



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

January 6, 2017

MAN FARMS LLC
PO BOX 99
GLENN'S FERRY ID 83623

**RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER
RIGHTS: 2-2371 & 2-10032**

Dear Lessor:

Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right(s) were leased to the Water Supply Bank (Bank) through December 31, 2016. **This letter is notice that the right(s) are now considered released from the Bank.**

If you would like to renew the lease of these right(s) to the Bank, please complete a new Application to Sell or Lease a Water Right to the Water Supply Bank and remit the applicable filing fee. You can find new applications at the Department's website at www.idwr.idaho.gov.

A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have any questions regarding this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to be 'RB' followed by a long horizontal stroke.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

AUG 18 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: MAN FARMS LLC
PO BOX 99
GLENNS FERRY ID 83623
208-599-3030

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. On July 20, 2016, the Lessor filed an application to lease the water right described below into the Water Supply Bank.
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 the 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 RIGHT:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water right described as follows:

Summary of Water Right or Portion Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
2-2371	05/14/1965	SNAKE RIVER	COLUMBIA RIVER	0.9 cfs	225.0 af	45.0 ac

Lease Totals 0.9* cfs 225.0 af 45.0 ac

*Limited to a total diversion rate of 0.77 cfs

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.

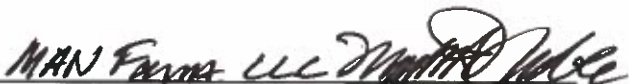
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2016. 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.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

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

MAN FARMS LLC
PO BOX 99
GLENN'S FERRY ID 83623

By MAN Farms LLC  Date 8/10/16
Printed Name MARK A. NOBLES Title PRES.

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By  Date 8/22/2016
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 8-22-2016

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE
WATER RIGHT NO. 2-2371

The water right or portion thereof leased to the bank is described as follows:

Lessor: MAN FARMS LLC
PO BOX 99
GLENN'S FERRY ID 83623
208-599-3030

Location of Point(s) of Diversion for Water Right 2-2371

SNAKE RIVER L4(NWNWSW) Sec. 34, Twp 05S, Rge 09E, ELMORE County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
2-2371	IRRIGATION	03/15	to 11/15	0.9 cfs	225.0 af
Total:				0.9 cfs	225.0 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	09E	16	9.0		9.0	9.0			9.0	9.0									45.0

Total Acres: 45.0

Conditions Applicable to Leased Water Right

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the 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 after the following rental season.
11. The water right leased to the bank is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
13. The unleased portions of water rights 2-2186, 2-2371, 2-10032, 2-10034, 2-10035, 2-10043 and 2-10477 when combined shall not exceed a total diversion rate of 61.05 cfs.
14. Place of use is within the area served by Sailor Creek Project.
15. The leased portions of 2-2371 and 2-10032 are only available to rent in combination with the leased portions of 2-2186, 2-10034, 2-10035 and 2-10477.
16. Water rights 2-2186, 2-2371, 2-10032, 2-10034, 2-10035 and 2-10477 are diverted through the same point of diversion.

Idaho Water Resource Board
Water Supply Bank Lease

2-2371

Effective until December 31, 2016

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
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUL 20 2016

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant MAN Farms LLC

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

Water Right No. 2-2371

(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>500</u>	Received By: <u>JO</u>	Date Received: <u>7-20-16</u>	Receipt # <u>C102288</u>
W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)		Name on W-9:	

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 MAN Farms LLC

Mailing Address 575 W Bannock St, Boise, ID 83702

Street City State Zip Code

Email Address john@jmarshalllaw.com

Phone Number 208-991-2701

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

OR

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

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

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

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

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

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

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

Name of Representative Mark Noble

Organization MAN Farms LLC

Professional Title Manager

Email Address markn@farmdevcorp.com

Mailing Address PO Box 99, Glenns Ferry, Idaho 83623

Phone Number 208-599-3030

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

- B. Please provide a description of the current water diversion and delivery system.
Pumps at river, penstock and mainlines.

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

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right was decreed in the SRBA in 2008. Since that time the right has either been used in full or placed in the Water Bank.

- 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 BOARDAPPLICATION 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
- ☐
- ?

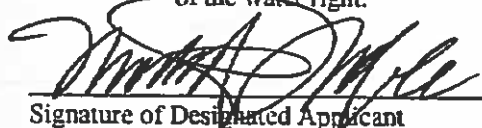
If lease, specify the years when the use of water will be suspended: 2016 to 2016 (maximum lease period 5 calendar years).
(Year) (Year)

- 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.

