RECEIVED
JUL 17 2023
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1687

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

LESSOR: LOST RIVER FARMS LLC
2885 TRESTLE CREEK RD
HOPE, ID 83836-9629

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 and received by the Department on December 19, 2022.

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

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
34-14347	9/1/1898	BIG LOST RIVER, tributary to SINKS	0.48	Not Stated	24.4
34-7205	8/1/1977	GROUND WATER	1.43	Not Stated	54.9
Combined Lease Totals			**1.66**	**Not Stated**	**54.9**

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-14347	0.48	85.4	24.4	0.009	3.5
34-7205	1.43	192	54.9	0.026	3.5
Combined Limit Totals	**1.66**	**192**	**54.9**	**0.030**	**3.5**

**** The water right elements rentable have been changed from the water right elements leased to account for the inclusion of diversion volume.***

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.

SUPPORT DATA
IN FILE # 34-7205
SCANNED
AUG 16 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1687

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2023 to December 31, 2027. 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. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

SCANNED
AUG 30 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1687

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

LESSOR: LOST RIVER FARMS LLC
2885 TRESTLE CREEK RD
HOPE, ID 83836-9629

By Dwight P Wolff
Title MGR. Partner
Date 7-10-23

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 7/20/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 7/20/23

SCANNED
AUG 30 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1687

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 34-7205

GROUND WATER	SWSWSE	Sec. 3	Twp 04N	Rge 26E	BUTTE County
GROUND WATER	NWNWNW	Sec. 26	Twp 04N	Rge 26E	BUTTE County

Source and Location of Point(s) of Diversion for Water Right No(s): 34-7205, 34-14347

GROUND WATER	NWNWNW	Sec. 26	Twp 04N	Rge 26E	BUTTE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-7205	IRRIGATION	04/01	to	11/01	1.43 cfs	Not Stated
34-14347	IRRIGATION	05/01	to	10/15	0.48 cfs	Not Stated
				Totals:	1.66 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	27E	5					18 L3	12 L4	6.4	2.9					8.1	7.5			54.9

Total Acres: 54.9

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, 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.

SCANNED
AUG 30 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1687

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, 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 for any subsequent rental seasons.
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. Right 34-14346 and the unleased portions of rights 34-7205 and 34-14347 when combined shall not exceed a total diversion rate of 3.71 cfs and the irrigation of 122.1 acres.
13. The unleased portion of Right 34-14347 shall not exceed a total diversion rate of 1.09 cfs and the irrigation of 54.3 acres.
14. The unleased portion of Right 34-7205 shall not exceed a total diversion rate of 3.19 cfs and the irrigation of 122.1 acres.
15. Point of injection into and point of rediversion from Big Lost River.
16. Water is delivered through the Eastside Ditch and the Arco Canal.
17. Use of water under this right may 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. 34.

