

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 2021

DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1436

Not Stated This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: ROCKY MOUNTAIN LAND & CATTLE LLC
1096 E IONA RD
IDAHO FALLS, ID 83401-2170

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 April 29, 2021.
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)
31-11444	5/1/1973	GROUND WATER	0.45	90.0	30.0
31-7094	9/28/1973	GROUND WATER	1.41	282.0	94.0
Combined Limit Totals			1.41	372.0	124.0
31-12302	6/29/1909	BEAVER CREEK, tributary to CAMAS CREEK	0.46	Not Stated	36.0
31-12300	7/13/1914	BEAVER CREEK, tributary to CAMAS CREEK	0.62	Not Stated	48.0
31-12304	6/8/1917	BEAVER CREEK, tributary to CAMAS CREEK	0.41	Not Stated	53.9
Combined Limit Totals			1.49	Not Stated	82.0
Combined Lease Totals			2.90	Not Stated	176.0

SUPPORT DATA

IN FILE # 31-7094

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1436

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
31-12302	0.46	126.0	36.0	0.013	3.5
31-12300	0.62	168.0	48.0	0.013	3.5
31-12304	0.41	188.7	53.9	0.008	3.5
31-11444	0.45	90.0	30.0	0.015	3.0
31-7094	1.41	282.0	94.0	0.015	3.0
Combined Limit Totals	2.90	569.0	176.0	0.016	3.2

**The water right elements rentable include a defined volume limit that is based on the regional field headgate irrigation standard of 3.5 afa/acre for the Beaver Creek surface water rights.*

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

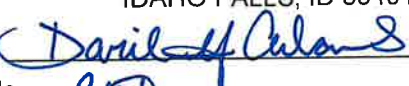
3. **TERM OF LEASE:** The term of this lease shall be January 1, 2021 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1436

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

LESSOR: ROCKY MOUNTAIN LAND & CATTLE LLC
1096 E IONA RD
IDAHO FALLS, ID 83401-2170

By 
Title CEO
Date 10/21/2021

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/25/21

Lease approved by IDWR 

Date 10/25/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1436

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): 31-11444, 31-7094
GROUND WATER NWNWNW Sec. 9 Twp 09N Rge 36E CLARK County

Source and Location of Point(s) of Diversion for Water Right No(s): 31-12300, 31-12302, 31-12304
BEAVER CREEK NWSWNE Sec. 33 Twp 10N Rge 36E CLARK County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
31-11444	IRRIGATION	04/01	to	10/31	0.45 cfs	90.0 AF
31-12300	IRRIGATION	04/01	to	10/31	0.62 cfs	Not Stated
31-12302	IRRIGATION	04/01	to	10/31	0.46 cfs	Not Stated
31-12304	IRRIGATION	04/01	to	10/31	0.41 cfs	Not Stated
31-7094	IRRIGATION	4/01	to	11/01	1.41 cfs	282.0 AF
31-12300	STOCKWATER	04/01	to	10/31	0.03 cfs	Not Stated
31-12302	STOCKWATER	04/01	to	10/31	0.03 cfs	Not Stated
31-12304	STOCKWATER	04/01	to	10/31	0.02 cfs	Not Stated
Totals:					3.35 cfs	Not Stated

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 31-12300, 31-12302 & 31-12304

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	36E	4					25.0 L3	24.0 L4	21.0	8.0									78.0
09N	36E	5				4.0													4.0

Total Acres: 82.0

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 31-7094

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	36E	4							8.0	1.0	1.0	40.0	31.0						81.0
09N	36E	5				1.0									8.0			4.0	13.0

Total Acres: 94.0

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION 31-11444

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	36E	4							21.0	5.0									26.0
09N	36E	5				4.0													4.0

Total Acres: 30

Total Acre Limit: 176.0 Acres

WATER SUPPLY BANK LEASE CONTRACT No. 1436

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
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. Water right 31-12300 is limited to the irrigation of 48 acres within the place of use described above in a single irrigation season.
13. The rights listed below are limited to the irrigation of a combined total of 82 acres in a single irrigation season. Combined right nos.: 31-12300, 31-12302, 31-12304, 31-11444.
14. Rights 31-12299 & 31-12300 when combined shall not exceed stockwater for 500 cattle
15. Water right 31-11444 is for an enlargement of 30 acres within the place of use described for water right 31-7094.
16. Use of water right 31-11444 with right no. 31-7094 is limited to a total combined diversion rate of 1.41 cfs and the irrigation of 124.0 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1436

17. Water right 31-11444 is based upon an enlargement of right no. 31-7094 pursuant to section 42-1426, Idaho Code.
18. Water right 31-12302 is limited to the irrigation of 36 acres within the place of use described above in a single irrigation season.
19. Rights 31-12301 & 31-12302 when combined shall not exceed stockwater for 500 cattle
20. Rights 31-12303 & 31-12304 when combined shall not exceed stockwater for 250 cattle.
21. Water right 31-12304 is limited to the irrigation of 53.9 acres within the place of use described above in a single irrigation season.

