

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 16 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Farmland Reserve Inc.

Mailing Address 60 E South Temple Ste 1700 Salt Lake City, UT 84111

Email* _____ Phone 801-715-9100

Name of Representative (if any) Greg Sullivan

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email* greg.sullivan@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

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B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	33E	4									14	1	14	2					31.0

Total Irrigated Acres to be Changed: 31.0

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

This transfer will create a permissible place of use of 480.0 acres of property owned by the applicant. Water rights 35-7632A, 35-14442 and 35-14443 currently provide 50.0 acres of irrigation. This transfer will provide an additional 31.0 acres from 29-10265. Water right 35-14820 will provide 40.0 acres of irrigation. There are two existing PODs authorized for this system. This transfer will be implemented in the spring of 2026 due to the approved Water Supply Bank rentals for the 2025 irrigation season.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☒	29-10265	0.54/109	Irrigation	4/01 to 10/15	Ground Water
☒ ☐	35-7632A	0.02/8	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-14442	0.39/156	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-14443	0.11/36	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-14820	0.8/	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 1.86 cfs and/or 484 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
	06S	29E	30			NE	NE	Power	Ground Water	
	06S	29E	20			SW	NW	Power	Ground Water	

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	19	40	40	40	40									40	40	40	40	320
06S	29E	30	40	40	40	40													160

*Water rights 35-7632A, 35-14442 and 35-14443 will provide 50.0 acres of irrigation.

Water right 35-14820 will provide 40.0 acres of irrigation.

Irrigation under the transfer portion of 29-10265 will be 31.0 acres.

Total Irrigated Acres: 480.0*

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

None

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

None

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 120. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

No

☒

☐

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Existing POD, mainlines and delivery systems.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Representative*

Scott Baird, UP Land
Print Name and Title, if applicable

12/12/24
Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 580.00 Receipt #: E050532 Date: 12/16/24 Received by: CH
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____



0005501933



STATE OF IDAHO
Office of the secretary of state, Phil McGrane
ANNUAL REPORT
 Idaho Secretary of State
 PO Box 83720
 Boise, ID 83720-0080
 (208) 334-2301
 Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005501933

Date Filed: 12/5/2023 7:41:23 PM

B0860-9263 12/05/2023 7:41 PM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:		
Entity Name:	FARMLAND RESERVE, INC.	
Foreign Name (name in home jurisdiction):	FARMLAND RESERVE, INC.	
The file number of this entity on the records of the Idaho Secretary of State is:	0000374594	
Address	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111	
Entity Details:		
Entity Status	Active-Good Standing	
This entity is organized under the laws of:	UTAH	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	C122084	
The registered agent on record is:		
Registered Agent	CORPORATION SERVICE COMPANY Commercial Registered Agent Physical Address 1305 12TH AVE RD NAMPA, ID 83686 Mailing Address 1305 12TH AVE RD NAMPA, ID 83686	
Agent or Address Change		
☐ Select if you are appointing a new agent.		
Corporate Officers and Directors:		
Name	Title	Business Address
☒ Gerald Causse	Director	50 E. NORTH TEMPLE SALT LAKE CITY, UT 84150
W. Christopher Waddell	Director	50 E. NORTH TEMPLE SALT LAKE CITY, UT 84150
☒ Paul L. Allen	Secretary	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Paul L. Allen	Treasurer	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ L. Todd Budge	Director	50 E. NORTH TEMPLE SALT LAKE CITY, UT 84150
☒ Douglas L. Rose	President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111



☒ Rex C. Burgener	Vice President	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ David R. Wright	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Patrick A. Tolman	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Dale K. Bills	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Aaron J. Andrus	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ L. Scott Baird	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Brent J. Garlick	Treasurer	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Kelly W. Tryon	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Ashley J. Powell	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Brent W. Roberts	Vice President	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
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☒ Tyson Johnson	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Justin Dixon	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Brent Stanger	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Michael Meek	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Austin Anderson	~~Vice President~~	~~70 S. MAIN STREET, SUITE 500~~ SALT LAKE CITY, UT 84111
☒ Kevin R. Jergensen	Treasurer	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111
☒ Douglas H. Martin	Treasurer	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111



