

RECEIVED

DEC 23 2015

DEPARTMENT OF  
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT**

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

**LESSOR: NORTHERN AGRICULTURE II LLC**  
301 E MAIN ST  
TURLOCK CA 95380  
(209)669-0742

**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 September 8, 2015, the Lessor filed an application to lease the water right(s) 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 |
|----------------------------------------------------|---------------|--------------|-----------|-------------|----------------------|--------------------|
| 35-14056                                           | 12/23/1974    | Ground Water | N/A       | 4.17 cfs    | 834.8 af             | 208.7 ac           |
| 35-14058                                           | 4/1/1980      | Ground Water | NA        | 0.28 cfs    | 59.2 af              | 14.8 ac            |
| Total Annual Combined Limits of these water rights |               |              |           | 4.17 cfs    | 894.0 af             | 223.5 ac           |

**Annual Combined Lease Totals**

4.17 cfs      894.0 af      223.5 ac

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, 2019. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

SUPPORT DATA

Page 1 of 4

IDEN # 35-14056

# WATER SUPPLY BANK LEASE CONTRACT

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

## NORTHERN AGRICULTURE II LLC

301 E MAIN ST  
TURLOCK CA 95380

By: Hancock Natural Resource Group, Inc.  
Its Manager

By 

Date 12/22/2015

Printed Name Oliver S. Williams IV

Title Senior Vice President

## 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 12/24/2015

Lease approved by IDWR 

Date 12-24-2015

**ATTACHMENT A**  
**WATER RIGHT NO(S). 35-14056 and 35-14058**  
**WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

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

**Lessor:** NORTHERN AGRICULTURE II LLC  
 301 E MAIN ST  
 TURLOCK CA 95380  
 (209)669-0742

**Location of Point(s) of Diversion for Water Rights 35-14056 and 35-14058**

|              |      |                                         |
|--------------|------|-----------------------------------------|
| GROUND WATER | SESE | Sec. 23, Twp 07S, Rge 30E, POWER County |
| GROUND WATER | NWNW | Sec. 24, Twp 07S, Rge 30E, POWER County |

| <u>Water Right</u> | <u>Beneficial Use</u> | <u>From</u>   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|--------------------|-----------------------|---------------|-----------|-----------------------|-----------------|
| 35-14056           | Irrigation            | 04/01 to      | 10/31     | 4.17 cfs              | 834.8 af        |
| 35-14058           | Irrigation            | 04/01 to      | 10/31     | 0.28 cfs              | 59.2 af         |
|                    |                       | <b>Total:</b> |           | <b>4.17 cfs</b>       | <b>894.0 af</b> |

**Place of Use to be Idled Under This Lease:** IRRIGATION

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |      |      |      | SE   |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|------|------|----|----|------|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW | SW | SE   |        |
| 07S | 30E | 23  |    |    |    |    |    |    |    |    |      |      |      |      | 37.5 |    |    | 33.0 | 70.5   |
| 07S | 30E | 24  |    |    |    |    |    |    |    |    | 37.0 | 40.0 | 39.0 | 37.0 |      |    |    |      | 153.0  |

Total Acres: 223.5

**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 rights 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. 120.
13. Right No. 35-14058 is an enlargement of right 35-14056 pursuant to Section 42-1426, Idaho Code.

RECEIVED

SEP 08 2015

DEPARTMENT OF  
WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANK

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Northern Agriculture II LLC  
(Select one owner – see item 1A on the application)

Water Right No. 35-14056  
(One water right per application)

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☐ 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.

Attachment N/A YES

- 1A ☐ ☒ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://www.idwr.idaho.gov)).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ 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.
- 3E ☐ ☒ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

## Department Use Only

|                                                                        |                       |                               |                          |
|------------------------------------------------------------------------|-----------------------|-------------------------------|--------------------------|
| Fee Amount \$ <u>750</u>                                               | Received By:          | Date Received: <u>9/28/15</u> | Receipt # <u>C101645</u> |
| W-9 received? Yes <input type="checkbox"/> No <input type="checkbox"/> | (Route W-9 to Fiscal) | Name on W-9:                  |                          |

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

## 1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Northern Agriculture II LLC Email Address \_\_\_\_\_  
Mailing Address 301 E Main St Turlock, CA 95380 Phone Number 209-669-0742

☒ 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 completed an IRS Form W-9 (Attachment 1B)? W-9 Form has previously been submitted Yes ☐ No ☒

- 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 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 1D).