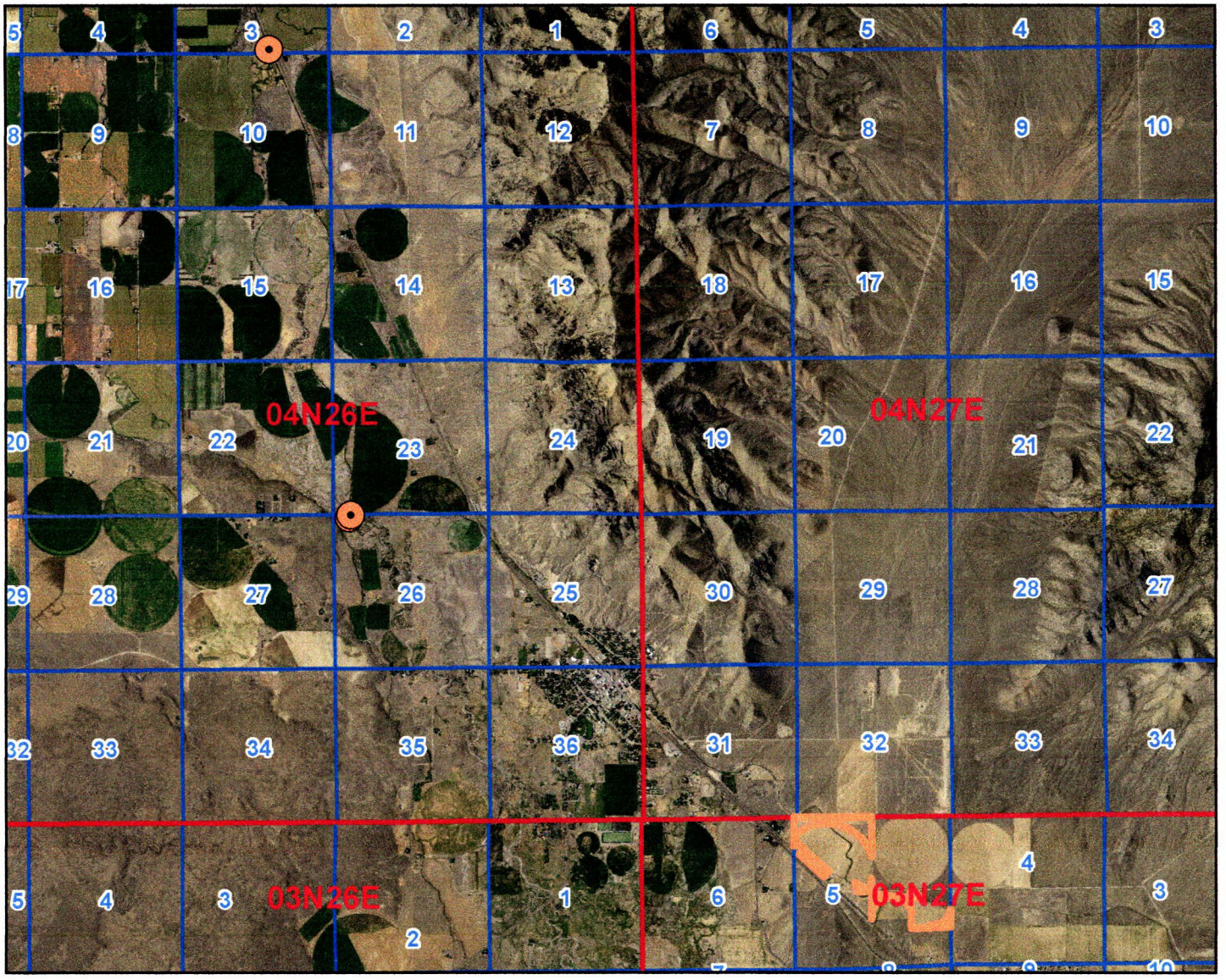
SCANNED
AUG 3 0 2023

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1687

34-7205, 34-14347
Effective until December 31, 2027

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.



Legend

- Water Supply Bank Lease POD
- Water Supply Bank Lease POU
- Township/Range
- Sections

N

0 5,000 10,000 15,000 Feet

SCANNED
AUG 10 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
DEC 19 2022
DEPARTMENT OF WATER RESOURCES

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

Designated Applicant Lost River Farms, Limited Liability Company
(Select one owner – see item 1A on the application)

Water Right No. 34-7205
(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 ***all owners*** of the water right to be leased or sold on this application.
1B	☑	☐	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☐	☑	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250.00	Received By: KM	Date Received: 12.19.22	Receipt # C114914
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: Douglas F. Wolf	

SCANNED
AUG 30 2023

2533

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 Lost River Farms, Limited Liability Company

Mailing Address 2885 Trestle Creek Rd. (Street) Hope (City) Idaho (State) 83836-9629 (Zip Code)

Email Address _____ Phone Number 208-322-7300

☑ 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 _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ 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**.

SCANNED
AUG 30 2023

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.
Diversion of water from well and surface water delivery into canal system to transport to place of use.

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. WR 34-14346 and WR 34-14347. WR 34-14346 is not proposed for lease, but will not be utilized to irrigate any of the identified leased acres.

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

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

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Full diversion rate of 4.62 cfs was used to provide water to the place of use. As for volumes, see attached WMIS data at Attachment 4G.

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. The lessee has used as much water as he can from the well authorized to divert water under this water right. Because of drought and high conveyance losses through the delivery system, the lessee had to concentrate water on certain acres and was able to irrigate most of the authorized acres. See 2017 aerial image and I.C. Sec. 42-223(6). Water was also moved under this right under temporary transfers in 2021-22.

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 ☑

SCANNED
AUG 30 2023

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: 2023 (Year) to 2027 (Year) (maximum lease period 5 calendar years).

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.

No payment to seller/lessor. Renter (Sunset Farm & Ranch LLC) will pay the administrative fees.

