

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 810

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

LESSOR: RAFT RIVER VALLEY FARMS LLC
301 SCOTT AVE SUITE 2
RUPERT, ID 83350

RECEIVED

JUN 26 2018

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on May 16, 2018.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
43-2346C	3/2/1950	GROUND WATER, tributary to	1.74	400.0	100.0
Lease Totals			1.74	400.0	100.0

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, 2018 to December 31, 2018. 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. 810

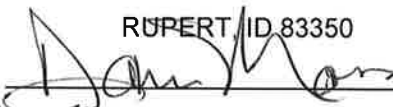
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right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

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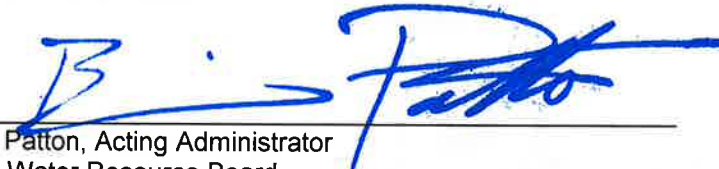
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: RAFT RIVER VALLEY FARMS LLC
301 SCOTT AVE SUITE 2
RUPERT, ID 83350

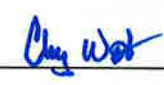
By 
Title Manager
Date 6-25-18

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 6/28/2018

Lease approved by IDWR 

Date 6-28-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 810

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Source and Location of Point(s) of Diversion for Water Right No(s): 43-2346C

GROUND WATER	SESW	Sec. 29	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SENW	Sec. 32	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SWNE	Sec. 29	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESE	Sec. 20	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SENE	Sec. 32	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESE	Sec. 32	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SWSW	Sec. 28	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SWSW	Sec. 21	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESW	Sec. 21	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESW	Sec. 28	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SWSE	Sec. 21	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	NESE	Sec. 28	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESE	Sec. 28	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SENE	Sec. 33	Twp 11S	Rge 27E	CASSIA County
GROUND WATER	SESE	Sec. 33	Twp 11S	Rge 27E	CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-2346C	IRRIGATION	03/15	to	11/15	1.74 cfs	400.0 AF
Totals:					1.74 cfs	400.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	29												7.9			8.8	9.0	25.7
11S	27E	32	8.5	9.0		7.8													25.3
11S	27E	33					0.6	3.9	9.2	3.3	3.7	9.6	9.1	9.6					49.0

Total Acres: 100.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Right No. 43-10478 is an expansion of the following right nos. pursuant to Section 42-1416B, Idaho Code: 43-2346C, 43-2349, 43-2350, 43-2506.
13. The unleased portion of Right No. 43-2346C is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.
14. Unleased portion of Right No. 43-2346C when combined with rights 43-2349, 43-2350, 43-2506 and 43-10478 shall not exceed a total diversion rate of 11.41 cfs, a total annual maximum diversion volume of 2,536 af at the field headgate, and the irrigation of 932 acres.
15. Unleased portion of Right No. 43-2346C when combined with rights 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2506 and 43-10478 shall not exceed a total diversion rate of 22.49 cfs, a total annual maximum diversion volume of 5,020 af at the field headgate, and the irrigation of 1,553 acres.
16. Unleased portion of Right No. 43-2346C when combined with rights 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13685 shall not exceed a total diversion rate of 46.72 cfs, a total annual maximum diversion volume of 10,484 af and the irrigation of 2,919 acres.
17. 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 diversions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

