

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1716

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

LESSOR: FARMS LLC
C/O BRAD HALL
PO BOX 50620
IDAHO FALLS, ID 83405-0620

RECEIVED

AUG 24 2023

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 and received by the Department on April 24, 2023.
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)
35-7311	7/19/1973	GROUND WATER	5.23	1,580	395.6
Lease Totals			5.23	1,580	395.6

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.

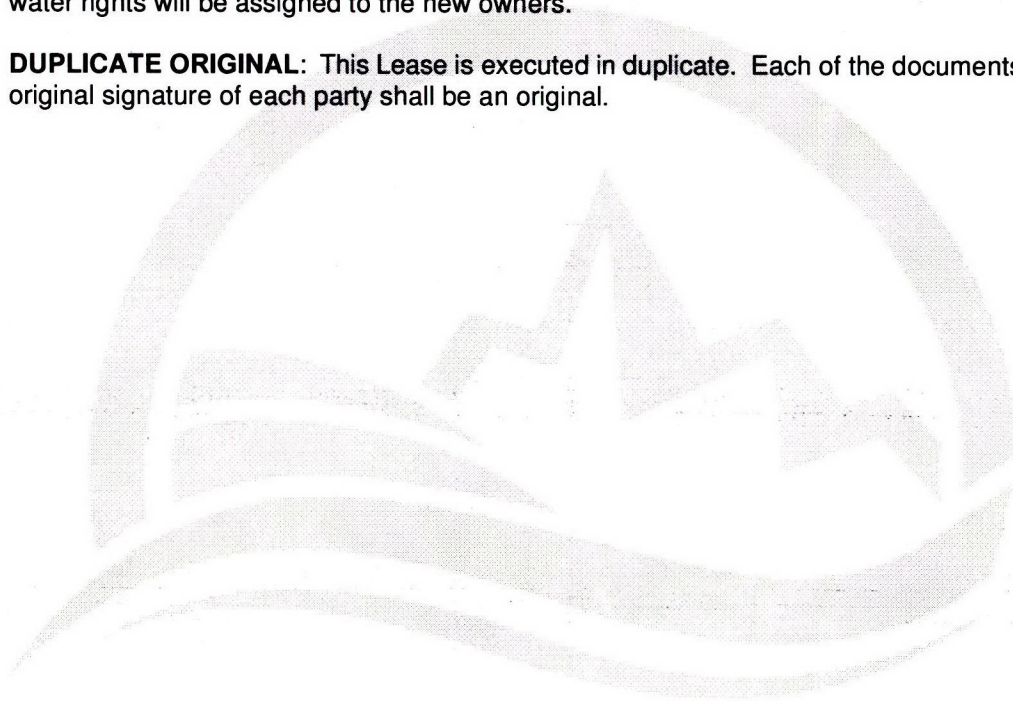
Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 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.

SCANNED
SEP 28 2023

WATER SUPPLY BANK LEASE CONTRACT No. 1716

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.



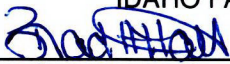
SCANNED
SEP 28 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1716

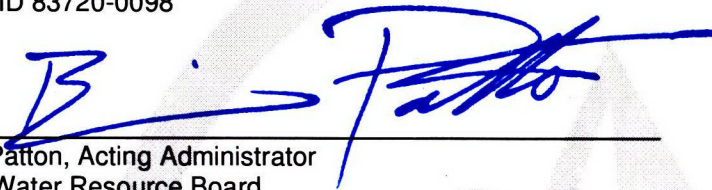
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: FARMS LLC
C/O BRAD HALL
PO BOX 50620
IDAHO FALLS, ID 83405-0620

By 
Title MANAGER
Date AUG 21, 2023

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By  Date 8/24/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 8/24/23

SCANNED
SEP 28 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1716

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): 35-7311

GROUND WATER SESWNE Sec. 15 Twp 01S Rge 32E BINGHAM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-7311	IRRIGATION	4/01	to	11/01	5.23 cfs	1,580 AF
Totals:					5.23 cfs	1,580 AF

