



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

June 6, 2025

FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CITY, UT 94111-1029

**RE: WATER SUPPLY BANK LEASE CONTRACT 1979, & 1982
FOR WATER RIGHTS 35-14442, 35-14443, 35-7632A, & 35-14820**

Dear Lessor:

Water rights **35-14442, 35-14443, 35-7632A & 35-14820** are leased into the Water Supply Bank (Bank) as of January 2505 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, 2025**, 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,

Kris Margheim
Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office -Blake Jordan
Representative – Greg Sullivan – Brockway Engineering
Water District No. 120 -Blake Jordan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1979

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

RECEIVED

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

JUN 05 2025

DEPT. 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 16, 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 Limited (AC)	Acres (AC)
35-14442	9/5/1972	GROUND WATER	0.39	156.0	39.0	50.0
35-14443	9/5/1972	GROUND WATER	0.11	36.0	9.0	50.0
35-7632A	8/5/1976	GROUND WATER	0.02	8.0	2.0	50.0
Combined Lease Totals			0.52	200.0	50.0	50.0

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, 2025 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1979

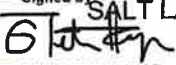
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 1979

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

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600

Signed by: SALT LAKE CTY, UT 84111-1029
By: 
Title: Director of Land
Date: 6/4/2025

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

By: 
Brian Patton, Executive Manager
Idaho Water Resource Board

Date: 6/6/25

Lease approved by IDWR: 

Date: 6/6/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1979

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 35-7632A, 35-14442, 35-14443

GROUND WATER	SWNW	Sec. 20	Twp 06S	Rge 29E	POWER County
GROUND WATER	NENE	Sec. 30	Twp 06S	Rge 29E	POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-7632A	IRRIGATION	04/01	to	10/31	0.02 cfs	8.0 AF
35-14442	IRRIGATION	04/01	to	10/31	0.39 cfs	156.0 AF
35-14443	IRRIGATION	04/01	to	10/31	0.11 cfs	36.0 AF
Totals:					0.52 cfs	200.0 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	
06S	29E	30	31.4			18.6													50.0

Total Acres: 50.0

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1979

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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
13. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
14. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
15. These rights 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.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Print Form
DEC 16 2024

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

Department of Water Resources

Applicant / Designated Lessor Farmland Reserve Inc.
(Select one owner – see item 1A on the application)

Water Right No. 35-7632A
(One water right per application)

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

If yes, include renter and rental fee payment information as attachment 5B.

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			
Check All Items as Either Attached (Yes) or Not Applicable (N/A)			
Yes			
☐			Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> , printed single sided , per requirement of 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.
N/A	Yes	Attachments	
☐	☐	1A	Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
☐	☐	1B	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Applicant / Designated Lessor.
☐	☐	1C	<i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
☐	☒	1D	Contact information for an authorized representative and documentary proof they are authorized to represent the Applicant on this application. If the 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 <u>Section 42-222(2), Idaho Code</u> .
☒	☐	5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.
Department Use Only			
Fee Amount \$	<u>560</u>	Received By: <u>BM</u>	Date Received: <u>12/16/2024</u> Receipt # <u>C119641</u>
W-9 received?	Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:

3141

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Farmland Reserve Inc.
Mailing Address 60 E SOUTH TEMPLE STE 1700 SALT LAKE CTY UT 84111-1008
Street City State Zip Code
Email Address _____ Phone Number 208-844-6749

☒ 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 6 months? 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 Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ 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 for lease per 40-acre tract (1/4-1/4). 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 The applicant.
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 wells, pumps, mainlines and pivot systems.
- 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. 35-7632A, 35-14442, 35-14443, 35-14820
- 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. See historical aerial photographs
- 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 first calendar year when the use of water will be suspended: 2025

(year)

All lease contracts are for a calendar year from January 1st to December 31st

*Mark Desired Lease Duration (Calendar Years)					
☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	Other Term Length (# of years): <i>*Prior IWRB approval required</i>

B. Show the minimum payment acceptable to the seller/lessor. If lease, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*

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 / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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

Scott Baird
Printed Name

12/9/24
Date

Signature of Co-Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

IRRIGATION

Date created: 10/30/2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1982

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

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600
SALT LAKE CTY, UT 84111-1029

RECEIVED

JUN 05 2025

DEPT. 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 16, 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)
35-14820	12/20/1954	GROUND WATER	0.42	Not Stated	21.0
Lease Totals			0.42	Not Stated	21.0