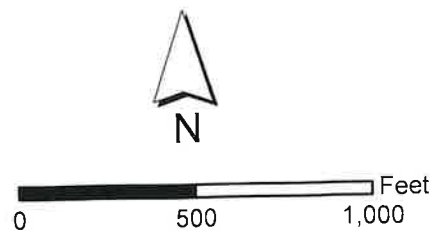
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1436

31-12300, 31-12302, 31-12304
Effective until December 31, 2023

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.



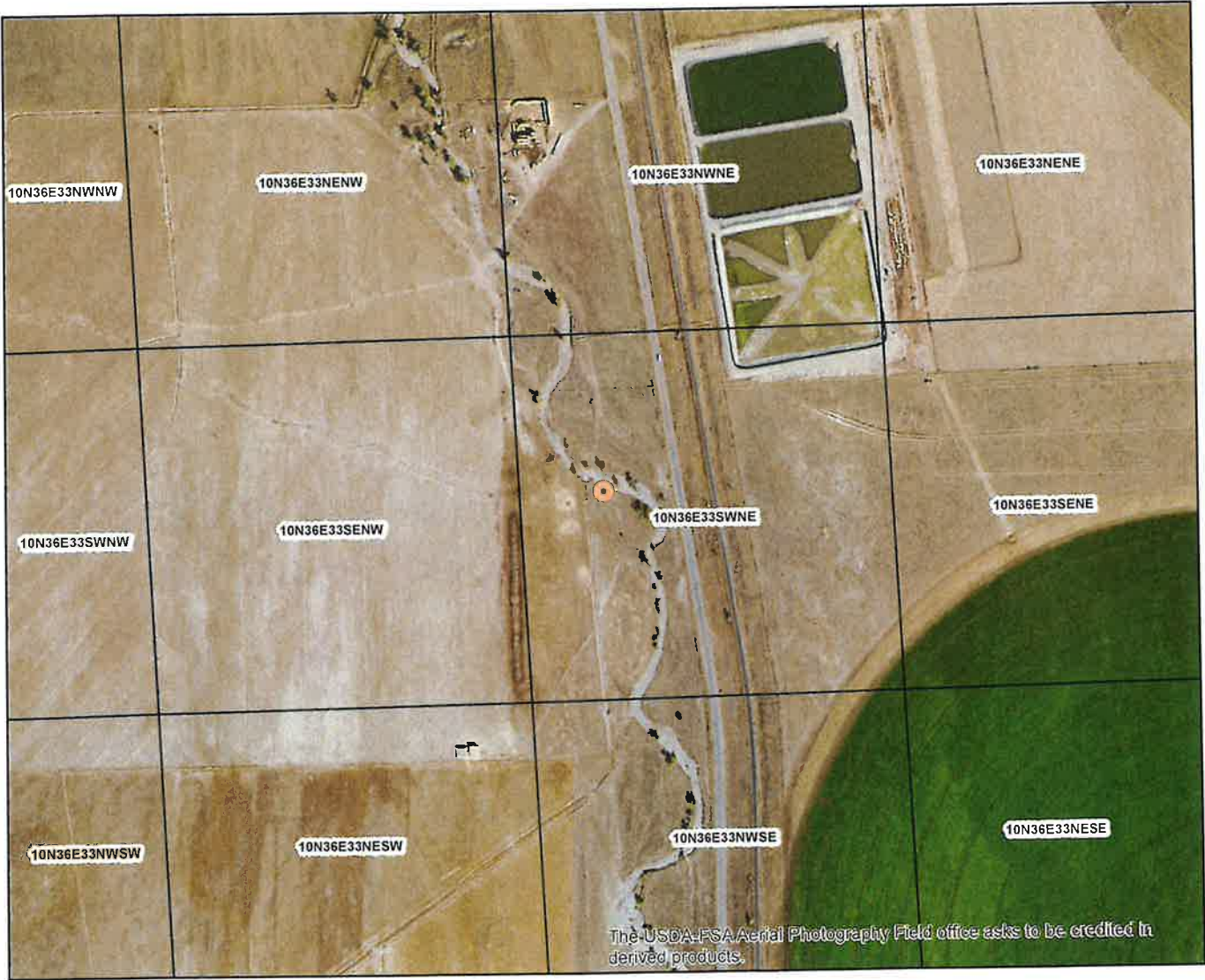
- Approved Lease Point of Diversion
- ▭ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