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 ApplicantMARK A. NOBLE
Printed Name7/19/16
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

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

RECEIVED

AUG 01 2016

DEPARTMENT OF
WATER RESOURCES

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☐?

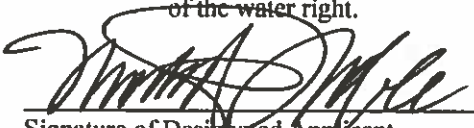
If lease, specify the years when the use of water will be suspended: _____ to _____ (maximum lease period 5 calendar years).
(Year) (Year)

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.

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

MARK A. NOBLE
Printed Name

7/19/16
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

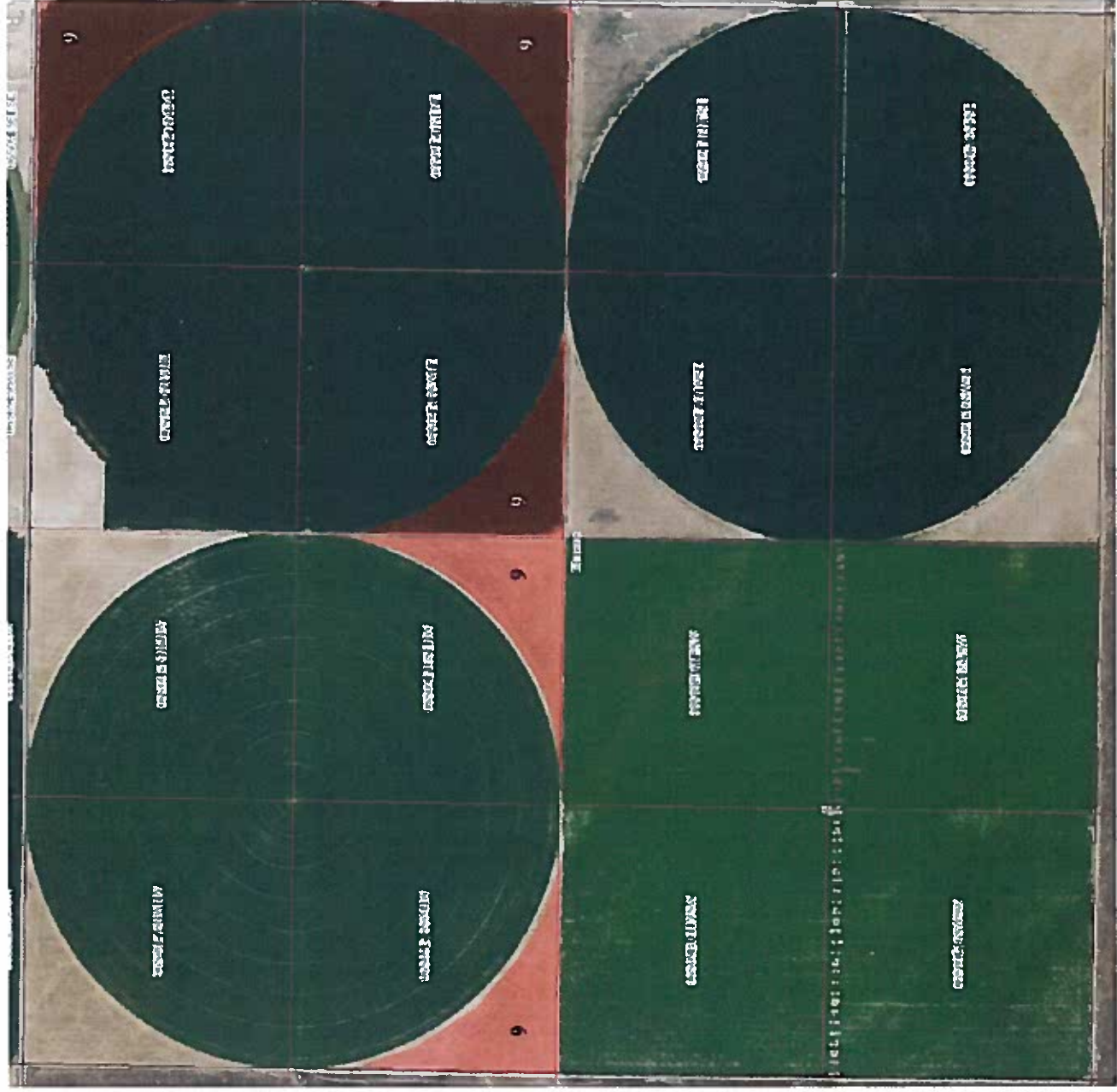
<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>2-2371</u>	<u>Irrigation</u>	<u>0.77</u>	<u>225</u>	<u>45</u>
	Total Amounts:			