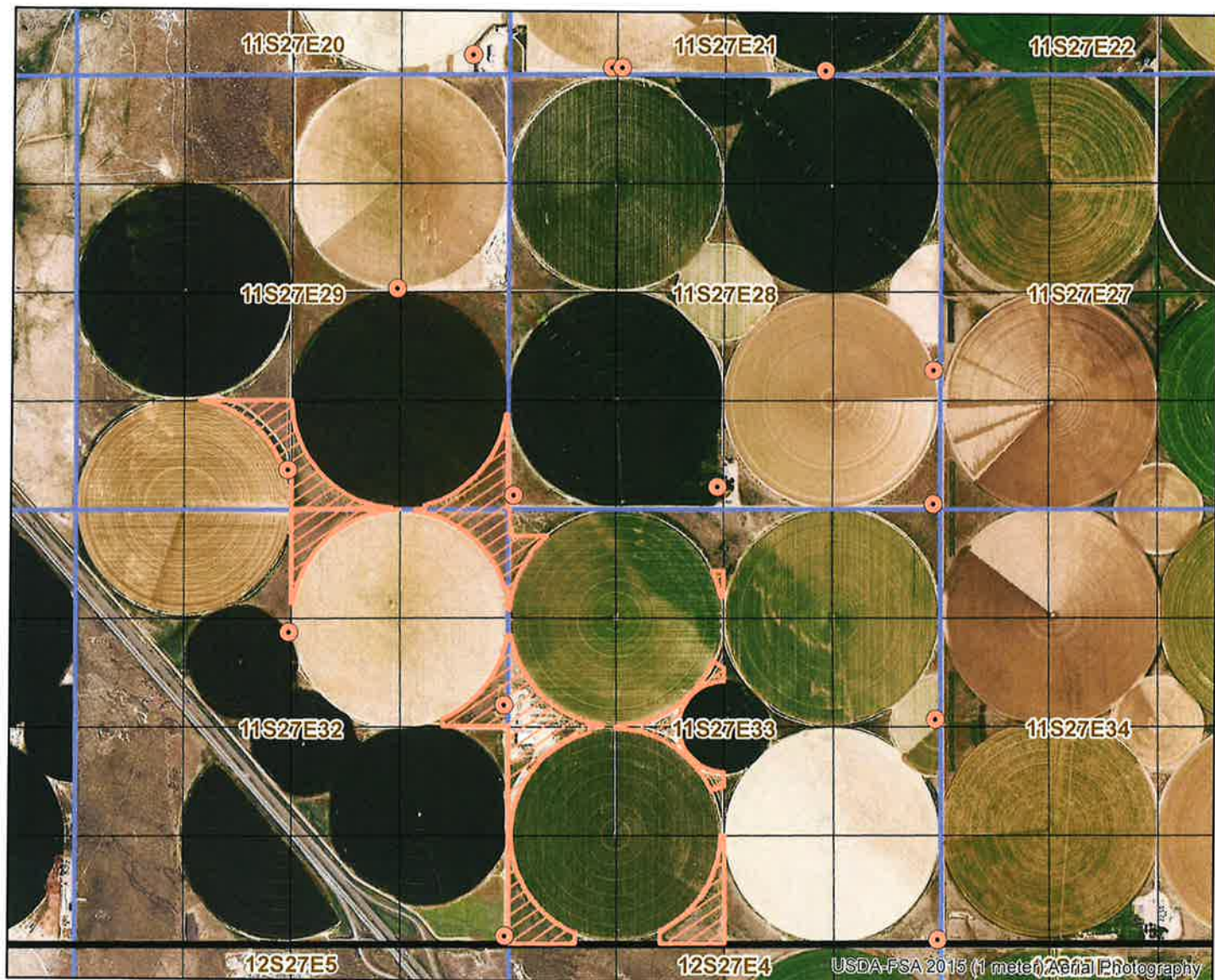
WATER SUPPLY BANK LEASE CONTRACT No. 810

18. 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. 143.
19. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 810

43-2346C
Effective until December 31, 2018

This map depicts the IRRIGATION 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
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 0.75 Miles

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKRECEIVED
MAY 29 2018
DEPARTMENT OF
WATER RESOURCESDesignated Applicant Raft River Valley Farms, LLC
(Select one owner – see item 1A on the application)Water Right No. 43-2346C
(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 \$ <u>250</u>	Received By: <u>ND</u>	Date Received: <u>5/29/18</u>	Receipt # <u>C105100</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Moss Family Investments</u>	

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 Raft River Valley Farms, LLC

Mailing Address 301 Scott Ave. Suite 2 Rupert ID 83350
Street City State Zip Code

Email Address Dan@mossfarms.com Phone Number 208-300-0009

☒ 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 Dan Moss Organization Raft River Valley Farms, LLC

Professional Title Manager Email Address dan@mossfarms.com

Mailing Address 390 N 925 E; Declo, ID 83323 Phone Number 208-300-0009

☒ 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.

Ground water delivered by central well pumping stations

- 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. Water right being offered for lease are dry pivots corners that have previously been in the water bank.

- 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 right was previously in the water bank lease program for the prior 5 years.

- 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: 2018 to 2018 (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 as established by the IWRD.