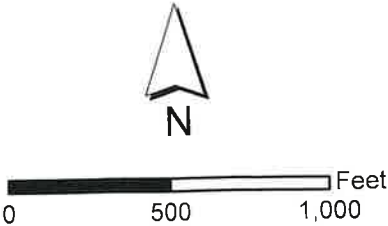
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1436

31-12300, 31-12302, 31-12304
Effective until December 31, 2023

This map depicts the **point of diversion** 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

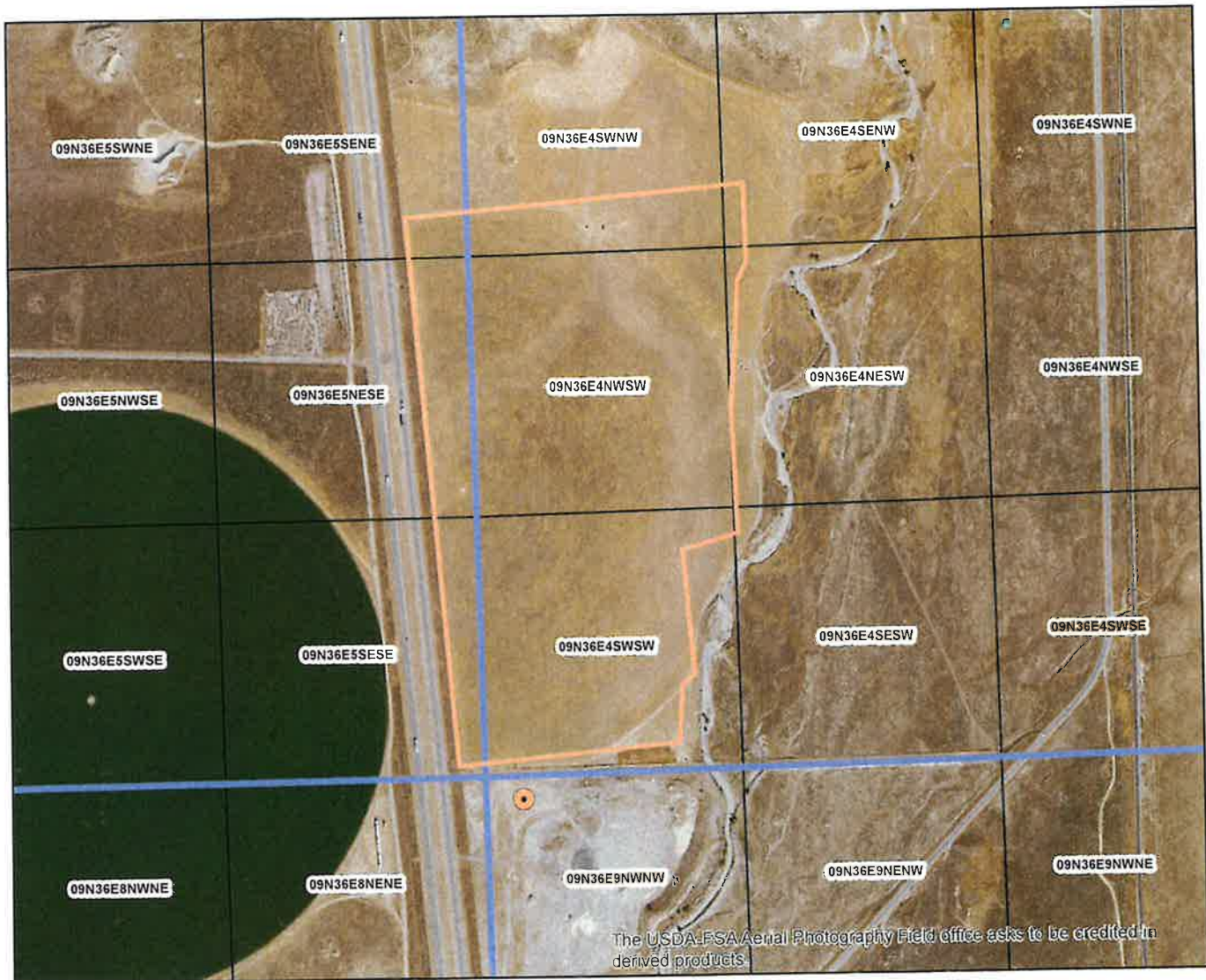


Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1436

31-7094

Effective until December 31, 2023

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

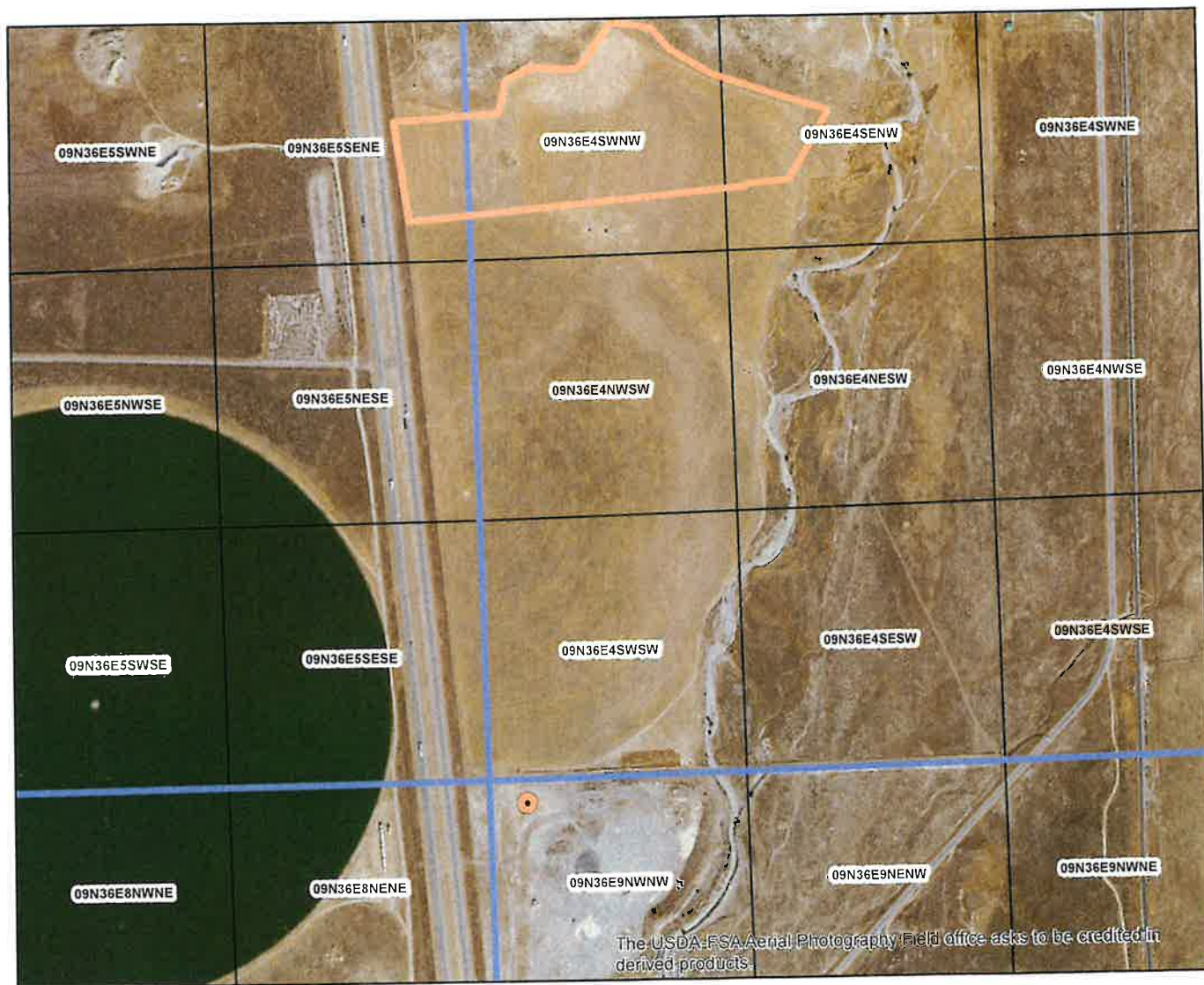


0 500 1,000 Feet

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1436

31-11444
Effective until December 31, 2023

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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

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APR 29 2021

DEPARTMENT OF
WATER RESOURCES

Print Form

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant ROCKY MOUNTAIN LAND & CATTLE
(Select one owner - see item 1A on the application)Water Right No. 31-12300
(One water right per application)

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

Yes ☐ No ☒

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only

Fee Amount \$ <u>500 -</u>	Received By: <u>KH</u>	Date Received: <u>4.29.21</u>	Receipt # <u>C110314</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Rocky Mountain Land & Cattle LLC</u>	

**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> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
<u>31-12300</u>	<u>IRRIGATION</u>	<u>0.62</u>	<u> </u>	<u> </u>
	<u>STOCK WATER</u>	<u>0.03</u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	Total Amounts:	<u>0.62</u>	<u> </u>	<u> </u>

2. Source of water BEAVER CREEK tributary to CAMAS CREEK

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
<u>10N</u>	<u>36E</u>	<u>33</u>					<u>CLARK</u>

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 DAVID G ADAMS
Mailing Address 1096 E IONA RD IDAHO FALLS ID 83404
Street City State Zip Code
Email Address david@intermountainbison.com Phone Number 208-520-1514

☐ 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.