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	
01S	32E	15	39	37	33	37	36	26	8.6	38	9.0			1.0	30	390	34	28	395.6

Total Acres: 395.6

ADDITIONAL CONDITIONS OF ACCEPTANCE

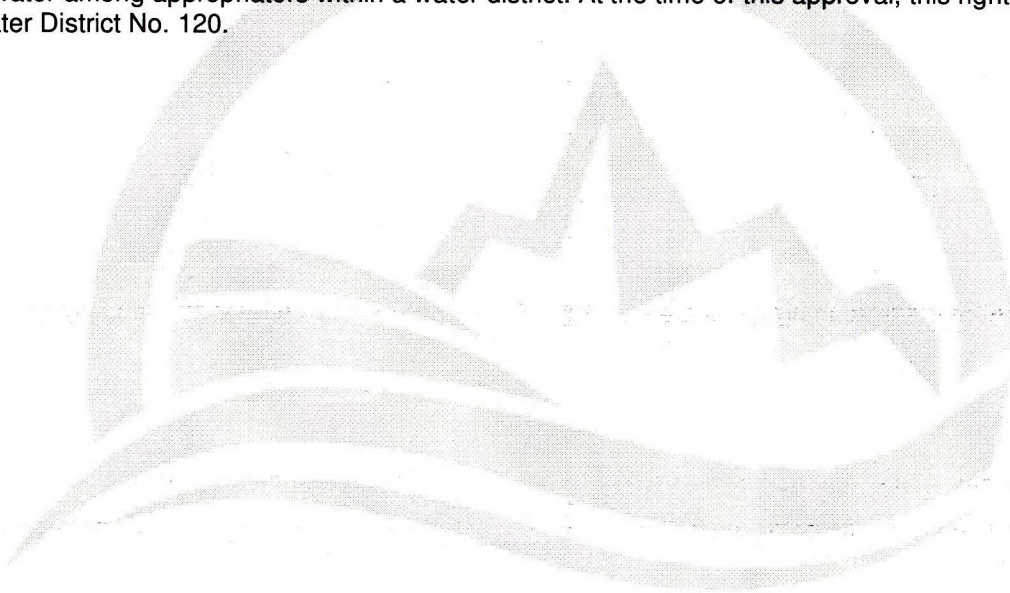
1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of 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.
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.

SCANNED
SEP 28 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1716

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. The unleased portion of right 35-7311 shall not exceed a total diversion rate of 0.27 cfs, a total annual maximum diversion volume of 81.7 af at the field headgate, and the irrigation of 20.4 acres.
13. 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 right is within Water District No. 120.



SCANNED
SEP 28 2023

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1716

35-7311

Effective until December 31, 2027

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



○ Approved Lease Point of Diversion

Approved Lease Place of Use

Township/Range

Sections

QQ



0 0.25 0.5 Miles

SCANNED
SEP 28 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 24 2023
DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Farms, LLC

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

Water Right No. 35-7311

(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.**

MINIMUM 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 \$ <u>254.00</u>	Received By: <u>LM</u>	Date Received: <u>4.24.23</u>	Receipt # <u>C116034</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: <u>Farms, LLC</u>	

2651

SCANNED
SEP 28 2023

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 Farms, LLC c/o Brad Hall

Mailing Address <u>PO Box 50620</u>	Idaho Falls	ID	83405-0620
Street	City	State	Zip Code

Email Address brad.hall@bradhallfuel.com 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 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 Kristin Moore Organization Rocky Mountain Environmental Assoc., Inc.

Professional Title Senior Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353 ext 104

☐ 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
SEP 28 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.
One well to mainline and pivot and wheel line irrigation systems.

- 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. No other water rights.

- 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. Water has not been diverted in the last 5 yrs.

- 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. This property has been contracted under the CRP program and was released in 2021. A copy of the contract is attached.

- 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
SEP 28 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 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate.

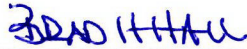
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.



