

WATER SUPPLY BANK LEASE CONTRACT No. 1655

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

LESSOR: FARM DEVELOPMENT CORP
575 W BANNOCK ST
BOISE, ID 83702-5917

RECEIVED

FEB 02 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 December 29, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
2-10579	12/6/1963	SNAKE RIVER, tributary to COLUMBIA RIVER	15.99	4,744.0	1,186.0
Combined Lease Totals			15.99	4,744.0	1,186.0

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, 2022 to December 31, 2022. 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.

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WATER SUPPLY BANK LEASE CONTRACT No. 1655

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1655

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

LESSOR: FARM DEVELOPMENT CORP
575 W BANNOCK ST
BOISE, ID 83702-5917

By 
Title PRESIDENT
Date 1/18/2023

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

By  Date 2/21/23
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  Date 2/21/23

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WATER SUPPLY BANK LEASE CONTRACT No. 1655

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): 2-10579

SNAKE RIVER L 4NWSW Sec. 34 Twp 05S Rge 09E ELMORE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-10579	IRRIGATION	03/15	to	11/15	15.99 cfs	4,744.0 AF
Totals:					15.99 cfs	4,744.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Large POU not Displayed. See attached map.

Total Acres: 1,186.0

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.
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.

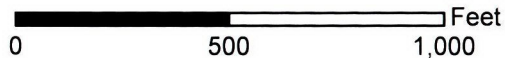
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1655

2-10579
Effective until December 31, 2022

This map depicts the **point of diversion** 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








APR 15 2023

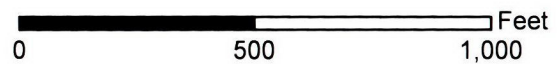
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-  Approved Lease Place of Use
-  Township/Range
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-  QQ



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MAR 15 2023

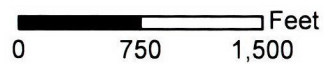
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- Approved Lease Point of Diversion
- Approved Lease Place of Use
- ▬ Township/Range
- ▬ Sections
- QQ



2023/05/15 15:23

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- Approved Lease Place of Use
- Township/Range
- Sections
- QQ