☒ David A. Channer	Secretary	50 E. NORTH TEMPLE SALT LAKE CITY, UT 84150
☒ Calvin R. Winder	President	79 S. MAIN STREET, SUITE 500 SALT LAKE CITY, UT 84111
☒ David J Cannon	Vice President	79 S. MAIN STREET, SUITE 500 SALT LAKE CITY, UT 84111
☒ Speneer Birch	Vice President	79 S. MAIN STREET, SUITE 500 SALT LAKE CITY, UT 84111
☒ DOUGLAS L. ROSE	Director	60 E. SOUTH TEMPLE SUITE 1600 SALT LAKE CITY, UT 84111

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

Paul L. Allen

12/05/2023

Sign Here

Date

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/24/2025

Water Right 29-10265

Owner Type

Current Owner
Original Owner
Original Owner
Previous Owner
Previous Owner

Name

FARMLAND RESERVE INC
JANE R EVANS
JOHN P EVANS
MARK R SWANSON
CORP OF THE PRESIDING BISHOP

Priority Date: 2/2/1970

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/15

Diversion Rate

6.220 CFS

Volume

1,249.5 AF

Total Diversion

Source and Point(s) of Diversion:

GROUND WATER

SWNESW

Sec. 5, Twp 06S, Rge 33E, POWER County

GROUND WATER

SWNESE

Sec. 5, Twp 06S, Rge 33E, POWER County

Place Of Use:

IRRIGATION within POWER County

T06S R33E S4	NESW	14.0
T06S R33E S4	NWSW	39.0
T06S R33E S4	SWSW	16.0
T06S R33E S4	SESW	2.0
T06S R33E S5	NESW	39.0
T06S R33E S5	NWSW	11.0
T06S R33E S5	SWSW	38.0
T06S R33E S5	SESW	40.0
T06S R33E S5	NESE	39.0
T06S R33E S5	NWSE	39.0
T06S R33E S5	SWSE	40.0
T06S R33E S5	SESE	40.0
POU Total Acres		357.00

Conditions of Approval:

1. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/24/2025

OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

2. C18

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Combined Use Limits:
N/A

SubCase:
N/A

Water Supply Bank:

Lease ID: 1866
Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2024
Lease End Date: 12/31/2025

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	2.28	458.50	131.00	131.00

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-7632A

Current Owner: FARMLAND RESERVE INC
Priority Date: 8/5/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	8 AF
	<u>Total Diversion</u>	0.02 CFS	8 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 20,	Twp 06S,	Rge 29E B.M.
POWER County				
GROUND WATER	NE1/4NE1/4	Sec. 30,	Twp 06S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T06S R29E S30	NENE	31.40	T06S R29E S30	SENE	18.60
Total Acres: 50					

Conditions of Approval:

1. R05 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 213 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.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 214 Prior to the diversion and use of water under Transfer approval 80631, 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.
6. X35 Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
7. R02 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.
8. R64 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.
9. X27 This right is limited to the irrigation of 2.0 acres within the authorized place of use in a single irrigation season.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 2/19/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14442

Current Owner: FARMLAND RESERVE INC
Priority Date: 9/5/1972
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.39 CFS	156 AF
	<u>Total Diversion</u>	0.39 CFS	156 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 20,	Twp 06S,	Rge 29E B.M.
POWER County				
GROUND WATER	NE1/4NE1/4	Sec. 30,	Twp 06S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T06S R29E S30	NENE	31.40	T06S R29E S30	SENE	18.60
Total Acres: 50					

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R64 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.
3. R05 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.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. 213 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.
6. X27 This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
7. 214 Prior to the diversion and use of water under Transfer approval 80631, 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.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. R02 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.
11. X35 Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 6/2/2003

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14443

Current Owner: FARMLAND RESERVE INC
Priority Date: 9/5/1972
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.11 CFS	36 AF
	<u>Total Diversion</u>	0.11 CFS	36 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 30,	Twp 06S,	Rge 29E B.M.
POWER County				
GROUND WATER	SW1/4NW1/4	Sec. 20,	Twp 06S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T06S R29E S30	NENE	31.40	T06S R29E S30	SENE	18.60
Total Acres: 50					

Conditions of Approval:

1. R64 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.
2. X27 This right is limited to the irrigation of 9.0 acres within the authorized place of use in a single irrigation season.
3. 214 Prior to the diversion and use of water under Transfer approval 80631, 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.
4. X35 Rights 35-7632A, 35-14442 and 35-14443 when combined shall not exceed the irrigation of 50.0 acres.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 213 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. R05 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.
9. R02 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.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 2/19/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14820

Current Owner: FARMLAND RESERVE INC
Priority Date: 12/20/1954
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.8 CFS	
	<u>Total Diversion</u>	0.8 CFS	

Location of Point(s) of Diversion

GROUND WATER
POWER County
NE1/4NE1/4 Sec. 30, Twp 06S, Rge 29E B.M.

