

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 790

This is to certify that:

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

RECEIVED

NOV 06 2023

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-2201	2/1/1963	SNAKE RIVER	0.13	30.2	6.7	0.02	4.5
2-105	3/15/1965	SNAKE RIVER	0.44	98.6	22	0.02	4.5
Combined Rental Totals			0.57	129	29	0.02	4.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: \$921.38 annually

The full fee for the rental of the above-described right(s) is \$921.38 per year for years 2023 - 2027. The rental fee includes an administrative fee of \$296.24 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-105. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.57	129	29	0.02	4.5
Combined Total	0.57	129	29	0.02	4.5

*** The authorized water usage reflects a reduction from the water right elements rented, to account for a per-acre diversion rate of 0.02 cfs/acre and an increased per-acre diversion volume of 4.5 af/acre.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 790

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter

11/01/23

Date

MARK A. NOBLE

Printed Name

President

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 11/7/23

Rental approved by IDWR 

Date 11/7/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 790

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER NWNW Sec. 16, Twp 01N, Rge 03W, Gov Lot 3 CANYON County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.57 CFS

VOLUME
129 AF

SEASON OF USE

Water Right No.	From	To
2-2201	3/1	11/15
2-105	3/1	11/15

RENTERS PLACE OF USE: 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		
02N	03W	28																	29	29

Total Acres: 29

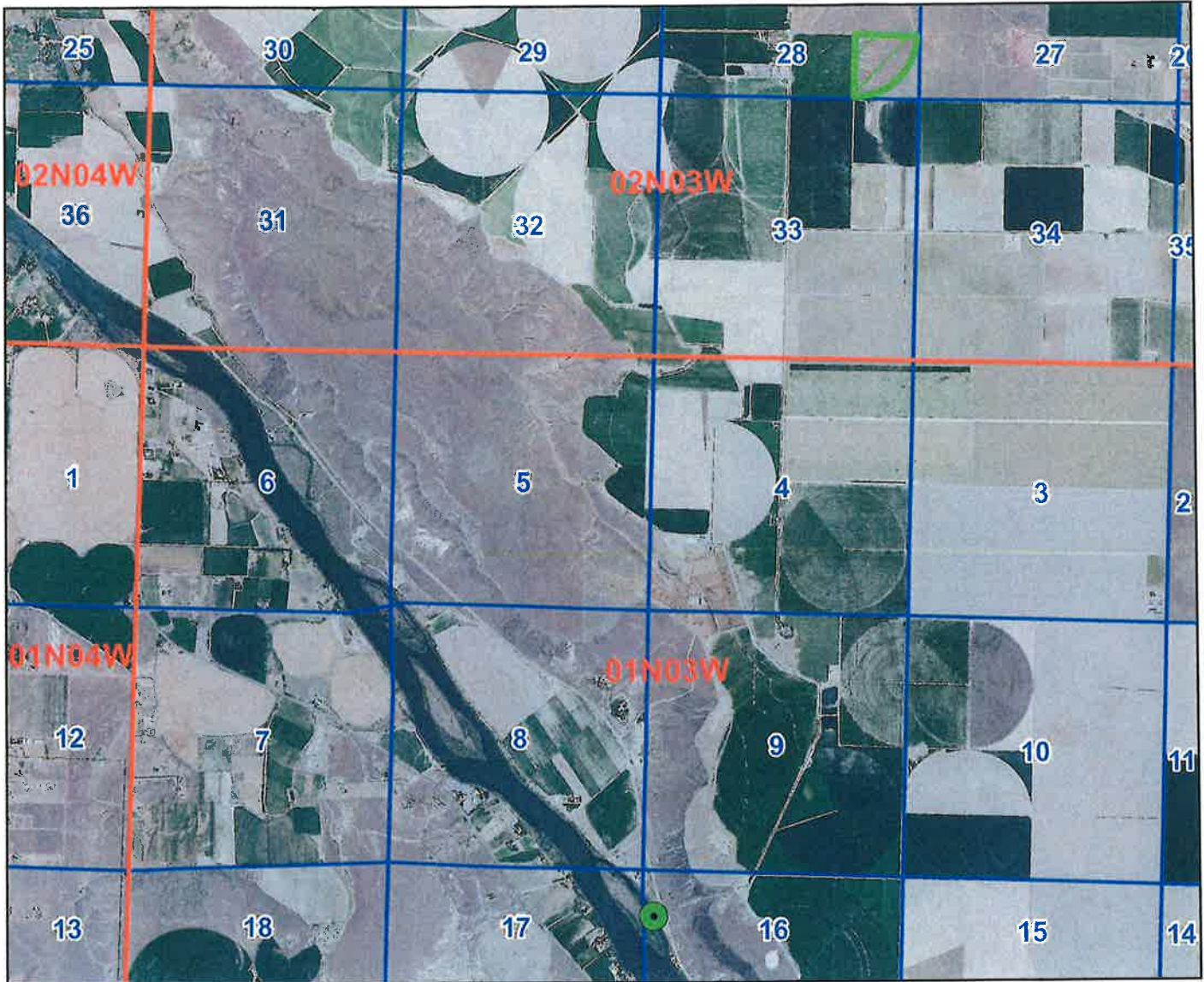
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from 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.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The following rights are also diverted through point of diversion described above: 2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203, 2-2219C, 2-2219D, 2-2313, 2-10287, 2-10288, 2-10192, and 2-10193.





Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 790

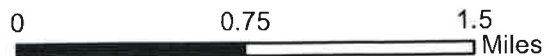
Effective until December 31, 2027

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

-  Water Supply Bank Rental POD
-  Authorized Rental Place of Use
-  Township/Range
-  Sections



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Print Form

AUG 29 2023

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

DEPARTMENT OF
WATER RESOURCES

Applicant Name: Farm Development Corporation

Is this application being submitted with a lease application as a lease/rental package? Yes No
If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST		
Check All Items as Either Attached (Yes) or Not Applicable (N/A)		
	Yes	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input type="checkbox"/>	<input checked="" type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input checked="" type="checkbox"/>	<input type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input type="checkbox"/>	<input checked="" type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Farm Development Corporation

Mailing Address 575 W Bannock St, Boise, ID 83702
Street City State Zip Code

Email Address john@jmarshalllaw.com Phone Number 208-342-6524

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes No
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Mark Noble Professional Title President

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:
We desire to rent water to provide water right coverage for ground we own that is being irrigated by a new pivot.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.57 CFS	128.7 AF	CFS	AF	28.6 AC

* *Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.*

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2023		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

* *The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.*
 ** *Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.*

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

The water is delivered via a pressurized system owned and operated by applicant that draws water from a high lift pump system owned and operated by the West End Project that feeds an open canal and ponds.

E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
Pumps, 1N 3W S16, Lt 3	Snake River	2-68, 2-105, 2-2168, 2-2201, 2-2202, 2-2203,
		2-2219C, 2-2219D, 2-2313, 2-10287, 2-10288
		2-10192, and 2-10193

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

F. Has documented consent from all relevant water delivery entities been obtained? Yes N/A
If yes, include documented consent as Attachment 3F.

G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes No
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

H. Has water modeling been provided with your rental request? Yes N/A
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- Irrigation 28.6 (number of acres) Duration: Subject to IDWR standard seasons of use
- Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A Yes No
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

K. Do you own the land at the proposed rental place of use (POU)? Yes No
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

None

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes No

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via IDWR's website.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
2-105	Irrigation	0.44	98.55	21.9		0.44	98.55	21.9
2-2201	Irrigation	0.13	30.15	6.7		0.13	30.15	6.7
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.57	128.7	28.6
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes No

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes No
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes No
If yes, describe:

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes No
If yes, describe the date and location of the NOV.

D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.


