STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1946

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

**LESSOR:** W 4 DAIRY LP
116 N RIVER ISLAND RD
RUPERT ID 83350-8450

RECEIVED
MAR 10 2025
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 September 12, 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) |
|---|---|---|---|---|---|
| 36-2130C | 6/7/1951 | GROUND WATER | 0.09 | 27.2 | 6.8 |
| 36-7850C | 3/30/1979 | GROUND WATER | 0.01 | 27.2 | 6.8 |
| 36-8106C | 8/10/1982 | GROUND WATER | 0.03 | 27.2 | 6.8 |
| **Combined Limit Totals** | | | **0.13** | **27.2** | **6.8** |

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, 2025 to December 31, 2029. 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.

SUPPORT DATA
IN FILE # 36-2130C

# WATER SUPPLY BANK LEASE CONTRACT No. 1946

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. 1946

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

**LESSOR:** W 4 DAIRY LP
116 N RIVER ISLAND RD
RUPERT ID 83350-8450

By Brent Wilkes Wilkes
Title Owner
Date 3/4/2025

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

By _____ Date 3/11/25
Brian Patton, Executive Manager
Idaho Water Resource Board

Lease approved by IDWR _____ Date 3/11/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1946

## 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): 36-2130C, 36-7850C, 36-8106C**

GROUND WATER SWSENW Sec. 15 Twp 07S Rge 24E MINIDOKA County

| Water Right | Beneficial Use | Season of Use | | | Diversion Rate (CFS) | Volume (AF) |
|---|---|---|---|---|---|---|
| | | From | | To | | |
| 36-2130C | IRRIGATION | 03/15 | to | 11/15 | 0.09 cfs | 27.2 AF |
| 36-7850C | IRRIGATION | 03/15 | to | 11/15 | 0.01 cfs | 27.2 AF |
| 36-8106C | IRRIGATION | 03/15 | to | 11/15 | 0.03 cfs | 27.2 AF |
| | | | | **Totals:** | 0.13 cfs | 27.2 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 | |
| 07S | 24E | 15 | | | | | 2.6 | 3.2 | 1.0 | | | | | | | | | | 6.8 |

Total Acres: 6.8

### 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.

# WATER SUPPLY BANK LEASE CONTRACT No. 1946

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. Use of the unleased portion of rights no. 36-2130C is limited to a diversion rate of 3.67 cfs, a total combined annual diversion volume of 1132.8 af for irrigation and is limited to a combined total of 283.3 acres in a single irrigation season.
13. Use of the unleased portion of right no. 36-07850C is limited to a diversion rate of 0.38 cfs, a total combined annual diversion volume of 1132.8 af for irrigation and is limited to a combined total of 283.3 acres in a single irrigation season.
14. Use of the unleased portion of right no. 36-08106C is limited to a diversion rate of 1.23 cfs, a total combined annual diversion volume of 1132.8 af for irrigation and is limited to a combined total of 283.3 acres in a single irrigation season.
15. Right no. 36-2130C, 36-07850C & 36-08106C are diverted through the points of diversion described above.
16. Use of water under these rights 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. 130.

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Print Form
SEP 12 2024
DEPT. OF WATER RESOURCES

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

**Water Right Owner** W 4 Dairy LP
(Select one owner – see item 1A on the application)

**Water Right No.** 36-2130-C
(One water right per application)

**Is this application being submitted with a rental application as a lease/rental package?** Yes ☒ No ☐

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

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

| | | Yes | |
|---|---|---|---|
| | | ☒ | Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.* |
| | | ☒ | Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use. |
| | | ☒ | Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank. |
| **Attachment** | **N /A** | **Yes** | |
| **1A** | ☐ | ☒ | Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application. |
| **1B** | ☐ | ☒ | An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant. |
| **1C** | ☒ | ☐ | *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov). |
| **1D** | ☒ | ☐ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| **2** | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| **3** | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. |
| **4A** | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| **4G** | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code. |

**Department Use Only**

Fee Amount $ 500.00 Received By: KM Date Received: 9.12.24 Receipt # C118851

W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal) Name on W-9: W-4 Dairy LP

3045

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
SEP 12 2024
DEPARTMENT OF WATER RESOURCES

# APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

## 1. CONTACT INFORMATION

A. The designated lessor or applicant must be listed as 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 Lessor to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Lessor /Applicant W 4 Dairy LP

Mailing Address 116 N River Island Road (Street) Rupert (City) Idaho (State) 83350 (Zip Code)

Email Address w4dairy@gmail.com Phone Number 208-431-4226

☒ The Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

**OR**

☐ The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Lessor / 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 Water Right Holder? Yes ☐ No ☒
**If yes**, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Lessor / Applicant.

**OR**

☐ Send original correspondence to the Designated Lessor / 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 and none will still be used.

