

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1622

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

LESSOR: GLOBAL AG PROPERTIES II USA LLC
2004 FOX DR STE L
CHAMPAIGN, IL 61820-7346

RECEIVED
DEC 23 2022
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 10, 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)
2-7038	6/5/1969	SNAKE RIVER, tributary to COLUMBIA RIVER	0.08	18.5	4.1
2-7036	8/30/1969	SNAKE RIVER, tributary to COLUMBIA RIVER	0.28	70.0	14.0
2-7037	8/30/1969	SNAKE RIVER, tributary to COLUMBIA RIVER	0.12	31.0	6.2
2-7127	9/12/1973	SNAKE RIVER, tributary to COLUMBIA RIVER	0.77	193.5	38.7
Combined Limit Totals			1.07	313.0	63.0
Combined Lease Totals			1.26	313.0	63.0

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SUPPORT DATA
IN FILE # 2-7036

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1622

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-7038	0.08	18.5	4.1	0.020	4.51
2-7036	0.28	70.0	14.0	0.020	5.00
2-7037	0.12	31.0	6.2	0.019	5.00
2-7127	0.77	193.5	38.7	0.020	5.00
Combined Limit Totals	1.07	313.0	63.0	0.016	4.97

** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.*

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, 2026. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1622

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

LESSOR: GLOBAL AG PROPERTIES II USA LLC

2004 FOX DR STE L

CHAMPAIGN, IL 61820-7346

By [Signature]

Title [Signature]

Date 12-19-22

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By [Signature]

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 12/30/22

Lease approved by IDWR [Signature]

Date 12/30/22

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1622

**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): 2-7036, 2-7037, 2-7038, 2-7127
SNAKE RIVER SWNE Sec. 35 Twp 05S Rge 04E OWYHEE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
2-7036	IRRIGATION	03/15	to	11/15	0.28 cfs	70.0 AF
2-7037	IRRIGATION	03/15	to	11/15	0.12 cfs	31.0 AF
2-7038	IRRIGATION	03/15	to	11/15	0.08 cfs	18.5 AF
2-7127	IRRIGATION	04/01	to	10/31	0.77 cfs	193.5 AF
Totals:					1.26 cfs	313.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	36			10.7	6.2			6.8	3.3	4.2	9.1			6.1	5.0	5.6	6.0	63.0

Total Acres: 63.0

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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1622

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. 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.
13. Rights 2-2129, 2-2130, 2-2406, 2-7020, 2-7021, 2-7025, 2-7033, 2-7034, 2-7350 and the unleased portions of 2-7036, 2-7037, 2-7038, 2-7127 when combined shall not exceed a total diversion rate of 61.39 cfs.
14. The unleased portion of water right 2-7038 is limited to the irrigation of 195.9 acres within the authorized place of use in a single irrigation season.
15. The unleased portion of water right 2-7037 is limited to the irrigation of 313.8 acres within the authorized place of use in a single irrigation season.
16. The unleased portion of water right 2-7127 is limited to the irrigation of 508.3 acres within the authorized place of use in a single irrigation season.
17. The unleased portion of water right 2-7036 is limited to the irrigation of 308 acres within the authorized place of use in a single irrigation season.
18. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
19. The unleased portion of water rights 2-7036, 2-7037, 2-7038 and 2-7127 when combined shall not exceed a total diversion rate of 22.53 cfs.
20. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
21. 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. 02.
22. Place of use does not include federal public lands.