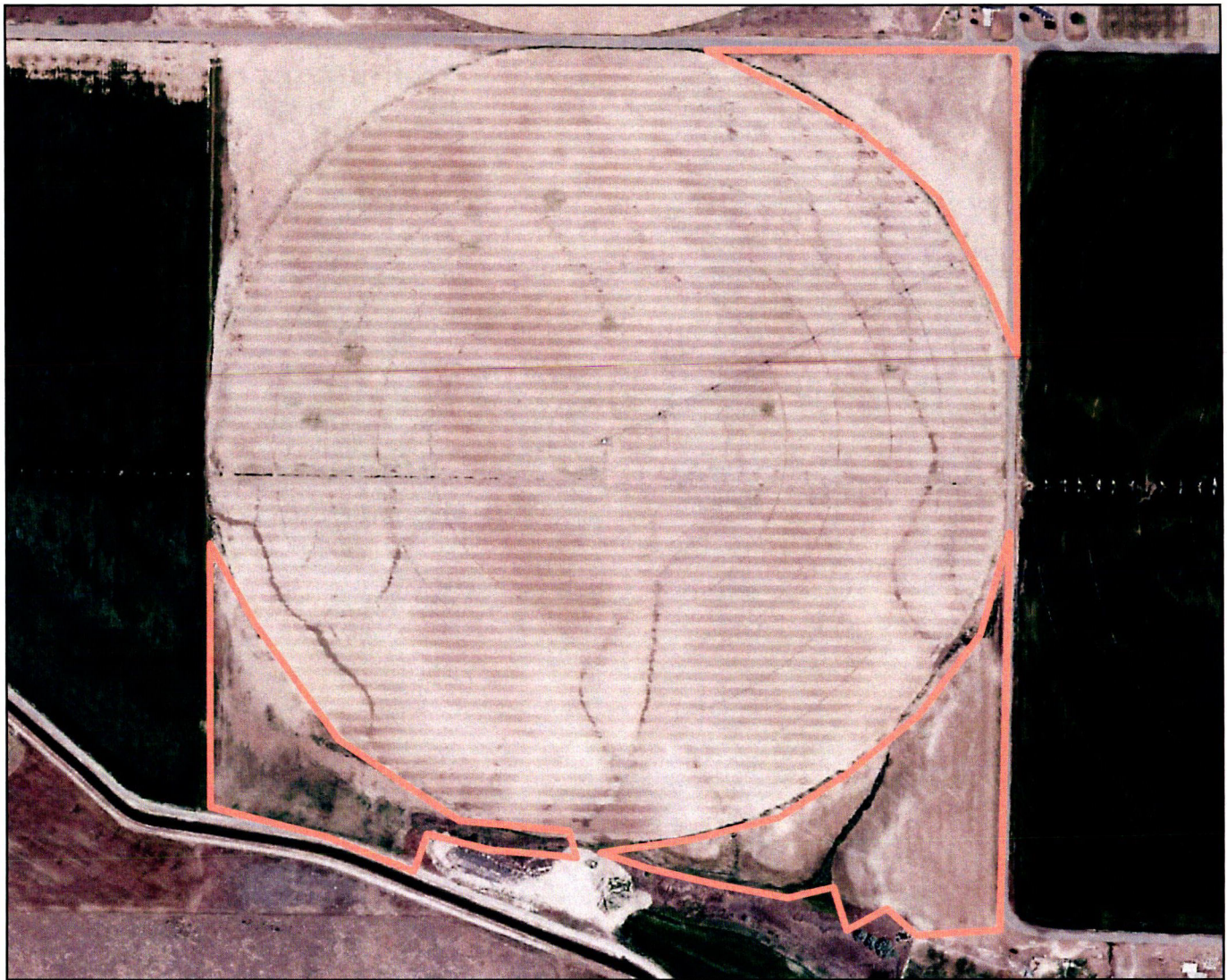






0 750 1,500 Feet

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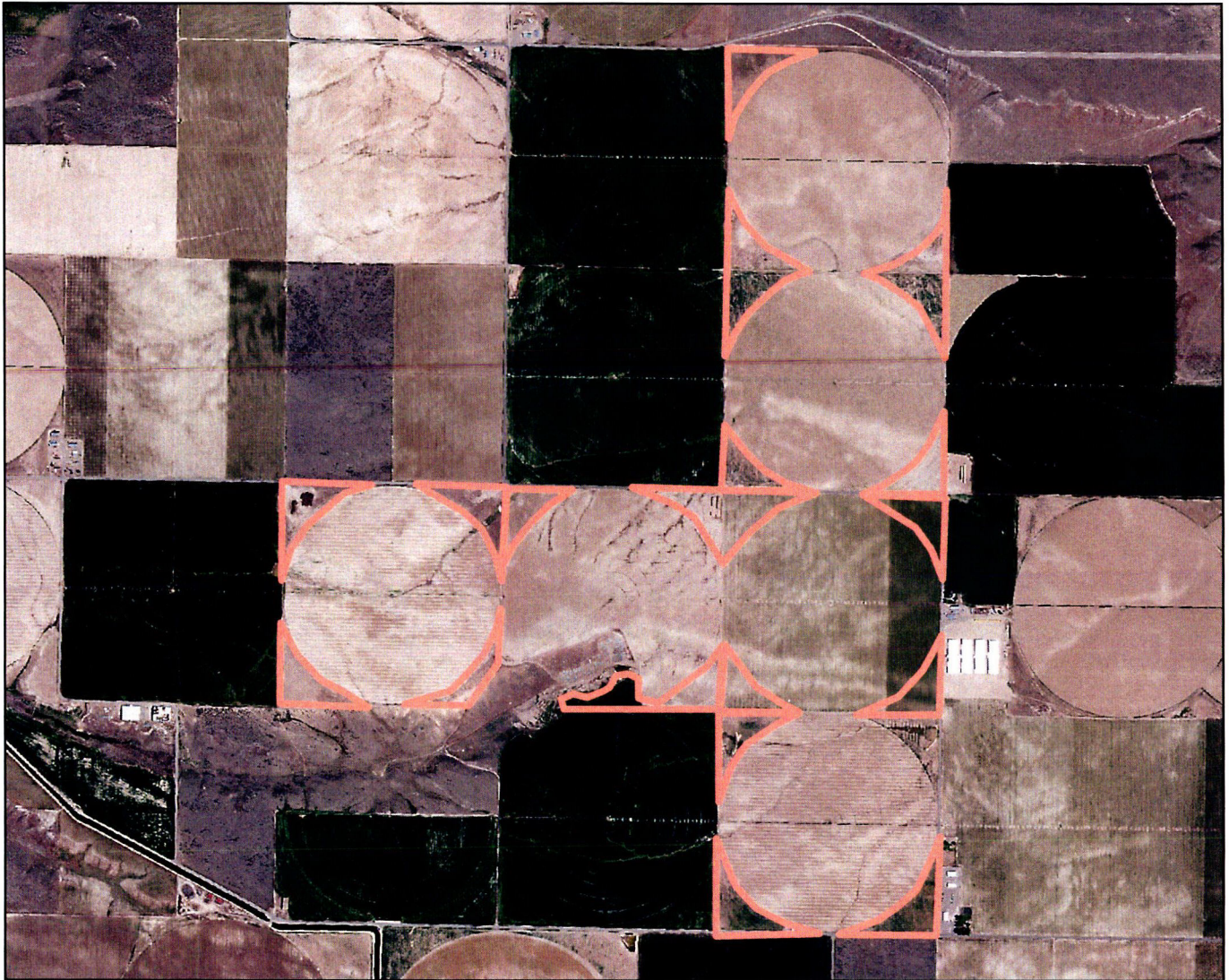
-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



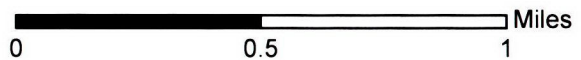
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- QQ