**OR**

☒ A portion of the water right is being offered to the Bank and a portion will still be used.
If a portion of the water right is being offered, **complete Attachment 2.**

## 3. MAP

Attach a map The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. For irrigation purposes, mark the number of acres set aside. 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. Identify the owner of the water delivery system or well W P Dairy LP

***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.*** (Label Attachment 4A)

B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
Existing well mainlines and delivery system

C. Describe any other water sources, including municipal, irrigation company shares or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. 36-2130C, 36-8106C and 36-7850C

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, and usually have combined limits in the conditions of the water rights. 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, including those listed in 4C? 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. 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 (Label Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed.

G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. A 6.8 acre portion of these water rigths have been leased into the Idaho Water Supply Bank for the past several years

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 CONTRACT

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: 2025 (Year) to 2029 (Year) (maximum lease period 5 calendar years).

Example: 2010 to 2014 Five years, Contracts are from January 1st to December 31st

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 Lessor acknowledges the following:

1. Payment to the Designated Lessor 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 Lessor or Applicant | Brent Whitesides<br>Printed Name | 9-4-24<br>Date |
|---|---|---|
| Signature of Authorized Representative | Printed Name | Date |

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

Print Form

Form 42-1761-1 10/15

**STATE OF IDAHO**
**WATER RESOURCE BOARD**

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

# ATTACHMENT 2

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

1.

| Water Right Number | Nature of Use | Leased Rate (cfs) | Leased Volume (af) | Leased Acres (ac) |
|---|---|---|---|---|
| 36-2130C | Irrigation | 0.09 | 27.2 | 6.8 |
| | | | | |
| | | | | |
| | | | | |
| | Total Amounts: | 0.09 | 27.2 | 6.8 |

2. Source of water _____ tributary to _____

Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼ | ¼ | County |
|---|---|---|---|---|---|---|---|
| 07S | 24E | 15 | | SW | SE | NW | Minidoka County |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

**EXAMPLES:**

**Nature of Use:**

| | | | |
|---|---|---|---|
| Aesthetic – J | Commercial – C | Cooling – L | Recreation – R |
| Domestic – D | Fire Protection – F | Fish Propagation – H | Ground Water Recharge – E |
| Stockwater – S | Heating – G | Industrial – I | Wildlife – W |
| Mining – X | Municipal – M | Power – P | |

**Source of Use:**

| | | | |
|---|---|---|---|
| Source of water supply | Trail Creek | which is tributary to | Snake River |
| Source of water supply | unnamed stream | which is tributary to | Grimes Creek |
| Source of water supply | ground water | which is tributary to | n/a |

**Legal Description:**

| Twp | Rge | Sec | Govt Lot | ¼ | ¼ | ¼ | County |
|---|---|---|---|---|---|---|---|
| 10S | 14E | 14 | 4 | SW | NE | NW | Twin Falls |

