

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

APR 29 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: WG FARMS LLC
695 N 700 E
RUPERT ID 83350
208-531-5104

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 March 30, 2016, the Lessor filed an application to lease the water rights 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 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	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
36-2550	8/27/1962	GROUND WATER	NA	0.13 cfs	27.6 af	6.9 ac
36-8212	6/22/1983	GROUND WATER	NA	0.04 cfs	7.0 af	1.8 ac

SUPPORT DATA

Lease Totals 0.15 cfs 34.7 af 8.7 ac

IN FILE # 36-2550

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, 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.
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.

WG FARMS LLC
695 N 700 E
RUPERT ID 83350

By 

Date 4-27-16

Printed Name Steven Whitesides

Title Manager

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 4/29/2016

Lease approved by IDWR 

Date 4-29-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 36-2550 and 36-8212

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

Lessor: WG FARMS LLC
695 N 700 E
RUPERT ID 83350
208-531-5104

Location of Point(s) of Diversion for Water Right 36-2550 and 36-8212

GROUND WATER	NWSENW	Sec. 07, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	NESWNE	Sec. 07, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	NESWSE	Sec. 07, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	SWNESW	Sec. 07, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	SWNENE	Sec. 14, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	SWNWSE	Sec. 14, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	SESENE	Sec. 12, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	SWSENE	Sec. 13, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	SEWNNE	Sec. 24, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	NENWNW	Sec. 25, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	SESESE	Sec. 25, Twp 07S, Rge 24E, MINIDOKA County
GROUND WATER	NESWNW	Sec. 17, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	SESESW	Sec. 18, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	NESESE	Sec. 18, Twp 07S, Rge 25E, MINIDOKA County
GROUND WATER	NESENW	Sec. 19, Twp 07S, Rge 25E, MINIDOKA County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
36-2550	IRRIGATION	03/15	to 11/15	0.13 cfs	27.6 af
36-8212	IRRIGATION	04/01	to 10/31	0.04 cfs	7.0 af
Total:				0.15 cfs	34.7 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	
07S	24E	13												4.5					4.5
07S	24E	24					4.2												4.2

Total Acres: 8.7

Conditions Applicable to All Leased Water Rights

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.

4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, 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(s) leased to the bank are 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. 130.
13. The unleased portion of water right 36-2550 is limited to the irrigation of 210.1 acres within the place of use described above in a single irrigation season.
14. The unleased portion of water right 36-8212 is limited to the irrigation of 56.2 acres within the place of use described above in a single irrigation season.
15. The unleased portion of Rights 36-2550 and 36-8212 when combined shall not exceed a total diversion rate of 4.45 cfs, a total annual maximum diversion volume of 1061.3 af at the field headgate, and the irrigation of 265.3 acres.
16. Rights 36-2061, 36-2134, 36-2135, 36-2136, 36-2142A, 36-2220, 36-2315A, 36-2315C, 36-2315D, 36-2315E, 36-2415A, 36-2501, 36-2550, 36-7186, 36-7187, 36-7399, 36-8212, 36-8213, 36-8257, 36-8258, 36-8259, 36-15356A, 36-15380, 36-16403 and 36-16796 when combined shall not exceed a total diversion rate of 70.04 cfs, a total annual maximum diversion volume of 17,510.8 af at the field headgate, and the irrigation of 4,382.7 acres. This does not take into consideration any rights that are leased to the Bank.
17. These rights when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Idaho Water Resource Board
Water Supply Bank Lease

36-2550 and 36-8212
Effective until December 31, 2020

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



-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 250 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED RECEIVED

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

MAR 30 2016
DEPARTMENT OF WATER RESOURCES

Designated Applicant WG Farms LLC

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

Water Right No. 36-2550

(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.