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	Douglas Wolf Printed Name	12-9-22 Date
Signature of Authorized Representative	Printed Name	Date

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

SCANNED
AUG 30 2023

RECEIVED
Feb 06, 2023
DEPARTMENT OF
WATER RESOURCES

2/4, 2023

To: Idaho Department of Water Resources

From: Big Lost River Irrigation District

Subject: Lost River Farms LLC Water Bank Consent: Water Right Nos. 34-7205 and 34-14347.

The Big Lost River Irrigation District ("BLRID") is the owner and operator of the Arco Diversion and Canal. Lost River Farms LLC owns Water Right Nos. 7205 and 34-14347 (the "Water Rights"), which authorize diversion of water from the Big Lost River and has a valid transport agreement for these water rights to be delivered through the Arco Diversion and Canal. It is our understanding that Lost River Farms LLC has submitted water bank applications to allow a stacked portion the Water Rights allocated to approximately 54.9 acres of pivot corners and other lands to be used on already irrigated lands owned by Sunset Farm & Ranch LLC that the water right acres are not currently appurtenant to. The use of water on different acres will not require any changes to how the Water Rights will be diverted and conveyed through the BLRID system, and therefore, will not have an impact on water deliveries through our system. BLRID has no objection to Lost River Farms LLC's water bank applications that will run from 2023 through 2027, and I have the authority on behalf of BLRID to provide this consent.

Kevin Whitcomb

Printed Name: KEVIN WHITCOMB

Title: General Manager

SCANNED
AUG 30 2023

Form 42-1761-1 10/15

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.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
34-7205	Irrigation	1.43		54.9
		(1.67 cmbd)		(54.9 cmbd)
	Total Amounts:			

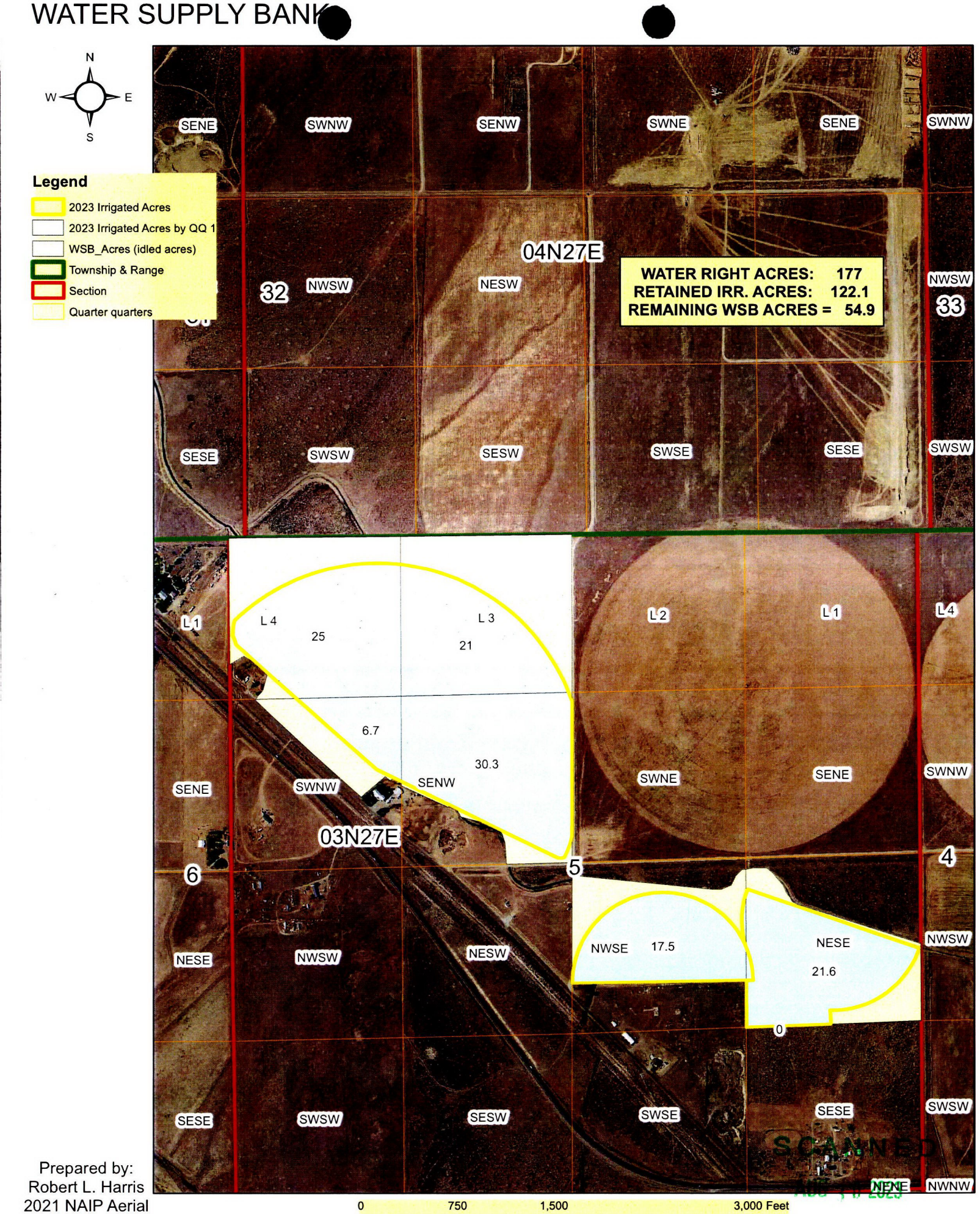
2. Source of water Ground water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
04N	26E	3		SW	SW	SE	BUTTE