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

Dan Moss
Printed Name

May 25, 2018
Date


Signature of Authorized Representative

Dan Moss
Printed Name

May 25, 2018
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)
43-2346C	Row Crop Irrigation	1.74	400	100
Total Amounts:		1.74	400	100

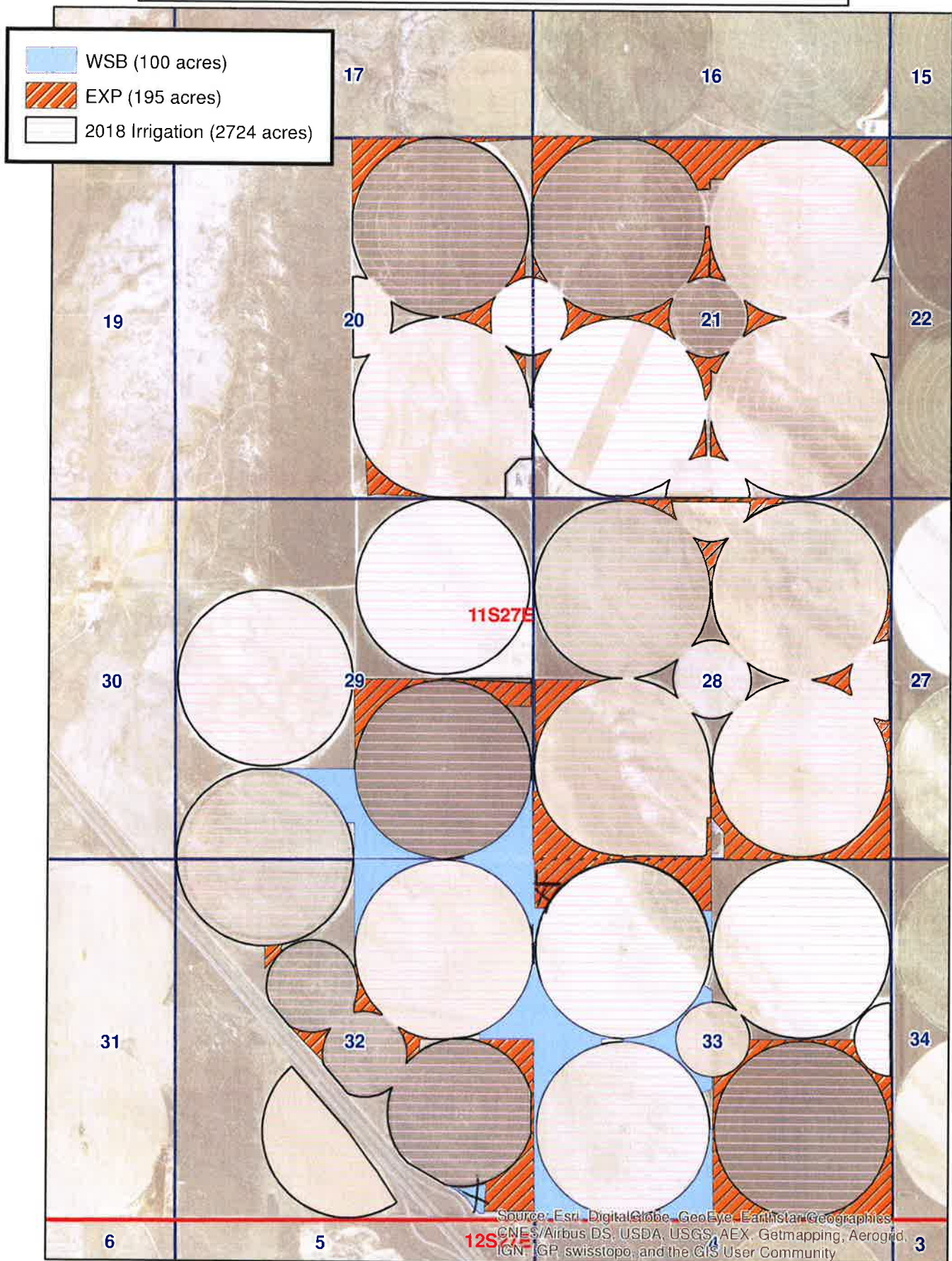
2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
11S	27E	29		SWNE			Cassia
11S	27E	32		SENE			Cassia
11S	27E	33		SENE			Cassia

*original water water is 2.78 CFS and 640 AFA
only 100 Acres will be leased of the 160 Acre limit.*