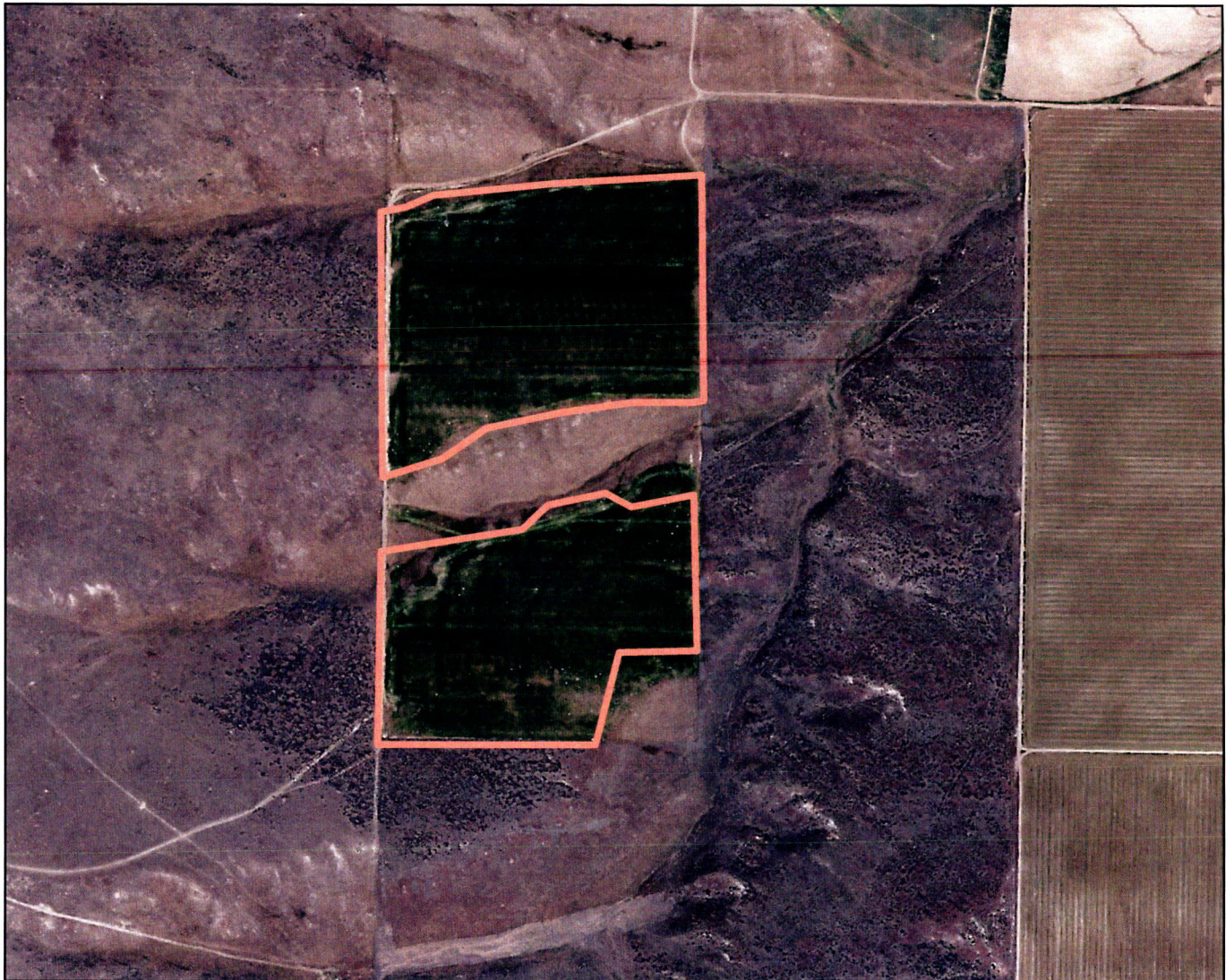







03/15/2023

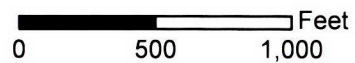
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Water Supply Bank Lease Contract No. 1655

2-10579
Effective until December 31, 2022

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-  Approved Lease Place of Use
-  Township/Range
-  Sections
-  QQ



MAR 15 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 29 2022

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant Farm Development Corporation
(Select one owner – see item 1A on the application)

Water Right No. 2-10579
(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 <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i>		
Yes		
	<input checked="" type="checkbox"/>	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
	<input checked="" type="checkbox"/>	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.
	<input checked="" type="checkbox"/>	Confirmation this form has been printed single sided , per requirement of the Water Supply Bank.
Attachment	N/A	Yes
1A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	<input checked="" type="checkbox"/>	<input type="checkbox"/> An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
1D	<input type="checkbox"/>	<input checked="" type="checkbox"/> 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	<input type="checkbox"/>	<input checked="" type="checkbox"/> Description of a water right portion offered to the Water Supply Bank.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/>	<input type="checkbox"/> Written consent from irrigation district or water delivery company.
4G	<input checked="" type="checkbox"/>	<input type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code .
Department Use Only		
Fee Amount \$	<u>250</u>	Received By: <u>Ku</u>
		Date Received: <u>12.29.22</u>
		Receipt # <u>C114986</u>
W-9 received?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(Route W-9 to Fiscal)
		Name on W-9:

2548

COBANKS
MAR 15 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 Farm Development Corporation

Mailing Address 575 W Bannock St, Boise, ID 83702

Street City State Zip Code

Email Address markn@farmdevcorp.com Phone Number 208-342-6524

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 Mark Noble Organization Farm Development Corporation

Professional Title President Email Address markn@farmdevcorp.com

Mailing Address 575 W Bannock St, Boise ID 83702 Phone Number 208-342-6524

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.

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.
Pumps at river, penstock and mainlines.

- 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. None

- 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. This right was decreed in the SRBA in 2008. Since that time the right has either been used in full or placed in the Water Bank.

- 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.