CREEK

- 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. SEE ATTACHED: 31-7094, 31-11444, 31-12302, 31-12304,

31-7114

- 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. UNKNOWN, RECENTLY PURCHASED

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

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: 2021 to 2023 (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.

David G. Adams
Signature of Designated Applicant

DAVID G. ADAMS
Printed Name

04/23/2021
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 1 if more than one applicant/water right holder.

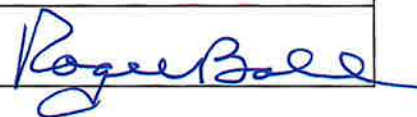
ATTACHMENT 1A

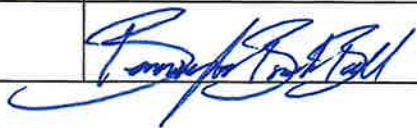
Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

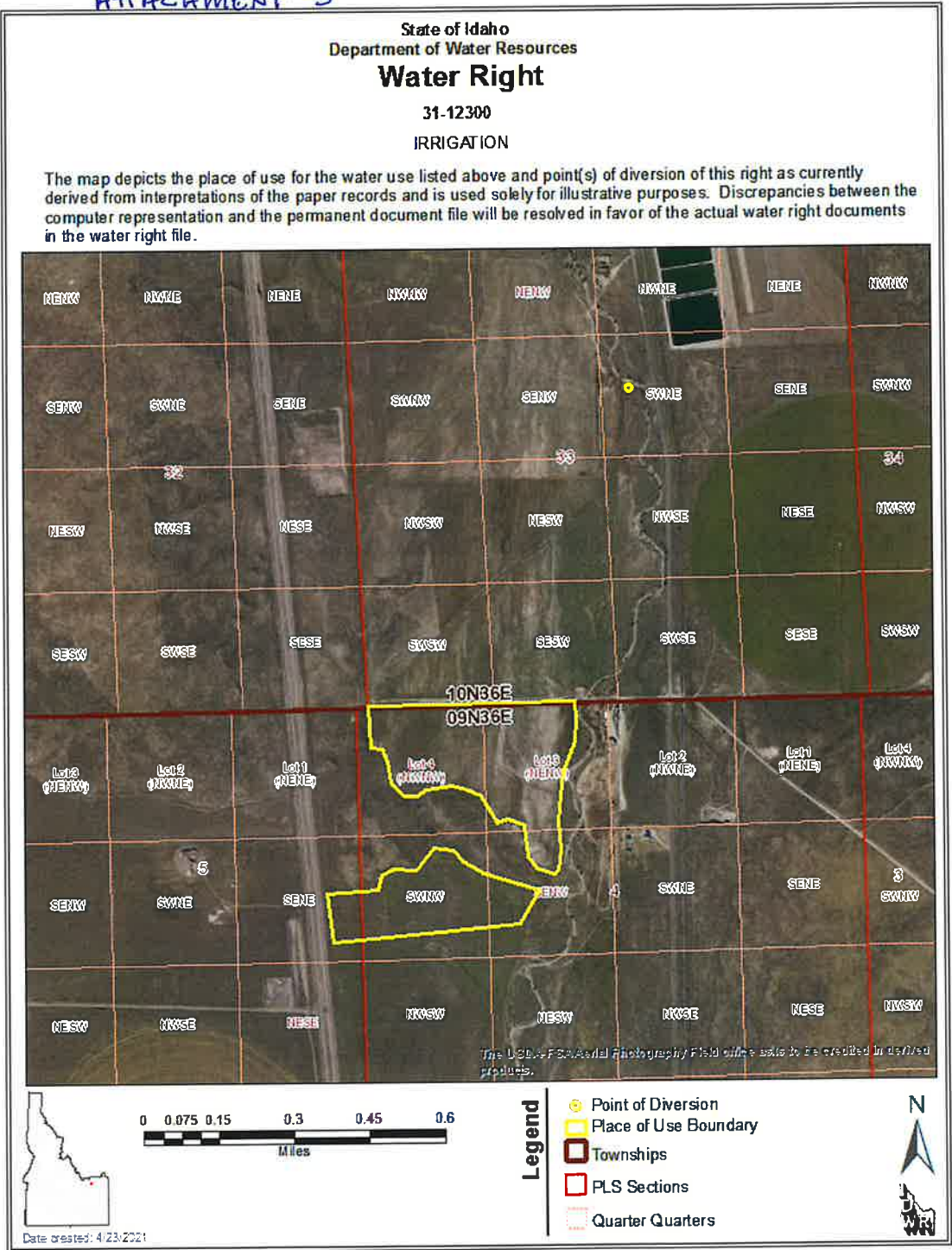
If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 31-7094 31-11444 31-12300 31-12307
31-12304 31-7114