Place of Use

IRRIGATION Within BINGHAM County

T06S R29E S30	NWNE	4.00	T06S R29E S30	SWNE	27.80
T06S R29E S30	SENE	8.20			

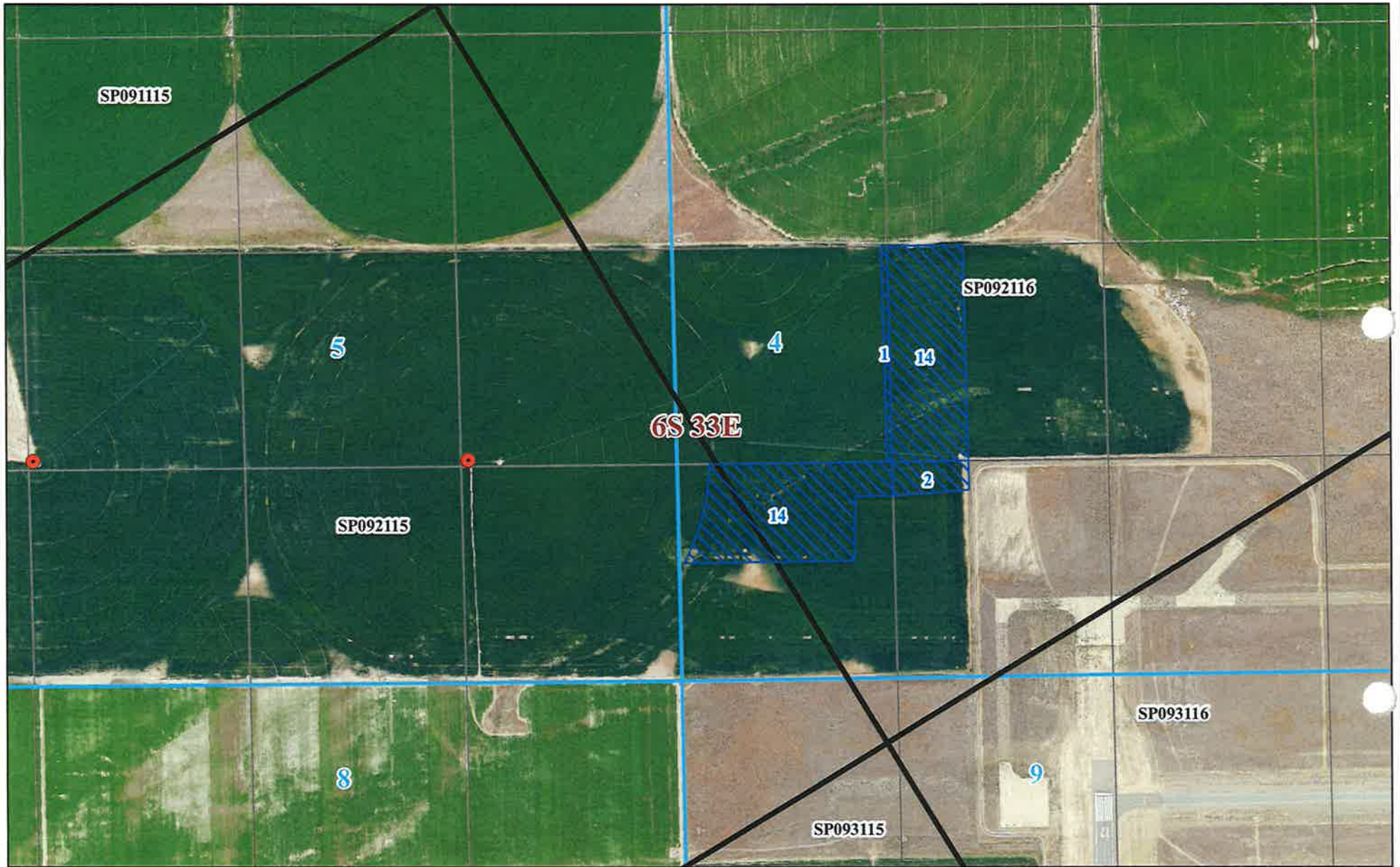
Total Acres: 40

Conditions of Approval:

1. R05 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. 120.
2. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. R02 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.
6. R64 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.
7. 213 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.
8. 214 Prior to the diversion and use of water under Transfer approval 87507, 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.