Signature of Designated Applicant



Printed Name



Date

Signature of Authorized Representative

Printed Name

Date

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

SCANNED
SEP 28 2023

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: FARMS, LLC c/o BRAD HALL

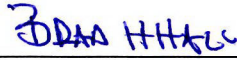
RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

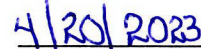
Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of Farms, LLC regarding Water Supply Bank Application(s) for water right(s).



Signature



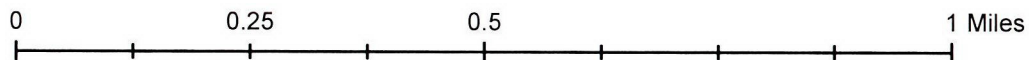
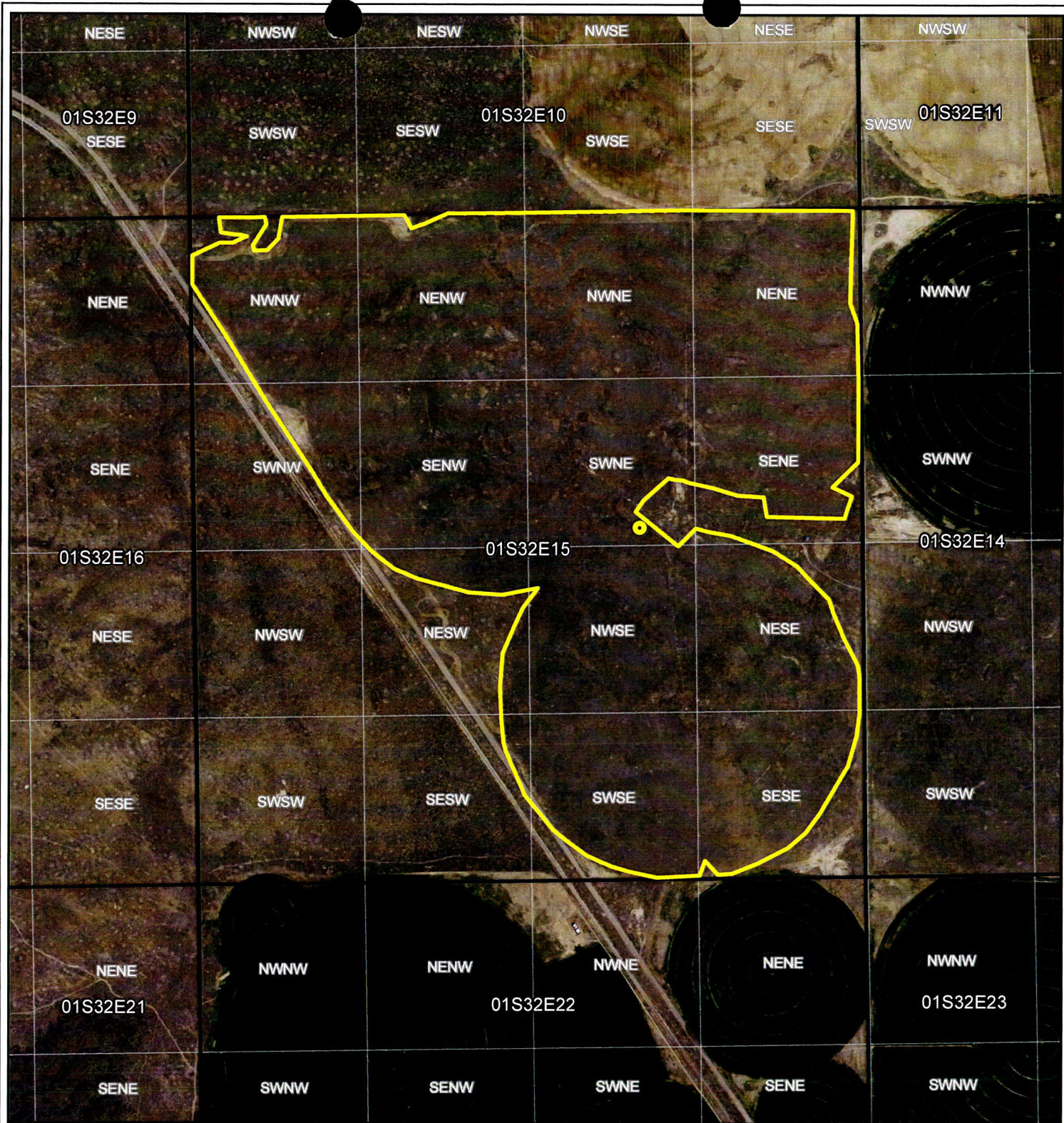
Printed Name