SCANNED
AUG 30 2023

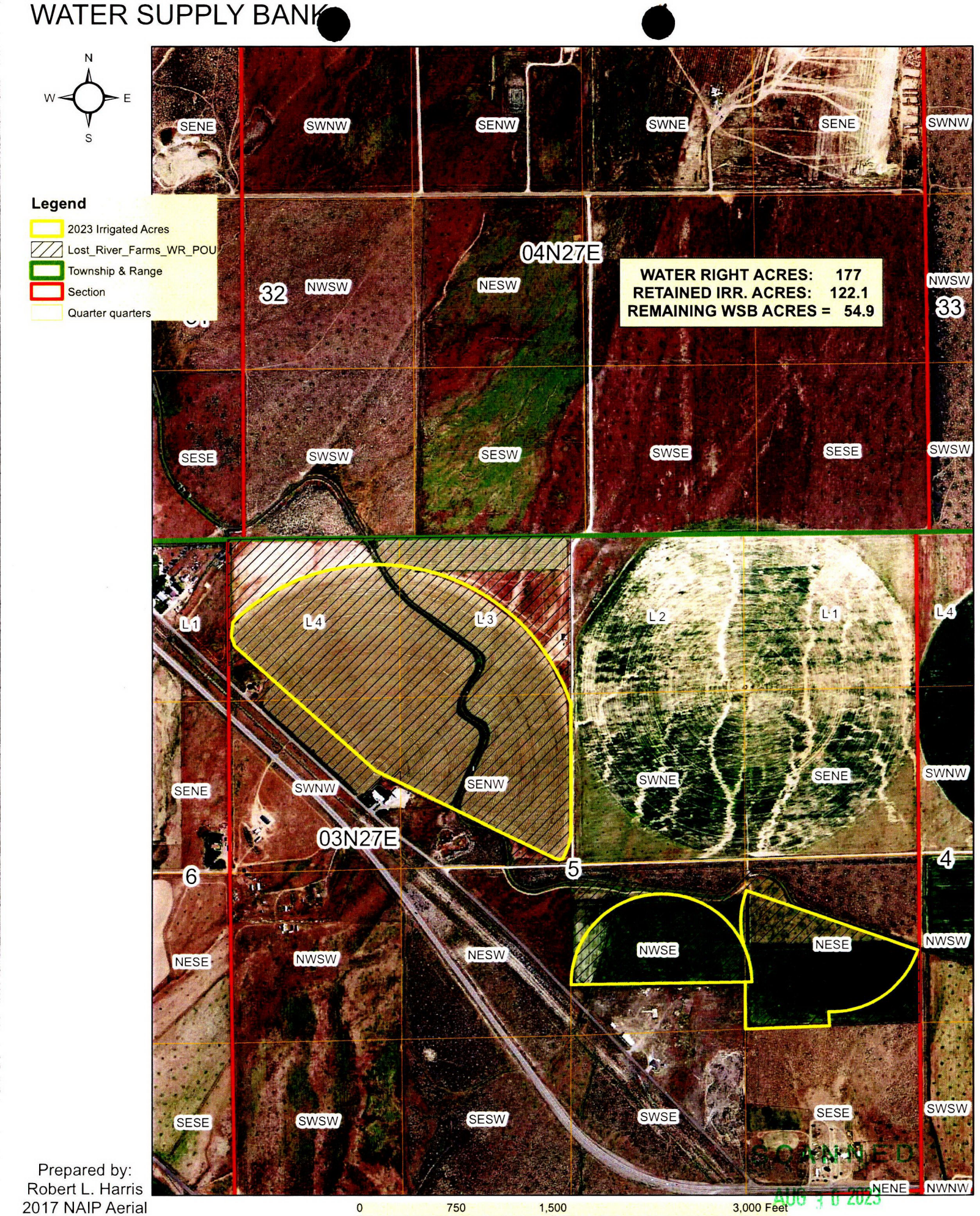
WATER SUPPLY BANK



Prepared by:
Robert L. Harris
2021 NAIP Aerial

SCANNED

WATER SUPPLY BANK



Prepared by:
Robert L. Harris
2017 NAIP Aerial

SCANNED
AUG 30 2023

Idaho Department of Water Resources

WMIS

Water Management Information System

Quick Search: For assistance, email WMIS Info

Login

Search Method:	Reporting District
Reporting District:	Water District 34
WMIS Number:	34
Legal Description:	04N 26E 3 SW SW SE
Metal Tag Number:	A0013494

Point Of Diversion | PCC | Flow Meter | Time Clock | Alternate | Contacts | Data Summary | Other | Logout

Flow Meter Water Usage

You are viewing 34; A0013494

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2022	1576383.80	801.72		
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by GWD Hydrgrapher	1837625.00	801.72		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2014 12:00:00 AM		Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2021	1136384.90	1350.31		
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by GWD Hydrgrapher	1576383.80	1350.31		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2014 12:00:00 AM		Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2020	838252.90	914.94		
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by GWD Hydrgrapher	1136384.90	914.94		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2014 12:00:00 AM		Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2019	838252.90	0.00		
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by GWD Hydrgrapher	838252.90	0.00		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2014 12:00:00 AM		Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

SCANNED
AUG 30 2023

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2018	803864.00	105.54		dead through year KB

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by GWD Hydrgrapher	838252.90	105.54	

Calibration Data

Date:	1/1/2014 12:00:00 AM
Factor	1.00
Vol. Multiplier:	1000.0000
Vol. Unit	GAL

Acre Feet Qualifier	Preferred Method