Decreed Date: 1/31/2002

89549



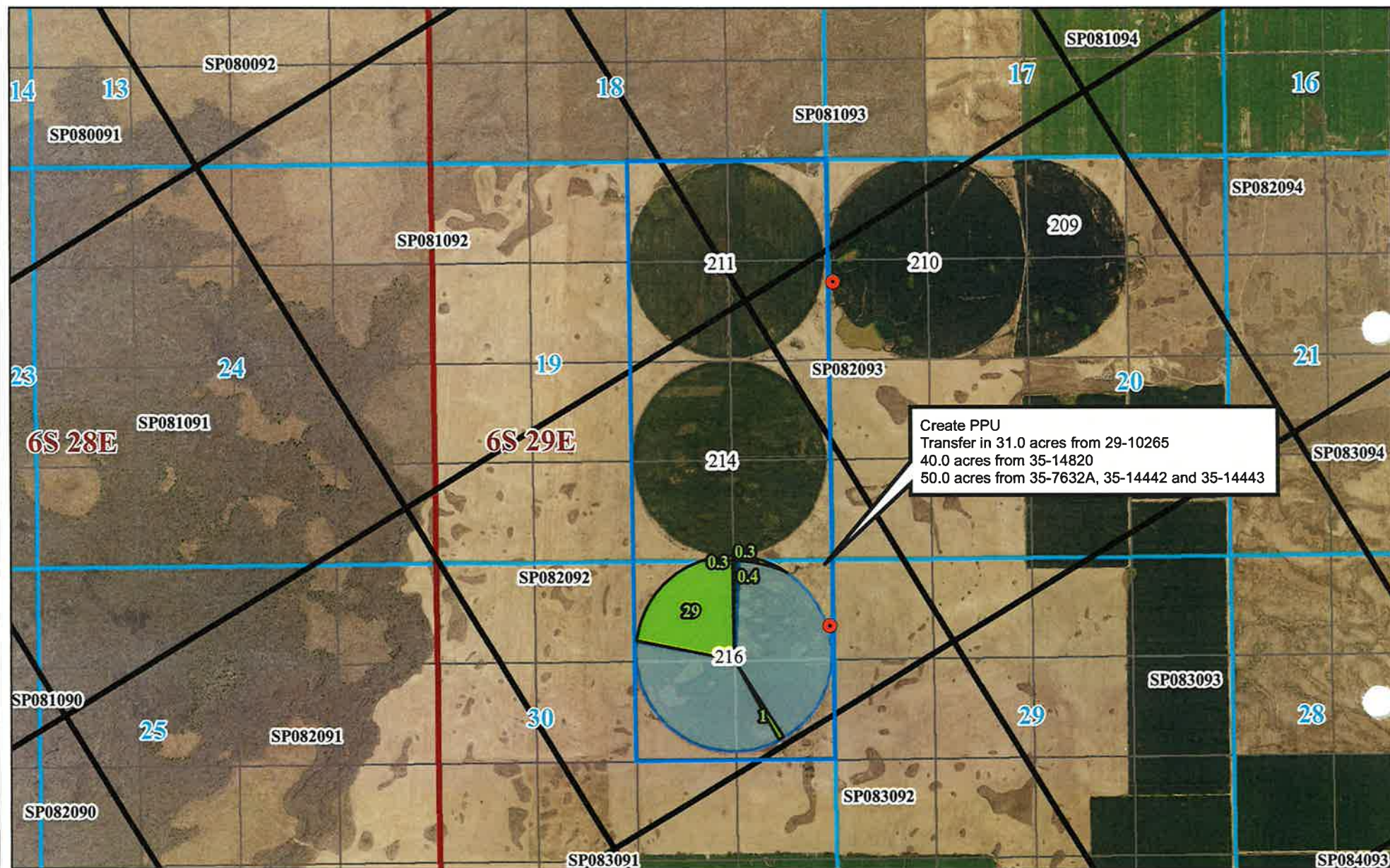
0 750 1,500 Feet

FARMLAND RESERVE IRRIGATION TRANSFER NAIP 2023 AERIAL

Legend

- Wells
- 31.0_Acres_FROM





0 1,700 3,400 Feet

FARMLAND RESERVE IRRIGATION TRANSFER NAIP 2023 AERIAL

Legend

- Wells
- 31.0_Acres_TO_2
- PPU
- Current_POUs



0.0
0.0
0.0
0.0

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

0

YEAR

1950

TRANSFER NAME:

