

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1839**

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

**RECEIVED**

May 07, 2024

DEPARTMENT OF  
WATER RESOURCES

**LESSOR:** NATURE FARM LLC  
134 E HIGHWAY 81  
BURLEY, ID 83318-5427

**RECITALS**

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 19, 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)  |
|------------------------------|---------------|--------------|----------------------|-----------------------|-------------|
| 43-13797                     | 7/25/1973     | GROUND WATER | 0.30                 | 101                   | 25.0        |
| <b>Combined Lease Totals</b> |               |              | <b>0.30</b>          | <b>101</b>            | <b>25.0</b> |

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. 1839**

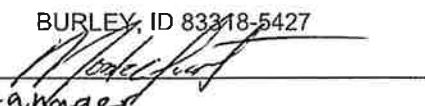
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right 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. 1839**

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

**LESSOR:** NATURE FARM LLC  
134 E HIGHWAY 81  
BURLEY, ID 83318-5427

By   
Title Manager  
Date 5/7/2024

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

By  Date 6/4/24  
Brian Patton, Acting Administrator  
Idaho Water Resource Board

Lease approved by IDWR  Date 6/4/24

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## WATER SUPPLY BANK LEASE CONTRACT No. 1839

### 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): 43-13797**

|              |      |         |         |         |               |
|--------------|------|---------|---------|---------|---------------|
| GROUND WATER | SESW | Sec. 28 | Twp 10S | Rge 26E | CASSIA County |
| GROUND WATER | NWNE | Sec. 28 | Twp 10S | Rge 26E | CASSIA County |
| GROUND WATER | SESE | Sec. 28 | Twp 10S | Rge 26E | CASSIA County |
| GROUND WATER | NWNW | Sec. 28 | Twp 10S | Rge 26E | CASSIA County |
| GROUND WATER | NENE | Sec. 28 | Twp 10S | Rge 26E | CASSIA County |

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 43-13797       | IRRIGATION     | 03/15         | to | 11/15 | 0.30 cfs             | 101 AF      |
| <b>Totals:</b> |                |               |    |       | 0.30 cfs             | 101 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 |        |
| 10S | 26E | 28  |    |    |    |    |    |    |    |    |    | 25.3 |    |    |    |    |    |    | 25.3   |

Total Acres: 25.3

#### ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK LEASE CONTRACT No. 1839**

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.
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 lands above.
13. 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. 143.
14. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
15. This right does not grant any right-of-way or easement across the land of another.
16. The unleased portions of 43-13797 and rights 43-13466, 43-13468, 43-7015, 43-13384, 43-13386, 43-13388, 43-13390, 43-13392, 43-13394, 43-13396, 43-13398, 43-13400, 43-13402, 43-13404, and 43-13406 are limited to the irrigation of a specific 682.9 acres within the 3469.7-acre place of use authorized by this right in a single irrigation season. The specific 682.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.9 acres to be irrigated within the 3469.7-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
17. The unleased portion of this right shall not exceed a total diversion rate of 2.38 cfs, a total annual maximum diversion volume of 805 af at the field headgate, and the irrigation of 201.3 acres.
18. Rights 43-13466, 43-13468, 43-7015, 43-13384, 43-13386, 43-13388, 43-13390, 43-13392, 43-13394, 43-13396, 43-13398, 43-13400, 43-13402, 43-13404, and 43-13406 when combined shall not exceed a total diversion rate of 7.34 cfs, a total annual maximum diversion volume of 1885.6 af at the field headgate, and the irrigation of 481.6 acres.

Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1839

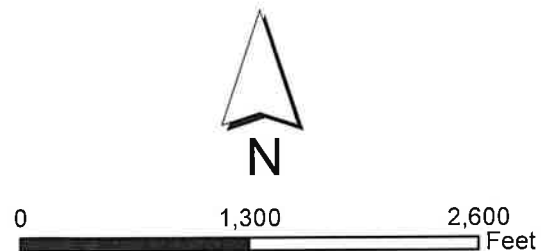
43-13797

Effective until December 31, 2024

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



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



STATE OF IDAHO  
WATER RESOURCE BOARD

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

**RECEIVED**  
**JAN 19 2024**  
DEPARTMENT OF  
WATER RESOURCES

**Designated Applicant** Nature Farm LLC **Water Right No.** 43-13797  
(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 ☐

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 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An <a href="#">Internal Revenue Service (IRS) Form W-9</a> for the Designated Applicant.                                                                                                                                                                                                                                                               |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 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  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .                                                            |
| 4A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .                                                                                                                                                                                                                              |