	Designated Applicant	Applicant #2	Applicant #3
Name	DAVID G ADAMS		ROGER BALL
Mailing Address	1096 E. IONA RD. IDAHO FALLS, ID 83401		1096 E. IONA RD. IDAHO FALLS, ID 83401
Phone Number	208-520-1514		208-709-8260
Email Address	david@intermountainbison.com		rball@goldenvalleynatural.com
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name	BROCK BALL		BRIGHAM BALL
Mailing Address	1096 E. IONA RD. IDAHO FALLS, ID 83401		1096 E. IONA RD. IDAHO FALLS, ID 83401
Phone Number	208-360-6191		208-709-0113
Email Address	brock@intermountainbison.com		brigham@intermountainbison.com
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

ATTACHMENT 3





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 Gary Spackman

October 27, 2021

ROCKY MOUNTAIN LAND & CATTLE LLC
1096 E IONA RD
IDAHO FALLS ID 83401-2170

**RE: WATER SUPPLY BANK LEASE CONTRACT 1436
FOR WATER RIGHTS 31-7094, 31-11444, 31-12300, 31-12302 & 31-12304**

Dear Lessor:

Water rights **31-7094, 31-11444, 31-12300, 31-12302 & 31-12304** were leased into the Water Supply Bank (Bank) as of January 1, 2021, 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 rights will automatically be released from the Bank on **December 31, 2023**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region
Water District No. 31 & 110

Hersley, Jean

From: Jordan, Blake
Sent: Monday, October 18, 2021 7:49 AM
To: Hersley, Jean
Subject: RE: WSB Lease for 31-7094, 31-11444, 31-12300, 31-12302 & 31-12304

Hi Jean,
I have no concerns with this lease.

Blake

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Friday, October 15, 2021 8:18 AM
To: shentonwd31@mudlake.net; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Subject: WSB Lease for 31-7094, 31-11444, 31-12300, 31-12302 & 31-12304

Rocky Mt. Land and Cattle is placing the entirety of these rights in the Bank. Attached is the review memo and contract. Please let me know if you have any comments or concerns within 14 days. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



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 Gary Spackman

October 15, 2021

ROCKY MOUNTAIN LAND & CATTLE LLC
1096 E IONA RD
IDAHO FALLS ID 83401-2170

**RE: APPLICATION TO LEASE WATER RIGHTS 31-11444, 31-12300, 31-12302 & 31-12304 TO
THE WATER SUPPLY BANK CONTRACT 1436**

******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, 2023**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 15, 2021 8:18 AM
To: shentonwd31@mudlake.net; Jordan, Blake
Subject: WSB Lease for 31-7094, 31-11444, 31-12300, 31-12302 & 31-12304
Attachments: Lease Application Review Checklist July 2017.xls; Lease Contract -1436 rb edits.docx

Rocky Mt. Land and Cattle is placing the entirety of these rights in the Bank. Attached is the review memo and contract. Please let me know if you have any comments or concerns within 14 days. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Quick Tools

creed

Year	No Forfeiture Concerns Thru:
2000	2000
2001	2001
2002	2002
2003	2003
2004	2004
2005	2005
2006	2006
2007	2007
2008	2008
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2100	2100

2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

	COMMENTS/CONCERNS:
--	---------------------------

		Check box		COMMENTS/CONCERNS:
1	Fill out WSB Data Entry Checklist for Leases (Front of File)	x		
2	Reason for lease of water rights (Brief description of lease proposal in narrative)			
	Portion of right			
	All of right	x		
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	No	
4	Rentable? (If no explain in comments or narrative)	x		
5	Authority to file			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity	x		
	Other (explain in comments)			
6	Water Right validity			
	Decreed/Licensed/Statutory claim date (write in comments section)			2002
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?		x	
	Ownership Change received 7/3/21 likely any non-use occurred beyond new owners control			
7	Injury to other water rights			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	Enlargement concerns	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	No	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)			
9	Local Public Interest			
	Does the processor know of any problems this action will cause for the local public?		x	
10	Have you contacted regional office and watermaster for comment/concerns?	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			3.5
12	Is water right involved in any other department action? Pull file and check database (X) Ownership Change () Transfer () Mitigation () Other - Explain in comments	x		Completed OC before processing WS

Narrative: The Department received these applications in April, 2021. The applicant submitted an ownership change at the same time. Ownership was updated. The rights were placed under one contract due to overlaps and combined conditions. 31-7094 & 31-11444 are limited to 94 acres and 30 acres respectively, of which 30 acres under 31-11444 completely fall within the 82 acre POU for 31-12300-12304. So31-12300-12304 and 31-11444 authorize the irrigation of 82 acres, and 94 additional acres under 31-7094= 176 acres.