- 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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

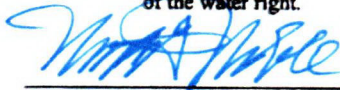
5. SALE/LEASE AGREEMENT

- 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: 2022 to 2022 (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

Mark Noble
Printed Name

12/27/22
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

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

<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
2-10594	Irrigation	17.0	5,038 <i>5041.0</i>	1260.2
	Total Amounts:			

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

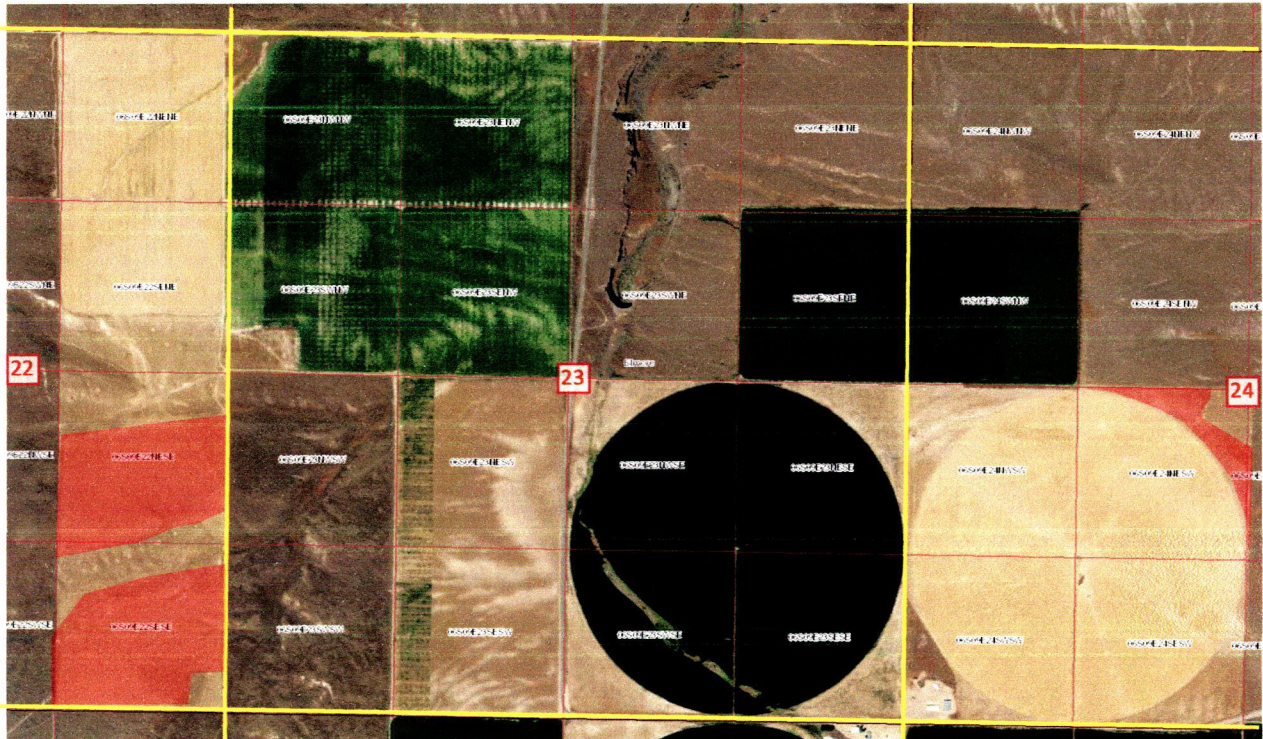
Twp	Rge	Sec	Lot	¼	¼	¼	County
5S	9E	34	4		NW	SW	Elmore

<u>Twn</u>	<u>Rng</u>	<u>Sec</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Tract</u>	<u>Acres</u>	<u>Totals</u>				
06S	09E	22	NENE		SENE						0	Map 1			
			NESE	28	SESE	32					60				
		23	SENE										0		
			NENW		NWNW		SWNW		SENE		0				
			NESW		SESW						0				
			NESE		NWSE		SWSE		SESE		0				
		24	SWNW										0		
			NESW	5	NWSW		SWSW		SESW		5				
		25	26	25	NENE		NWNE	6.5	SWNE	7.7	SENE		7.6	21.8	Map 2
					NENW		NWNW		SWNW		SENE			0	
					NESW		NWSW		SWSW		SESW			0	
					NESE	8	NWSE	8	SWSE	8	SESE		8	32	
26	NENE				NWNE		SWNE		SENE		0				
	NENW				SWNW		SENE				0				
	NESW				NWSW		SWSW		SESW		0				
	NESE				SESE						0				
27	SENE											0			
	SWSW				SESW						0				
	NESE				SWSE		SESE				0				
	28			SWSW		SESW						0			
		SWSE		SESE						0					
	33	NENE		NWNE						0					
NENW			NWNW						0						
34	NENE	6	NWNE		SWNE	8	SENE	13	27						
	NENW		NWNW		SWNW		SENE		0						
	NESE								0						
35	36	35	NENE	8	NWNE	8	SWNE	8	SENE	8	32	Map 2			
			NENW		NWNW		SWNW		SENE		0				
			NWSW		SWSW						0				
			SWSE		SESE						0				
		36	NENE	8	NWNE	8	SWNE	8	SENE	8	32				
			NENW	8	NWNW	8	SWNW		SENE	12	28				
			NESW		NWSW		SWSW		SESW		0				
			NESE	8	NWSE	8	SWSE	8	SESE	8	32				
		6S	10E	30	SWNW		SENE							0	Map 4
					NESW		NWSW		SWSW		SESW			0	
					SWSE		SESE							0	
				31	NENW		NWNW		SWNW		SENE				
NESW	7				NWSW	13	SWSW	6	SESW	8	34				
NENE					NWNE		SWNE		SENE	4	4				
NESE	8				NWSE	8	SWSE	8	SESE	8	32				
32	NWNW				SWNW						0				
	NESW			10	NWSW	8	SWSW	8	SESW	8	34				

