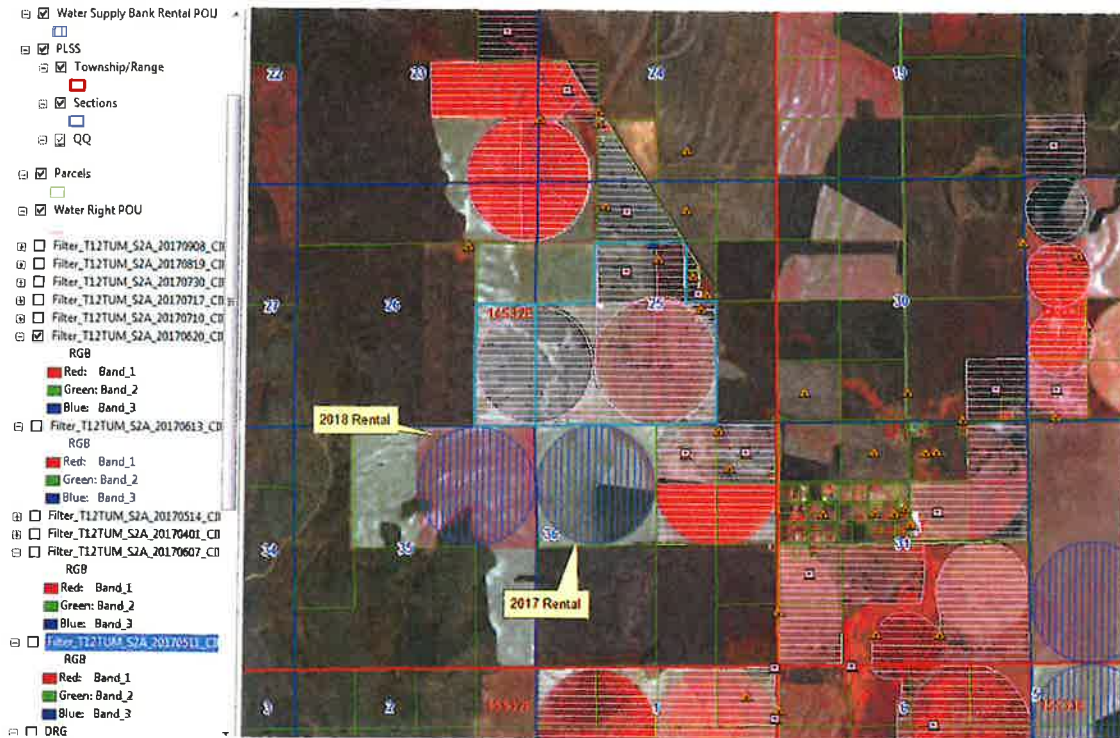
for [Signature]
Water Supply Bank

Enclosure(s): Sentinel 2018 imagery compared to 2017 imagery

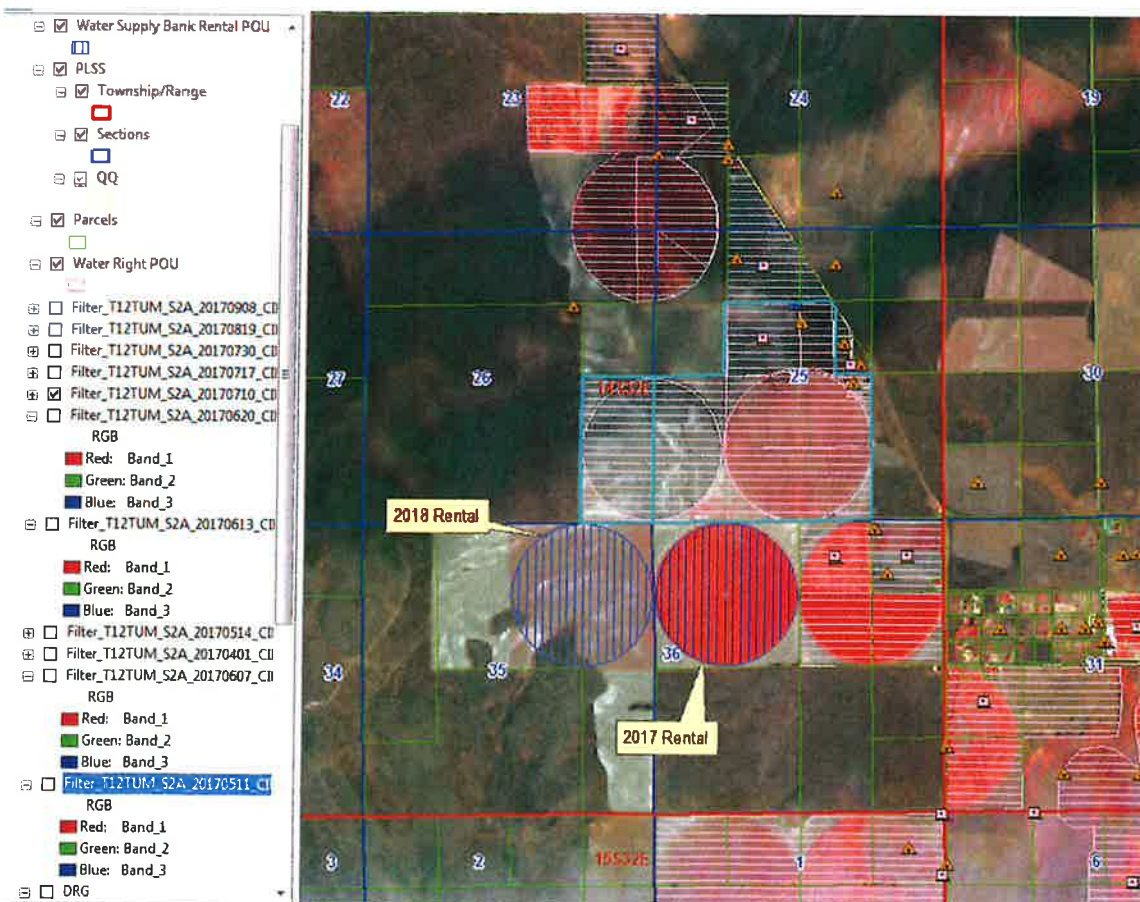
June 10, 2018



June 20, 2017



July 10, 2017



MEMORANDUM FOR LEASE CONTRACT #951 AND RENTAL AGREEMENT #312

To: Water Right(S) 17-2052 & 17-7063

From: Mary Condon

Date: March 1, 2019 (March 6, 2019)

Re: Review & Analysis of Companion Applications to Lease and Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Companion lease rental applications received on January 4, 2019 for an additional year, similar to 2018, 2017 and 2016. Lease application seeks to lease an entire pivot, which is equal to 118.1 acres, while the rental application for these rights requests the entire leased portion condensed onto 60 acres of new land for increased rate and volume. The values given for the leased portions are not proportionate, but the lease contract and rental agreement will be proportionate and limited to avoid enlargement. An overpayment of \$50.00 for the two lease applications was refunded.

Private agreement for the owner payment, admin fee only applies to rental.

AUTHORITY TO FILE: Application for lease of stacked rights 17-2052 & 17-7063 in the name of Holbrook Farm, signed by Brian Uken as Agent for Holbrook Farm. Designation of Agent granting authority through US Farming Realty Trust II, LP, by International Farming Corp GP2, LLC, signed by Charlie McNairy, manager. A google search for US Farming Realty Trust lists Charlie McNairy as a key member. Land parcel taxlot data for the lease place of use and diversion are in the name of Holbrook Farm as well. Representative for both lessor and renter is Greg Sullivan, for Brockway Engineering.

Rental application for rights 17-2052 & 17-7063 in the name of CSS Potato Farms, LLC, signed by Matthew Maughen, as farm manager. Designation of Agent granting authority for CSS Potato Farms, LLC, signed by Reagan Grabner, as Managing Partner. Idaho Secretary of State has the business listed as CSS Farms, LLC, with Reagan Grabner as an agent, with the same principal address as the mailing address.

No concerns with authority to file lease and rental applications.