Partial Year Measurement	FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2017	696143.50	286.51		Dead battery for last reading. Estimated based off of previous 3 years usage. LY

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by GWD Hydrgrapher	789502.00	286.51	

Calibration Data

Date:	1/1/2014 12:00:00 AM
Factor	1.00
Vol. Multiplier:	1000.0000
Vol. Unit	GAL

Acre Feet Qualifier	Preferred Method
Monthly Recordings	FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2016	435956.90	798.49		

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by GWD Hydrgrapher	696143.50	798.49	

Calibration Data

Date:	1/1/2014 12:00:00 AM
Factor	1.00
Vol. Multiplier:	1000.0000
Vol. Unit	GAL

Acre Feet Qualifier	Preferred Method
Monthly Recordings	FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2015	156859.00	856.52		4-17-15, 10-22-15

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by GWD Hydrgrapher	435956.90	856.52	

Calibration Data

Date:	1/1/2014 12:00:00 AM
Factor	1.00
Vol. Multiplier:	1000.0000
Vol. Unit	GAL

Acre Feet Qualifier	Preferred Method
Monthly Recordings	FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	0.00	481.38		

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by Water Master	156859.00	481.38	

Calibration Data

Date:	1/1/2014 12:00:00 AM
Factor	1.00
Vol. Multiplier:	1000.0000
Vol. Unit	GAL

Acre Feet Qualifier	Preferred Method
Monthly Recordings	FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2009		101.00		Based on regular readings taken by BLRID. Exchange Well

Validated	Totalizer End	Adjusted Acre Feet	Adjusted Max Flow Rate
Validated by Water Master			

Calibration Data

Acre Feet Qualifier	Preferred Method
Full Year Estimate	FM

SCANNED
AUG 30 2023

Report Year	Totalizer Start	Acre Feet Volum[redacted]	Max Flow Rate (CFS)	Comments
2008		9.90		well discharge is estimated, well was surging from 0 to maybe 1cfs
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by Water Master				
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
		Full Year Estimate	FM	