7S	10E	4	SWNW	8	SENW	8			16	Map 6		
			NESW		NWSW		SWSW	SESW	0			
			NESE		NWSE		SWSE	SESE	0			
		5	SWNE		SENE				0	Map 5		
			SWNW		SENW				0			
			NESW	8	NWSW	8	SWSW	8	SESW		8	32
			NESE		NWSE		SWSE		SESE			0
		6	SENE									0
			SWNW		SENW							0
			NESW	16	NWSW	13	SWSW	6	SESW	6	41	
			NESE		SESE						0	
		10	SESE	38							38	
		11	SWNE	40	SENE	38					78	
			SENW	0.4							0.4	
			NESW	40	SWSW	30	SESW	32			102	
			NESE		NWSE	40	SWSE	37	SESE		77	
		12	NESW		NWSW		SWSW		SESW	0.7	0.7	
			SWNW	0.8							0.8	
			SWSE	16	SESE	0.5					16.5	
		13	NENE	40	NWNE	40	SWNE	40	SENE	40	160	
			NENW	38	SENW	32					70	
			NESE	37	NWSE	32					69	
		14	NWNW	40	NENW	0.4	SWNW	0.8			41.2	
		15	NENE	40	SENE	1					41	
		18	SWNW	31	NWNW	0.5	SENW	0.3			31.8	
			NESW	40	NWSW	31					71	