WATER RIGHT VALIDITY: Water right 17-2052 was licensed in 1973 and water right 17-7063 was licensed in 1982. Transfer 78181 in 2012 stacked/consolidated these two rights together and limited them to 316 acres in order to increase the diversion rate and volume. The rates and volume are additive for 0.007 cfs per acre and 2.1 af per acre combined. A portion of these rights for a pivot were then brought into the bank in 2016, 2017 and 2018. No concerns with validity of the water rights offered to the bank.

INJURY TO OTHER WATER RIGHTS: Review for compliance in idling the 2017 and 2018 leased pivot showed heavy vegetation in excess of the remaining unleased 197.9 acres. Request for additional information was sent to Holbrook Farm, and cc'd to their consultant, on March 4, 2019. Reply from Trent Munden, manager for the Holbrook Farm, was forwarded to me on March 5, 2019 from Greg Sullivan, and states the pivot for the leased field was moved to off the property in spring 2017 and onto the rental pivot and has not been placed back on the leased field. In addition, Mr. Munden stated in 2018 there was dryland wheat planted on the unirrigated fields, and sufficient rainfall produced heavy vegetation. Continued lease of this water right should not cause injury to other water rights.

Rental will be from the same POD as the leased rights, but used on a different POU just above the leased POU. Injury to other water rights is not expected through the lease and rental.

ENLARGEMENT OF USE: The cover letter is to lease 125 acres of these two rights combined. Application for lease is for 57.4 acres of 17-2052 and 67.6 acres of 17-7063, which is not proportionate. The pivot for lease is equal to the limit of 118.1 acres, per the licensed amounts on the QQ's. Proportionate values based off of the 118.1 acres would be 54.2 acres of 17-2052 and 118.1 acres of 17-7063. Their rates and volumes are additive. Unleased portion of these rights are limited to 197.9 acres. No enlargement is expected through the lease of these rights portions.

The rental place of use requests to irrigate 60 acres at a rate of 0.014 cfs per acre, by condensing the acres and keeping the rate and limiting the volume to the HG standard of 3.5. The rental for the full amount of leased rate equal to 0.007 cfs per acre, but condensed onto 60 acres would be closer to 0.013 cfs per acre.

The two pivots, one for the unleased acres and the other for the rental are not expected to be operating at the same time, and enlargement of the unleased and rented acres is not expected. Measurement devices are not yet required on wells in this area, so no measurement data is available through WMIS.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease and rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease and rental PD is not subject to a Water District, but is within the Curlew Valley CGWMA.

SOU – 05/01-09/15 with shoulder season for right 17-7063, 4/1-10/31 for right 17-2052; HG – 3.5, Eastern Region

Request for comment sent to Eastern Region manager on March 7, 2019.

Condon, Mary

From: Condon, Mary
Sent: Monday, January 07, 2019 3:34 PM
To: 'Greg Sullivan'
Subject: FW: Refund Request

Good afternoon, Greg,

We are requesting a refund of \$50 be sent to Brockway Engineering, for overpayment. Please see the request below.

Best,
Mary

From: Condon, Mary
Sent: Monday, January 07, 2019 3:32 PM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: Refund Request

Sascha,

Please request a refund for overpayment of \$50 for lease applications by Brockway Engineering, on behalf of the applicants, Holdbrook Farm LLC

Receipt C106087
Water Rights 17-2052 & 17-7063
Received \$550, ck#15106
Refund \$50

Brockway Engineering PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

Thank you,
Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 04 2019

DEPARTMENT OF
WATER RESOURCES

January 2, 2019

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

Re: Holbrook Farm, LLC Lease Applications

Dear Mr. Buyer:

Holbrook Farm, LLC desires to lease 125.0 acres of 17-2052 and 17-7063 into the Idaho Water Supply Bank.

The 125.0 acres to be leased are comprised of acres that were previously irrigated by a pivot that will not be irrigated in 2019. The 125.0 acres were leased into the Idaho Water Supply Bank for the 2018 irrigation season.

The lease applications propose to lease the water for only the 2019 irrigation season.

Please copy our office on all correspondence regarding this applications.

Sincerely,

Greg Sullivan, M.S., Engineer

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

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

Cc: Trent Munden, Mark Grassel
Enc: Aerial Maps, Lease Application, Grant of Authority, Annual Report, Brockway
Engineering Check # 15106 for \$550.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506