

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective January 9, 2015, between the Idaho Water Resource Board ("Board"), and

Lessor: KBC FARMS LLC
3010 MC KINLEY ST
AMERICAN FALLS ID 83211
(208) 226-9940

RECEIVED

FEB 02 2015

DEPARTMENT OF
WATER RESOURCES

RECITALS

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

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

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

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-14308	0.77 CFS	192.4 AF	NA	48.1 AC
Combined Lease Totals:	0.77 CFS	192.4 AF	NA	48.1 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: 04/01 to 10/31

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:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2016.
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.

SCANNED

FEB 03 2015

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

KBC FARMS LLC
3010 MC KINLEY ST
AMERICAN FALLS ID 83211

By

Printed Name

Blaren Boonpir
Blaren Boonpir

Date

Jan 28 - 2015
Title *managing partner*

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By

Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

February 2, 2015

Lease approved by IDWR

Cherie Palmer

Date

2/2/2015

ATTACHMENT A
WATER RIGHT NO. 35-14308
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: KBC FARMS LLC
3010 MC KINLEY ST
AMERICAN FALLS ID 83211
(208) 226-9940

Priority Date: 05/01/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.77 CFS	192.4 AF
	Total:		0.77 CFS	192.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SW¼ Sec. 14 Twp 08S Rge 29E POWER County

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	
08S	29E	14													3.0	13.8	25.5	5.8	48.1

Total Acres: 48.1

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The leased portion of this right is limited to the irrigation of 48.1 acres of a specific 208.0 acres within the 6154.0 acre place of use authorized by this right in a single irrigation season.
13. During the term of this lease, the unleased portion of this right is limited to the irrigation of 159.9 acres of a specific 208.0 acres within the 6154.0 acre place of use authorized by this right in a single irrigation season, a diversion rate of 2.58 cfs, and an annual volume of 639.6 af.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
15. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. Prior to the diversion and use of water under Transfer approval 78268, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
17. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
18. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 09 2015

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

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 KBC Farms LLCWater Right No. 35-14308

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. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

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).
- 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.
- 3D ☒ ☐ 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ 250.00Received By: JHDate Received: 01-09-2015Receipt # 0099724W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

On File

**STATE OF IDAHO
WATER RESOURCE BOARD**

RECEIVED

JAN 09 2015

DEPARTMENT OF
WATER RESOURCES

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 KBC Farms LLC Email Address _____
Mailing Address 3010 McKinley American Falls, Idaho 83211 Phone Number _____

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

OR

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

- B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Completed W-9 Form has been
previously 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 N Washington Street, 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 35-14308 ☐ 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 well, pump, motor and delivery system.

- 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.
None

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

Yes ☐ No ☒

If yes, describe. _____

D. 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. _____

E. 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. 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, for a period from 1/1/2015 to 12/31/2016 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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 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.

KBC Farms LLC
Signature of Designated Applicant

KBC Farms LLC
Printed Name

Dec 30 2014
Date

Klaren Koopman
Signature of Authorized Representative

Klaren Koopman
Printed Name

Dec 30 2014
Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 2

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

- | | | | |
|------------------------------|---------------------------|----------------------|-----------------------------|
| 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
| <u>35-14308</u> | <u>0.77/192.4</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| | | | to |
| Total Amount: | | | |

2. Source of water Ground Water tributary to _____
3. Point(s) of Diversion: _____

[illegible]

4. Lands irrigated or place of use:

[illegible]

If the water right is for irrigation, show total number of acres offered to the Bank. **Total Acres** 48.1



Legend

- WSB Lease_48.1
- twrship
- Sections
- QQ Lines

0 500 1,000 2,000 Feet

KOOMPIN, KLARIN
WATER BANK LEASE 48.1 ACRES
NAIP 2013 AERIAL PHOTO

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 12/29/2014

RECEIVED**DEC 19 2014****DEPARTMENT OF
WATER RESOURCES****STATE OF IDAHO
WATER RESOURCE BOARD**Receipt No. C099724
Fee Amount \$ 250
Date/by 12/19/14 Jmk
(For Department Use Only)**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**Name of Seller/Lessor KBC Farms Phone 208-226-2773
Mailing address 3010 McKinley American Falls, Idaho 83211 Email _____**A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK**If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>35-14308</u>	<u>0.77/191.6</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: 0.77/191.6

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08S	29E	14			SW	SW	Power

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	14									3.0	13.8	25.3	5.8					47.9

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 47.9**B. OWNERSHIP**1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.2. 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 to the proposed sale or lease and list name of entity:

Superseded by 01-09-2015 Lease Application 08

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Existing Well and mainlines

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

This water right is part of a 6154 acres PPU with multiple water rights

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

Yes ☒ No ☐If yes, describe. Rented water from the Water Supply Bank

4. 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 right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9. If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 1/1/2015 to 12/31/2016 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. 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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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



0 500 1,000 2,000 Feet
BROCKWAY ENGINEERING, PLLC.
ALR - Date: 12/9/2014

Legend
WSB_Lease_47.9
twndtp
Sections
QQ Lines

KOOMPIN, KLARIN
WATER BANK LEASE 47.9 ACRES
NAIP 2013 AERIAL PHOTO



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

February 3, 2015

KBC FARMS LLC
3010 MC KINLEY ST
AMERICAN FALLS ID 83211

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 35-14308

Dear Lessor:

Water Rights **35-14308** was leased into the Water Supply Bank on January 9, 2015 in accordance with the executed original Lease Contract enclosed. **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.**

The right will automatically be released from the Bank on **December 31, 2016**, unless the right are released earlier by the Board, or upon your request. **Please note your right may not be available for immediate release if they have been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Greg Sullivan- Brockway Engineering PLLC
James Cefalo- IDWR Eastern Region & Water District No. 120



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

January 26, 2015

KBC FARMS LLC
3010 MC KINLEY ST
AMERICAN FALLS ID 83211

RE: APPLICATION(S) TO LEASE WATER RIGHT 35-14308 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 BOTH 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.

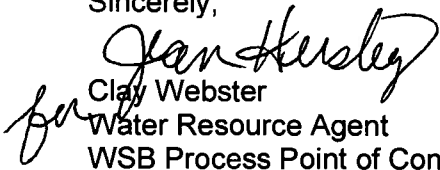
The rights will automatically be released from the Bank on **December 31, 2016**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. 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 287-4910.

Sincerely,


Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts
Receipt #C099724

c. Greg Sullivan @ Brockway Engineering

Skaggs, Pam

From: Skaggs, Pam
Sent: Friday, January 23, 2015 8:04 AM
To: Bohac, Heather
Cc: Cefalo, James
Subject: WSB Lease Comment Eastern Region & Water District #120 - Right 35-14308 (part) KBC Farms LLC
Attachments: 35-14308 part-WSB Lease Review.pdf

Heather,

This right has been leased to the Water Supply Bank in part since 2002. The new lease is for a reduced portion of the right for the next two years.

I have attached a copy of the lease review memo & a map of the proposed leased acres for your reference.

Please provide comment or concerns as soon as possible in order for processing to be completed.

Thanks,
Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

MEMORANDUM

To: Water Right No. 35-14308
From: Pam Skaggs 
Date: 1/23/2015
Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE:

This lease application proposes to continue lease of 48.1 acres for the 2015-2016 seasons to meet the remaining rental obligation to Houghland Farms. The other rental for a portion of this right expired 12-31-2014. The right holder has plans to resume use on his on property at the end of this lease.

AUTHORITY TO FILE:

IDSOS shows KBC Farms LLC as a current registered business entity. The 2014 Annual Report identifies Klaren Koompin as Manager. Klaren signed the application on behalf of the company.

WATER RIGHT VALIDITY:

This right was accepted into the Bank as a valid right in 2002 under parent Right 29-7122. The acres proposed leased under this application is a portion of the previous 98.7 leased acres. No forfeiture concerns at this time. **INJURY TO OTHER WATER RIGHTS:**

No injury is apparent by the renewal of the lease of these acres for an additional two years.

ENLARGEMENT OF USE:

No enlargement is evident through the lease alone. The proposed leased acres don't appear to have been irrigated during the previous leases period. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST:

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

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The leased right is subject to Water District #120. Comment will be requested from the Watermaster and Eastern Region.

No. W 8416	Due no later than Apr 30, 2014 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		KENNETH KENT KOOMPIN 3010 MCKINLEY AMERICAN FALLS ID 83211	
	KBC FARMS, LLC KENNETH K KOOMPIN 3010 MCKINLEY AMERICAN FALLS ID 83211		3. New Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State Country Postal Code
MEMBER	KENNETH KENT KOOMPIN	3066 S FRONTAGE RD	AMERICAN FALLS	ID USA 83211
MEMBER	KATHY KOOMPIN	3066 S FRONTAGE RD	AMERICAN FALLS	ID USA 83211
MEMBER	BERNARDINE W CASENAS BEARUP	3062 S FRONTAGE RD	AMERICAN FALLS	ID USA 83211
MEMBER	CHARLES BEARUP	3062 S FRONTAGE RD	AMERICAN FALLS	ID USA 83211
MEMBER	CHERYL A KOOMPIN	300 SNAKE RIVER DRIVE	AMERICAN FALLS	ID USA 83211
MANAGER	KLAREN KOOMPIN	300 SNAKE RIVER DRIVE	AMERICAN FALLS	ID USA 83211
5. Organized Under the Laws of: ID W 8416		6. Annual Report must be signed.* Signature: Kenneth Koopin Name (type or print): Kenneth Koopin Date: 02/17/2014 Title: Memeber		
Processed 02/17/2014		* Electronically provided signatures are accepted as original signatures.		

35-14308 Lease Application Review



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 09 2015

DEPARTMENT OF
WATER RESOURCES

January 7, 2015

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

Re: KBC Farms LLC

Dear Mrs. Palmer:

KBC Farms LLC is submitting the lease application for 35-14308. This lease application proposes to lease 48.1 acres to the Water Supply Bank for 2015 and 2016. The lease will satisfy the rental demand from this water right to Houghland Farms.

No W-9 is being submitted at this time because the Water Supply Bank already has that information on file.

If you have any questions regarding this lease application, please call me.

Sincerely,

Greg Sullivan, M.S., Engineer

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

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

Cc: KBC Farms LLC
Enc: Lease Application, Aerial Map

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506