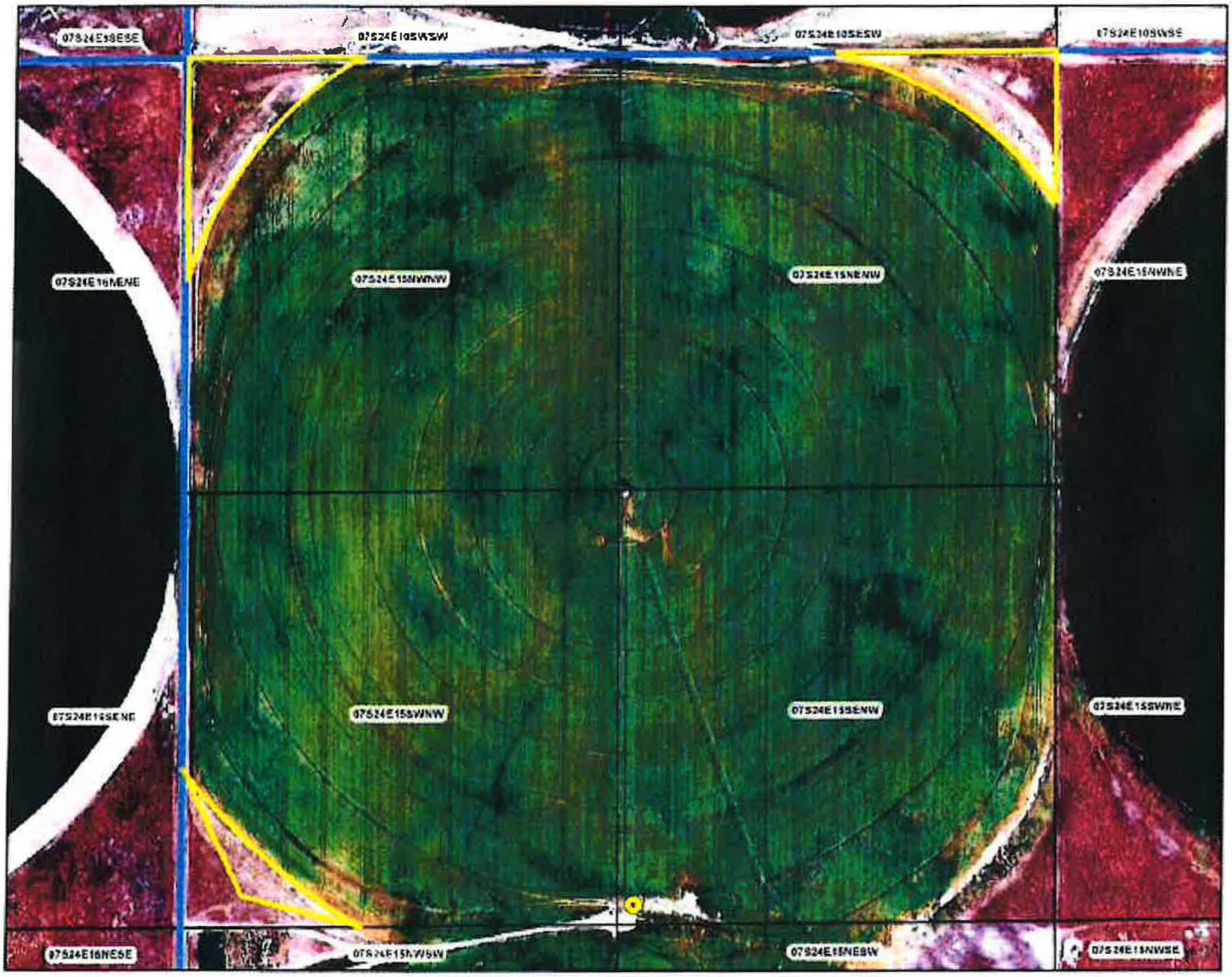
Note: When both the government lot and the 10-acre or 40-acre tract are shown, the government lot is considered to be the principal legal description

## Idaho Water Resource Board

# Water Supply Bank Lease Contract No. 1187

36-2130C, 36-7850C, & 36-8106C
Effective until December 31, 2024

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

N

0 500 1,000 Feet

0005672840

**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 #: 0005672840
Date Filed: 4/4/2024 11:00:31 AM

Entity Name and Mailing Address:

| | |
|---|---|
| Entity Name: | W-4 DAIRY LIMITED PARTNERSHIP |
| The file number of this entity on the records of the Idaho Secretary of State is: | 0000021379 |
| Address | 116 N RIVER ISLAND RD<br>RUPERT, ID 83350-8450 |

Entity Details:

| | |
|---|---|
| Entity Status | Active-Current |
| 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: | L3422 |

The registered agent on record is:

| | |
|---|---|
| Registered Agent | STEVEN D PETERSON<br>Registered Agent<br>Physical Address<br>161 5TH AVE S STE 310<br>TWIN FALLS, ID 83301<br>Mailing Address |

Limited Partnership General Partners

| Name | Business Address |
|---|---|
| Brent R Whitesides | 116 N RIVER ISLAND RD<br>RUPERT, ID 83350 |
| sTACEY L JACKSON | 1210 RUBY DRIVE<br>RUPERT, ID 83350 |
| BRANDON B WHITESIDES | 384 N 23 LN W<br>RUPERT, ID 83350 |

The annual report must be signed by an authorized signer of the entity.
Job Title: Partner

*Brent R Whitesides* — Sign Here
*04/04/2024* — Date

B0897-2671 04/04/2024 11:00 AM Received by Office of the Idaho Secretary of State


Page 1 of 1

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 19, 2025

W4 DAIRY LP
116 N RIVER ISLAND RD
RUPERT ID 83350-8450

**RE: WATER SUPPLY BANK LEASE CONTRACT 1946**
**FOR WATER RIGHT 36-2130C, 36-7850C, 36-8106C**

Dear Lessor:

Water rights **36-2130C, 36-7850C, 36-8106C are** leased into the Water Supply Bank (Bank) as of January **2025** in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2029,** unless the rights are released earlier by the Water Resource Board (Board). 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 are rented.**

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

Sincerely,

Debra Mansfield
Technical Records Specialist I
for Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR Southern Region Office
Water District No. 130
Magic Valley GWD

## Mansfield, Debra

**From:** Mansfield, Debra
**Sent:** Tuesday, March 18, 2025 4:31 PM
**To:** mvgwd@hotmail.com; Skinner, Corey; King, Corey
**Cc:** Bank
**Subject:** Executed WSB Lease Contract 1946
**Attachments:** Eecuted WSB Lease Contract 1946 W4 Dairy LP.pdf

Hello everyone,

please see the attached copy of executed WSB Lease Contract 1946, in the name of W4 Dairy, for your records.