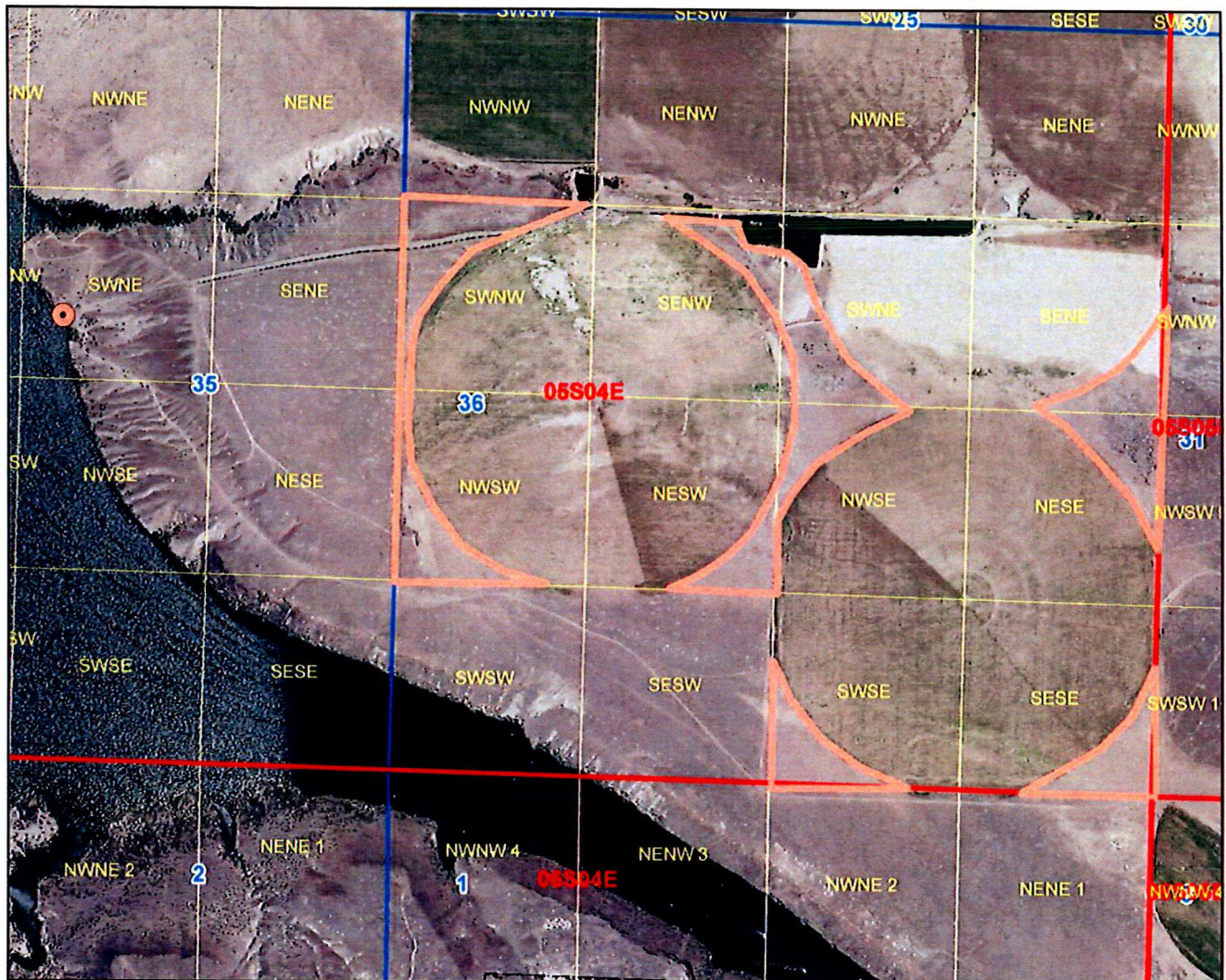
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Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1622

2-7036, 2-7037, 2-7038 & 2-7127
Effective until December 31, 2026

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



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



0 750 1,500 Feet

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

JAN 10 2022

DEPARTMENT OF
WATER RESOURCESDesignated Applicant GLOBAL AG PROPERTIES II USA LLC

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

Water Right No. 2-7036

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B ☐ ☐ An [Internal Revenue Service \(IRS\) Form W-9](#) for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to [Section 42-222\(2\), Idaho Code](#).

Department Use Only

Fee Amount \$ <u>500</u>	Received By: <u>LM</u>	Date Received: <u>1.10.22</u>	Receipt # <u>2022011001</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Global Ag Properties II USA LLC</u>	

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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 GLOBAL AG PROPERTIES II USA LLC

Mailing Address 2004 FOX DR STE L CHAMPAIGN, IL 61820-7346

Street

City

State

Zip Code

Email Address _____

Phone Number 2089083848

☐ 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 Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

☐ 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.**

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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.
Existing PODs, mainlines and delivery system.