SEASON

SPRING

Farmland Reserve

ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	82	92	0	0
COLUMN	92	115	0	0

31

0

0

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1954	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1954	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1954	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1956	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1956	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1956	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1957	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1958	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1958	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1958	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1959	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1959	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1959	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1960	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1960	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1960	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1962	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1962	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1962	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1963	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1963	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1963	0.0	0.0	0.0	0.0	0.0	0.0	0.0

[illegible]

[illegible]

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[illegible]

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SPR 2089	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2089	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2089	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2090	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2090	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2090	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2091	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2091	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2091	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2092	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2092	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2092	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2093	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2093	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2093	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2094	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2094	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2094	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2095	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2095	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2095	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2096	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2096	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2096	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2097	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2097	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2097	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2098	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2098	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2098	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SPR 2099	31.0	0.0	31.0	0.0	0.0	0.0	0.0
SUM 2099	31.0	0.0	31.0	0.0	0.0	0.0	0.0
WIN 2099	31.0	0.0	31.0	0.0	0.0	0.0	0.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1866**

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

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1700
SALT LAKE CTY, UT 84111-1008

RECEIVED

SEP 25 2024

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 January 08, 2024.
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)
29-10265	2/2/1970	GROUND WATER	2.28	458.5	131.0
Lease Totals			2.28	458.5	131.0

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, 2024 to December 31, 2025. 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1866

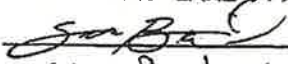
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1866

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

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1700
SALT LAKE CTY, UT 84111-1008

By 
Title Eric Brant
Date 9/26/24

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

By 
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 9/26/24

Lease approved by IDWR 

Date 9/26/24

ASSIGNMENT OF WELL SHARING AGREEMENT

THIS ASSIGNMENT OF WELL SHARING AGREEMENT (this “**Assignment**”) is made as of the 22nd day of December, 2021 (the “**Effective Date**”) by and between LANCE FUNK and LISA FUNK, husband and wife, and LANCE & LISA FUNK PARTNERSHIP, an Idaho general partnership (collectively, “**Assignor**”), and FARMLAND RESERVE, INC., a Utah nonprofit corporation (“**Assignee**”). Assignor and Assignee are sometimes referred to herein collectively as the “**Parties**.”

RECITALS:

A. This Assignment is made pursuant to that certain Asset Purchase Agreement dated as of September 28, 2021 (as amended from time to time, the “**Purchase Agreement**”), by and between Seller and AgReserves and Farmland Reserve, Inc., a Utah non-profit corporation, collectively as Buyer. Capitalized terms used herein but not otherwise defined shall have the meanings assigned to them in the Purchase Agreement; and

B. Pursuant to the Purchase Agreement, Assignor shall assign, and Assignee shall accept assignment of, the Well Sharing Agreement (as defined below).

AGREEMENT:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee, for themselves and their respective successors and assigns, do hereby agree as follows:

1. Assignment and Assumption. In accordance with the terms of the Purchase Agreement, Assignor hereby assigns, and Assignee hereby accepts, only with respect to matters arising from and after, and which did not accrue prior to, the Effective Date, all of Assignor’s rights and duties under that certain Contract of Agreement between Seller and Monty Funk dated January 21, 2016, relating to Seller’s right to use that certain well located on Monty Funk’s property in the SW1/4 NW1/4 of Section 20, Township 6 South, Range 29 East, a copy of which is attached hereto (the “**Well Sharing Agreement**”).

2. Status of Well Sharing Agreement. The Well Sharing Agreement attached hereto (a) is a complete and accurate copy thereof, (b) there is no other agreement between Assignor and the counterparty thereto with respect to its subject matter, (c) it is in full force and effect and (d) there are no defaults or unpaid or unperformed obligations due thereunder by Assignor or Assignee.

