

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1854

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

LESSOR: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

RECEIVED

JUN 17 2024

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 05, 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)
35-2177	6/30/1950	GROUND WATER	2.04	408	102.0
Lease Totals			2.04	408	102.0

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2024. 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. 1854

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

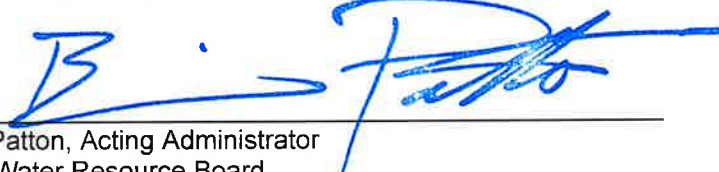
WATER SUPPLY BANK LEASE CONTRACT No. 1854

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

LESSOR: GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

By 
Title Member
Date 5-12-24

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

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/20/24

Lease approved by IDWR 

Date 6/20/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1854

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): 35-2177

GROUND WATER L 2 SESWNW Sec. 30 Twp 01S Rge 36E BINGHAM County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
35-2177	IRRIGATION	4/01	to	10/31	2.04 cfs	408 AF
Totals:					2.04 cfs	408 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	
01S	35E	25													11.3				11.3
01S	36E	30			5.7			15 L1	16 L2		33	17.2 L3				3.8			90.7

Total Acres: 102.0

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.

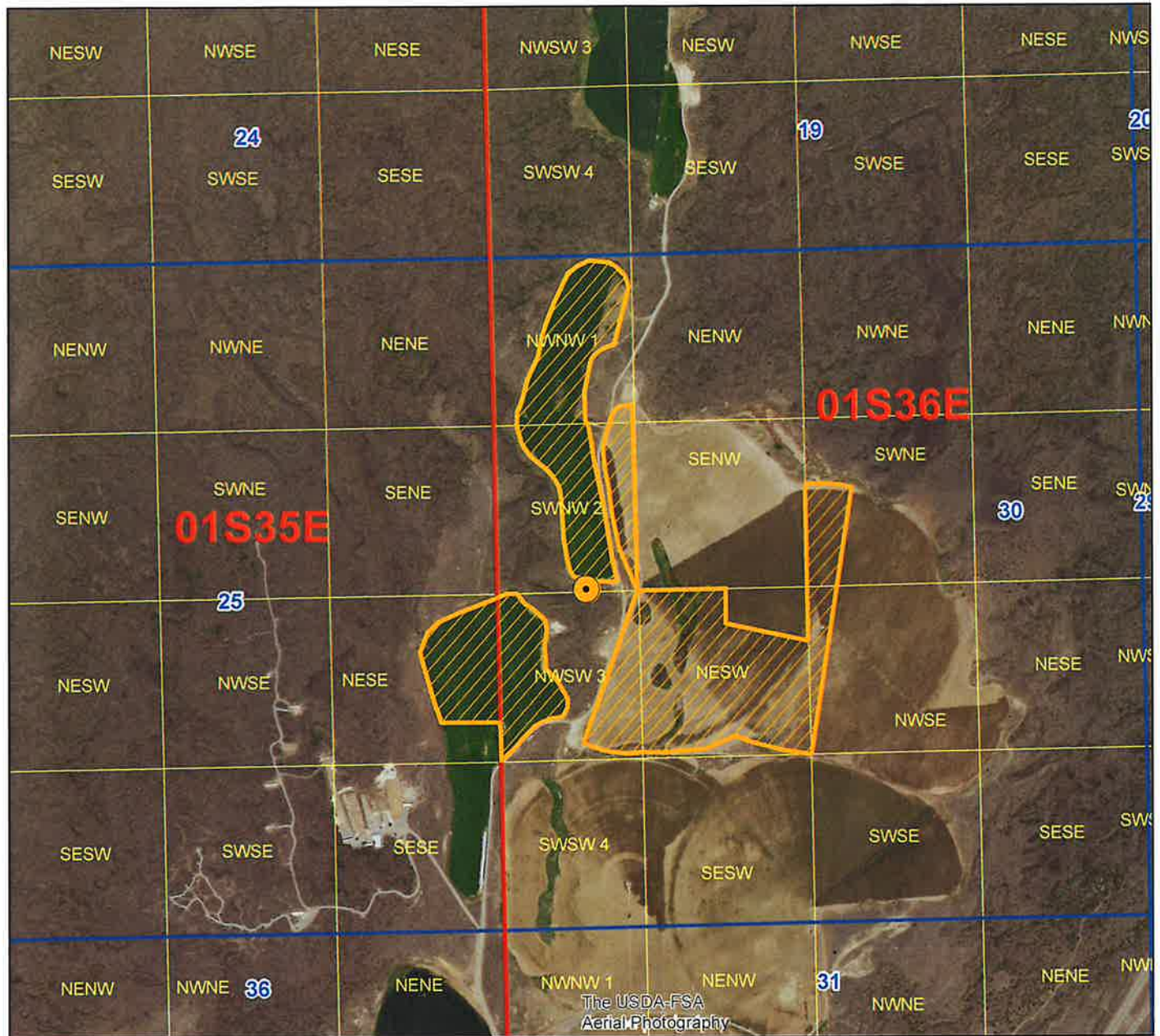
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1854