[redacted]

SCANNED
AUG 30 2023

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Executed 1/20/23

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER:

Received Date: 12/19/2022

Desired Lease Duration: 2023-2027

Lease / Rental Package: (Y) N

If yes, Renter Name: Sunset Farm & Ranch LLC

Application # 2533 Contract # 1687

WR#s [redacted]	# 34-7205
# 34-14347	#
#	#
#	#
#	#
#	#
#	#

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights:

Applicant Authorized?	(Y) / N
Multiple owners, Attach 1A included?	Y / N (NA)
If portion is offered, Attach 2 included?	(Y) N NA
Map of POU and POD?	(Y) N NA
POD Consent (if required)?	Y / (N) NA
Application Complete?	(Y) N 2/2/2023
Minimum checklist in data base?	☑ ✓
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)	CC	Original	
Designated Applicant: Lost River Farms LLC	☐	☐	EMAIL:
Attorney:	☐	☐	EMAIL:
Consultants Name:	☐		Comments: permission from ArcoCanal requested 12/23/22
Watermaster:	☐		
Delivery Entity:	☐		
Water District: 34	☐		
Ground Water District:	☐		
Region: Eastern	☐		
Other:	☐	☐	
Address:			

Call up Date:

DO NOT SCAN

IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

July 24, 2023

LOST RIVER FARMS LLC
2885 TRESTLE CREEK RD
HOPE, ID 83836-9629

RE: WATER SUPPLY BANK LEASE CONTRACT 1687
FOR WATER RIGHTS 34-7205 & 34-14347

Dear Lessor:

Water right(s) **34-7205 & 34-14347** was/were leased into the Water Supply Bank (Bank) as of January 1, 2023, 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 right(s) will automatically be released from the Bank on **December 31, 2027,** 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 this office at bank @idwr.idaho.gov or 208-287-4800.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Water District 34

SCANNED
AUG 30 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 9, 2023

LOST RIVER FARMS
6164 N PINTAIL WAY
GARDEN CITY ID 83714-1297

RE: APPLICATION TO LEASE WATER RIGHTS 34-7205 & 34-14347 TO THE WATER SUPPLY BANK CONTRACT 1687

******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, 2027,** 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 right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

SCANNED
AUG 30 2023

MEMORANDUM FOR APPLICATION # 2533

To: Water Right No(s). 34-14347, 34-7205

From: Skyler Cheever – Water Resource Agent

Date: 2/8/2023

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

---

PURPOSE/NARRATIVE:
Application 2533 was sent in by Lost River Farms LLC and received on December 19th, 2022, with fee payment received the same date. This application is part of a lease/rental package. The application proposes to lease 54.9 acres of irrigation from water rights 34-7205 and 34-14347 into the water supply bank from 2023-2027. Processing was delayed because permission from the Big Lost River Irrigation District was requested on December 12th, 2022. Permission was received on February 6th, 2023. The points of diversion are within the Snake River Moratorium, Big Lost River Groundwater District, and Trust Water Area. Groundwater under water right 34-7205 is injected into the Big Lost River and rediverted into the Arco Canal. This is the first time these rights have been leased into the water supply bank.

AUTHORITY TO FILE:
Douglas Wolf signed the application. Mr. Wolf has the authority to file this application because he is a registered agent with the company according to the Idaho Secretary of State's Office Database. Lost River Farms LLC is the current owners of water rights 34-7205 and 34-14347. The place of use is leased and farmed by the rental applicant, Sunset Farm and Ranch LLC; documentation of this agreement was provided with the application.

WATER RIGHT VALIDITY:
Portions of water right 34-7205 were part of two temporary changes in 2021 and 2022. Water was moved to the same place of use as the rental proposal, but different acres. Therefore, this right was used within the last five years and is valid. 34-14347 share the same place of use as 34-7205 but was not part of any temporary change. Right 34-14346 was part of the temporary changes, irrigation occurring within the place of use likely occurred under the remaining portions and right 34-14347.

According to 2017 Google Imagery most of the proposed acres were irrigated. Only a small portion within the northern pivot was likely not irrigated. However, the applicant referenced Idaho Code §42-223(6) as a valid defense to forfeiture. They explained there was not enough water within the canal system due to drought conditions and high conveyance losses and was out of their control. For the purposes set forth in the water supply bank rules this is a valid defense to forfeiture for right 34-14347.

