

09/2024

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STATE OF IDAHO
WATER RESOURCE BOARD

Print Form

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

DEPT. OF WATER RESOURCES

Applicant / Designated Lessor US ROW FARMLAND LLC Water Right No. 2-2371
(Select one owner – see item 1A on the application) (One water right per application)Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes		N/A		Yes	Attachments	
☒						Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> , printed single sided , per requirement of the Water Supply Bank.
☒						Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
☒		☒			1A	Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
☒		☒			1B	An <u>Internal Revenue Service (IRS) Form W-9</u> for the Applicant / Designated Lessor.
☒		☐			1C	<i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
☒		☒			1D	Contact information for an authorized representative and documentary proof they are authorized to represent the Applicant on this application. If the Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
☒		☒			2	Description of a water right portion offered to the Water Supply Bank.
☒		☒			3	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
☒		☐			4A	Written consent from irrigation district or water delivery company.
☒		☒			4G	Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .
☒		☐			5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only

Fee Amount \$	Received By: <u>KW</u>	Date Received: <u>11/10/2025</u>	Receipt # <u>1124000</u>
W-9 received? Yes ☐ No ☐	(Route W-9 to Fiscal)	Name on W-9:	

SUPPORT DATA

IN FILE # 2-2186

3348

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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

Applicant / Designated Lessor US ROW FARMLAND LLC

Mailing Address 6075 POPLAR AVE STE 202 MEMPHIS TN 38119-0109

Street

City

State

Zip Code

Email Address Bret.andersen@nuveennc.com

Phone Number 208-312-1450

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

OR

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

- B. Has the Designated Lessor / Applicant submitted an IRS Form W-9 to this Department within 6 months? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

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

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

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☐ The full water right is being offered to the Bank and none will still be used.

OR

- ☒ A portion of the water right is being offered to the Bank and a portion will still be used.

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

3. MAP

Attach a map The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. For irrigation purposes, mark the number of acres for lease per 40-acre tract (1/4-1/4). If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Identify the owner of the water delivery system or well The applicant
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#). (Label Attachment 4A)
- B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.
Existing POD, booster pumps, mainlines, canal system and irrigation systems.
- C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. 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, and usually have combined limits in the conditions of the water rights. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source, including those listed in 4C? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____
- F. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed. _____
- G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. 32.0 Acres have been leased into the Water Supply Bank under contract #1234
- 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
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APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE CONTRACT

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

If lease, specify the first calendar year when the use of water will be suspended: 2025

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

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

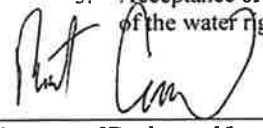
B. Show the minimum payment acceptable to the seller/lessor. If lease, the minimum payment may be shown as the "current rental rate" as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The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

Current Rental Rate

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

The Designated Lessor / Applicant acknowledges the following:

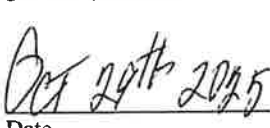
1. Payment to the Designated Lessor / Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted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



Signature of Designated Lessor or Applicant



Printed Name



Date

Signature of Co-Applicant

Printed Name

Date

Signature of Authorized Representative

Printed Name

Date

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

Print Form

STATE OF IDAHO
WATER RESOURCE BOARD

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

ATTACHMENT 2

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

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
2-2371	Irrigation	0.64	160	32
				32
	Total Amounts:	0.64	160	32