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
13. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
14. 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.
15. During the term of this lease, use of the unleased portion of right 35-2177 for irrigation is limited to a total of 65 acres, and a diversion rate of 1.30 cfs and diversion volume of 260 af.

Idaho Water Resource Board
Attachment to Water Supply Bank Lease Contract No. 1854

Effective until December 31, 2024
This map depicts the lease place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- POD
- Lease POU
- Township/Range
- Sections
- QQ



0 1,000 Yards

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 05 2024

RECEIVED

FEB 12 2024

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDEPT. OF WATER RESOURCES
EASTERN REGION

DEPT. OF WATER RESOURCES

Designated Applicant Gardner Farms

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

Water Right No. 35-2177

(One water right per application)

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

Yes ☒ No ☐

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ 250.00Received By: ctidhDate Received: 2/5/25Receipt # E049787W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Gardner Farms

2930

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Gardner Farms

Mailing Address 578 N 100 W Blackfoot ID 83221

Street

City

State

Zip Code

Email Address doug@dc-farms.net

Phone Number 208-604-2292

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

OR

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

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

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

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.
- B. Please provide a description of the current water diversion and delivery system.
Existing well, mainlines, and delivery system. Note that feedlot was constructed in 2024 on the acres that are to be dried up, and new pivot stops have been installed that limit the number of irrigated acres.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The acres that are to be dried up have been irrigated consistently over the past five years. Aerial photography and FSA acres will support historical irrigation.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes ☐ No ☐
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2024 to 2024 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Doug Case
Printed Name

2-24
Date

Signature of Authorized Representative

Printed Name

Date

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



STATE OF IDAHO

Phil McGrane | Secretary of State

For Office Use Only:

450 N. **FILED** at
F. 0

File #: 0005239308 **83720**

Date Filed: 5/5/2023 10:58:00 AM

May 10, 2023

Control # 10803

Expires: May 14, 2023

GARDNER FARMS
589 NORTH 150 WEST
BLACKFOOT, ID 83221

RE: Expiration of Statement of Partnership Authority

Pursuant to the provisions of Section §30-23-303(j), Statement of Partnership Authority of the Idaho Uniform Business Organizations Act, it has been determined that this statement of partnership authority will expire on the date noted above. Statute provides that the statement expires five (5) years after the date of filing, or the most recent amendment.

If this partnership does not want the statement to expire on the date noted above, complete the information below and mail it back to us with the \$30 filing fee prior to the expiration date.

Failure to file the amendment prior to the expiration date will result in the expiration of the statement.

The Amendment to Statement of Partnership Authority can be filed online at sosbiz.idaho.gov

Amendment to Statement of Partnership Authority

1. The name of the general partnership as recorded with the Secretary of State is:
GARDNER FARMS
2. The Secretary of State file number for the General Partnership is: **10803**
3. This document is an amendment.
4. The purpose of this amendment is to extend the previously filed Statement of Partnership Authority with the Secretary of State for another five (5) years.

The execution of this statement constitutes an affirmation under the penalties of perjury that the undersigned have the authority to file this statement and that the contents of the statement are accurate.

Signed and dated this 1st day of May, 2023
(day) (month) (year)

Lance I. Gardner

Signature

Lance I. Gardner

Printed Name

Doug Case

Signature

Doug Case

Printed Name

Note: A document filed by a partnership must be executed by at least two partners.



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

2018 MAY 14 AM 9:30

SECRETARY OF STATE

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

- The name of the partnership is: Gardner Farms
- The street address of its chief executive office is: 589 North 150 West Blackfoot ID 83221
- The street address of one (1) office in Idaho: 589 North 150 West Blackfoot ID 83221
- The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>D. Case, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>
<u>D. Cooper, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>
<u>L. Gardner, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>

OR the name and address of the agent in Idaho who maintains a list of all partners:

- The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

<u>D. Case LLC</u>	<u></u>	<u></u>
<u>D. Cooper LLC</u>	<u></u>	<u></u>
<u>L. Gardner LLC</u>	<u></u>	<u></u>

- Signature of at least 2 partners:

- 1) *David Cooper*

Typed Name David Cooper/member of D. Cooper LLC
- 2) *Douglas Case*

Typed Name Douglas Case/member of D. Case LLC
- 3)