Signature of Applicant

Mark Noble
Printed Name of Applicant

August 22, 2023
Date


Signature of Representative

MARK A. NOBLE
Printed Name of Representative

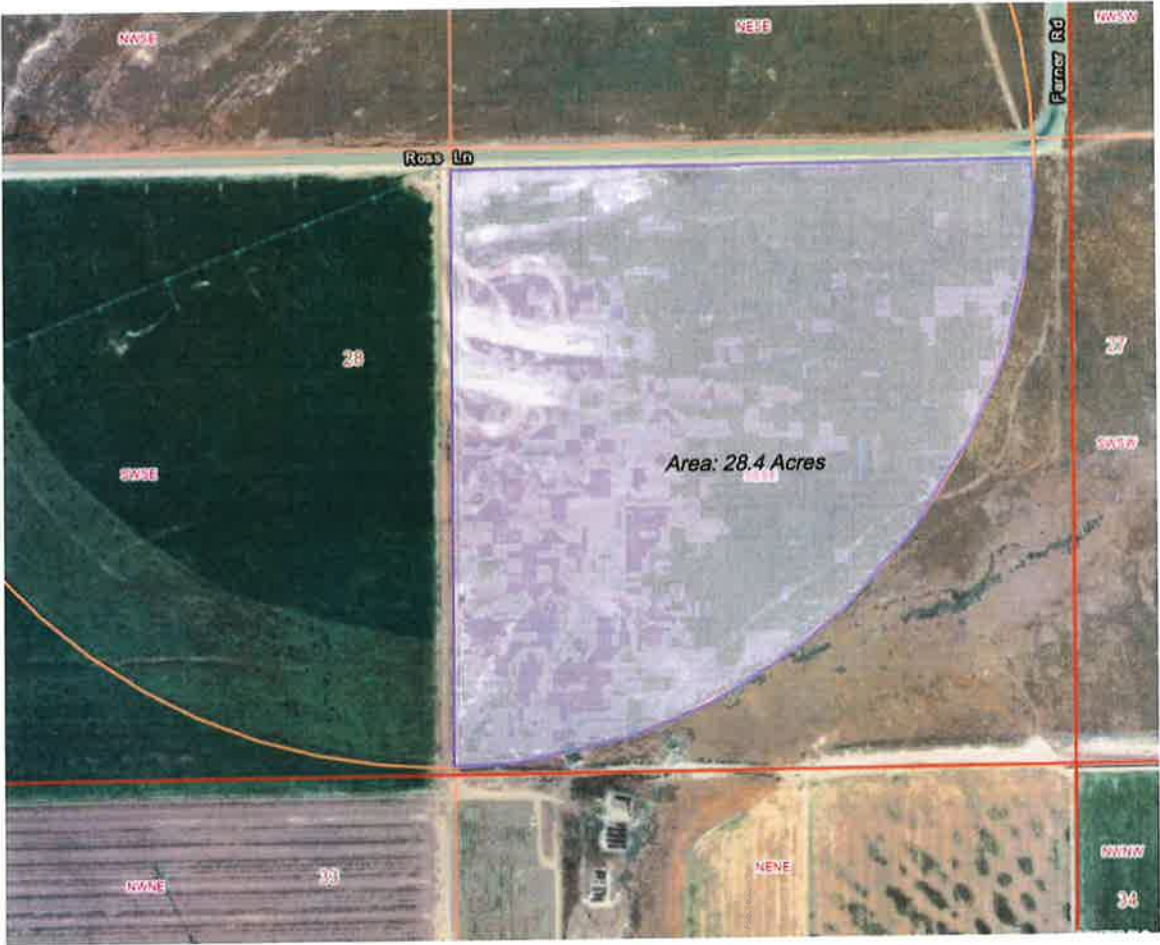
8/22/23
Date

Print Form

Mail to:

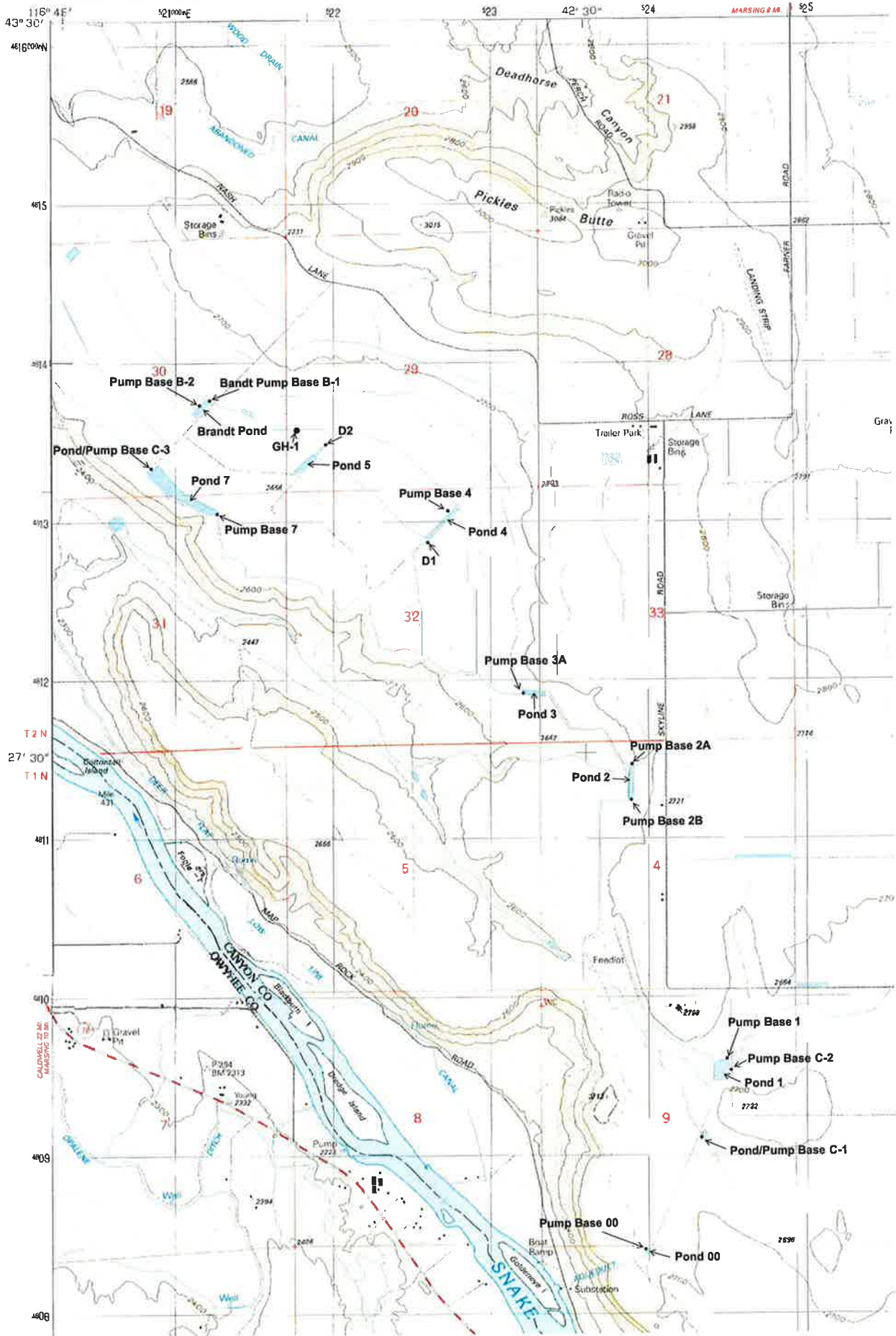
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