2. Source of water Snake River tributary to _____

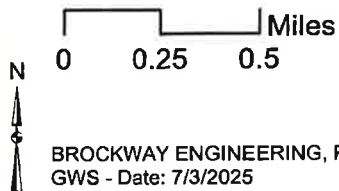
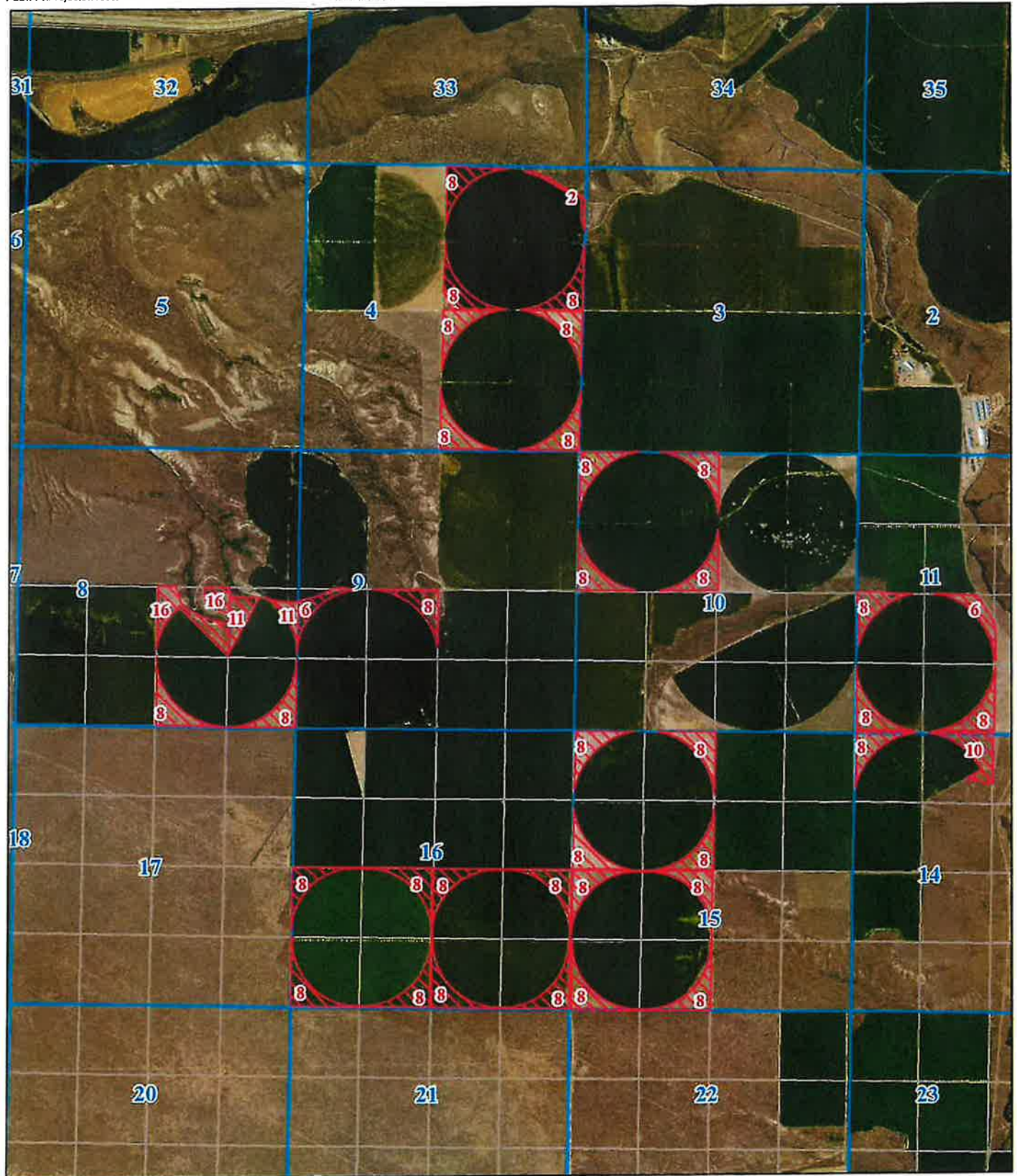
3. **Point(s) of diversion.** Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

TWP	RGE	SEC	GOVT LOT	¼	¼	¼	County	Source	Local name or tag #
05S	09E	34	4		NW	SW	Elmore	Snake River	

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

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	10E	16													8	8	8	8	32



**LEASE ACRES
NAIP 2023 AERIAL PHOTO**

Legend

 Sailor_Creek_Lease_Acres

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 7/3/2025



0006209057



STATE OF IDAHO
Office of the secretary of state, Phil McGrane
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0006209057

Date Filed: 4/16/2025 7:25:57 AM

Entity Name and Mailing Address:								
Entity Name:	US Row Farmland, LLC							
Foreign Name (name in home jurisdiction):	US Row Farmland, LLC							
The file number of this entity on the records of the Idaho Secretary of State is:	0005685152							
Address	730 THIRD AVENUE NEW YORK, NY 10017							
Entity Details:								
Entity Status	Active-Existing							
This entity is organized under the laws of:	DELAWARE							
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:								
The registered agent on record is:								
Registered Agent	CORPORATION SERVICE COMPANY Commercial Registered Agent Physical Address 1305 12TH AVE RD NAMPA, ID 83686 Mailing Address 1305 12TH AVE RD NAMPA, ID 83686							
Agent or Address Change								
☐ Select if you are appointing a new agent.								
Limited Liability Company Managers and Members								
<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>☒ WESTCHESTER GROUP INVESTMENT MANAGEMENT, INC.</td><td>Manager</td><td>2004 FOX DRIVE SUITE L CHAMPAIGN, IL 61820</td></tr></tbody></table>			Name	Title	Business Address	☒ WESTCHESTER GROUP INVESTMENT MANAGEMENT, INC.	Manager	2004 FOX DRIVE SUITE L CHAMPAIGN, IL 61820
Name	Title	Business Address						
☒ WESTCHESTER GROUP INVESTMENT MANAGEMENT, INC.	Manager	2004 FOX DRIVE SUITE L CHAMPAIGN, IL 61820						
The annual report must be signed by an authorized signer of the entity.								
Job Title: SECRETARY								
HEATHER MCELWEE PLAFCAN		04/16/2025						
Sign Here		Date						