Typed Name

Secretary of State use only

IDAHO SECRETARY OF STATE

05/14/2018 05:00

CK:5434 CT:357691 BH:1643465

1@ 100.00 = 100.00 PARTN AUT #2

1@ 20.00 = 20.00 EXPEDITE C #3

K1561

p:\cooper\forms\partnership\auth.p65

Revised 09/2002

Web Form

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

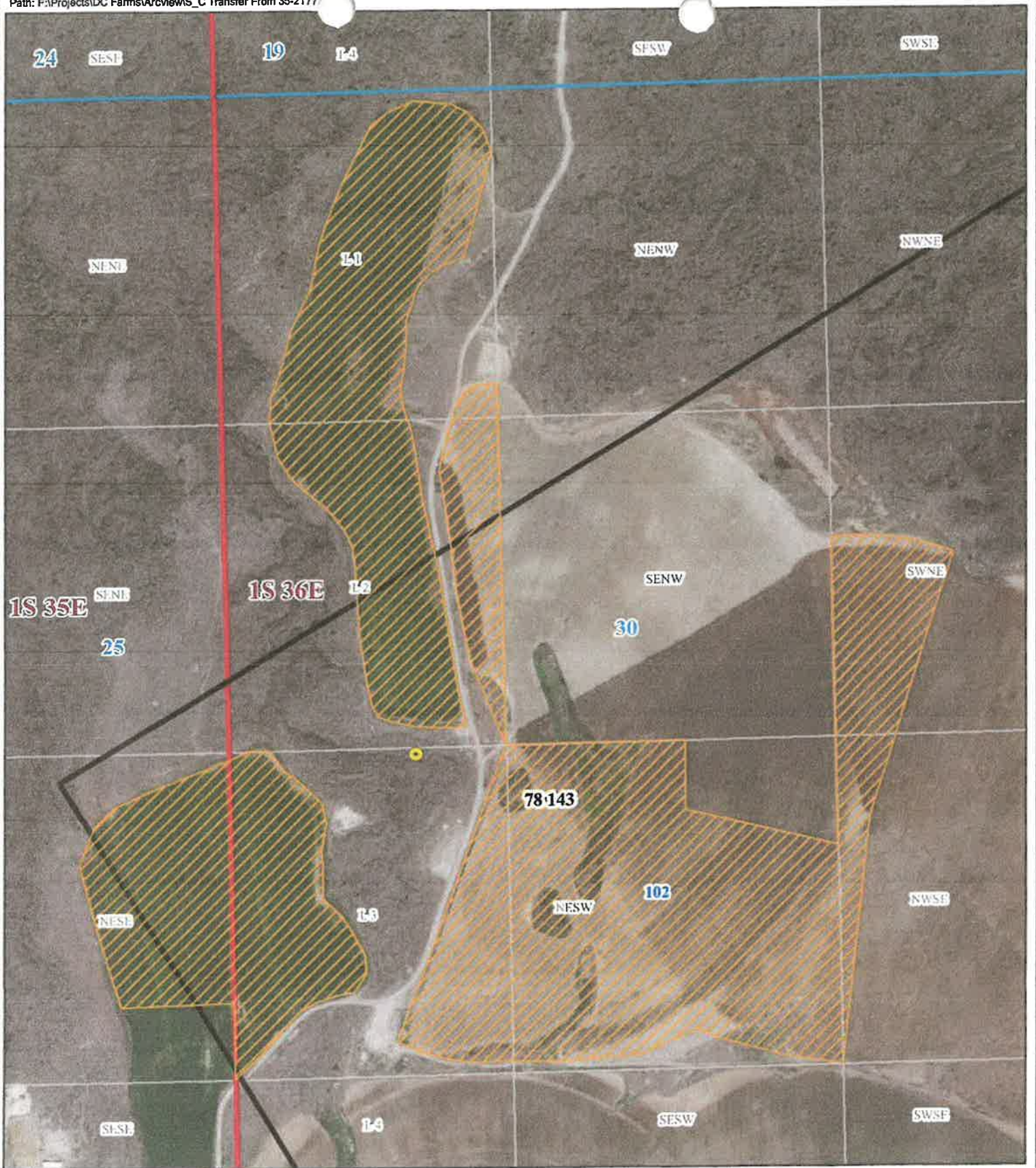
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>35-2177</u>	<u>Irrigation</u>	<u>2.04</u>	<u>408</u>	<u>102.0</u>
Total Amounts:				

2. Source of water Groundwater tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼ SE	¼ SW	¼ NW	County
01S	36E	30					Bingham



GARDNER FARMS
WATER RIGHT 35-2177
102.0 ACRE LEASE

2021 NAIP AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 2/1/2024

Legend

-  Irrigation Well
-  Lease Acres
-  ESPA Cells





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 20, 2024

GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

**RE: WATER SUPPLY BANK LEASE CONTRACT 1854
FOR WATER RIGHT 37-2177**

Dear Lessor:

Water right **37-2177** is leased into the Water Supply Bank (Bank) as of January 2024 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, 2024**, 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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,
Signature

Catalina Beck

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office
Water District No. 120
Ground Water District Bingham Ground Water District



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

RECEIVED

JUN 17 2024

DEPARTMENT OF
WATER RESOURCES

May 3, 2024

GARDNER FARMS
578 N 100 W
BLACKFOOT, ID 83221-5714

**RE: APPLICATION TO LEASE WATER RIGHTS 37-2177 TO THE WATER SUPPLY BANK
CONTRACT 1854**

******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, 2024** 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,

Catalina Beck

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

From: [White, Dustin](#)
To: [Cefalo, James](#); [Jordan, Blake](#)
Cc: [Condon, Mary](#)
Subject: WSB Lease (Application# 2930)
Date: Thursday, April 18, 2024 2:08:00 PM
Attachments: [image001.png](#)
[Lease Application 2930 Review 20240418.xls](#)
[LeaseMap WR35-2177.pdf](#)

Hello James and Blake,

Please see the attached review and map to lease in 102 of 167 acres of groundwater in ESPA GWMA, and kindly reply with comments or concerns within 10 days.

Best regards,

Dustin White

Water Resource Agent

(208) 287-4971

dustin.white@idwr.idaho.gov



Department of Water Resources
322 E Front Street
Boise, ID. 83720

WATER SUPPLY BANK		Quick Tools	
Lease Review Checklist		Decreed Year	No Forfeiture Concerns Thru:
Applicant(s) Name: Gardner Farms		2011	2017
Memo Date: April 18, 2024		2012	2018
Water Right Number(s): 35-2177		2013	2019
Reviewers Name: Dustin White		2014	2020
		2015	2021
		Check box	COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	X	
2	Reason for lease of water rights (Brief description of lease proposal in narrative)		
	Portion of right	X	102.0 Acres offered
	All of right		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)		WD120 & 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	Submitted with application
	Other (explain in comments)		Varified county tax parcel ownership
6	Water Right validity		
	Decreed/Licensed/Statutory claim date (write in comments section)		Decreed Priority date 6/30/1950
	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	Previously leased (2023 irr. season)
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)		%
	Any other concerns		
8	Enlargement concerns	Check box	
	Complete a POU comparison overlap analysis	X	WR35-14829 - Stock & Commer.
	Complete a combined limits review		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	X	No other rights from POD
		Yes	No
	Are there overlapping rights that need to be placed in the bank also?		X
	Will the place of use continue to receive water? (if yes explain in comments)		X
			Lease portion will be idled
9	Local Public Interest		
	Does the processor know of any problems this action will cause for the local public?		No
10	Have you contacted regional office and watermaster for comment/concerns?		
	Send the watermaster comment request form or e-mail request		
11	Area Headgate requirement (write in Comments)		Head Gate (HG) 4AF Season of Use (SOU) 4/1-10/31
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 Reason: Application to lease received on 2/5/2024 for a 1-year lease beginning in year 2024 as part of a lease rental companion package with rental application 2931. This is a repeat lease, but there are additional acres offered this term that have not been leased previously. Review of sentinel imagery (T12TUN 20220614) confirms the additional acres offered were irrigated in 2022 and can be brought into the bank. Lease POD is within WD120, Bingham GWD, and the ESPA groundwater measurement area. Approved transfer (87817) August 14th, 2023 for water right 35-2177.		



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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208•736•8543

FAX: 736•8506

RECEIVED

FEB 05 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

RECEIVED

FEB 09 2024

DEPT. OF WATER RESOURCES

February 1, 2024

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

Re: 35-2177 Lease and Rental

Dear Ms. Condon:

Gardner Farms is submitting a lease application for 102.0 acres from water right 35-2177 for the 2024 irrigation season. This water right was leased into the Water Supply Bank in 2023. The 102.0 acres to be leased are identified in the attached aerial map. A cattle feedlot has been constructed under portions of 35-2177 and the pivot stops for the remaining irrigating pivot have been moved to accommodate the change.

Gardner Farms is also submitting a rental application for the entire 102.0 acres but will only be irrigating 78.0 acres for the 2024 irrigation season. In 2023, a 60.0 acre portion of this water right was rented to the same POD. The new 2024 ESPA Model analysis includes the 60.0 acres rented in 2023.

ESPA model analysis has confirmed that no mitigation is required for this rental. There is no change of beneficial use or period of use.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Gardner Farms

Enc: Lease Application, Rental Application, Aerial Maps, Annual Reports, ESPA Model Analysis

2930 + 2931