3. Governing Law. This Assignment shall be governed by, enforced in accordance with, and interpreted under the internal substantive laws of the State of Idaho.

4. Entire Agreement. This Assignment and the Purchase Agreement (and all exhibits and schedules hereto and thereto) collectively constitute and contain the entire

Assignment of Well Sharing Agreement
Lance Funk Farms

113493593.1 0058623-00014

4. Entire Agreement. This Assignment and the Purchase Agreement (and all exhibits and schedules hereto and thereto) collectively constitute and contain the entire agreement and understanding of the Parties with respect to the subject matter hereof and thereof and supersede all prior negotiations, correspondence, understandings, agreements and contracts, whether written or oral, among the Parties respecting the subject matter hereof and thereof.

5. Severability. Should any term, provision or paragraph of this Assignment be determined to be illegal or void or of no force and effect, the balance of the Assignment shall survive.

6. Further Assurances. The Parties shall execute and deliver such additional documents, instruments, conveyances and assurances and take such further actions as may be reasonably required to carry out the assignment and assumption of the Assumed Liabilities contemplated herein.

7. Amendments. This Assignment may be amended, restated, supplemented or otherwise modified, only by written agreement duly executed by each of the Parties.

8. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Assignment delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Assignment.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment and Assumption Agreement as of the day and year first above written.

ASSIGNOR

LANCE AND LISA FUNK PARTNERSHIP,
an Idaho general partnership

By: 
Lance Funk, Partner

By: 
Lisa Funk, Partner


Lance Funk

Lisa Funk

ACKNOWLEDGED AND AGREED TO

BY:



Monty Funk

ASSIGNEE

AGRESERVES, INC.,
a Utah corporation

By: Doug Rose
Doug Rose, President and
Chief Executive Officer

RB

P
12/20/2021

**EXHIBIT A
WELL SHARING AGREEMENT
CONTRACT OF AGREEMENT**

To Whom It May Concern,

Lance Funk and Monty Funk have entered into an agreement concerning ground water well located at Township 06 South Range 29 East Section 20 SWNW. Monty Funk owns the ground water well and gives permission to Lance Funk to utilize the well for irrigation purposes.

Lance Funk and Monty Funk have a private agreement set forth regarding the maintenance and cost of operation of the ground water well.

Monty Funk:

Monty Funk

Date: 1-21-16

Lance Funk:

Lance Funk

Date: 1-21-16

Assignment of Well Sharing Agreement
Lance Funk Farms

113493593.1 0058623-00014



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 16 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

December 13, 2024

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Farmland Reserve Inc. 31.0 Acre Transfer

Dear Mr. Cefalo:

Farmland Reserve Inc. desires to transfer 31.0 acres of water rights in which they own to a farm located in T06S R29E Section 30. The transfer proposes to create a 480.0 acre permissible use.

There is no proposed change to the beneficial use, period use or the ownership of the water rights. There is an existing POD on the farm that is utilized to provide irrigation water.

It is proposed to move 31.0 acres from 29-10265. Water rights already located on the farm are 35-7632A, 35-14442, 35-14443 and 35-14820.

ESPA Model analysis has been performed based on IDWR's previous memos and policies. The ESPA Model analysis has been required by IDWR due to the FROM and TO location of the water rights. However, IDWR has not provided any updated guidance, policy or rule as to what can or cannot be approved for such a transfer at this time given the recent orders pertaining to the use of the ESPA transfer analysis tool. Attempts to obtain clarification on what transfers can be approved in the ESPA have been deferred to legal counsel. It is unknown what duration of time it will take for IDWR to provide the required guidance to allow water right transfers in the ESPA to be processed by IDWR staff.

A State of Idaho Department of Water Resources Memo dated May 29, 2024 prepared by Jennifer Sukow with the subject of *Cumulative review of ESPA transfers between 2012 and 2023* is attached to the transfer application. The Memo indicates that cumulative effects of transfers in the ESPA on the Ashton to Near Blackfoot river reaches benefited those river reaches by 196 acre feet annually. The cumulative effects of the transfers in the ESPA on the Near Blackfoot to Minidoka river reaches benefited those river reaches by 431 acre feet annually. The cumulative effects of the transfers in the ESPA on the

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

89549



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Water Resources

Devil's Washbowl to Bancroft river reaches impacted those river reaches by 33 acre feet annually. The overall affect from ground water transfers within the ESPA from 2012 through 2023 has been a net benefit of 594 acre feet annually to the Snake River.