The table below summarizes the combined limits. I'd include this, or a variation of it, in your review memo, for future reference:

[illegible]



0004235857

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

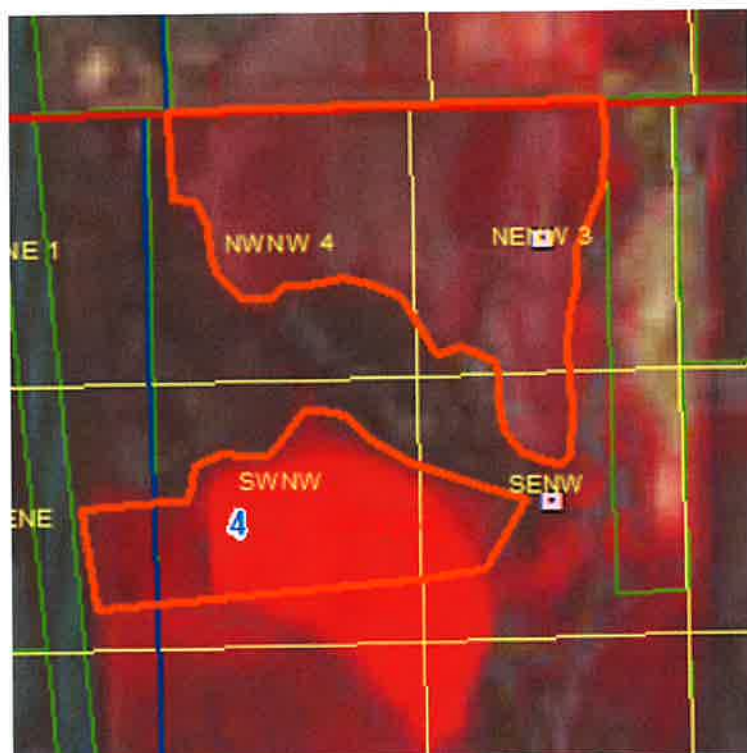
*For Office Use Only***-FILED-**

File #: 0004235857

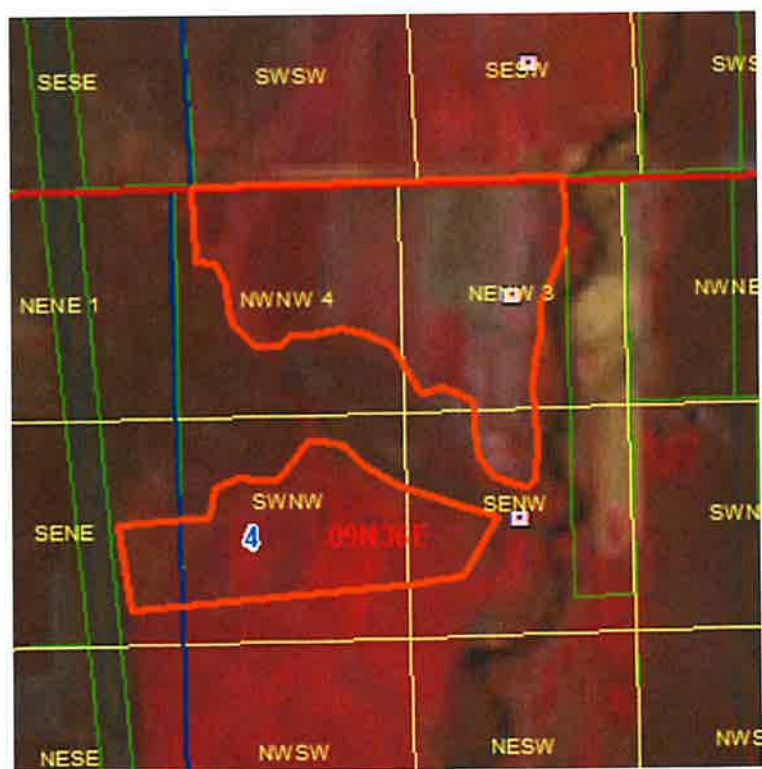
Date Filed: 4/6/2021 8:57:31 AM

Entity Name and Mailing Address:		
Entity Name:	ROCKY MOUNTAIN LAND AND CATTLE, L.L.C.	
The file number of this entity on the records of the Idaho Secretary of State is:	0000032702	
Address	1096 E IONA RD IDAHO FALLS, ID 83401-2124	
Entity Details:		
Entity Status	Active-Existing	
This entity is organized under the laws of:	IDAHO	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W5969	
The registered agent on record is:		
Registered Agent	BALL MANAGEMENT LLC Registered Agent Physical Address 3640 S YELLOWSTONE HWY IDAHO FALLS, ID 83402 Mailing Address	
The name and street address of the new registered agent and office in Idaho is:		
Registered Agent	Registered Agent David Adams Physical Address: 1096 E. IONA RD IDAHO FALLS, ID 83401 Mailing Address: 1096 E IONA RD IDAHO FALLS, ID 83401-2124	
☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.		
Limited Liability Company Managers and Members		
Name	Title	Business Address
☒ Roger Ball	Manager	1096 E IONA RD IDAHO FALLS, ID 83401
The annual report must be signed by an authorized signer of the entity.		
Job Title: Controller		
Ammon Kegel		04/06/2021
Sign Here		Date