ATTACHMENT 2
T2N, R3W, S28



West End Project System Map is located on the following page.

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY



Craig Castagneto
President
West End Project
Re: Approval of Water Bank Applications.

The West End Project owns and operates a high lift pumping system in the Dry Lake area of southwest Idaho. The Project pumps water from the Snake River into penstocks that feed into a canal and pond system. The water rights that authorize the diversions from the Snake River are held by the individual members of the Project.

The Project is aware of and consents to the proposed applications to place portions of water rights 2-105 and 2-2201 totaling 28.6 acres into the State of Idaho Water Bank, and to rent that water for irrigation use on land located in the SESE of Section 28, T2N, R3W.



Craig Castagneto, President
West End Project



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
November 8, 2023

Director Mathew Weaver

FARM DEVELOPMENT CORP.-CO-MARK NOBLE
575 W BANNOCK ST
BOISE, ID 83702-5917

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-105 & 2-2201, AGREEMENT 790**

Dear Renter:

Please find enclosed a receipt in the amount of **\$921.38** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of **128.8 acre-feet** of water **for irrigation of 28.6 acres** during **2023**. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$625.14 of the rental fee will be paid to the lessor(s) and 10% or \$296.14 will be retained by the Department to offset administrative costs for 2023.


An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. As such, **I have also included a request for the 2024 annual fee for this agreement**. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Howe", written over a white background.

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

for

Water Supply Bank

Enclosures: Receipt No. C117305
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office
Representative- Mark Noble
Attorney- John Marshall- John Marshall Law PLLC



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

October 20, 2023

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

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-105 & 2-2201, AGREEMENT 790**

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

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$921.38 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 129 acre-feet.

Please send a check for \$921.38 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules, 90% or \$625.14 of the rental fee for right 2-2201 will be paid to the lessor of right 2-2201, and 10% or \$296.24 (for both rights 2-105 & 2-2201) will be retained by the Department to offset administrative costs for **2023**.

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

Sincerely,


Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

Water Supply Bank

MEMORANDUM FOR LEASE/RENTAL COMPANION-RENTAL APPLICATION # 2733

To: Water Rights 2-105 & 2-2201
From: Bob Howe
Date: 10/10/2023
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

The lease/rental companion package for lease application 2731 and rental application 2733 was received August 29th, 2023, submitted by John Marshall Law PLLC, and signed by Mark Noble (President) on behalf of Farm Development Corporation. Lease application 2732 was submitted and signed by Donald Brandt on behalf of Marilyn Brandt. The applicants propose to idle portions of rights 2-105 and 2-2201 totaling 28.6 acres, to facilitate the irrigation of 28.6 acres of irrigation on property on the eastern boundary of the lease POU in the Dry Lake area of southwest Idaho. The diversion for the lease and rental places of use (POU) is facilitated by a high lift pumping system owner and operated by the West End Project.