- 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. 2-7036, 2-7037, 2-7038, 2-7127, et al.

- 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. A 144.2 acre portion of these water rights were under lease contract for 2015 and 2016.

- 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 ☒

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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 ☒.

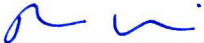
If lease, specify the years when the use of water will be suspended: 2021 to 2025 (maximum lease period 5 calendar years).
(Year) (Year)

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

Phil Neri
Printed Name

12/29/21
Date

Signature of Authorized Representative

Printed Name

Date

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

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**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)
2-7036	Irrigation	0.28	70.0	14.0
	Total Amounts:	0.28	70.0	14.0

2. Source of water Snake River tributary to Columbia River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
05S	04E	35			SW	NE	Owyhee County

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**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

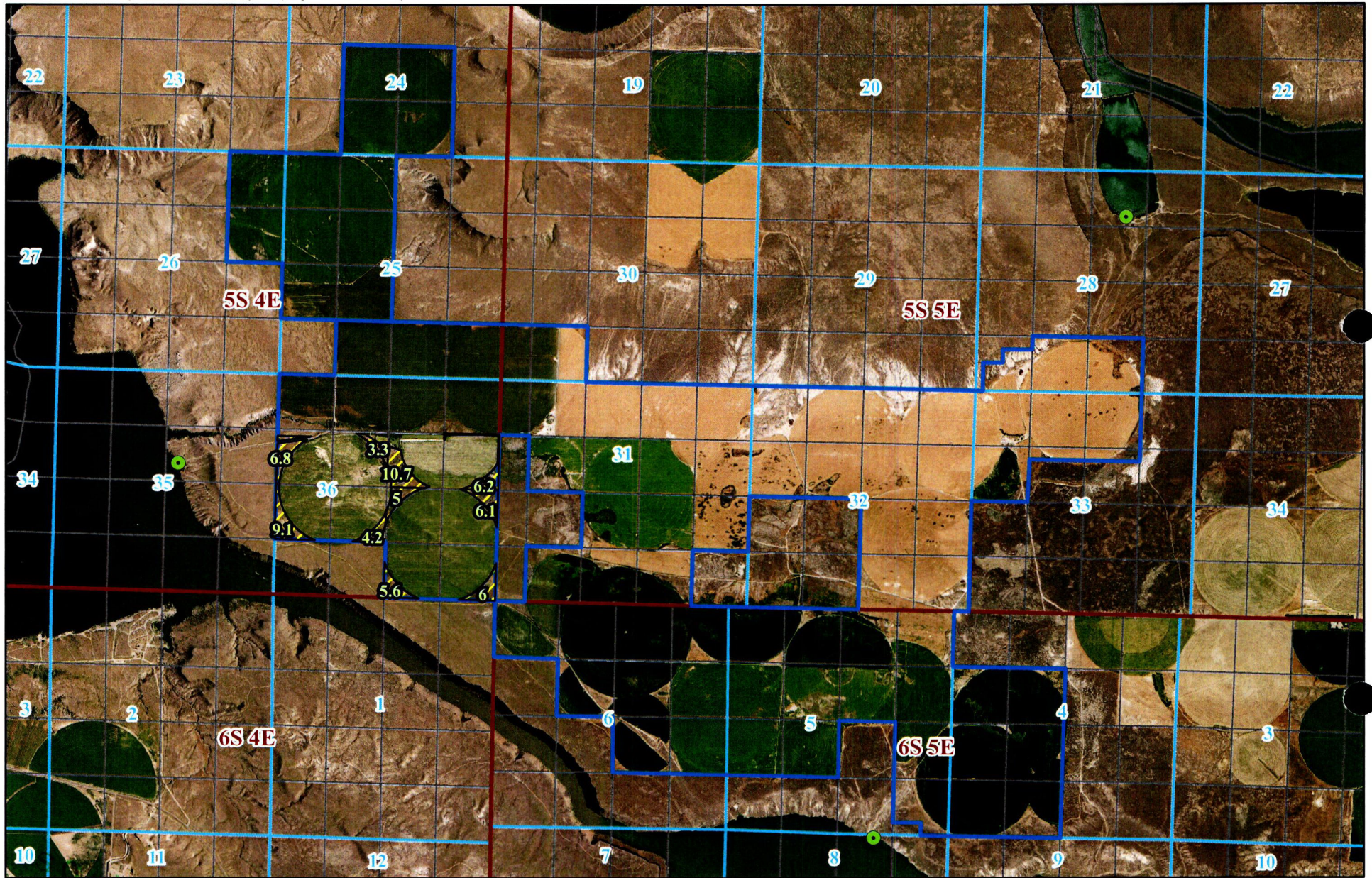
Water Right No(s). 2-7036, 2-7037, 2-7038 and 2-7127