Dusty Farms LLC & Raft River Valley Farms LLC 2018 Irrigation, WSB, and Curtailed Expansion Acres





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2018

RAFT RIVER VALLEY FARMS LLC
301 SCOTT AVE STE 2
RUPERT ID 83350

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 43-2346C

Dear Lessor:

Water right **43-2346C** was leased into the Water Supply Bank (Bank) as of May 16, 2018, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2018**, unless the right is 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 right may not be available for immediate release if it has been rented or is 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,



Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Nathan Erickson - Water District 143



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 13, 2018

RAFT RIVER VALLEY FARMS LLC
301 SCOTT AVE STE 2
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT 43-2346C TO THE WATER SUPPLY BANK

****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, 2018**, 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 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C105100

MEMORANDUM

Date: June 12, 2018

About: Lease Contract 810

From: Clay Webster

Re: Separation of 43-2346C and 43-2349, 43-2350, 43-2506 & 43-10478

On June 1, 2018 I discussed this lease application for Raft River Valley with Mary Condon. We discussed the unstacking of these rights and the enlargement issues. We went over the way these rights are stacked and concluded that the expansion right (43-10478) was what gave these rights their combined limit. The expansion right adds no rate or volume to this stack of rights. The curtailment of 2/3 of the expansion right in 2018 is what makes this lease approvable.

If future actions are taken to transfer this water right or lease it without the other rights listed. There must be a verification that the expansion acres are curtailed to avoid an enlargement concern of causing an imbalance of rate or volume per acre through the lease or eventual rental.

MEMORANDUM FOR APPLICATION # 1100

To: Water Right(s) 43-2346C

From: Mary Condon

Date: June 7, 2018

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE: Lease application originally received on May 16, 2018 within a stack of water rights on PPU for Raft River Valley Farms, in conjunction with Dusty Farms. After review of acres required to be curtailed for 2018 by Watermaster, Nathan Erickson, applicant withdrew all but one water right for lease of 100 acres of irrigation. Original application fee received was \$500 for Raft River Valley applications, of which \$250 was refunded for the withdrawal of applications under application ID 1100 to Moss Farms as payer. (\$500 was also received for the Dusty Farms application ID 1098, and fully refunded to Moss Farms as payer).

New application for WR 43-2346C was received on May 29, 2018 for the 2018 season only of which the remaining \$250 application processing fee paid was applied.

AUTHORITY TO FILE: Applicant is Raft River Valley Farm, represented by the authorized manager, Dan Moss, validated via Idaho SOS 2017 Annual Report for the company. Raft River Valley Farms is the owner per tax parcel information in ArcMap. There is not an engineering firm or consultant listed on the lease application, only Dan Moss, Manager as representative.

WATER RIGHT VALIDITY: Water Right 43-2346C was decreed in 2002. Transfer 77072 in 2011 created PPU in effect until 81430 transfer. Portions have been in CREP along with 12.7 acres of the 160 acres of 43-2346C were leased to the Water Supply Bank 2013-2017, combined with 43-2349, etc., for 130.8 total acres. No concerns of validity. Transfer 81430 was a change of POU and adding PODs to create a PPU for water rights 43-13681 thru 43-13385 (owned by Dusty Farms) and water rights 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2575C, 43-4013A, 43-4014C, 43-4014E, 43-10478 & 43-13268 (owned by Raft River Valley Farms) within sections 21, 29, 28, 32 and 33 along with Dusty Farms Water rights in Section 20, into one PPU, all of 11S Twp, 27E Rge, Cassia County.

INJURY TO OTHER WATER RIGHTS: Continued lease of this right out of the PPU will not cause any injury, but rather continue to enhance water supplies in a CGWMA. Proper rental review should occur to prevent any injury.

ENLARGEMENT OF USE:

There is a combined limit on 43-2346C, 43-2349, 43-2350, 43-2506 and 43-10478 for 13.15 cfs, 1032 Acres and 2936 AF. To fully understand the limits and their true values, less lease: Water right 43-10478 is an expansion right of 43-2346C, 43-2349, 43-2350 and 43-2506, with no additive value to combined limits for rate and volume, and has been curtailed 65% during 2018 (acres not shown in table, but are reduced to 103 acres for 2018). 43-2346C and 43-2349 are additive, and are not reduced within the combined limit. Water right 43-2506 is "supplemental" to 43-2350 limiting the acres and volume when used together, per recommendation and decree during adjudication in 2002.