AUTHORITY TO FILE:

A quick search of the IDSOS website determined that Mark Noble is registered agent for Farm Development Corporation. The 2023 Annual Report was saved to the rental file. Donald Brandt submitted a notarized power of attorney signed by Marilyn Brandt, authorizing Donald as the representative. IDWR records list Marilyn Brandt as the current owner of right 2-2201, and Canyon County tax records list Marilyn Brandt as the current owner of the parcel appurtenant to the leased portion of right 2-2201.

Delivery of water for the leased rights and rental POU is owned and operated by the West End Project. Written authorization was submitted by the West End Project for the delivery of the leased water to the rental place of use.

WATER RIGHT VALIDITY:

Right 2-105 is for the diversion of surface water from the Snake River for irrigation, commercial, and stock water use, only 0.44 cfs and 98.55 AF for the irrigation of 21.9 acres is proposed for lease into the WSB. Right 2-2201 shares the same POD as 2-105 and several other rights for irrigation, only 0.13 cfs and 30.15 AF for the irrigation of 6.7 acres is proposed for lease into the WSB. Review of satellite and aerial imagery for the last 5 years indicated that the entire POU has been cultivated and irrigated. No concerns with validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS:

Rights 2-105 & 2-2219C are limited to the irrigation of a combined total of 2774 acres in a single irrigation season. However, this combined limit is just a statement of the additive acre limits of the rights. Lease of this water right would not cause injury to other water rights.

ENLARGEMENT OF USE:

The rental POU has no appurtenant rights and aerial imagery indicates it has not previously been developed for irrigation. As the rental POU is adjacent to the leased POU, utilizes the same delivery system, and there is no change in beneficial use or duty of water there are no injury concerns evident. There are no enlargement concerns regarding the execution of the proposed lease/rental companion package.

LOCAL PUBLIC INTEREST:

Review staff have no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The location for the rental POD in Basin 2, is not subject to the administration of a Water District. A comment request with the proposed lease and rental contracts, as well as a copy of the review memo was emailed to the Western Regional Manager, Nick Miller, on October 16th, 2023.

Howe, Bob

From: Howe, Bob
Sent: Wednesday, November 8, 2023 8:55 AM
To: Miller, Nick
Cc: Bank
Subject: Executed Rental Agreement 790 and Executed Lease Contract 1746
Attachments: Executed Rental Agreement 790.pdf; Executed Lease Contract 1746.pdf

Good Morning Nick,

I have attached Executed Rental Agreement 790 and Executed Lease Contract 1746, for Farm Development Corp for your review. I apologize that this was not sent with Executed Contract 1745, but there was about a week of separation between receiving the documents from the individual applicants. Feel free to reach out with any questions or concerns. Thank you.

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES

Bob Howe | Water Resource Agent

322 E Front St, PO Box 83720, Boise, ID 83720

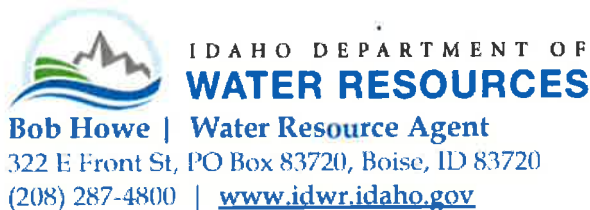
(208) 287-4800 | www.idwr.idaho.gov

Howe, Bob

From: Howe, Bob
Sent: Monday, November 13, 2023 8:35 AM
To: cicastagneto@msn.com
Cc: Bank
Subject: FW: Farm Development Corp- Lease Contract 1746 and Rental Agreement 790, Lease Contract 1745 included
Attachments: Executed Rental Agreement 790 and Receipt with cover letter.pdf; Executed Lease 1746 and cover letter.pdf; Lease 1745 Contract - right 2-2201.pdf

Hi Craig,
Thank you for speaking with me this morning. I have forwarded the documents for Farm Development Corporation's Water Supply Bank lease (#1746) and rental (#790). I have also included the lease contract (#1745) for Marilyn Brandt, the other lease allocated for Farm Development Corporation's rental. Feel free to reach out if you have any questions or concerns. Thank you and have a great day.

Bob Howe



From: Howe, Bob
Sent: Tuesday, November 7, 2023 4:46 PM
To: john@jmarshalllaw.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Farm Development Corp- Lease Contract 1746 and Rental Agreement 790

John Marshall & Mark Noble,

The executed lease contract (1746) and rental agreement (790) for Farm Development Corporation are attached to this email for your review. Please note that the rental fees for 2024 are due by December 31, 2023 (see letter attached to the rental documents). The attached documents have been submitted for mailing in tomorrow morning. Feel free to reach out with any questions or concerns.

Bob Howe