Total: 1260.2

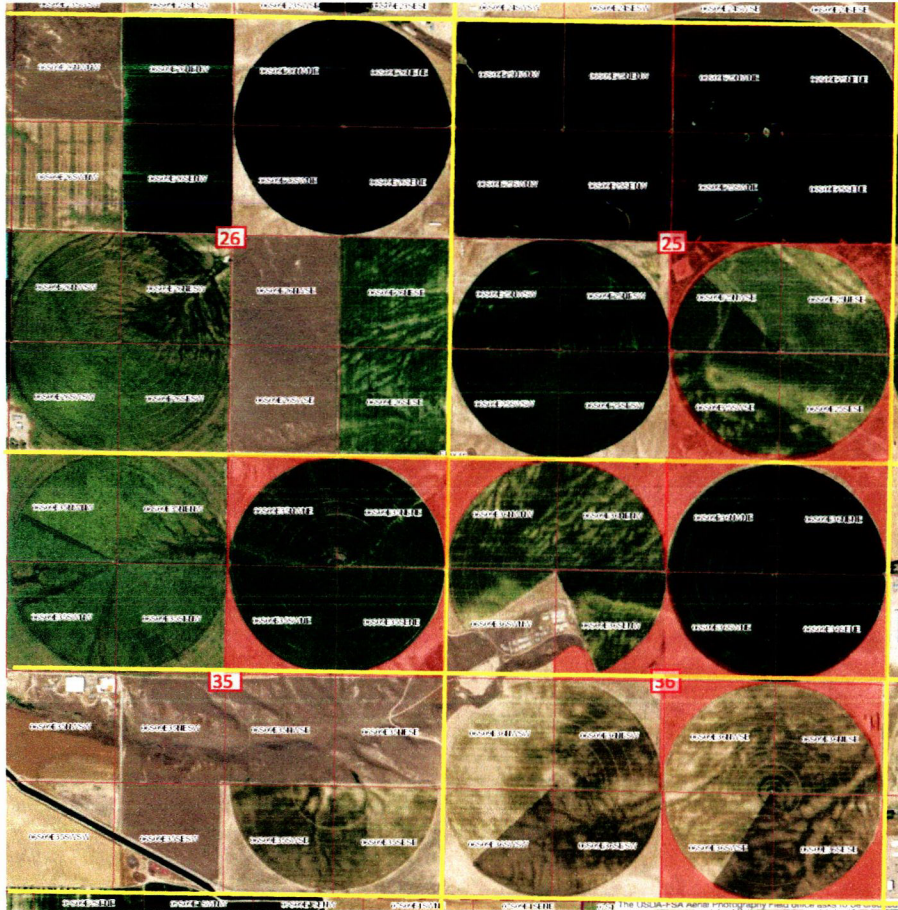
T6S R9E S22, 23, & 24



Map 1

3 3 11 11 11 11
MAR 15 2013

T6S R9E S25, 26, 35 & 36



MAP 2

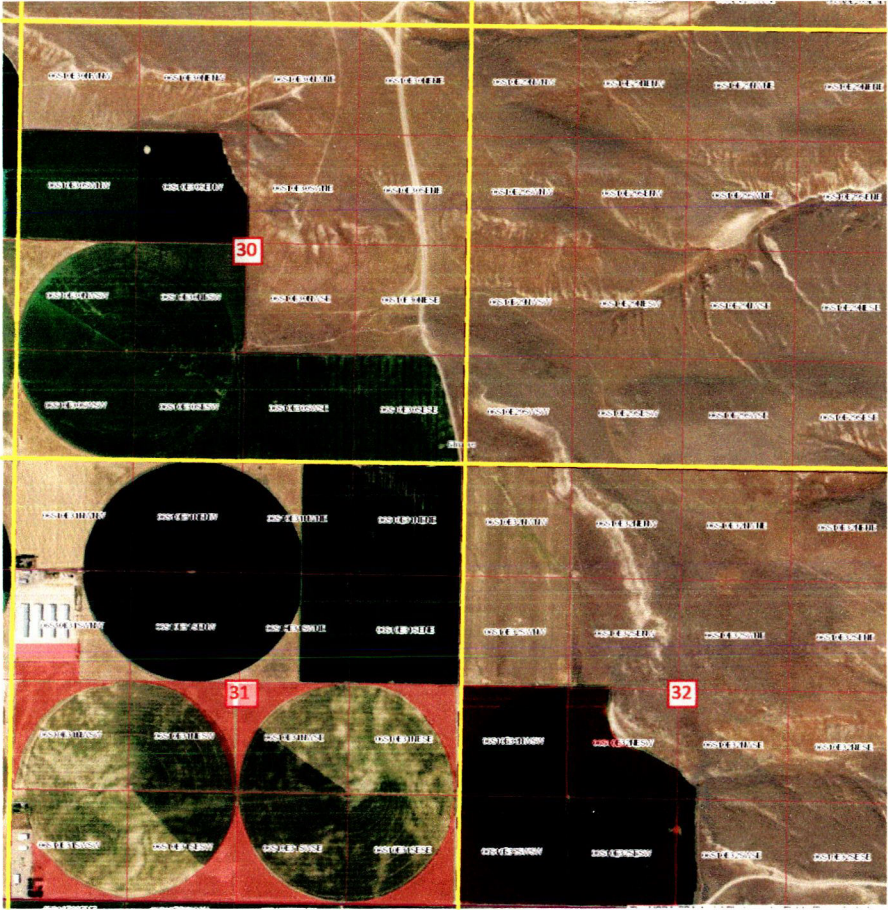
2015-11-15
15:15

T6S R9E S27, 28, 33 & 34



MAP 3

T6S R10E S30, 31, & 32

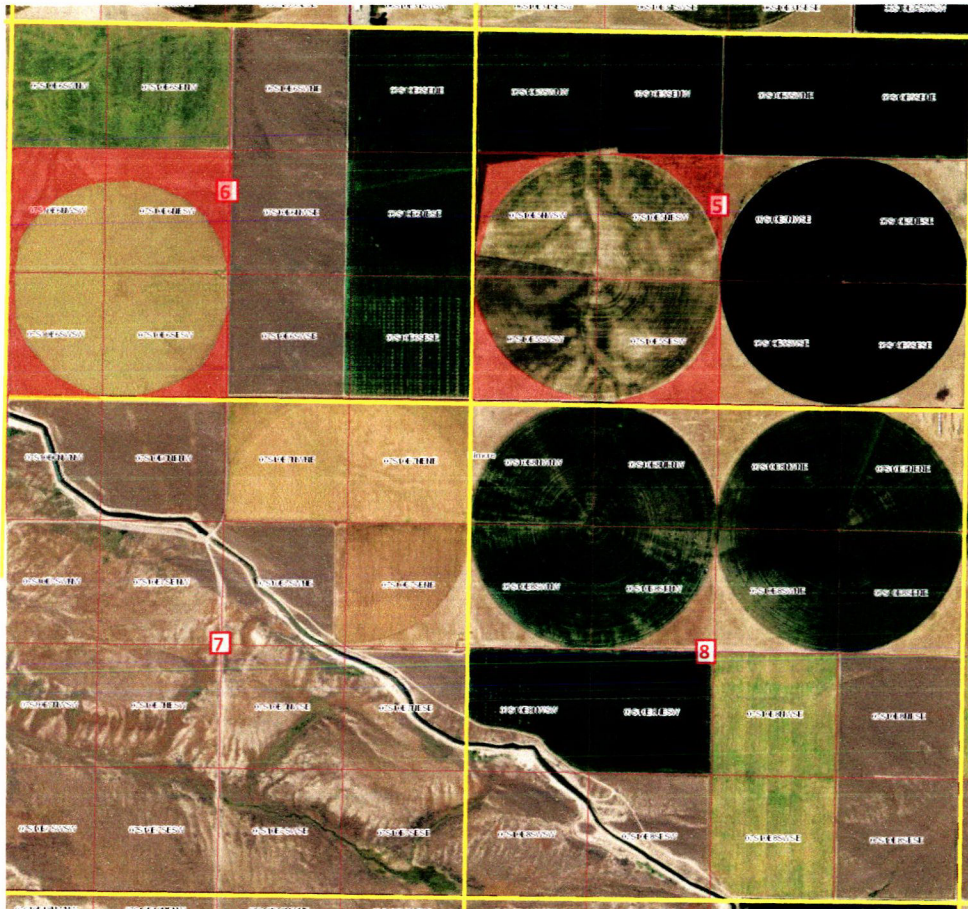


MAP 4

03/15/2024
02:15:23

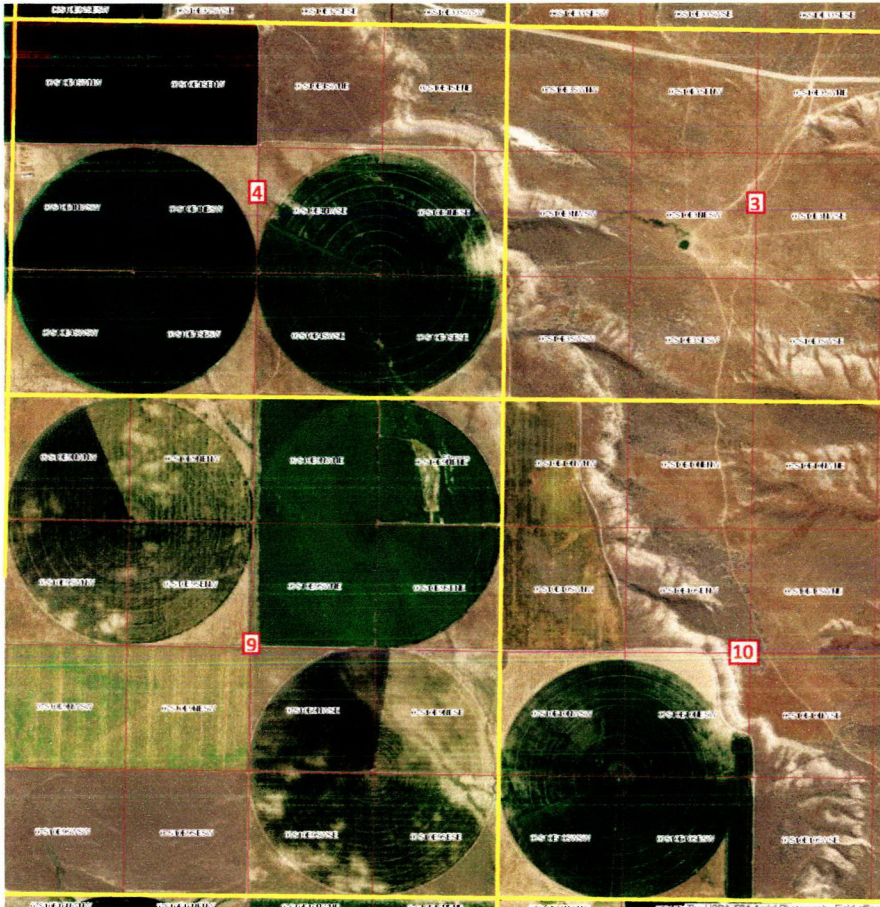
T7S R10E 5,6,7,8

T6S R9E S27, 28, 33 & 34



MAP 5

T7S R10E S4, 9 & 10



MAP 6

2014-10-15



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

November 30, 2023

FARM DEVELOPMENT CORP
PO BOX 1201
BOISE ID 83709

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 2-10579.**

The Department of Water Resources is enclosing a state warrant in the amount of **\$20,368.80** as payment to you for the rental of the above referenced water right(s) from the Water Supply Bank during 2023. Your payment is 90% of the total rental fee for the following transactions:

Lease Contract	Water Right(s)	Rental Agreement	Rental Volume (AF)	Rental Rate (\$/AF)	Total Rental Fee	Owner Share
1065	2-10579	377	984	\$23/AF	\$22,632.00	\$20,368.80

If you have questions regarding this matter, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: 150152393

Enclosures: Check

WSB Mailing Checklist for Leases

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

Key:	Who Completes What?
CLERICAL STAFF:	MK
REVIEWER:	<i>Jan</i>