MEMORANDUM FOR APPLICATION # 1100

See also attached spreadsheet, "Combined Limits Review – 43-2346C."

Basin	Sequence	Suffix	Decreed, individually			Actual, when combined		
			Diversion Rate	Acre Limit	Volume	Combined CFS	Combined Acres	Combined Volume
43	10478		3.800	298.0	not stated	0.00	298.0	0.0
43	2346	C	2.780	160.0	640.0	2.78	160.0	640.0
43	2349		5.120	256.0	1,024.0	5.12	256.0	1024.0
43	2350		1.690	318.0	824.6	1.69	318.0	824.6
43	2506		3.560	240.0	960.0	3.56	0.0	447.4
				Combined Limit		13.15	1032.0	2936.0
43	2346	C		Leased Portion		-1.74	-100.0	-400.0
				Remaining Combined Limit		11.41	932.0	2536.0

Therefore leasing 100 acres worth of 43-2346C would not cause an enlargement. The proportionate amounts for 100 acres are 1.74 cfs and 400 af, which would be subtracted from the combined limits to leave 11.41 cfs, 932 acres and 2,536 af, when the unleased portion of 43-2346C is used with 43-2349, 43-2350, 43-2506 and 43-10478.

Unleased portion of 43-2346C when used with 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2575C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13385 is limited to 46.72 cfs, 10,484 af, and 2919 acres within the PPU.

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 appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the leased is subject to Water District # 143 Raft River Basin

Confirmation of CREP contract and acres covered were sought via email to Chuck Pentzer, with Idaho Soil & Water Conservation. There are currently only 27.7 acres in the CREP program until 2022, of which 2.5 acres were identified over the lease portion. Modifying the shape file for expansion acres and lease acres clears leased acres from CREP acres. This does not change irrigable acres, only classification of idled acres.

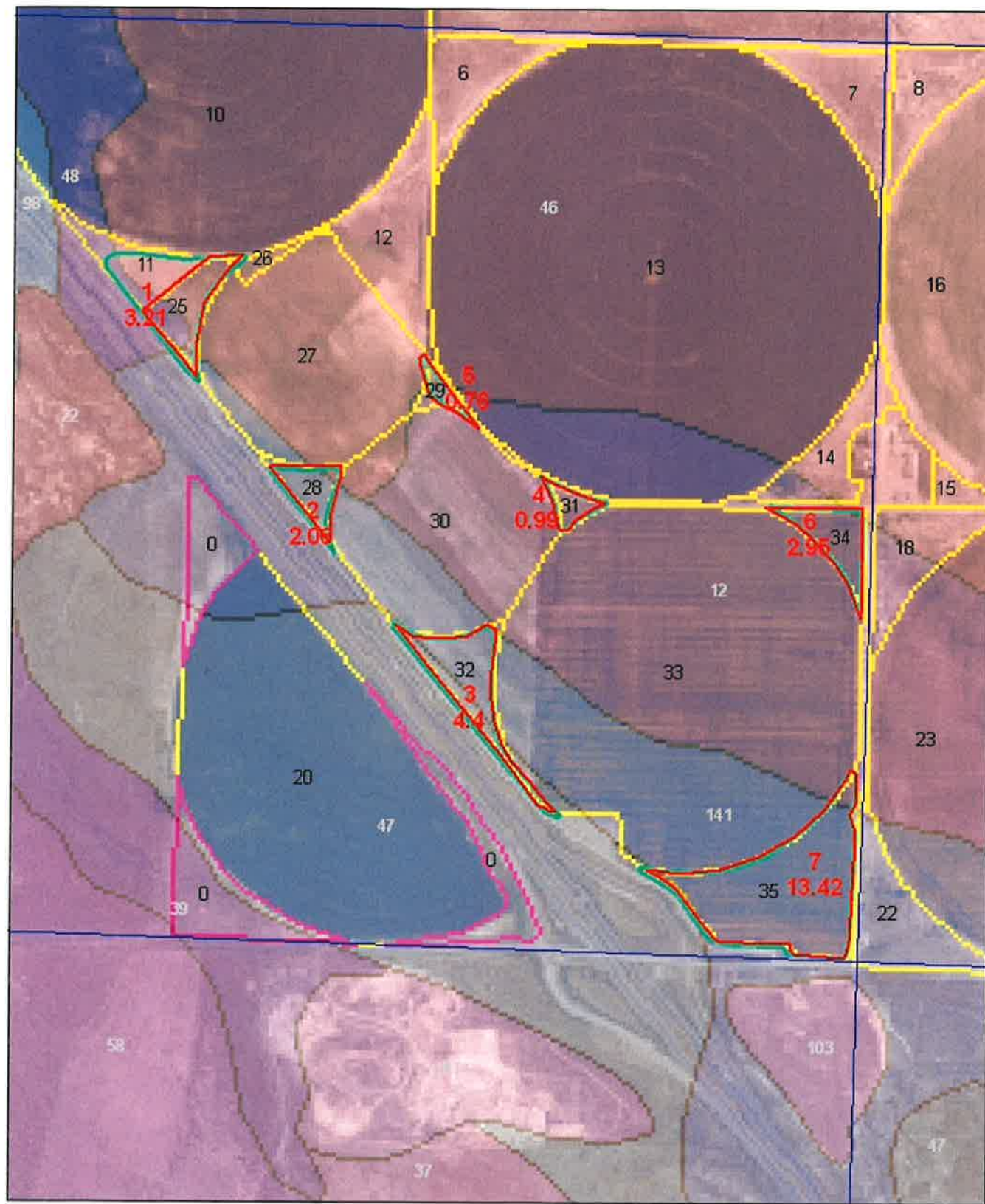
Email requesting comments from Watermaster, Nathan Erickson and Southern Region sent on June 8, 2018.