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)
35-14820	0.42	84.0	21.0	0.020	4.0
Combined Limit Totals	0.42	84.0	21.0	0.020	4.0

** The water right elements rentable have been calculated from the water right elements leased to account for the area headgate standard of 3.5 af/acre.*

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1982

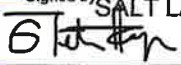
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2025 to December 31, 2025. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
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. 1982

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

LESSOR: FARMLAND RESERVE INC
60 E SOUTH TEMPLE STE 1600

Signed by: SALT LAKE CTY, UT 84111-1029
By 
C67A8D88802A4CB...
Title Director of Land
Date 6/4/2025

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

By 
Brian Patton, Executive Manager
Idaho Water Resource Board

Date 6/6/25

Lease approved by IDWR 

Date 6/6/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1982

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 35-14820

GROUND WATER NENE Sec. 30 Twp 06S Rge 29E POWER County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
35-14820	IRRIGATION	4/01	to	11/01	0.42 cfs	84.0 AF
Totals:					0.42 cfs	84.0 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	
06S	29E	30		4.0	8.8	8.2													21.0

Total Acres: 21.0

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.
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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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1982

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 water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
13. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
14. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
15. These rights 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.
16. The unleased portion of right 35-14820 shall not exceed a total diversion rate of 0.38 cfs and the irrigation of 19 acres.

RECEIVED

09/2024

DEC 16 2024

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

Print Form

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKApplicant / Designated Lessor Farmland Reserve Inc.Water Right No. 35-14820

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

(One water right per application)

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

If yes, include renter and rental fee payment information as attachment 5B.

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

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*, printed **single sided**, per requirement of 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.

N/A

Yes

Attachments



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 Applicant / Designated Lessor.

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 Applicant on this application. If the 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](#).



5B

Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$ 250Received By: BMDate Received: 12-16-2024Receipt # C119641W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)

Name on W-9:

3142

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Farmland Reserve Inc.
Mailing Address 60 E SOUTH TEMPLE STE 1700 SALT LAKE CTY UT 84111-1008
Street City State Zip Code
Email Address _____ Phone Number 208-844-6749

☒ 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 6 months? 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 Greg Sullivan Organization Brockway Engineering
Professional Title Engineer Email Address greg.sullivan@brockwayeng.com
Mailing Address 2016 N Washington St Ste 4 Twin Falls, ID 83301 Phone Number 208-736-8543

☐ 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 for lease **per** 40-acre tract (1/4-1/4). 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 The applicant.
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 wells, pumps, mainlines and pivot systems.
- 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. 35-7632A, 35-14442, 35-14443, 35-14820
- 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. See historical aerial photographs
- 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 first calendar year when the use of water will be suspended: 2025

All lease contracts are for a calendar year from January 1st to December 31st (year)

*Mark Desired Lease Duration (Calendar Years)					
☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	Other Term Length (# of years): *Prior IWRB approval required

- B. Show the minimum payment acceptable to the seller/lessor. If lease, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*
- 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 / Applicant acknowledges the following:

1. Payment to the Designated Lessor / 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 Lessor / 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

Scott Baird
Printed Name

12/9/24
Date

Signature of Co-Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <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)
35-14820	Irrigation	0.42	84.0	21.0
				21.0
Total Amounts:		0.42	84.0	21.0