	Designated Applicant	Applicant #2	Applicant #3
Name	Global Ag Properties II USA LLC		
Mailing Address	2004 FOX DR STE L CHAMPAIGN, IL 61820-7346		
Phone Number	901-512-2936		
Email Address	P.NERI@WGMGLOBAL.COM		
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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AUG 16 2023 Attachment 1A



0 0.5 1 Miles
ANNED
2023

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 3/12/2021

CRYSTAL SPRINGS FARM
PPU AND IRRIGATION POU 2019
NAIP 2019 AERIAL

Legend

-  Crystal Springs PPU
-  Crystal Springs 2021 Lease Acres



GLOBAL AG PROPERTIES II USA LLC, A DELAWARE LIMITED LIABILITY COMPANY C/O WESTCHESTER GROUP INVESTMENT MANAGEMENT INC
Water Right Calculation

Acres To Be Leased **63** acres

Total CFS Allowed **23.60** cfs

Total Acres Allowed **1389** acres

AFA Allowed **6845** afa

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AUG 6 2023

	Water Right Characteristics					Lease Amount		
	cfs	AFA	Acres	Right afa/acre	Right cfs/acre	cfs	AFA	Acres
Water Right								
2-7036	6.44	1610	322	5.00	0.020	0.28	70.0	14.0
2-7037	6.40	1600	320	5.00	0.020	0.12	31.0	6.2
2-7038	4.00	900	200	4.50	0.020	0.08	18.5	4.1
2-7127	10.94	2735	547	5.00	0.020	0.77	193.5	38.7
Total	27.78	6845	1389			1.26	313.0	63.0

WATER SUPPLY BANK LEASE CONTRACT MAR 07 2016

DEPARTMENT OF
WATER RESOURCES

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

LESSOR: MURPHY LAND CO LLC
PO BOX 3110
PASCO, WA 99302-3110
(509) 545-4545

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. On December 29, 2015, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
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 the 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:
Identified Rental Acres

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
2-7036	8/30/1969	SNAKE RIVER	COLUMBIA RIVER	0.64 cfs	160.5 af	32.1 ac
2-7037	8/30/1969	SNAKE RIVER	COLUMBIA RIVER	0.28 cfs	71.0 af	14.2 ac
2-7038	6/5/1969	SNAKE RIVER	COLUMBIA RIVER	0.19 cfs	41.9 af	9.3 ac
2-7127	9/12/1973	SNAKE RIVER	COLUMBIA RIVER	1.77 cfs	443.0 af	88.6 ac
Total annual combined limits of these water rights				2.45 cfs	716.4 af	144.2 ac

Lease Totals 2.45 cfs 716.4 af 144.2 ac

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, 2015 to December 31, 2016. This Lease shall bind the parties and take effect when both parties have signed it.

SUPPORT DATA

IN FILE # 2-7036

SCANNED

AUG 16 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

March 14, 2024

GLOBAL AG PROPERTIES II USA LLC
2004 FOX DR STE L
CHAMPAIGN IL 61820-7346

**RE: RENTAL OF WATER RIGHT(S) LEASED TO THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 2-7036, 2-7037, 2-7038, 2-7127.**

The Department of Water Resources is enclosing a state warrant in the amount of **\$3,270.60** 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
1427	2-7036, 2-7037, 2-7038, 2-7127	782	158	\$23/AF	\$3,634.00	\$3,270.60