ENLARGEMENT OF USE:
Water rights 34-7205, 34-14347, and 37-14346 are limited to 5.37 cfs and the irrigation of 177 acres. However, 34-14347 is acre limited to 78.7 acres and 34-14346 is limited to 38.3 acres. This indicates 60.1 acres of groundwater under 34-7205 is not stacked with surface water and can be leased separately without causing enlargement. Right 34-14347 appears to authorize and has historically been used to irrigate different acres than 34-14346, it can be leased separate from 34-1436 without causing enlargement. 34-14346 will still irrigate unleased portions of the place of use due to acre limits and assurance from the applicant.

SCANNED
AUG 30 2023

To ensure water isn't spread to idle acres leading to enlargement the unleased portions of rights 34-7205 and 34-14347 and the entirety of 34-14346 will be limited to 3.71 cfs and the irrigation of 122.1 acres. Accordingly, the unleased portion of 34-14347 will be limited to the irrigation of 54.3 acres. There are no other enlargement concerns.

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 point of diversion is within Basin 34 and Water District 34. The Water Master and Eastern Regional Manager were contacted for comment on February 13th, 2023. No response was received, it is assumed there is no concern with this proposal.

SCANNED
AUG 30 2023

Hersley, Jean

From: Rob Harris <rharris@holdenlegal.com>
Sent: Monday, February 6, 2023 9:50 AM
To: IDWR File
Subject: WSB Application 2533 (Lost River Farms LLC and Sunset Farm & Ranch LLC); WRs 34-7205 and 34-14347
Attachments: BLRID WSB Consent Lost River Farms Executed.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached consent from the Big Lost River Irrigation District for the Lost River Farms Water Supply Bank application for use on the Sunset Farma & Ranch Property. This should be the only item remaining for processing the application. Please let me now if IDWR needs anything else, and because of the attachment, please confirm that you received this email.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only fo are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipi delete the original message and all copies from your system. Thank you.

SCANNED
AUG 30 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 23, 2022

LOST RIVER FARMS
6164 N PINTAIL WAY
GARDEN CITY ID 83714

RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE WATER RIGHT NO(S) 34-7205 AND 34-14347 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application to lease the above referenced water right to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

Please provide the following information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded:

- Permission from the operators of the Arco Canal to lease the above-mentioned water rights to the Water Supply Bank

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

c: Rob Harris – Holden, Kidwell, Hahn & Crapo, PLLC

SCANNED
AUG 30 2023

Holden Kidwell Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896
1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

RECEIVED
DEC 19 2022
DEPARTMENT OF
WATER RESOURCES

December 14, 2022

Idaho Department of Water Resources
Attn: Water Supply Bank
P O Box 83720
Boise, ID 83720-0098

RE: Water Supply Bank Lease Rental Package for Portion of WR Nos. 34-7205 and 34-14347.

Dear Water Supply Bank Reviewing Agent:

Enclosed for processing is a Water Supply Bank lease-rental package for the above referenced water rights to be used on an immediately adjacent farm in the Big Lost River Basin. Enclosed is a summary of the water right portions that are being proposed for lease into the Water Supply Bank, which will then be rented out based on the enclosed rental application by Sunset Farm & Ranch LLC. The rental is necessary to cover additional acres along with Sunset's 442 acres authorized under various water rights within a permissible place of use provided under those water rights. The number of acres proposed for lease are 54.9 acres as described in the application documents. Two water rights are proposed for lease into the Water Supply Bank, and therefore, enclosed is a check in the amount of $500.00 for the required lease fee.

If you have any questions or concerns regarding these applications, please contact me at (208) 523-0620 or rharris@holdenlegal.com before returning any of the enclosed application documents. Please also note that we have not included a completed W-9 form as Lost River Farms, the water right owner, has leased the farm and property with an option to purchase to Mike and Shannon Telford, the members of Sunset Farm & Ranch LLC. Accordingly, only the Water Supply Bank's administrative fee is relevant and should be invoiced to Sunset Farm & Ranch LLC accordingly. We appreciate your attention to these applications.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures
g:\wpdata\rlh\20795-000 sunset farm & ranch llc\004 2023 water rights\2022.11.30 ltr to water supply bank.docx

SCANNED
AUG 30 2023

2533 + 2534