2. Source of water Ground Water tributary to _____

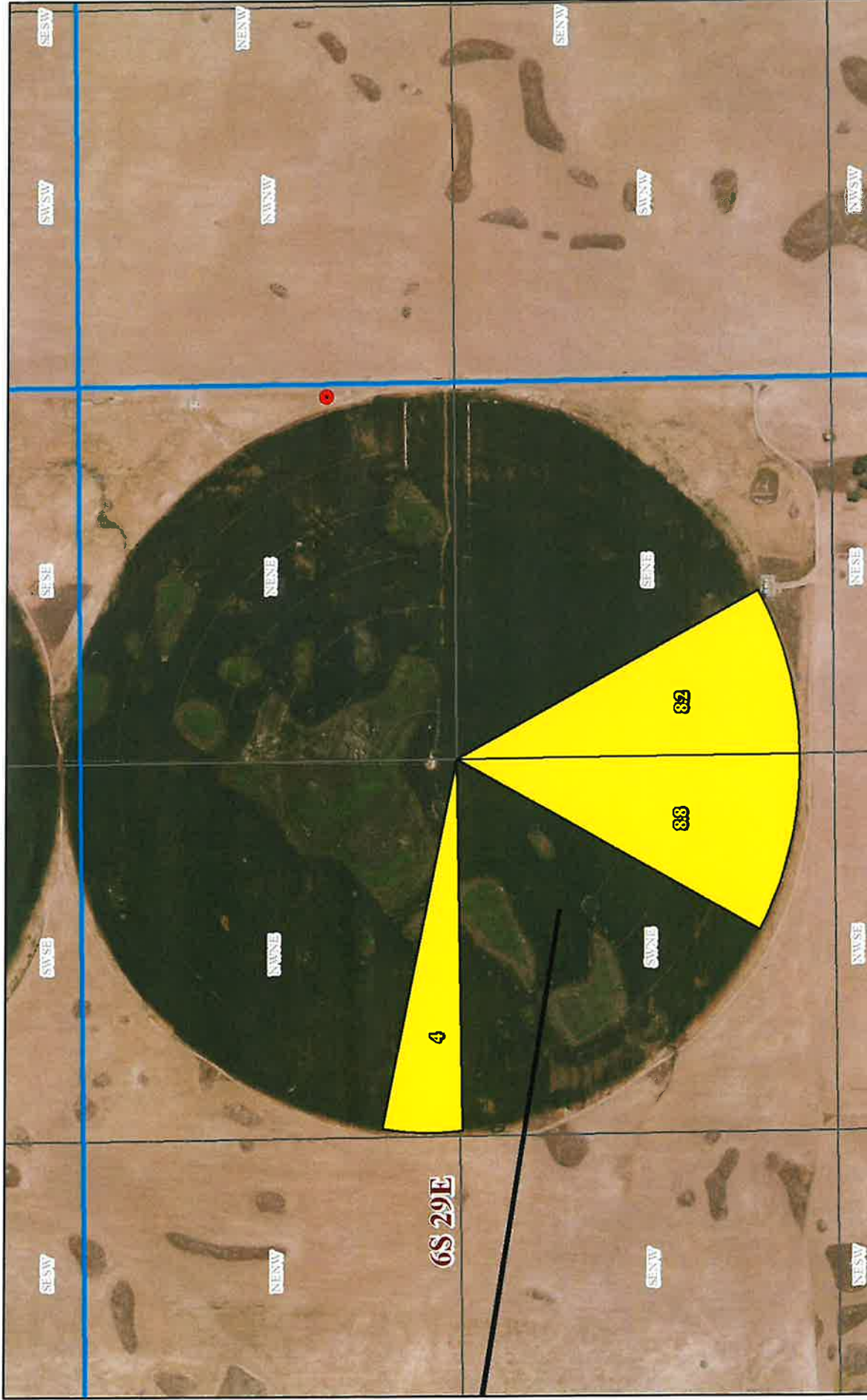
3. **Point(s) of diversion.** Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
06S	29E	30			NE	NE	Power	Ground Water	

4. Place of Use to be idled. Mark the idled place of use within each 40-acre tract in the appropriate box using the number of acres for irrigation, or the symbol listed below for other uses.

D - domestic, S - stockwater, M - municipal, C - commercial, I - industrial, X - other.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	30		4.0	8.8	8.2													21.0