Thank you,

**Debra Mansfield** | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

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**

February 27, 2025

W 4 DAIRY LP
116 N RIVER ISLAND RD
RUPERT ID 83350-8450

**RE: APPLICATION TO LEASE WATER RIGHTS 36-2130C, 36-7850C & 36-8106C TO THE WATER SUPPLY BANK CONTRACT 1946**

******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, 2029** 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,

for
Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt C118851

**WATER SUPPLY BANK**

**Lease Review Checklist**

**Applicant(s) Name: W4 Dairy LP**

**Memo Date: 2/5/2025**

**Water Right Number(s): 36-2130C, 36-7850C, 36-8106C**

**Reviewers Name: Izzy Crichton**

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)** | | | |
| 2 | **Reason for lease of water rights (Brief description of lease proposal in narrative)** | | | |
| | Portion of right | X | | 6.8 acres |
| | All of right | | | |
| 3 | Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments) | X | | ESPA GWMA |
| | | **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 | | see comment |
| | Other (explain in comments) | | | |
| 6 | **Water Right validity** | | | |
| | Decreed/Licensed/Statutory claim date (write in comments section) | | | Decreed on 7/15/1997 |
| | 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 | | see comment |
| 7 | **Injury to other water rights** | | | |
| | If the POD is through a delivery entity, was consent provided? | | n/a | |
| | If the POD is through a delivery entity, was holdback required? (percentage in comments) | | n/a | % |
| | 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 | | see comment |
| | Will the place of use continue to receive water? (if yes explain in comments) | X | | see comment |
| 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?** | | | |
| | Send the watermaster comment request form or e-mail request | X | | requested on 2/5/2025 |
| 11 | Area Headgate requirement (write in Comments) | | | 4 ac-ft/ac annually |
| 12 | **Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments | | | |

13 **Narrative:**

Lease application received as part of a lease/rental companion package on Sept. 12, 2024 for 5 years beginning in 2025. This is a repeat application to lease the Water Rights which portions have been leased into the WSB since 2004. A lease for these stacked WRs was canceled in 2015 due to noncompliance and enlargement concerns in 2014. Prior leases 2015 through 2019 and from 2020 through 2024 seem to be in compliance and sentinal data shows no irrigation on the leased corners of the tax lot. Brent Whitesides is authorized to sign for W4 Dairy LP business entity. POU comparison and POD overlap analysis show no issues with other WRs. These are stacked WRs with a combined rate limit of 5.41 cfs, acre limit of 290 ac, and a volume limit of 1160 af. The rental of the three rights should be limited to 6.8 acres, 0.127 cfs, and 27.2 af. The combined rate limit of the 3 WRs is additive whereas the volume and acerage is not and equal portions of each should be placed in the bank. The remaining 283.2 acres for the WR will still be irrigated so the final contract should limit the remaining portion to 283.2 ac 5.28 cfs, and 1132.8 af to avoid enlargement.

## Crichton, Izzy

**From:** Crichton, Izzy
**Sent:** Wednesday, February 5, 2025 7:48 AM
**To:** Skinner, Corey; King, Corey
**Cc:** Bank
**Subject:** Water Supply Bank Lease Application #3045 W4 Dairy LP
**Attachments:** Memo checklist app #3045.xls; W4 Dairy LP map.pdf

Please find the attached Water Supply Bank Lease Memo (application #3045) for comment review. Attached is a lease review checklist and map of POU and POD. If you have any comments or concerns please respond within 14 days (by February 19th). If no response is received, it will be assumed there are no issues/comments/concerns regarding the lease. Please let me know if you have any questions.

Izzy Crichton
Water Supply Bank Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front St
Boise, Idaho 83702
(208)-287-4963

GRANT 4-D FARMS
707 E 600 N
RUPERT, ID

RECEIVED
SEP 12 2024
DEPARTMENT OF
WATER RESOURCES

Date: September 6, 2024

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: Applications to Lease and Rent Water Rights

Enclosed are three Applications to Lease Water Rights to the Water Supply Bank from W-4 Dairy, LLP and an Application to Rent Water from the Board's Water Supply Bank by Grant 4-D Farms, LLC.

1. The water rights proposed for lease to the water bank are the same water rights, amounts and places of use associated with current Lease Contract 1187.

2. The application to rent water involves the same places of use as the current Rental Agreement 613, although this Rental Agreement also presently includes water from Lease Contract 1527, which does not expire until 12/31/2026.

Also enclosed is the current W9 Form for W-4 Dairy, LP and a check to process this request in the amount of $500.

Thank you for your help in this matter and please let me know if you need anything else from us to process these applications.

Respectfully submitted,

**Brent Stanger**
Director of Real Assets
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e: brents@grant4dfarms.com

3045 + 3046