Combined Limits Review - 43-2346C

Basin	Sequence	Suffix	Priority Date	As Licensed/Decreed		Combined Limits by Sets				Combined Limits individual value actual		
				Diversion Rate	Acres Limit	Volume	Combined CFS	Combined Acres	Combined Volume	comb cfs calc	comb acre calc	comb vol calc
43	10478		6/30/1985	3,800	298.0					0.00	298.0	
43	2346 C		3/2/1950	2,780	160.0	640.0		1,032.0	640.0	2.78	160.0	640.0
43	2349		6/21/1950	5,120	256.0	1,024.0				5.12	256.0	1,024.0
43	2350		6/21/1950	1,690	318.0	824.6				1.69	318.0	824.6
43	2506		11/30/1960	3,560	240.0	960.0	5.25	318	1272	3.56	0.0	447.4
43	2346 H		12/26/1958	5,570	312.0	1,248.0	13.15	1032	2936	5.57	312.0	1,248.0
43	2346 J		12/26/1958	2,780	153.0	612.0				2.78	153.0	612.0
43	2346 K		12/26/1958	2,730	156.0	624.0				2.73	156.0	624.0
43	2346 D		3/2/1950	2,500	144.0	576.0	24.23	1653	5420	2.50	144.0	576.0
43	2351		6/14/1950	2,900	145.0	580.0				2.90	145.0	580.0
43	2574 C		7/19/1963	5,390	502.5	2,010.0				5.39	502.5	2,010.0
43	2576 C		3/24/1964	3,600	502.5	2,010.0				3.60	502.5	2,010.0
43	4013 A		6/15/1963	0,390	22.8	91.2				0.39	22.8	91.2
43	4014 C		7/1/1952	0,660	110.5	442.0	0.017 cfs/acre			0.66	110.5	442.0
43	4014 E		6/1/1954	0,890	110.5	442.0	10.9	635.8	2543.2	0.89	0.0	0.0
43	13268		12/9/1960	2,560	128.0	512.0				2.56	128.0	512.0
43	13681		7/19/1963	2,640	247.5	990.0	5.37	312	1248	2.64	247.5	990.0
43	13682		3/24/1964	1,760	247.5	990.0	0.017 cfs/acre			1.76	0.0	0.0
43	13683		6/15/1963	0,190	11.2	44.8				0.19	11.2	44.8
43	13684		7/1/1952	0,320	54.5	218.0	0.016 cfs/acre			0.32	54.5	218.0
43	13685		6/1/1954	0,430	54.5	218.0				0.43	0.0	0.0
				52.26	4,174.0	15,056.6	48.46	3019.0	10884.0	48.46	3,019.0	10,884.0
						leased	-1.74	-100	-400			
						remaining	46.72	2919	10484			