- E. 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 1E).

Name of Representative Greg Sullivan Organization Brockway Engineering  
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com  
Mailing Address 2016 North Washington St, Suite 4 Twin Falls, Id 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

Water Right Number 35-14056 ☒ 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 a water right is being offered, complete Attachment 2)

## 3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Existing wells but no pump and motor installed.

- B. 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.  
35-14056 and 35-14058

- C. Are any of the water rights identified in question 3B stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are water rights that are utilized 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.

D. Will the present place of use continue to receive water from any other source?

Yes ☒ No ☐

If yes, describe. Irrigation is occurring from canal shares provided by Aberdeen Springfield Canal Company.

E. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. This water right has been leased into the Water Supply Bank since 2013.

F. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. \_\_\_\_\_

#### 4. MAP

Plat map, survey map, or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.

#### 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 2020 (maximum lease period 5 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.

Rental payment from the renter to the lessor has already been contracted and payment has been made. Renter will pay 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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Naray II by: [Signature]  
Signature of Designated Applicant

DAVID BAUGHMAN  
Printed Name

9/1/15  
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**

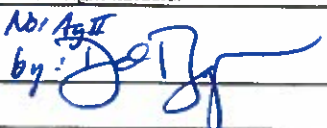
**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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). 35-7789

|                       | Designated Applicant                                                                                 | Applicant #2                                                                  | Applicant #3                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  | David Baughman                                                                                       |                                                                               |                                                                               |
| Mailing Address       | 1803 Woodfield Dr, Ste B<br>Sandy, IL 61874                                                          |                                                                               |                                                                               |
| Phone Number          | 217-356-5516                                                                                         |                                                                               |                                                                               |
| Email Address         | dbaughman@hnr.org                                                                                    |                                                                               |                                                                               |
| 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             | Noted by:         |                                                                               |                                                                               |

|                       | 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**

## ATTACHMENT 2

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

- | <u>I. Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------------|---------------------------|----------------------|----------------------|
| 35-14056                     |                           |                      | _____ to _____       |
|                              |                           |                      | _____ to _____       |
|                              |                           |                      | _____ to _____       |
|                              |                           |                      | _____ to _____       |
|                              |                           |                      | _____ to _____       |
|                              |                           |                      | _____ to _____       |
| Total Amount:                |                           |                      |                      |

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_
3. Point(s) of diversion: \_\_\_\_\_

[illegible]

4. Acres to be idled within the place of use:

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. Total 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 28, 2015

NORTHERN AGRICULTURE II LLC  
301 E MAIN ST  
TURLOCK CA 95380

**RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 35-14056 and 35-14058**

Dear Lessor:

Water rights 35-14056 and 35-14058 were leased into the Water Supply Bank (Bank) as of September 8, 2015, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water 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 me at 287-4881.

Sincerely,

*ST*  
Sandra Thiel  
Sr. Water Resource Agent

Enclosure: Executed Lease Contract

c: Greg Sullivan – Brockway Engineering  
James Cefalo - IDWR Eastern Region / Water /District 120



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 18, 2015

NORTHERN AGRICULTURE II LLC  
301 E MAIN ST  
TURLOCK CA 95380

**RE: APPLICATION TO LEASE WATER RIGHTS 35-14056 AND 35-14058 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 rights to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Board, or upon your request. To release the 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 287-4881.

Sincerely,

Sandra Thiel  
Sr. Water Resource Agent

Enclosure: Proposed Lease Contracts

c. Greg Sullivan – Brockway Engineering



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 7, 2015

NORTHERN AGRICULTURE II LLC  
301 E MAIN ST  
TURLOCK CA 95380

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 35-14056 AND 35-14058 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(s) to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2020**, unless the rights are 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 287-4881.