Based on the ESPA modeling analysis and the cumulative review of the ESPA transfers, this 78.0 acre transfer has been prepared and submitted to IDWR for processing and appears to be approvable.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Jared Cobell

Enc: Transfer Application, Annual Report, Aerial Maps, Water Right Reports, ESPA Model Analysis, Cumulative Effect Memo, Check # 18323 for \$580.00

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

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

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WASHINGTON
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89549



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 5, 2025

FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1700
SALT LAKE CTY, UT 84111-1008

RE: Transfer No. 89549
Water Right No(s). 35-14442, 35-14443, 35-14820, 35-14907, 35-7632A

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POWER COUNTY PRESS on 2/12/2025 and 2/19/2025. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS, ID 83301-3082

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 5, 2025 4:49 PM
To: press1@press-times.com
Subject: Legal Notice for Power County Press
Attachments: 89546, 89547, 89548, 89549 Power County Press.docx

LEGAL NOTICE DEPARTMENT
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS, ID 83211

RE: Transfer No. 89546, 89547, 89548, 89549
Water Right No(s). 35-14896, 35-14903, 35-14904, 35-14905, 35-13608, 35-14081, 35-14084, 35-14089, 35-14092, 35-14243, 35-14857, 35-14874, 35-14897, 35-14902, 35-14241, 35-14655, 35-14845, 35-14860, 35-14861, 35-14898, 35-14899, 35-14900, 35-14906, 35-7914, 35-14442, 35-14443, 35-14820, 35-14907, 35-7632A

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/3/2025. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89546**

FARMLAND RESERVE INC, 60 E SOUTH TEMPLE STE 1700, SALT LAKE CTY, UT 84111-1008 has filed Application No. 89546 for changes to the following water rights within POWER County(s): Right No(s). 35-14896, 35-14903, 35-14904, 35-14905; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SWSE Sec 1 T07S R28E for 1.07 cfs from ground water. Proposed place of use is in NENE, SWNE, and SENE Sec 12 T07S R28E for 71 acres.

TRANSFER NO. 89547

FARMLAND RESERVE INC, 60 E SOUTH TEMPLE STE 1700, SALT LAKE CTY, UT 84111-1008 has filed Application No. 89547 for changes to the following water rights within POWER County(s): Right No(s). 35-13608, 35-14081, 35-14084, 35-14089, 35-14092, 35-14243, 35-14857, 35-14874, 35-14897, 35-14902; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in Lot 2 (NWNE) Sec 5 T07S R29E for 11.18 cfs from ground water. Proposed place of use is 737.0 acres within a 760.0-acre permissible place of use located in N1/2 Sec 5 and NW1/4 Sec 4 T07S R29E; and NESW, SWSW, SESW and SE1/4 Sec 32 T06S R29E.

TRANSFER NO. 89548

FARMLAND RESERVE INC, 60 E SOUTH TEMPLE STE 1700, SALT LAKE CTY, UT 84111-1008 has filed Application No. 89548 for changes to the following water rights within POWER County(s): Right No(s). 35-14241, 35-14655, 35-14845, 35-14860, 35-14861, 35-14898, 35-14899, 35-14900, 35-14906, 35-7914; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, add point of diversion and change place of use. Proposed points of diversion are in SWSE Sec 6 and NWNE Sec 7, T07S R29E for 12.18 cfs from ground water. Proposed place of use is 733.1 acres within a 960-acre permissible place of use in Sec 6 and N1/2 Sec 7, T07S R29E.

TRANSFER NO. 89549

FARMLAND RESERVE INC, 60 E SOUTH TEMPLE STE 1700, SALT LAKE CTY, UT 84111-1008 has filed Application No. 89549 for changes to the following water rights within POWER County(s): Right No(s). 35-14442, 35-14443, 35-14820, 35-14907, 35-7632A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion, change point of diversion and change place of use. Proposed points of diversion are in NENE Sec 30 and SWNW Sec 20, T06S R29E for 1.86 cfs from ground water. Proposed place of use is in E1/2 Sec 19 and NE1/4 Sec 30, T06S R29E for 121.0 acres within a 480-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/3/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 2/12/2025 and 2/19/2025