Basin	Sequence	Suffix	Divers Rate	Acres Limit	Volume	Combld CFS	Combld Acres	Combld Volume
43	10478		3,800	298.0	not stated	0	298	0.0
43	2346	C	2,780	160.0	640.0	2.78	160.0	640.0
43	2349		5,120	256.0	1,024.0	5.12	256	1024.0
43	2350		1,690	318.0	824.6	1.69	318	824.6
43	2506		3,560	240.0	960.0	3.56	0	447.4
43	2346 C					13.15	1032	2936
					lease	-1.74	-100	-400
					remaining	11.41	932	2536

Tract: 1624



0

2,400 Feet

ABC : Soit l'USYTA

-  Scenario_Polygon
 Cropland
 Not Cropland



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2018

RAFT RIVER VALLEY FARMS LLC
C/O DAN MOSS
390 N 925 E
DECLO ID 83323

RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, AND 43-10478 TO THE WATER SUPPLY BANK

Dear Applicant:

Per your written request received on May 29, 2018 the Department of Water Resources ("Department") acknowledges your request to withdraw your lease applications and replace the lease application for 43-2346C.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

I have requested a refund of \$250.00 for receipt C105100 for the withdrawal of the above referenced lease applications, to be sent to the payer, Moss Farms, c/o Ryan or Dan Moss, 301 Scott Ave Suite 2, Declo, Idaho 83323.

If you have questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Specialist

Enclosures: Lease Applications

c: Klade Williams - Moss Farms

Raft River Valley Farms, LLC
C/O Dan Moss
390 N 925 E
Declo, ID 83323

RECEIVED

MAY 29 2018

Department of Water Resources

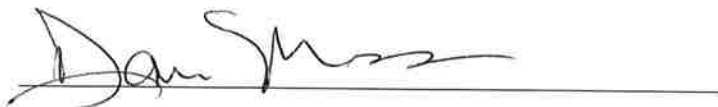
Memo

To: State Board of Idaho Water Resource Board
Date: May 25, 2018
Subject: Withdraw and cancelation of application to lease water to water bank

Raft River Valley Farms, LLC submitted multiple applications to lease water rights to the water supply bank dated 5/8/2018 for the following water rights:

43-2346 C (original application to be canceled and a revised application is attached)
43-2349
43-10478
43-2346 H
43-2346 J
43-2346 K
43-2350
43-2506
43-2574 C
43-2576 C
43-4013 A
43-4014 C
43-4014 E

Raft River Valley Farms, LLC withdraws and cancels said request.



Signature of Applicant: Dan Moss

Who is Manager for Raft River Valley Farms, LLC

Klade Williams

From: Erickson, Nathan
Sent: Thursday, May 24, 2018 4:56 PM
To: Klade Williams
Subject: RE: 2018 Expansion acre plan
Attachments: WSB Attachment 2 Portion of Water Right.pdf

Klade,

It looks like you could use a portion of WR 43-2346C. The water right is for 160 acres and you could put 100 of it in the water bank. You would need to fill out the part 2 form since only a portion will be put in the bank (see attached). I talked to Mary and if you decide to use the same map I provided she already has a shapefile of the 100 acres that would go in the bank. Let me know if you have any other questions.

Nathan

From: Klade Williams [<mailto:klade@mossfarms.com>]
Sent: Thursday, May 24, 2018 4:19 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: FW: 2018 Expansion acre plan

Nathan,

Thanks for preparing an updated map for the Water Bank acres. To reach the targeted 100 acres, which of the water rights, from the attached report, should we rent to the bank?

I tried searching the IDWR website maps, but wasn't able to pinpoint water rights with WSB areas nor figure how to back into the targeted 100 acres.

Thank You

Klade Williams - CFO
Moss Farms
Arrowhead Potato Company
301 Scott Ave Suite 2
Rupert, ID 83350
208-434-2038 (office)
208-434-2138 (fax)
208-260-0379 (cell)
klade@mossfarms.com

From: Ryan Moss [<mailto:ryan@mossfarms.com>]
Sent: Wednesday, May 23, 2018 11:11 AM
To: Klade Williams
Subject: Fwd: 2018 Expansion acre plan

----- Forwarded message -----

From: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Date: Wed, May 23, 2018 at 11:09 AM
Subject: 2018 Expansion acre plan
To: "ryan@mossfarms.com" <ryan@mossfarms.com>

Ryan,

Here is a map showing what I came up with for the expansion acres for 2018. I also showed the remainder of the water supply bank water that could be put in the bank. Let me know if this will work for you.