Sincerely,

*FTL* - Sandra Thiel  
Sr. Water Resource Agent

Enclosure: Proposed Lease Contracts

c. Greg Sullivan – Brockway Engineering

**WATER SUPPLY BANK****Agent Lease Review Checklist**

Applicant(s) Name: Northern Agriculture LLC

Memo Date: November 19, 2015

Water Right Number(s): 35-14056 and 35-14058

Reviewer: Sandra Thiel

**Quick Tools**

| Decreed Year | Forfeiture Tolloed Thru |
|--------------|-------------------------|
| 2009         | 2015                    |
| 2010         | 2016                    |
| 2011         | 2017                    |
| 2012         | 2018                    |
| 2013         | 2019                    |

|                                                                                                                                                                       |           |    |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----|-----------------------------------------------------------------------------|
|                                                                                                                                                                       | Check box |    | COMMENTS/CONCERNS:                                                          |
| Fill out WSB Data Entry Checklist for Leases                                                                                                                          | ✓         |    |                                                                             |
| Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                   |           |    |                                                                             |
| Portion of right                                                                                                                                                      |           |    |                                                                             |
| All of right                                                                                                                                                          | ✓         |    |                                                                             |
| Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                             | ✓         |    | Non-Trust Water Area                                                        |
| Rentable? If no explain in comments                                                                                                                                   | Yes       |    |                                                                             |
| Authority to file                                                                                                                                                     |           |    | Written Designation of Authority                                            |
| Current owner or designated applicant                                                                                                                                 | Yes       |    | sent to the Department in response                                          |
| SOS Web site checked for business entity                                                                                                                              | ✓         |    | to a deficiency email                                                       |
| Other (explain in comments)                                                                                                                                           |           |    |                                                                             |
| Water Right validity                                                                                                                                                  |           |    |                                                                             |
| Decreed/Licensed/Statutory claim date (write in comments section)                                                                                                     |           |    | Decreed 2002                                                                |
| 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.)       |           |    | Imagery indicated irrigation in 2011. Right leased into the bank since 2013 |
| Has this right previously been leased to the bank or in CREP?                                                                                                         |           |    |                                                                             |
| Injury to other water rights                                                                                                                                          |           |    |                                                                             |
| If the POD is through a delivery entity, was consent provided?                                                                                                        | NA        |    | Ground Water                                                                |
| If the POD is through a delivery entity, was holdback required? (percentage in comments)                                                                              |           | No | %                                                                           |
| Enlargement concerns                                                                                                                                                  | Check box |    |                                                                             |
| Complete a POU comparison overlap analysis                                                                                                                            | ✓         |    |                                                                             |
| Complete a combined limits review                                                                                                                                     | ✓         |    |                                                                             |
| Complete POD overlap analysis (if there is an overlap add condition to lease)                                                                                         | ✓         |    |                                                                             |
| Are there overlapping rights that need to be placed in the bank also?                                                                                                 |           | no | Canal shares from Aberdeen                                                  |
| Will the place of use continue to receive water?                                                                                                                      | Yes       |    | Springfield Canal Co.                                                       |
| Local Public Interest                                                                                                                                                 |           |    |                                                                             |
| Does the processor know of any problems this action will cause for the local public?                                                                                  | No        |    |                                                                             |
| Have you contacted regional office and water master for comment/concerns?                                                                                             | Y         |    | I sent a request for comments;                                              |
| Send the water master comment request form or e-mail request                                                                                                          |           |    | none were received                                                          |
| Is water right involved in any other department action? Pull file and check database ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments |           | No |                                                                             |

**Narrative**

Water District 120

On September 28, 2015 Greg Sullivan of Brockway Engineering submitted lease applications for rights 35-7789, 35-14056 and 35-14058. All three rights decreed March 8, 2002. All three rights have been leased into the bank since 2013. A review of 2011 imagery indicates the acres at the place of use were irrigated. There is an existing lease for all three rights through December 2016. The two leases for these three rights will supersede these leases.