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

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Warrant Number: 150260116

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: MC

REVIEWER: *Jan*

Received Date 1/10/2022

Desired Lease Duration 2022-2025

Lease / Rental Package Y N

If yes, Renter Name: _____

Application # 2268

Contract # 1622

WR#s	#
# 2-7036	#
# 2-7037	#
# 2-7038	#
# 2-7127	#
#	#
#	#

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?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

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

Mailings (per lease application)

	CC	Original	
Designated Applicant: Global Ag <i>II</i>	☐	☒	EMAIL: _____
Attorney: _____	☐	☐	EMAIL: _____
Consultants Name: Greg Sullivan - Brockway Engineering	☐		Comments: _____
Watermaster: Rob Whitney	☐		Previous under Murphy Land Co
Delivery Entity: _____	☐		
Water District: 2	☐		<i>HG-4</i>
Ground Water District: _____	☐		<i>T11TWH</i>
Region: Western	☐		<i>12/30/22</i>
Other: _____	☐	☐	
Address: _____			

Call up Date: 12-29-22

DO NOT SCAN



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Gary Spackman

January 4, 2023

GLOBAL AG PROPERTIES II USA LLC
2004 FOX DR STE L
CHAMPAIGN IL 61820-7349

RE: WATER SUPPLY BANK LEASE CONTRACT 1622-FOR WATER RIGHT 2-7036, 2-7037, 2-7038, & 2-7127

Dear Lessor:

Water right **2-7036, 2-7037, 2-7038, & 2-7127** was be 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 rights will automatically be released from the Bank on **December 31, 2026**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

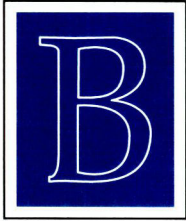
for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Western Region Office
Water District No. 02
Brockway Engineering, PLLC

SCANNED

AUG 16 2023



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
DEC 23 2022
DEPARTMENT OF
WATER RESOURCES

December 20, 2022

Mary Condon
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

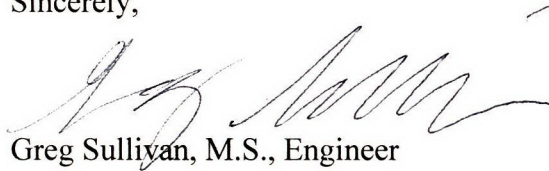
Re: 2-7038, 2-7036, 2-7037 and 2-7127

Dear Ms. Condon:

Global Ag Properties II USA LLC has signed lease contract No. 1623 and desires the Idaho Water Supply Bank to continue to process the lease contract.

Please copy our office on all correspondence regarding this application.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Bret Anderson via email
Enc: Signed Lease Contract No 1623

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

SCANNED

AUG 16 2023

Hersley, Jean

From: Whitney, Rob
Sent: Wednesday, December 14, 2022 8:34 AM
To: Hersley, Jean
Cc: Erling, Jes
Subject: RE: WM comments for WSB Lease 2-7036, 2-7037, 2-7038 & 2-7127

Thanks, Jean.

No concerns from WD02.

RW

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 13, 2022 1:15 PM
To: Whitney, Rob <Rob.Whitney@idwr.idaho.gov>
Subject: WM comments for WSB Lease 2-7036, 2-7037, 2-7038 & 2-7127

Global Ag Properties II is putting 63 acres in the Bank. Please let me know within 7 days if you have any comments or concerns with the attached contracts.

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

SCANNED
AUG 16 2023



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

Governor Brad Little

Director Gary Spackman

December 13, 2022

GLOBAL AG PROPERTIES II USA LLC
2004 FOX DR STE L
CHAMPAIGN IL 61820-7349

**RE: APPLICATION TO LEASE WATER RIGHTS 2-7036, 2-7037, 2-7038 & 2-7127 TO THE
WATER SUPPLY BANK CONTRACT 1622**

******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, 2026**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Brockway Engineering PLLC