**Department Use Only**

|                                                                                                         |                        |                                               |                          |
|---------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------|--------------------------|
| Fee Amount \$ <u>250</u>                                                                                | Received By: <u>KM</u> | Date Received: <u>1.19.24</u>                 | Receipt # <u>C117664</u> |
| W-9 received? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Route W-9 to Fiscal) |                        | Name on W-9: <u>Square Glass Holdings LLC</u> |                          |

2907

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 Nature Farm LLC

Mailing Address 134 E Highway 81, Burley, ID 83318

Street

City

State

Zip Code

Email Address office@gibbygroup.com

Phone Number (208) 654-2733

☒ 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 \_\_\_\_\_ Organization \_\_\_\_\_

Professional Title \_\_\_\_\_ Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone Number \_\_\_\_\_

☐ 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 wells, mainlines and delivery system  
\_\_\_\_\_  
\_\_\_\_\_
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 43-13797, 43-13466, 43-13468, 43-7015, 43-13384, 43-13386, 43-13388, 43-13390, 43-13392, 43-13394, 43-13396, 43-13398, 43-13400, 43-13402, 43-13404, and 43-13406.  
\_\_\_\_\_  
\_\_\_\_\_
- 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. Water right 43-13797 was involved in Transfer 82002 approved in 2018 and was historically enrolled in a Federal set aside program until 2015. Water right 43-13797 was leased to the Water Supply Bank in 2018, 2019, 2020, 2021, 2022, and 2023.  
\_\_\_\_\_  
\_\_\_\_\_
- 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. See attached CRP contracts and documents regarding the set aside program.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 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 AGREEMENT**

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

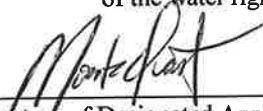
If lease, specify the years when the use of water will be suspended: 2024 to 2024 (maximum lease period 5 calendar years).  
(Year) (Year)

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

Monte Quast  
\_\_\_\_\_  
Printed Name

1/5/2024  
\_\_\_\_\_  
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  
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> | <u>Nature of Use</u> | <u>Leased Rate</u><br>(cfs) | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|------------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
| 43-13797                     | Irrigation           | 0.30                        | 101.2                        | 25.3                        |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
|                              |                      |                             |                              |                             |
|                              | Total Amounts:       | 0.30                        | 101.2                        | 25.3                        |

2. Source of water Ground Water tributary to \_\_\_\_\_

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼  | ¼  | County |
|-----|-----|-----|-----|---|----|----|--------|
| 10S | 26E | 28  |     |   | NE | NE | Cassia |
| 10S | 26E | 28  |     |   | NW | NE | Cassia |
| 10S | 26E | 28  |     |   | NW | NW | Cassia |
| 10S | 26E | 28  |     |   | SE | SW | Cassia |
| 10S | 26E | 28  |     |   | SE | SE | Cassia |
|     |     |     |     |   |    |    |        |
|     |     |     |     |   |    |    |        |

Path: F:\Projects\Gibby - Hollister\MapView\Cottrel Transfer 2018 Lease Map.mxd



0 250 500 1,000 Feet

**GIBBY - COTTEREL**

2018 LEASE APPLICATION MAP  
NAIP 2017 AERIAL

Legend  
 [White Box] Lease Acres 2018  
 [Black Box] PPU

BROCKWAY ENGINEERING, PLLC.  
GWS - Date: 2/14/2018



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

June 6, 2024

NATURE FARM LLC  
134 E HIGHWAY 81  
BURLEY, ID 83318-5427

**RE: WATER SUPPLY BANK LEASE CONTRACT 1839  
FOR WATER RIGHT 43-13797**

Dear Lessor:

Water right **43-13797** 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](http://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- Region Office Representative  
Water District No. 143  
Raft River Ground Water



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

April 26, 2024

NATURE FARM LLC  
134 E HWY 81  
BURLEY, ID 83318

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS 1839  
FOR WATER RIGHT 43-13797**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature on March 28, 2024**. The signed contracts have not been returned to the Department.

**Please sign both original Lease Contracts and return them to the Department within ten (10) days** of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application will be returned, and the application fee will not be refunded. You can reapply to lease the water right in the future by submitting new application form along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

*Bob Howe*

for  
Water Supply Bank

## Howe, Bob

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**From:** Howe, Bob  
**Sent:** Thursday, April 25, 2024 1:40 PM  
**To:** office@gibbygroup.com  
**Cc:** Bank  
**Subject:** Document Signature Required- Water Supply Bank Lease Contract #1839  
**Attachments:** L1.1A Lease Cover Letter-Proposed Contract-14 Days 3.28.2024.pdf; Lease Contract 1839 - Draft.pdf; Lease 1839 Map.pdf

Dear Monte Quast- Nature Farm LLC,

On March 28, 2024 the attached documents were mailed to the address provided on the application for signature and return within 14 days. Sign and return the two of the attached lease contracts as soon as possible so your lease can be executed. The documents can be signed and mailed to the state office address in my signature below or the documents can be signed and emailed to [file@idwr.idaho.gov](mailto:file@idwr.idaho.gov) . If the signed document is sent by email, please CC: [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) on the email. If you are not seeking to lease water right #43-13797 please notify the Department of your intent.

