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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

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

Name of Seller/Lessor LNB Farms of Idaho, LLC; c/o Ag Pro Consulting Phone 208-546-1194

Mailing address 2890 NW 11th Ave. Meridian, ID 83646 Email garren@agproconsulting.net

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-9875</u>	<u>1.49 cfs/335 af</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
			to
			to

Total Amount: 1.49 cfs/ 335 af

2. Source of water Ground Water tributary to n/a

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	1W	7			SW	NW	Ada County

4. Lands irrigated or 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	
1N	2W	13									40					35			75

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 75

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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

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

Water is derived from the POD well location and has been historically applied to the subject water right through portable main line and hand line irrigation.

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

n/a

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

Yes ☐ No ☒

If yes, describe.

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. SALE/LEASE AGREEMENT

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

If Lease, for a period from 4/1/2011 to 4/1/2016 (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 Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this 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

Garren Apple - Farm Manager for LNB
Printed Name and Title*

3/30/2011
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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/30/2011

WATER RIGHT NO. 63-9875

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LNB FARMS OF IDAHO LLC 2890 NW 11TH AVE MERIDIAN, ID 83641 208-546-1194
Original Owner	POWER BUTTE FARM
Security Interest	JRN LLC 4695 S 1900 W STE 3 ROY, UT 84067

Priority Date: 03/02/1982
Basis: License
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.4 CFS	540 AFA
Total Diversion			2.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWNW Sec. 07 Township 01N Range 01W ADA County

Licensed Diversion Capacity: 6.66

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	02W	13		NESW 40										
				NESE 40			NWSE 40							

Total Acres: 120

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
The right holder shall fully use all surface water rights appurtenant to the lands identified above
3. prior to using water under this right. The total combined rate of diversion under this right and Rights 63-03187, 63-03188 and 63-03189 shall not exceed 6.66 cfs.

Dates:

Licensed Date: 03/12/1993

Decreed Date:

Permit Proof Due Date: 10/1/1993

Permit Proof Made Date: 2/7/1992

Permit Approved Date: 10/31/1983

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/10/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

AFFIDAVIT FOR WATER RIGHT 63-9875

A. AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

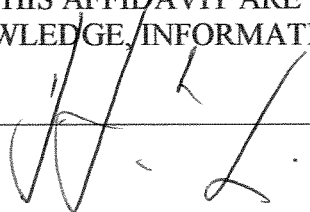
I am the Farmer/Operator and the duly authorized representative of Grasslands, LLC and that I possess the legal authority to make this Affidavit on behalf of myself and the business for which I am acting.

B. CERTAIN AFFIRMATIONS VALID

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgments contained in this Proposal Affidavit dated 3/30/2011 that I currently farm the farm as known as the Powers Butte Farm. In addition, I affirm that in the year 2007, I applied irrigation water from water right 63-9875 to the legal description place of use known as T1N R2W Section 13; NESW, NESE, and NWSE in attempt to maximize the full water right to the lands described above.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: 3/30/2011 By: 
(Authorized Representative and Affiant)

Lester, Steve

Full Name: Garren Apple
Last Name: Apple
First Name: Garren
Company: AGPro Consulting

Business: (208) 546-1194
Business Fax: (208) 493-8777

E-mail: garren@agproconsulting.net
E-mail Display As: Garren Apple (garren@agproconsulting.net)

Farm Manager & consultant

NOTES FOR 63-9875 WATER BANK LEASE APPLICATION

JZ 4/6/2011

Licensed 1993 for 120 acres.

Aerial photos 2004 & 2006 – west 2/3 does not appear irrigated & no field patterns etc. found, east 1/3 shows definite field pattern.

Aerial photo 2009 (attached) – same as other photos but east 1/3 definitely irrigated. About 50 acres, including credit for minor acres just south of authorized POU.

Application includes affidavit from farmer/operator that irrigated entire POU in 2007.

2009 photo does not show traces of 2007 irrigation in west 2/3, but dept. lacks solid evidence to dispute affidavit.

In office visits for applicant's transfer application 77066, ¹ farm manager Garren Apple stated no surface water used on this land above the ditch (Power Lateral), despite condition about surface water use in this license.

Conclusion

Assuming dept. tradition of giving benefit of doubt to the right owner, right presumed to be fully valid based on use within prior 5 year period.

¹ Transfer application being processed to add PODs to 63-15634. Portion of right leased to water bank.



1N 2W 5.13 N $\frac{1}{2}$ SE $\frac{1}{4}$ $\frac{1}{2}$ NWSW
2009 photo