Date

SCANNED

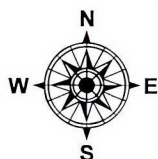
SEP 7 8 2023



2021 NAIP

Legend

- POD 35-7311 QQ
- POU 35-7311
- Twp & Rng
- Section



Attachment #3 WR 35-7311 Location Farms LLC

RMEA # 20-0141

by: KM

Date: 4/12/2023



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

SCANNED
SEP 7 8 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 04 2013

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-2876	Yes ☐	61-7195B	Yes ☐	61-7321	Yes ☐
35-7311	Yes ☐	61-7197	Yes ☐	61-7442	Yes ☐
35-7436	Yes ☐	61-7210	Yes ☐	61-12013	Yes ☐
35-13716	Yes ☐	61-7239	Yes ☐	61-12079	Yes ☐
35-13718	Yes ☐	61-7265	Yes ☐	61-12080	Yes ☐

2. Previous Owner's Name: BRAD H or Andrea P Hall 61-12081
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Furns LLC
Name of each new owner as listed on the conveyance document

New owner continued ☐ and ☐ or ☐ and/or
3875 American Way
Mailing address
Idaho Falls ID 83402
City State ZIP
208-528-9111
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- (Quick claim DEED - COPY)
5. Date you acquired the water rights and/or claims listed above: _____
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] Member 5-25-2013
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 6/4/13 Receipt No. E038746 Receipt Amt. \$400.00
Approved by [Signature] Processed by [Signature] Date 6/21/2013

SUPPORT DATA

IN FILE # 35-2876

WSB Mailing Checklist for Leases

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

executed
8/24/23

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER: *[Signature]*

Received Date 4/24/2023

Desired Lease Duration 2023-2027

Lease / Rental Package (Y) N

If yes, Renter Name: ~~Southlands LLC/5 ENG LLC~~
- Farms LLC
- E & H Farms LLC

Application # 2651 Contract # 1714

WR#s		#
		<u>35-7311</u>
#		#
#		#
#		#
#		#
#		#
#		#
#		#

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

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

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: <u>Farms LLC c/o Brad Hall</u>	☐	☒	EMAIL: _____
Attorney: _____	☐	☐	EMAIL: _____
Consultants Name: <u>Kristin Moore - RMEA</u>	☒		Comments: <u>CRP 10/1/2006 - 9/30/2021</u>
Watermaster: <u>Blake Jordan</u>	☐		
Delivery Entity: _____	☐		
Water District: <u>120</u>	☐		
Ground Water District: <u>Bingham</u>	☐		
Region: <u>Eastern</u>	☐		
Other: _____	☐	☐	
Address: _____			

Call up Date: _____

DO NOT SCAN

provided 9/26/23



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

August 28, 2023

FARMS LLC
C/O BRAD HALL
PO BOX 50620
IDAHO FALLS, ID 83405-0620

RE: WATER SUPPLY BANK LEASE CONTRACT 1716 FOR WATER RIGHT 35-7311

Dear Lessor:

Water right(s) **35-7311** 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
Kristin Moore – Rocky Mountain Environmental Assoc. Inc.
Water District No. 120
Bingham GWD

SCANNED
SEP 7 8 2023

From: [Condon, Mary](#)
To: [Jordan, Blake](#); [Cefalo, James](#)
Subject: Lease and 5 rentals package for Farms LLC and E & H Farms LLC 2023-2027
Date: Wednesday, June 14, 2023 3:31:00 PM
Attachments: [image001.png](#)
[Lease Review Memo - Farms LLC App 2651.docx](#)
[Move Map lease + all rentals.pdf](#)
[Rental Review Memo - Farms LLC 2652, 2653, 2654.docx](#)
[Rental Review Memo - E & H Farms 2655 and 2656.docx](#)

Good afternoon,

Please see the attached review memos for 1) Lease of right 35-7311; 2) Three rentals for portions of right 35-7311 by Farms, LLC; 3) Two rentals for portions of 35-7311 by E & H Farms, LLC; and 4) move map, and kindly reply with comments or concerns within 10 days.