Received Date 12/29/2022

Desired Lease Duration 2022

Lease / Rental Package Y (N)

If yes, Renter Name: _____

Application # 2548 Contract # 1655

WR#s		#		#		#		#
		<u>2-10579</u>						
#		#		#		#		#
#		#		#		#		#
#		#		#		#		#
#		#		#		#		#
#		#		#		#		#
#		#		#		#		#
#		#		#		#		#

Applicant Authorized?	<u>(Y)</u> / N
Multiple owners, Attach 1A included?	Y / N <u>(NA)</u>
If portion is offered, Attach 2 included?	<u>(Y)</u> / N NA
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?	<input checked="" type="checkbox"/>
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	<input type="checkbox"/>

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>Farm Development Corporation</u>	<input type="checkbox"/>	<input type="checkbox"/>	EMAIL: _____
Attorney: <u>John Marshall</u>	<input type="checkbox"/>	<input type="checkbox"/>	EMAIL: _____
Consultants Name: _____	<input type="checkbox"/>		Comments: _____
Watermaster: <u>Rob Whitney</u>	<input type="checkbox"/>		<u>HG-4</u>
Delivery Entity: _____	<input type="checkbox"/>		<u>Contract 1065</u>
Water District: <u>02</u>	<input type="checkbox"/>		<u>246 acres (2020)</u>
Ground Water District: _____	<input type="checkbox"/>		<u>Bank 2019</u>
Region: <u>Western</u>	<input type="checkbox"/>		<u>20</u>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<u>21</u>
Address: _____	<input type="checkbox"/>		<u>22</u>
			<u>PD 2008</u>