0 0.05 0.1 Miles

RECEIVED

MAY 01 2025

Legend

Wells

35-14820

FARMLAND RESERVE
2025 LEASE
NAIP 2023 AERIAL

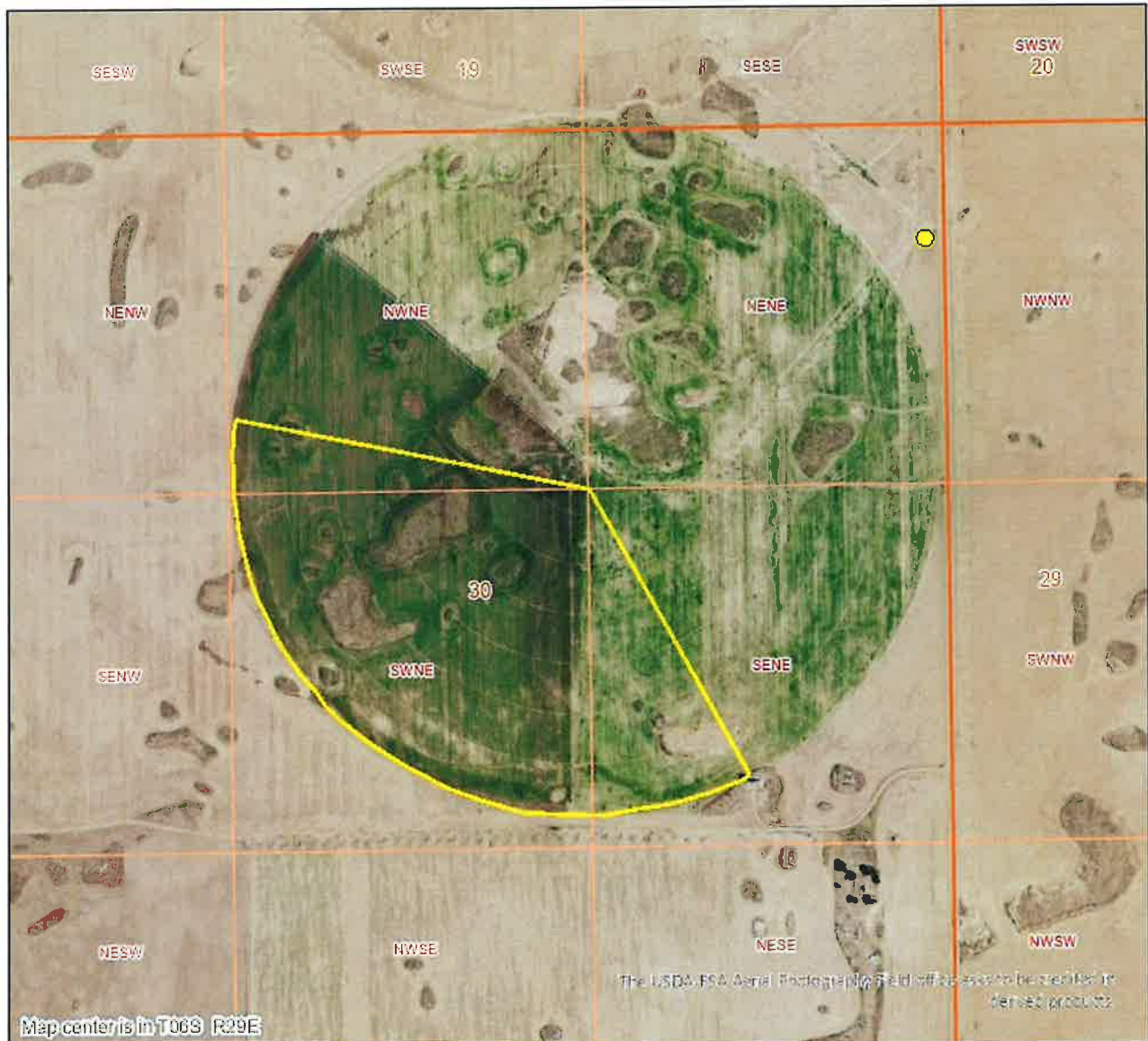
State of Idaho
Department of Water Resources

Water Right

35-14820

IRRIGATION

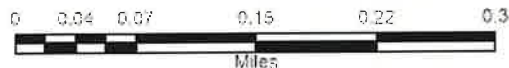
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map center is in T06S R29E



Date created: 10/30/2024



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



MEMORANDUM FOR APPLICATIONS # 3141 & 3142

To: Water Right(s) 35-7632A, 35-14442, 35-14443, and 35-14820

From: Mary Condon

Date: April 28, 2025

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

PURPOSE/NARRATIVE: Application 3141 for water rights 35-7632A, 35-14442, and 35-14443 for an additive total of 50 acres of irrigation and Application 3142 for a partial lease of 21.0 acres for irrigation, all for a one-year lease during 2025 were received on December 16, 2024, along with rental application 3143 requesting all four water rights. The four water rights offered were transferred to the current authorized pivot in 2023; however, 35-14820 is distinct from and not combined limited or stacked with water rights 35-7632A, 35-14442, and 35-14443.

Both lease applications are evaluated within this memo since they all share the same pivot for irrigation, the water rights are offered for 2025 only, and the rights will be used in combination for rental application 3143.

AUTHORITY TO FILE: Applications to lease were completed by the applicants' consultant, Greg Sullivan with Brockway Engineering, PLLC, and signed by Scott Baird who is a recognized to sign on behalf of Farmland Reserve, Inc. Offered water rights are in the name of Farmland Reserve, Inc. Lease place of use and points of diversion are on parcel owned by Farmland Reserve, Inc., according to 2024 Power County tax lot data. No concerns with authority to file.