The purpose of the rentals is to provide a more senior right within a POU, equal to the acre amount of the most junior right, for each rental location.

Thank you,
Mary

Mary Condon
Water Supply Bank Coordinator

 IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects
mary.condon@idwr.idaho.gov
Direct: (208) 287-4936

SCANNED

SEP 18 2023

MEMORANDUM FOR APPLICATION # 2651 / CONTRACT # 1716

To: Water Right(s) 35-7311

From: Mackenzie Kienholz; Mary Condon

Date: June 13, 2023

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

PURPOSE/NARRATIVE: Lease Application #2651 was submitted by Kristin Moore (Rocky Mountain Environmental Assoc.) on behalf of Farms, LLC as part of a companion package. The application proposes to lease right 35-7311 in full to the Bank from 2023-2027 and rent the majority leased through five different rental applications for the same time period: Application IDs #2652, #2653, and #2654 in the name of Farms, LLC plus application IDs #2655 and #2656 in the name of E&H Farms, LLC.

This lease point of diversion (POD) is in the Eastern Snake Plain Aquifer Ground Water Management Area ('ESPA,' 'GWMA'), Bingham Ground Water District ('GWD'), and Water District ('WD') 120.

AUTHORITY TO FILE: The lease application was signed by Brad Hall who is listed as a manager on the most recent IDSOS filing for Farms, LLC (8/5/2022). The land at the lease POD and Place of Use ('POU') is owned by the applicant. The POD for 35-7311 does not divert any other rights and the POU is not overlapped by any other rights. No concerns with authority to file.

WATER RIGHT VALIDITY: Right 35-7311 was decreed in 2002. Available imagery shows full irrigation occurring in 2004 sentinel imagery. The entire right has been protected from forfeiture pursuant to Idaho Code § 42-223(1) from 2006-2021. No concerns with water right validity.

INJURY TO OTHER WATER RIGHTS: Lease of this water right would not cause injury to other water rights.

ENLARGEMENT OF USE: There are no water rights which overlap the lease POD or POU.