Call up Date: _____

1-27-23

split from 2-2062

DO NOT SCAN



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

February 22, 2023

FARM DEVELOPMENT CORPORATION
575 W BANNOCK ST
BOISE ID 83702-5917

RE: WATER SUPPLY BANK LEASE CONTRACT 1655 FOR WATER RIGHT 2-10579

Dear Lessor:

Water right(s) **2-10579** was/were leased into the Water Supply Bank (Bank) as of January 1, 2022, 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) was automatically released from the Bank on **December 31, 2022**. A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

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

Sincerely,

Jean Hershey

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No. 02
John Marshall Law

2023 FEB 23 10:15 AM



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

January 12, 2023

FARM DEVELOPMENT CORPORATION
575 W BANNOCK ST
BOISE ID 83702-5917

**RE: APPLICATION TO LEASE WATER RIGHTS 2-10579 TO THE WATER SUPPLY BANK
CONTRACT 1655**

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2022**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Jean Hershey

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Marshall Law PLLC

2023 JAN 13 PM 1:13

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, January 12, 2023 9:37 AM
To: Whitney, Rob
Subject: Watermaster comments for WSB Lease 2-10579
Attachments: Lease Application Review 02-10579.xls; Lease Contract - 1655.docx

Please let me know if you have any comments or concerns with the attached lease. Thank you.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

WATER SUPPLY BANK

Quick Tools

Lease Review Checklist

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

Applicant(s) Name: Farm Development Corp

Memo Date: January 11, 2023

Water Right Number(s): 2-10579

Reviewers Name: Jean

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	X		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right	X		
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	X		
5	Authority to file			
	Current owner or designated applicant	X		
	SOS Web site checked for business entity	X		Mark Noble, director
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2008
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	X		
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns			
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	X		
	Complete a combined limits review	X		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	X		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		X	
	Will the place of use continue to receive water? (if yes explain in comments)		X	
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		X	
10	Have you contacted regional office and watermaster for comment/concerns?	X		
	Send the watermaster comment request form or e-mail request	X		2
11	Area Headgate requirement (write in Comments)			4
12	Is water right involved in any other department action? Pull file and check database () Ownership Change () Transfer () Mitigation () Other - Explain in comments		X	

Narrative: The Department received this application on December 29, 2022. The applicant wishes to place 1260.2 acres in the Bank for the 2022 season. The application was delayed due to the difficulty assessing the acreage that was not irrigated this season due to a new leasing arrangement on the property. Mark Noble, Director, signed the application. The parent of this right, 2-2262, was decreed in 2008. Portions offered to the Bank have either been irrigated or leased to the Bank since then. This right is limited to the irrigation of 1432.0 acres. The POU shape completely overlaps with 2-2262, which is limited to the irrigation of 12,000 acres. The POU shape is approximately 14,000 acres. 2-2262 has 1242.0 acres leased to the Bank for 2022. Contract 1065 has 246.0 acres of 2-10579 leased until 2024. These acres do not overlap with any of the acres offered on this lease. However, this application is being reduced to 1186.0 acres because of the other lease. The leased rate will be 15.99 cfs because the leased rate on contract 1065 is 3.31 cfs and the total rate is 19.3 cfs. This right is currently within WD 02.

APPROVED
JAN 15 2023



0004916351

B0741-9771 09/15/2022 11:30 AM Received by Office of the Idaho Secretary of State



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
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 #: 0004916351
 Date Filed: 9/15/2022 11:30:20 AM

Entity Name and Mailing Address:			
Entity Name:	FARM DEVELOPMENT CORPORATION		
The file number of this entity on the records of the Idaho Secretary of State is:	0000109400		
Address	PO BOX 1201 BOISE, ID 83701-1201		
Entity Details:			
Entity Status	Active-Good Standing		
This entity is organized under the laws of:	IDAHO		
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	C32181		
The registered agent on record is:			
Registered Agent	Mark Noble Registered Agent Physical Address 575 W BANNOCK STREET BOISE, ID 83702 Mailing Address PO BOX 1201 BOISE, ID 83701-1201		
Corporate Officers and Directors:			
	Name	Title	Business Address
	John Berg	Director	1140 S ALLANTE BOISE, ID 83709
	Mark Noble	Director	P.O. BOX 1201 BOISE, ID 83701
	Damon Thompson	Secretary	P.O. BOX 1201 BOISE, ID 83701
	MARK NOBLE	President	P.O. BOX 1201 BOISE, ID 83701
The annual report must be signed by an authorized signer of the entity.			
Job Title: Office Manager			
<i>Jennifer McDowell</i>			<i>09/15/2022</i>
Sign Here			Date

03701130
123 15 22

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

December 27, 2022

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

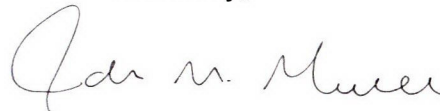
RECEIVED
DEC 29 2022
DEPARTMENT OF
WATER RESOURCES

Re: 2-10579 Water Bank Application

To Whom It May Concern,

On behalf of Farm Development Corporation, I enclose an executed Water Bank Lease Application for water right 2-10579 along with a check for \$250.00 to cover the required fee. This application was delayed because of difficulty assessing the acreage that was not irrigated this season due to a new leasing arrangement on the property. Now that all of this is sorted out, we request processing of the attached application.

Sincerely,



John M. Marshall

2548

COPIES
DEC 15 2022