MIMUMUM 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 \$ 250.00

Received By: df

Date Received: 3/30/16

Receipt # C010774

W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)

Name on W-9: WG Farms, LLC

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 WG Farms LLC

Mailing Address 700 E 695 N Rupert, ID 83350

Street

City

State

Zip Code

Email Address _____ Phone Number 208-531-5104

☒ 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 Zach Latham

Organization Brockway Engineering PLLC

Professional Title Hydrologist

Email Address zach.latham@brockwayeng.com

Mailing Address 2016 Washington St. N Suite #4 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.
All wells are interconnected via buried mainlines and water is distributed to PPU through the buried irrigation 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. Portions of water rights 36-2550, and 36-8212 are currently leased to and rented from the WSB. This application seeks to supersede the previous lease and the applicant seeks to release any and all un-rented portions of these rights (see attached release request forms).
- 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. Existing PPU will continue to be irrigated by valid water rights.
- 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. These water rights are currently leased to the WSB, see the answer to #4C.
- 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. N/A.
- 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 ☒
N/A.

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: 2016 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.

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

MANAGER WLG FARM LLC
Printed Name

3-28-16
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**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

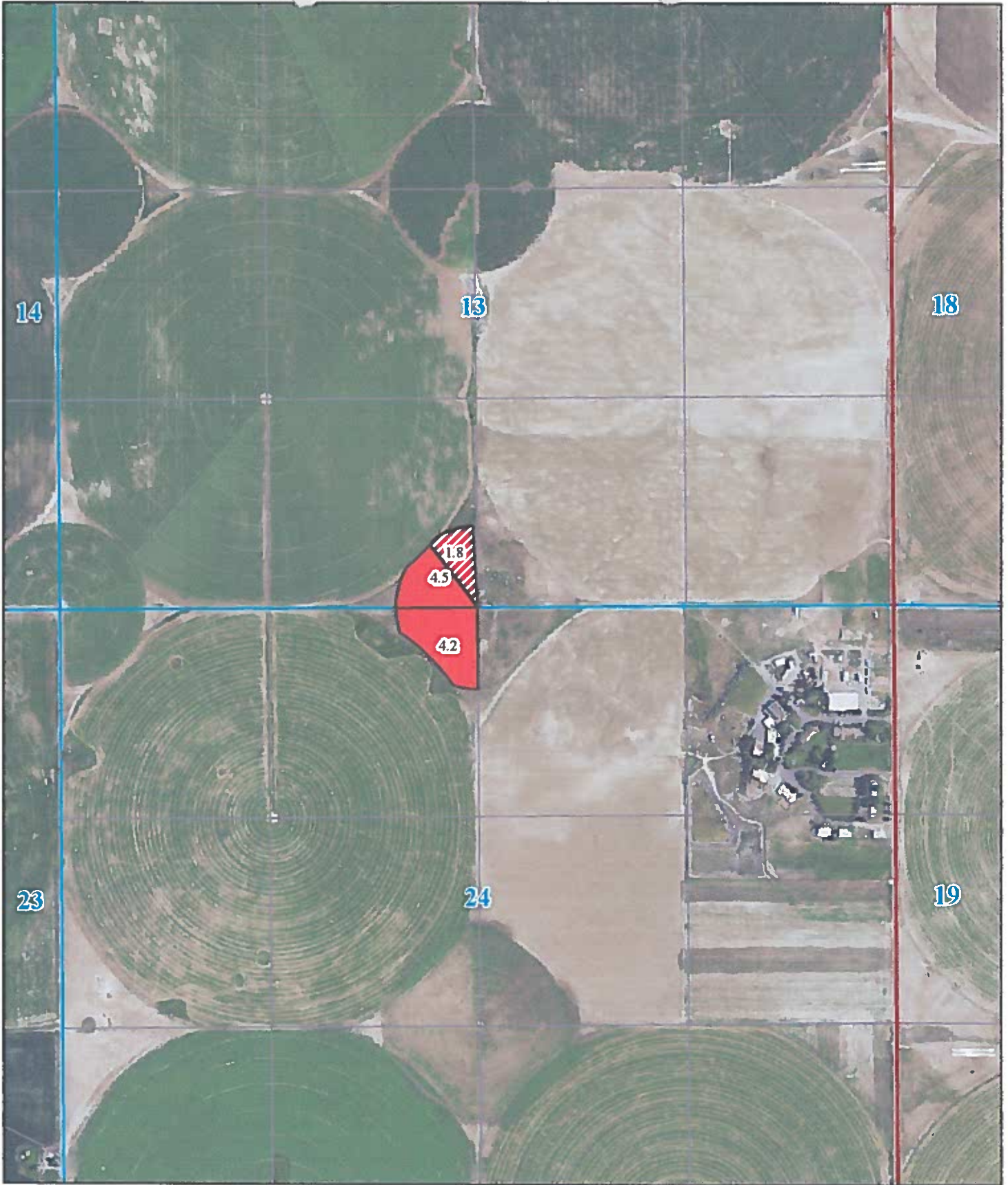
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
36-2550	Irrigation	0.17	27.6	8.7
	Total Amounts:	0.17	27.6	8.7