WATER RIGHT VALIDITY:

Application 3141: Offered right 35-14442 is a child right of 35-7246M, and offered right 35-14443 is a child right of 35-13609 and of parent right 35-7246F. Rights 35-7632A, 35-14442 (35-7246M), and 35-14443 (35-13609) were leased into and rented from the Bank previously until 2013. These rights have recently been used in combination with Bank rentals in 2023 and previously to complete a full pivot at the current POU. Review of 2024 sentinel imagery (12TUN) shows full irrigation of the POU. No concerns with validity of the full water rights offered to the bank.

Application 3142: Offered right 35-14820 is a child right of 35-2391, which was leased and rented from the Board's bank in 2023, and annually each year from 2017-2022. The current lease application requests to lease in 21- of the 40-acres authorized for irrigation. In accordance with Section 42-1764(2), Idaho Code, the water right portion offered is valid.

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

ENLARGEMENT OF USE: Water right 35-14820 is not combined limited with the other three water rights offered under lease application 3141 for the irrigation of the approximate three-quarter pivot, and all four authorize a total sum of 90 acres worth of irrigation. An email was sent to the representative on April 28th to confirm that only 21- of the 40-acres are offered for lease, since a partial lease of 35-14820 and a full lease of the rights offered under lease application 3141 would leave only 19 acres on the pivot, with no active or pending rental application to provide additional irrigation. A map and the shape file of the 21 acres offered for lease was delivered via email to the Department on May 1, 2025. To clarify, each water right is additive and there is not limitation on the total annual diversion rate, diversion volume, or acres. Each

right has an R64 condition not to exceed 0.02 CFS and 4.0 AF per acre when combined with other rights.

Note: transfer application 89549 was received by the Department the same day as the WSB lease and rental, and a note in the summary of the transfer purpose states that full implementation of the proposed pending transfer will take effect in 2026 after this lease and rental have concluded. Acceptance of the offered acres is based on existing water use authorization, only.

SourceTable	BasinNumber	SequenceNumber	SplitSuffix	PriorityDate	DiversionRate	DiversionVolume	AcreLimit	TotalAcres	cfs/ac	af/ac
Lease 3141	35	7632	A	8/5/1976	0.02	8	2	50	0.01	4
Lease 3141	35	14442		9/5/1972	0.39	156	39	50	0.01	4
Lease 3141	35	14443		9/5/1972	0.11	36	9	50	0.012	4
			sum		0.52	200	50	50	0.010	4
Lease 3142	35	14820		12/20/1954	0.42	84	21	21	0.02	4
			sum all		0.94	284	71	90	0.013	4
unleased 3142					0.38	76	19	19	0.020	4

No other concerns with enlargement of use, so long as transfer application 89549 is not approved until 2026 and any irrigation during 2025 under the unleased portion of right 35-14820 does not exceed the unleased amount of 0.38 CFS for the irrigation of 19 acres.

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

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease POD is within the IDWR Eastern Region, within the boundary of the Eastern Snake Plain Aquifer, within the boundary of the Aberdeen American Falls Ground Water District, and administration is subject to Water District # 120. An email soliciting comments or concerns was sent to the IDWR Eastern Regional manager and the watermaster for WD 120 on May 1, 2025.

Condon, Mary

From: Condon, Mary
Sent: Thursday, May 1, 2025 11:34 AM
To: Cefalo, James; Jordan, Blake
Cc: Bank
Subject: Lease Review Applications 3141 & 3142 - Farmland Reserve, Inc - WD 120
Attachments: Lease Review Memo App 3141 and 3142.docx; Lease Map Contract 1979.pdf; Lease Map Contract 1982.pdf

Good morning, James, and Blake,

I have attached a lease review memo for combined rights 35-7632A, 35-14442, and 35-14443 under application 3141 (contract 1979) along with a 21-acre portion of right 35-14820 under application 3142 (contract 1982). These rights are all used from the same system and pivot and are offered for lease during 2025 only to fulfill a rental application 3143 for Farmland Reserve that I will provide a review to you later. After this lease, only 19 acres under right 35-14820 will remain available for irrigation.

Please see the attached review memo covering both applications and the lease maps, and kindly reply with comments or concerns within 10 days.