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

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

T6S R9E S16



Total acres in bank: 45



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

August 22, 2016

MAN FARMS LLC
PO BOX 99
GLENNS FERRY ID 83623

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHT 2-2371

Dear Lessor:

Water right 2-2371 was leased into the Water Supply Bank (Bank) as of July 20, 2016, 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, 2016**, 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,

for Water Supply Bank

Enclosure: Executed Lease Contract

c: John Marshall – John Marshall Law PLLC
Angie Grimm - IDWR Western Region
Rob Whitney – Water District 02

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

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

August 18, 2016

RECEIVED

AUG 18 2016

DEPARTMENT OF
WATER RESOURCES

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

Re: Executed Water Bank Contracts

Dear Jean:

Enclosed please find executed copies of the Water Supply Bank Lease Contracts for rights 02-2371 and 02-10032.

Thank you,



John M. Marshall



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 18, 2016

MAN FARMS LLC
PO BOX 99
GLENN'S FERRY ID 83702

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS FOR
WATER RIGHT(S) 2-2371 and 2-10032**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on August 2, 2016. The signed contracts have not been returned to the Department.

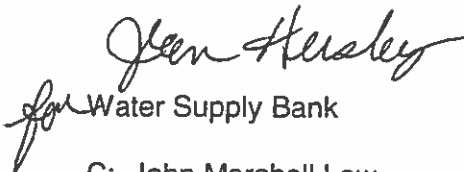
Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

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.

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

Sincerely,


for Water Supply Bank

C: John Marshall Law

Hersley, Jean

From: Grimm, Angie
Sent: Wednesday, August 03, 2016 8:07 AM
To: Hersley, Jean; Van Dyke, Nick; Whitney, Rob
Subject: RE: MAN Farms WSB Lease Applications

Jean,

No concerns come to mind on these leases. Thank you for the opportunity to comment.

Thanks,
Angie

From: Hersley, Jean
Sent: Tuesday, August 02, 2016 1:34 PM
To: Van Dyke, Nick; Whitney, Rob; Grimm, Angie
Subject: MAN Farms WSB Lease Applications

Please let me know if you have any comments or concerns within 7 days. Thank you.

Angie,
I see where Nick is out for quite a while. I'm assuming we send these to you in the interim.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 2, 2016

MAN FARMS LLC
PO BOX 99
GLENN'S FERRY ID 83702

RE: APPLICATIONS TO LEASE WATER RIGHT 2-2371 and 2-10032 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, 2016**, 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 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,

for 
Water Supply Bank

Enclosure: Proposed Lease Contracts

c: John Marshall Law

WATER SUPPLY BANK

Agent Lease Review Checklist

Applicant(s) Name: MAN Farms LLC

Memo Date: July 28, 2016

Water Right Number(s): 2-2371

Reviewers Name: Jean

Quick Tools

Decreed Year	No Forfeiture Concerns Thru:
2009	2015
2010	2016
2011	2017
2012	2018
2013	2019

	Check box	COMMENTS/CONCERNS:
1 Fill out WSB Data Entry Checklist for Leases	x	
2 Reason for lease of water rights (Brief description of lease proposal in narrative)		
Portion of right	x	
All of right		
3 Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)		
4 Rentable? If no explain in comments	Yes No	
5 Authority to file		
Current owner or designated applicant		
SOS Web site checked for business entity	x	
Other (explain in comments)		
6 Water Right validity		
Decreed/Licensed/Statutory claim date (write in comments section)		
Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)		
Has this right previously been leased to the bank or in CREP?	x	
7 Injury to other water rights		
If the POD is through a delivery entity, was consent provided?	na	
If the POD is through a delivery entity, was holdback required? (percentage in comments)		%
8 Enlargement concerns	Check box	
Complete a POU comparison overlap analysis	x	
Complete a combined limits review	x	
Complete POD overlap analysis (if there is an overlap add condition to lease)	x	
Are there overlapping rights that need to be placed in the bank also?	Yes No	
Will the place of use continue to receive water?	x	
9 Local Public Interest		
Does the processor know of any problems this action will cause for the local public?	x	
10 Have you contacted regional office and watermaster for comment/concerns?	x	
Send the watermaster comment request form or e-mail request	x	
11 Area Headgate requirement		4
12 Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments	x	
13 Narrative: The applicant proposes to place 45 acres in the Bank. Applicant listed the pivot corners at 9 acres each. His pivots are generally designed to irrigate 125 acres. On 160 acres, that is approximately 9 acres for each corner. The application was signed by Mark Noble, member. This water right was decreed in 2011. Portions of the right have been in the Bank since 2012. Forfeiture is not an issue. There are no overlapping rights. Water rights 2-2186, 2-2371, 2-10032, 2-10034, 2-10035 and 2-10477 are diverted through the same point of diversion. There is a combined rate limit with water rights 2-2186, 2-10032, 2-10034, 2-10035, 2-10043 and 2-10477 of 71.0 cfs. This water right is currently within WD 02.		