2. Source of water Ground Water tributary to N/A.

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
							See Attachment A.



0 625 1,250 Feet

BROCKWAY ENGINEERING, PLLC
ALR - Date: 3/28/2016

WG FARMS LLC
WSB LEASE 2016-2018, 36-2550, 36-8212
2015 NAIP AERIAL

Legend
Rented_Ac_Leased_In_2014
36-2550 - 8.7 Ac
36-8212 - 1.8 Ac
Township
Sections
Adesc

N
↑



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

May 4, 2016

WG FARMS LLC
695 N 700 E
RUPERT ID 83350

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 36-2550 and 36-8212

Dear Lessor:

Water rights 36-2550 and 36-8212 were leased into the Water Supply Bank (Bank) as of March 30, 2016, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contracts, 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, 2018**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **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 me at 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Zach Latham – Brockway Engineering
Allen Merritt - IDWR Southern Region
Nathan Erickson – Water District 130

Hersley, Jean

From: Merritt, Allen
Sent: Monday, April 25, 2016 2:06 PM
To: Hersley, Jean
Subject: RE: WSB Lease for WG Farms LLC 36-2550 and 36-8212

No issue.

From: Hersley, Jean
Sent: Friday, April 22, 2016 1:24 PM
To: Erickson, Nathan; Merritt, Allen
Subject: WSB Lease for WG Farms LLC 36-2550 and 36-8212

This is a modification of a lease that expires in 2018. The applicant wanted to release all the acres he had leased but portions of these rights are rented and cannot be released. The applicant decided to release the portions that were not rented. This lease contract is a reflection of portions still leased to the Bank.
Please let me know if you have any comments or concerns.

*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

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

ARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April, 22, 2016

WG FARMS LLC
695 N 700 E
RUPERT ID 83350

RE: APPLICATIONS TO LEASE WATER RIGHT 36-2550 and 36-8212 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 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 me at 287-4910.

Sincerely,

for 
Clay Webster
Water Resource Agent
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts

c: Brockway Engineering PLLC

WATER SUPPLY BANK
Agent Lease Review Checklist
Applicant(s) Name: WG Farms LLC

Memo Date: april 22, 2016

Water Right Number(s): 36-2550 36-8212

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)			
		Yes	No	
4	Rentable? If no explain in comments	x		
5	Authority to file			
	Current owner or designated applicant	x		
	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?			
	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	
			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: Portions of these water rights have been in the Bank since 2012. The applicant is modifying a lease that expires in 2018. They are leaving only the portions that are rented in the Bank and releasing the other pieces. These water rights are currently within WD 130.			