Best,
Mary

Mary Condon
Project Manager I
Planning & Projects Bureau



322 E Front St
Boise Idaho 83702
(208) 287-4800
Direct: (208) 287-4936
bank@idwr.idaho.gov

Condon, Mary

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, May 1, 2025 10:33 AM
To: Condon, Mary
Cc: Bank
Subject: RE: Map Required - Lease Application 3142 - Farmland Reserve - 35-14820
Attachments: 35-14820 21.0 Acre Lease 2025.jpg; 35-14820.cpg; 35-14820.dbf; 35-14820.prj; 35-14820.sbn; 35-14820.sbx; 35-14820.shp; 35-14820.shx

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mary,

See the attached aerial map and shape files for the 21.0 acre portion of 35-14820.

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.

From: Condon, Mary [mailto:Mary.Condon@idwr.idaho.gov]
Sent: Monday, April 28, 2025 5:38 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Map Required - Lease Application 3142 - Farmland Reserve - 35-14820

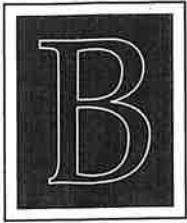
Greg,

I am reviewing the lease and rental applications for Farmland Reserve and find that the map included in the lease application for WR 35-14820 is for the full water right POU, while the attachment 2 requests a partial lease of only 21 acres.

Please send a map outlining the 21 acres that will be idled under the legal POU for this offered water right. The remaining acres irrigable after both sets of leases (35-7632A et al Lease App 3141 & this lease app) would only be 19 acres. Is this intentional?

Thank you,
Mary

Mary Condon
Project Manager I
Planning & Projects Bureau



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 16 2024

DEPARTMENT OF
WATER RESOURCES

December 13, 2024

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

Re: Farmland Reserve

Dear Ms. Condon:

Farmland Reserve desires to withdraw Water Supply Bank Rental Agreement #505 and rent the water currently in that agreement to other fields owned by Farmland Reserve for the 2025 irrigation season. Rental Agreement #505 identifies 51.0 acres under 35-7489, 35-13597 and 35-13595 that will not be irrigated in 2025.

Farmland Reserve would like to lease water rights 35-14820 (\$250 lease fee), 35-7632A, 35-14442 and 35-14443 (\$500 lease fee) into the Idaho Water Supply Bank for the 2025 irrigation season.

Two rental applications are being submitted to the Water Supply Bank at this time as a package application. The first rental application is for 71.0 acres for the 2025 irrigation season. This rental will be satisfied by renting portions of 35-7632A, 35-14442, 35-14443 and 35-14820. The location of the rental place of use and POD are identified in the rental application.

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

The second rental application is for 44.0 acres for the 2025 irrigation season. The rental will be satisfied by renting portions of 35-7489, 43-13595 and 43-13597. The location of the rental place of use and POD are identified in the rental application.

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

There are some water right licenses currently located at the proposed 71.0 acre and 44.0 acre irrigation places of use. Those irrigation licenses can only be utilized to provide irrigation water when sufficient annual mitigation has been provided by the Farmland Reserve. Farmland Reserve is not going to secure annual mitigation water for these licensed irrigation water rights for the 2025 irrigation season.

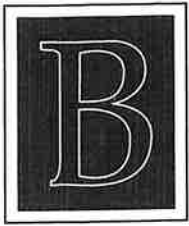
2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

3141, 3142, 3143, & 3144



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

A State of Idaho Department of Water Resources Memo dated May 29, 2024 prepared by Jennifer Sukow with the subject of *Cumulative review of ESPA transfers between 2012 and 2023* is attached to the transfer application. The Memo indicates that cumulative effects of transfers in the ESPA on the Ashton to Near Blackfoot river reaches benefited those river reaches by 196 acre feet annually. The cumulative effects of the transfers in the ESPA on the Near Blackfoot to Minidoka river reaches benefited those river reaches by 431 acre feet annually. The cumulative effects of the transfers in the ESPA on the Devil's Washbowl to Bancroft river reaches impacted those river reaches by 33 acre feet annually. The overall affect from ground water transfers within the ESPA from 2012 through 2023 has been a net benefit of 594 acre feet annually to the Snake River.

Based on the ESPA modeling analysis and the cumulative review of the ESPA transfers, the 71.0 acre and the 44.0 acre rentals have been prepared and submitted to IDWR for processing and appears to be approvable.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Jared Cobell

Enc: Rental Withdrawal Document, Lease Applications Rental Applications, Aerial Maps, Annual Reports, Water Right Reports, Brockway Engineering Check # 18319 for \$750.00

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