No. W 31601	Due no later than Jun 30, 2016 Annual Report Form		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	1. Mailing Address: Correct in this box if needed. MAN FARMS, LLC MARK A NOBLE PO BOX 99 GLENN'S FERRY ID 83623		MARK A NOBLE 2107 S SAILOR CREEK RD GLENN'S FERRY ID 83623			
			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	MARK A NOBLE	PO BOX 99	GLENN'S FERRY	ID		83623
5. Organized Under the Laws of: ID W 31601		6. Annual Report must be signed.* Signature: Mark Noble Name (type or print): Mark Noble Date: 06/15/2016 Title: Member				
Processed 06/15/2016		* Electronically provided signatures are accepted as original signatures.				

Hersley, Jean

From: John Marshall <john@jmarshalllaw.com>
Sent: Friday, July 29, 2016 5:27 PM
To: Hersley, Jean
Subject: Re: WSB Lease Applications for ATN Holdings and MAN Farms

Jean, for the acres I used IDWR's current mapping tool available on the website. I mapped numerous corners and they routinely came up at 9 acres, sometimes 10. When this happened I talked to the applicant and learned that the the pivots generally are designed to irrigate 125 acres. On a 160, that results in a pivot corner of 8.75 acres. I wanted to make sure we were capturing the non-irrigated acres to avoid inadvertently losing them to forfeiture. In the past, I went under the assumption that the pivots irrigated 130 acres, which results in 7.5 acre corners, but with the mapping program showing 9, and the theoretical design at 125 acres, I thought it best to go with the 9. If your more precise mapping is showing the corners at 7.5, then that is what we should go with.

On Fri, Jul 29, 2016 at 2:53 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Thank you. As I am reviewing these leases, I am trying to figure out where you came up with 9 acres for the pivot corners. In years past, 7.5 acres for the pivot corners were leased. In some cases, I can barely come up with 7.5 acres. If you have a shape file for the maps you sent, please send it to me.

Also, in some cases, there aren't a full 40 acres decreed so the acres proposed to be leased have been reduced from what you show on your map.

If you have any questions, please contact me on Monday as I'm getting ready to leave for the day.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Thursday, July 28, 2016 5:29 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: WSB Lease Applications for ATN Holdings and MAN Farms

Hi Jean,

all the ATN Holdings apps should have original signatures. I dropped the two MAN Farms original signature pages in the mail today. For consistency, I did not add the missing information about the timeframe for lease and will let our email conversation on the subject take care of that. If you need anything else, please let me know. Thanks,

John

On Thu, Jul 28, 2016 at 9:54 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Thank you.

The Department requires original signatures for each WSB lease applications. Please send these to my attention:

IDWR

PO Box 83720

Boise ID 83720-0098

Jean

From: John Marshall [mailto:john@imarshalllaw.com]

Sent: Wednesday, July 20, 2016 3:37 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: Re: WSB Lease Applications for ATN Holdings and MAN Farms

Jean, on all the apps the applicant wants to do a single year lease in 2016. Thanks,

John

On Wed, Jul 20, 2016 at 2:45 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

John,

The Department received these Water Supply Bank Lease applications today. On the applications for MAN Farms LLC, the years to be leased was left blank. Please let me know for how many years, up to 5, your client would like these rights in the Bank. Are these leases to start in the 2016 season?

And, on the applications for ATN Holdings LLC, the years to be leased is stated as 3/1 to 12/31. No year was stated. Please let me know how many years and what year to start in.

Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

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

July 19, 2016

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

RECEIVED

JUL 20 2016

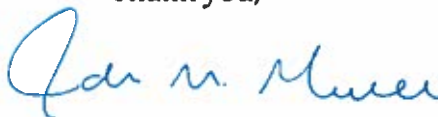
DEPARTMENT OF
WATER RESOURCES

Re: Sailor Creek Project Water Bank Applications

To Whom It May Concern:

On behalf of MAN Farms LLC and ATN Holdings LLC, I enclose executed Water Supply Bank Lease Applications for the following water rights: 02-2186, 2-2371, 2-10032, 2-10034, 2.10035 and 2-10477. Consistent with past practice, the filing fee for these applications is \$500 pursuant to a combined diversion limit that limits the total diversion under these rights to 71 cfs.

Thank you,



John M. Marshall