B1007-2402 04/16/2025 7:26 AM Received by Office of the Idaho Secretary of State

US Row Farmland, LLC
A Delaware Limited Liability Company

AUTHORIZATION ACTION

The undersigned, being the Agricultural Asset Manager of US Row Farmland, LLC, a Delaware limited liability company (the "Company"), does hereby consent to the taking of the following action:

1. RESOLVED, That the Company is authorized to lease the water supply rights into the bank for the property legally described on Exhibit A attached, commonly known as Sailor Creek in Elmore County, Idaho.
2. RESOLVED, That Westchester Group Farm Management, Inc., as Agricultural Asset Manager, is authorized to execute on behalf of Company any and all documents relating to the purchase in this Action.

US Row Farmland, LLC

By: Westchester Group Farm Management Inc.
Its: Agricultural Asset Manager

By: 

Name: Bret Andersen
Title: Vice President

WESTCHESTER GROUP FARM MANAGEMENT, INC.
An Illinois Corporation

**ACTION OF ALL DIRECTORS AND SOLE SHAREHOLDER
BY UNANIMOUS WRITTEN CONSENT**

The undersigned, being all of the directors and all of the sole shareholder of WESTCHESTER GROUP FARM MANAGEMENT, INC., an Illinois corporation, do hereby consent pursuant to Section 7.10 and Section 8.45 of the Business Corporation Act of 1983 to the taking of the following action in lieu of a meeting and do hereby waive pursuant to Section 7.20 and Section 8.25 of said Business Corporation Act of 1983, any notice whatever required to be given in connection therewith:

1. RESOLVED, that the following persons be and are hereby elected as directors of the corporation, to serve until his successor is duly elected or until he sooner dies or resigns:

Davies, R. Martin
Klingman, Spencer

2. RESOLVED, that the following persons be and they are hereby elected to the corporate offices set before their respective names, each to serve until his/her successor is duly elected or until he/she sooner dies or resigns:

Davies, R. Martin	President & CEO
Stockburger, Michael	Vice President
Lakamp, Douglas J.	Vice President
Decker, Eric W.	Vice President
Mitchell, Scott	Vice President
Harrison, Wade R.	Vice President
Norman, Drake	Vice President
Andersen, Bret	Vice President
Krause, Nina	Vice President
Coelho, Mark	Vice President
Hauss, Brian	Vice President
Fornoff, Carole A.	Vice President
Piggot, Steven	Vice President
Lu, Frank	Vice President
Sorena, Vincent	Vice President
Harper, Megan	Vice President
Daud, Sam	Vice President
Parker, Matthew	Vice President

Schaefers, Rich	Vice President
Pooler, Eric	Vice President
Klingman, Spencer	Vice President
Porsov, Janelle	Vice President
McElwee Plafcan, Heather	Vice President
Nelson, Duane R,	Vice President
Robinson, Michael	Vice President
Steinhauer-Clark, Elizabeth	Assistant Secretary
Weger, Tracy	Assistant Secretary
Cramer, Beth	Assistant Secretary
Newton, Andrea	Assistant Secretary
Jordan, Kasie	Corporate Secretary
Jacoby, Damian	Senior Director
Baraks, Christopher	Senior Vice President
Ramos, Janet	Assistant Secretary
Foster, Kathleen	Vice President – Limited to tax matters
Raval, Su Youn	Vice President – Limited to tax matters
Wofford, Crystal	Vice President – Limited to tax matters
Zelnick, Jeanne	Assistant Secretary
Heald, J. Christopher	Vice President & Treasurer
Beam, Chris	Assistant Treasurer
Doscher, Kristen	Assistant Secretary
Tunsupong, Danny	Assistant Secretary

EXECUTED as of the 11th day of September 2025.

Sole Shareholder:

Westchester Group Investment Management, Inc.

By: Heather McElwee Plafcan
Heather McElwee Plafcan (Sep 12, 2025 11:40:54 CDT)
Heather McElwee Plafcan, Vice President

Directors:

R.M. Davies
RM Davies (Sep 13, 2025 04:06:33 GMT+10)
R. Martin Davies, Director

Spencer Klingman
Spencer Klingman, Director