SCANNED

AUG 16 2023

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Global Ag Properties II

Memo Date: December 13, 2022

Water Right Number(s): 2-7036-7038 & 2-7127

Reviewers Name: Jean

Quick Tools

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

		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		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2009
	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?			2015-2016
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		x	
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		
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 these application on January 10, 2022. The applicant wishes to place a total of 63 acres between the 4 (four) rights in the Bank. The application stated the term was 2021 to 2025 but since we received these in 2022, the term will be 2022 to 2026. I spoke with Greg Sullivan on the phone and he agreed to the new term. These rights were decreed in 2009. An ownership change in 2011 transferred the rights to Murphy Land Co. Murphy Land placed these rights in the Bank 2015-2016. A transfer was filed in March 2017, to update the POU and create a large PPU with 9 other rights. An ownership change transferring the rights to Global Ag II was received in May, 2017 and Murphy Land assigned the transfer application to Global Ag II in June, 2017. The transfer was approved in July, 2017. These rights along with 9 other rights are limited to the irrigation of 3335 acres in a 3668 PPU. It appears the correct number of acres have been irrigated except when the rights were in the Bank. These rights are currently within WD 2.

SCANNED

AUG 6 2023

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, December 13, 2022 1:15 PM
To: Whitney, Rob
Subject: WM comments for WSB Lease 2-7036, 2-7037, 2-7038 & 2-7127
Attachments: Lease_2022.pdf; Lease Contract -1622.docx; Lease Application Review Checklist July 2017.xls

Global Ag Properties II is putting 63 acres in the Bank. Please let me know within 7 days if you have any comments or concerns with the attached contracts.



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

SCANNED

AUG 16 2023

Hersley, Jean

From: Hersley, Jean
Sent: Monday, December 5, 2022 3:45 PM
To: Greg Sullivan
Subject: RE: WSB Lease Applications for Global Ag Properties

Greg,

Because the land appurtenant to these water rights, 2-7036, 2-7037, 2-7038 and 2-7127, along with others are limited to the irrigation of 3335 acres in a 3668 PPU, it appears that the correct number of acres have been idled.

What I need to know is if I can move the lease dates from 2021- 2025 to 2022-2026 or should I return the applications? Since we didn't receive the applications until January 10, 2022, I cannot lease the water rights to the Bank for 2021.

As soon as I receive your reply, I can move forward with these.



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

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, May 3, 2022 3:45 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease Applications for Global Ag Properties

Jean,

I have talked with the water right owner and they are having some meetings this week to discuss the issue that you identified.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

SCANNED

AUG 16 2023

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Friday, April 22, 2022 12:29 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: WSB Lease Applications for Global Ag Properties

Greg,

I am in the process of reviewing the lease applications for water rights 2-7036, 2-7037, 2-7038 & 2-7127 to be leased to the Water Supply Bank. In the cover letter, you stated that the lease period was intended to be 2021 to 2025. The Department did not receive these applications until January 10, 2022, so the 2021 season cannot be considered for the lease.

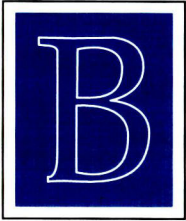
Also, the pivot corners you are asking to be placed in the Bank do not appear to have been irrigated since the rights were decreed in 2009. With the exception of the 2015-2016 season when the rights were in the Bank, these rights have not protected from forfeiture. Can you provide evidence that these portions of the water rights have not been lost to forfeiture?

Please respond within 30 days or the applications will be returned unprocessed. Thank you.

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

SCANNED

AUG 16 2023



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 10 2022

DEPARTMENT OF
WATER RESOURCES

January 6, 2022

Mary Condon
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Global Ag Properties Leases 2-7036, 2-7037, 2-7038 and 2-7127

Dear Ms. Condon:

Global Ag Properties desires to lease a 63.0 acre portion of the above water rights to the Water Supply Bank. The lease period is intended to be from 2021 through 2025.

These water rights were leased into the Idaho Water Supply Bank under lease contract from January 1, 2015 through December 31, 2016

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Phil Neri, Frank Tiegs

Enc: Water Supply Bank Lease Applications for 2-7127, 2-7036, 2-7037, 2-7038, W-9 Form, Excel Spreadsheet Calculations, Aerial Map, Brockway Engineering Check # 16748 for \$500.00

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

SCANNED

AUG 16 2023

2268