Thanks,

Nathan Erickson

Technical Hydrologist

Southern Region

Idaho Department of Water Resources

Office (208)736-3033

Cell (208)999-1623



--
Ryan Moss

Moss Farms
Arrowhead Potato
208-300-0010

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/25/2018

WATER RIGHT NO. 43-2346C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAFT RIVER VALLEY FARMS LLC 301 SCOTT AVE SUITE 2 RUPERT, ID 83350 2083000009
Original Owner	IDAHOME FARMS INC C/O WESLEY PARR 438 S 135 LN E RUPERT, ID 83350 2084364765

Priority Date: 03/02/1950

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.78 CFS	640 AFA
Total Diversion			2.78 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 20	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWSW	Sec. 21	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESW	Sec. 21	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWSE	Sec. 21	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWSW	Sec. 28	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESW	Sec. 28	Township 11S	Range 27E	CASSIA County

GROUND WATER	NESE	Sec. 28	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESE	Sec. 28	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWNE	Sec. 29	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESW	Sec. 29	Township 11S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 32	Township 11S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 32	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESE	Sec. 32	Township 11S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 33	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESE	Sec. 33	Township 11S	Range 27E	CASSIA County

IRRIGATION Use:

Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	27E	20		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		21		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		28		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		29		NENE	40		NWNE	40		SWNE	40		SENE	40
				SWNW	40		SENE	40						
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		32		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	35		SWNW	30.1		SENE	36.8
				NESW	28.3		SESE	40						
				NESE	40		NWSE	38.5		SWSE	24		SESE	36.2
		33		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40

Total Acres: 3308.9

Conditions of Approval:

1. X27 This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
Rights 43-2349, 43-2350, 43-2506, 43-10478 and 43-2346C when combined shall not exceed a total diversion rate of 13.15 cfs, a total annual maximum diversion volume of 2936 af at the field headgate, and the irrigation of 1032 acres.
2. X35 Rights 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2506, 43-10478 and 43-2346C when combined shall not exceed a total diversion rate of 24.23 cfs, a total annual maximum diversion volume of 5420 af at the field headgate, and the irrigation of 1653 acres.
3. X35 Rights 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13685 when combined shall not exceed a total diversion rate of 48.46 cfs, a total annual maximum diversion volume of 10,884 af and the irrigation of 3019 acres.
4. X35 Rights 43-2346C, 43-2346D, 43-2346H, 43-2346J, 43-2346K, 43-2349, 43-2350, 43-2351, 43-2506, 43-2574C, 43-2576C, 43-4013A, 43-4014C, 43-4014E, 43-10478, 43-13268, 43-13681, 43-13682, 43-13683, 43-13684 and 43-13685 when combined are limited to the irrigation of a specific 3019 acres within the 3308.9 acre place of use authorized by this right in a single irrigation season. The specific 3019 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 3019 acres to be irrigated within the 3308.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 206 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. 143.
6. R05 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 diversions.
7. R43 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. R64 Right No. 43-10478 is an expansion of the following right nos. pursuant to Section 42-1416B, Idaho Code: 43-2346C, 43-2349, 43-2350, 43-2506.
9. K03 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T07 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T08 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
12. T19

Dates:

Licensed Date:

Decreed Date: 06/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:
Water District Number: 143
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 1032
Combined Volume Limit: 2936
Combined Rate Limit: 13.15
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): DANIEL D MOSS
Lease Status: Active
Lease Amount: .22
Rental Availability: None
Date Received: 5/1/2013
Lease Begin Date: 5/1/2013
Expiration Date: 12/31/2017

Close

No. W 118057 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than Oct 31, 2017 Annual Report Form 1. Mailing Address: Correct in this box if needed RAFT RIVER VALLEY FARMS, LLC DAN MOSS 301 SCOTT AVE STE 2 RUPERT ID 83350		2. Registered Agent and Address (NO PO BOX) DANIEL D MOSS 390 N 925 E DECLO ID 83323 3. New 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
MANAGER	DAN MOSS	390 N 925 E	DECLO	ID	USA
Postal Code 83323					
5. Organized Under the Laws of: ID W 118057		6. Annual Report must be signed.* Signature: Lori Anderson Name (type or print): Lori Anderson Date: 08/29/2017 Title: Bookkeeper			
Processed 08/29/2017		* Electronically provided signatures are accepted as original signatures.			