If you have any questions or concerns, please feel free to call me at (208) 287-4847. You will receive an action request letter from the Water Supply Bank regarding this issue within the next week. If this issue has been resolved, please disregard the letter. Thank you for your time and attention in this matter.

**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](http://www.idwr.idaho.gov)



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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

Governor Brad Little

Director Mathew Weaver

March 28, 2024

NATURE FARM LLC  
134 E HWY 81  
BURLEY, ID 83318

**RE: APPLICATION TO LEASE WATER RIGHT 43-13797 TO THE WATER SUPPLY BANK  
CONTRACT 1839**

**\*\*\*\*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](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Bob Howe*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts  
C: WD143-Watermaster-Brian Ragan  
Raft River GWD  
Southern Regional Manager- Corey Skinner

**Howe, Bob**

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**From:** Ragan, Brian  
**Sent:** Friday, March 22, 2024 3:56 PM  
**To:** Howe, Bob; dharper@atcnet.net; Skinner, Corey  
**Cc:** Bank  
**Subject:** RE: Comment Requested-Water Supply Bank Lease-1839 -Nature Farm LLC

Bob, as Watermaster for Water District 143, I have no questions or concerns with this proposed water supply bank lease package.

Brian Ragan  
IDWR Water Distribution Section  
208.287.4934

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**From:** Howe, Bob <Bob.Howe@idwr.idaho.gov>  
**Sent:** Friday, March 22, 2024 1:46 PM  
**To:** Ragan, Brian <Brian.Ragan@idwr.idaho.gov>; dharper@atcnet.net; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Cc:** Bank <Bank@idwr.idaho.gov>  
**Subject:** Comment Requested-Water Supply Bank Lease-1839 -Nature Farm LLC

Dear Interested Agencies:

The Department of Water Resources is seeking comment from your agency, regarding the Water Supply Bank (WSB) Lease Contract 1839, for Nature Farm LLC. The lease is for the same right and portion as previous lease (Contract 1671-ending 12/31/2023) for 2024. A copy of the proposed lease contract, the lease review memo, and map are attached for your reference.

Please submit your comments within 14 days, no later than April 5, 2024. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the execution of the lease.

Comments are preferred to be received by e-mail to [bob.howe@idwr.idaho.gov](mailto:bob.howe@idwr.idaho.gov). However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

**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](http://www.idwr.idaho.gov)

## MEMORANDUM FOR CONTRACT 1839

To: Water Right No. 43-13797

From: Bob Howe

Date: 3/22/2024

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

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### **PURPOSE/NARRATIVE:**

Application 2907 and the associated lease fee were received by the Water Supply Bank (WSB) on January 19, 2024, signed by Monte Quast, on behalf of Nature Farm, LLC. The application proposes to lease a 25.3-acre portion of water right 43-13797 into the water supply bank for 2024. This application is part of a lease/rental package. This application is a renewal of WSB lease contract 1671 which expired in 2023.

### **AUTHORITY TO FILE:**

An IDSOS business search found the most recent Annual Report for Nature Farm LLC listing Monte Quast, as manager and registered agent. IDWR records list Nature Farm LLC as the current owners of water right 43-13797.

### **WATER RIGHT VALIDITY:**

The water right was enrolled into a program until 2015 that protects it from forfeiture. The right has been leased continually into the bank since 2018 after transfer 82002 was approved that same year. No concerns were found regarding the validity of the right or portion offered to the WSB.

### **ENLARGEMENT OF USE:**

This water right was decreed in 2002. It was transferred to the current place of use and combined with other rights in the PPU. Conditions on rights prior to the transfer limit the use to 481.6 acre. Transfer 82002 added 43-13797 to the PPU and increased the acre limit by 226.6 acres to 708.2. Therefore, right 43-13797 contributes 226.6 acres to the limit and can be separated out without enlargement. The unleased portion and all other rights in PPU will be limited to 682.9 acres, the 481.6-acre limit will remain to limit the unleased rights.

### **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 appears consistent with the conservation of water resources in Idaho.

### **DEPARTMENT STAFF OR WATERMASTER COMMENTS:**

The point of diversion is within Water District 143, the Raft River Groundwater District, the Raft River Critical Groundwater Management Area, and the Trust Water area. The Watermaster, Groundwater District, and Southern Regional Manager were emailed for comment on March 22, 2024.