No. W 70942	Due no later than Jan 31, 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. WG FARMS, LLC STEVEN WHITESIDES 695 N 700 E RUPERT ID 83350		STEVEN WHITESIDES 695 N 700 E RUPERT ID 83350			
			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	DEREK WHITESIDES	695 N 700 E	RUPERT	ID	USA	83350
MANAGER	STEVEN WHITESIDES	695 N 700 E	RUPERT	ID		83350
5. Organized Under the Laws of: ID W 70942		6. Annual Report must be signed.* Signature: Steven Whitesides Name (type or print): Steven Whitesides Date: 01/13/2016 Title: Manager				
Processed 01/13/2016		* Electronically provided signatures are accepted as original signatures.				



BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

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MAR 30 2016

DEPARTMENT OF
WATER RESOURCES

March 29th, 2016

Mr. Clay Webster
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: WG Farms LLC; Release of 2013 Applications, New Leases for Rented Portions of 36-2550 and 36-8212.

Dear Clay,

Portions of water rights 36-2415A and 36-15356A and 36-2550 and 36-8212 are appurtenant to the WG Farms LLC's property in T.07S R.24E, 25E in Minidoka County, ID and were accepted into the Water Supply Bank in 2013. The lease duration runs through 2018 for these water rights. 27.6 acre-feet and 8.7 acres of 36-2550 and 7.0 acre feet and 1.8 acres of 36-8212 have been rented through 2018. On February 29th, 2016, Greg Sullivan of our office submitted rental applications requesting to rent portions of 36-2415A and 36-15356A and 36-2550 and 36-8212 on behalf of Joe Kearl, Rodney Jentzsch and SSJ Farms.

WG Farms LLC has decided to release all unrented portions of these water rights. Because of this request and an unwillingness for the Magic Valley Ground Water District to accept the proposed rental acres into a mitigation plan, we have attached an email from Bryan Jentzsch (who represents Joe Kearl, Rodney Jentzsch and SSJ Farms) requesting the rental applications be withdrawn. Four release forms are included with this submittal for 36-2415A, 36-15356A, 36-2550 and 36-8212.

Per your request, I have also included two lease applications for 36-2550 and 36-8212 that represent the portions of these rights that have already been rented from the WSB. These two lease applications should allow you to proceed with the release the unrented portions of these four rights. As of the date of this letter, no portion of 36-2415A or 36-15356A has been rented from the WSB and all portions of these two rights should be able to be released.

Payment associated with these two lease applications has been enclosed in the form of a check for \$500.00 from Brockway Engineering PLLC. Please copy our office on all correspondence regarding these water supply bank

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

applications. Thank you for your assistance on this matter and if you have questions or comments, please don't hesitate to call.

Regards,



Zach Latham, M.S., Hydrologist

Enc: (2) Water Supply Bank Lease Applications and Map.
(4) Water Supply Bank Release Requests, Signed.
(1) Rental Withdrawal Request Via Email
(1) Brockway Engineering PLLC Check # 13266

Cc: Steve Whitesides- WG Farms LLC

RECEIVED

MAR 30 2016

DEPARTMENT OF
WATER RESOURCES

Zach Latham

From: Bryan Jentzsch <Bryan@jkfarms.com>
Sent: Monday, March 28, 2016 3:37 PM
To: Zach Latham (zach.latham@brockwayeng.com)
Cc: Greg Sullivan (greg.sullivan@brockwayeng.com)
Subject: Water Bank Withdrawal

Mr. Clay Webster-

This email serves as a formal request to withdraw all Water Supply Bank rental applications submitted on February 29th, 2016 in the names of Joe Kearn, Rodney Jentzsch, and SSJ Farms so that portions of water rights owned by WG Farms LLC (36-2415A, 36-15356A, 36-2550 and 36-8212) can be released from the Water Supply Bank. Thanks for your time and don't hesitate to give Zach Latham at Brockway Engineering a call if you have questions or concerns.

Thank You,
Bry

Bryan Jentzsch
Jentzsch-Kearn Farms
20511 F St.
Rupert, ID 83350
Ofc. 208-532-4119
Cell 208-431-4754

A ship does not sail with yesterday's wind!

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