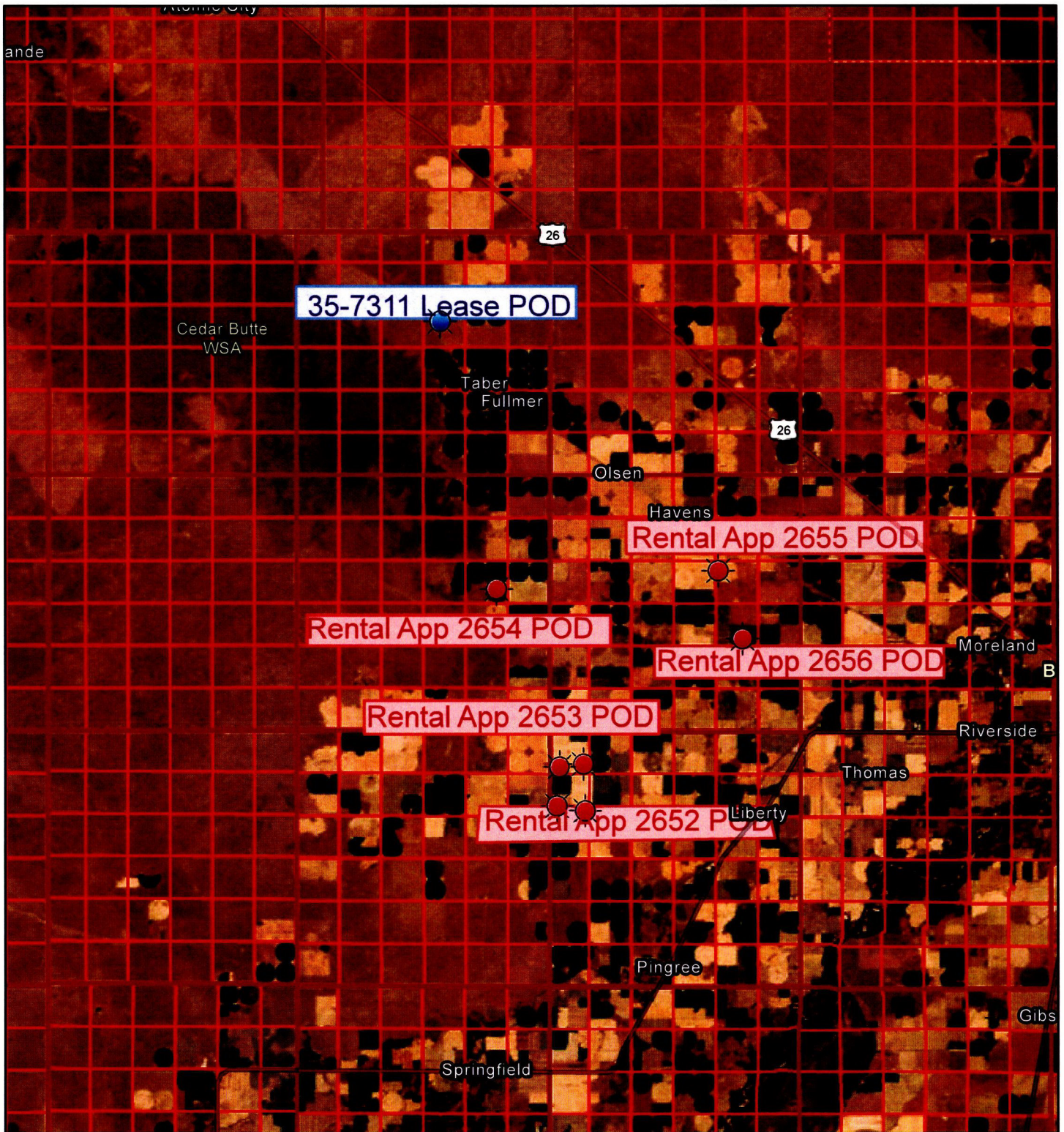
LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease POD is subject to Water District #120. A request for comments was sent to the WD #120 watermaster, the Bingham GWD, and the Eastern Regional Office on June 14, 2023.

SCANNED
SEP 28 2023

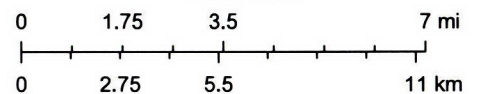
Water Supply Bank Move Map



6/13/2023, 3:18:32 PM

-  PLS Sections
-  Townships

1:288,895



SCANNED
SEP 28 2023

Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Earthstar Geographics



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

RECEIVED

APR 24 2023

DEPARTMENT OF
WATER RESOURCES

April 20, 2023

RMEA 20-0141

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

Re: Water Supply Bank Lease and Rental Package 35-7311

Dear Agent,

Please find enclosed one (1) WSB Lease application and five (5) WSB Rental applications, along with a check in the amount of \$250 for filing fees.

These applications propose to lease water right 35-7311 into the Bank and rent it out for 5 properties owned by Brad Hall, under two separate entities. Brad Hall is a Member/Manager of both Farms, LLC and E. & H. Farms, LLC, who are the rental applicants. As owner of both entities, it is proposed that the rental fees be applied as if the lease and rental applications are submitted by the same entity, reducing the rental fees to only the administrative costs of 10%.

The rental places of use are farms with existing ground water rights that have very junior priority dates. The applications propose to provide supplemental water in the case that the junior rights are curtailed or otherwise reduced significantly by ground water district allocations.

Please contact our office with any questions regarding these applications.

Thank you,

Kristin Moore
Senior Water Rights Analyst

Enclosures: 1 WSB Lease Application
 5 WSB Rental Applications
 Check #21960 for \$250

SCANNED

SEP 28 2023

2651, 2652, 2653, 2654, 2655, 2656