B0598-7070 04/06/2021 8:57 AM Received by ID Secretary of State Lawrence Denney



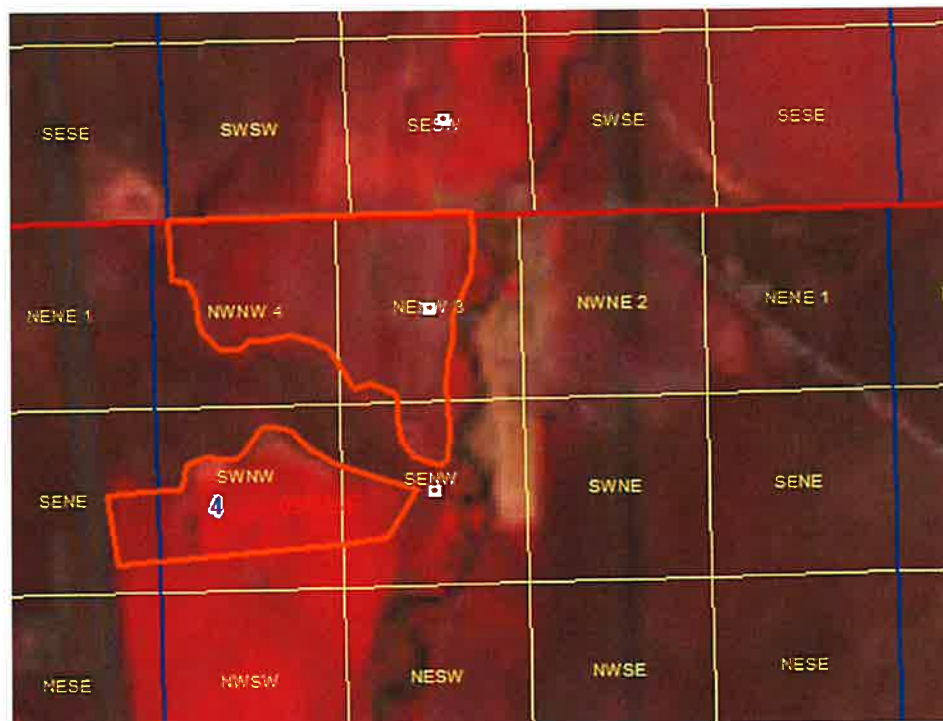
June 5, 2016



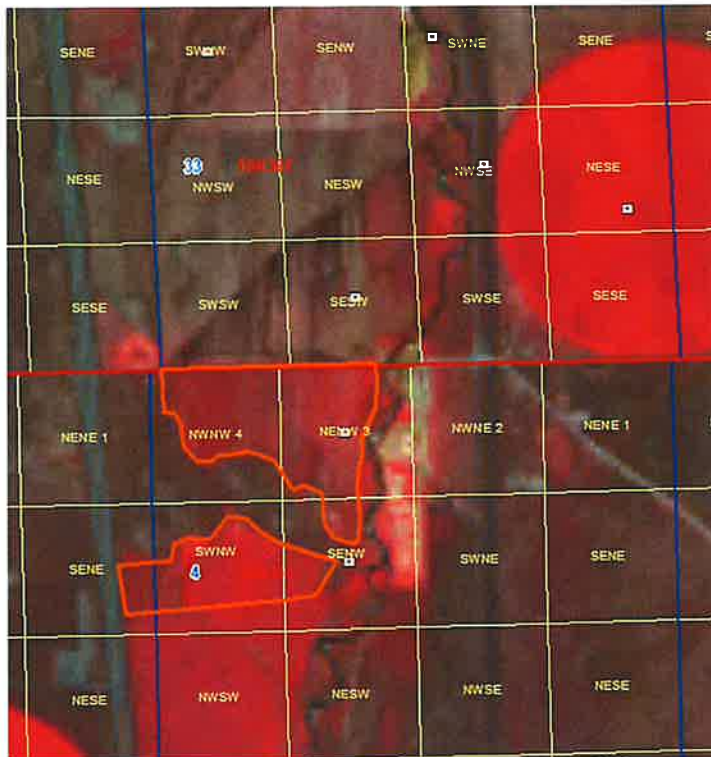
May 31, 2017



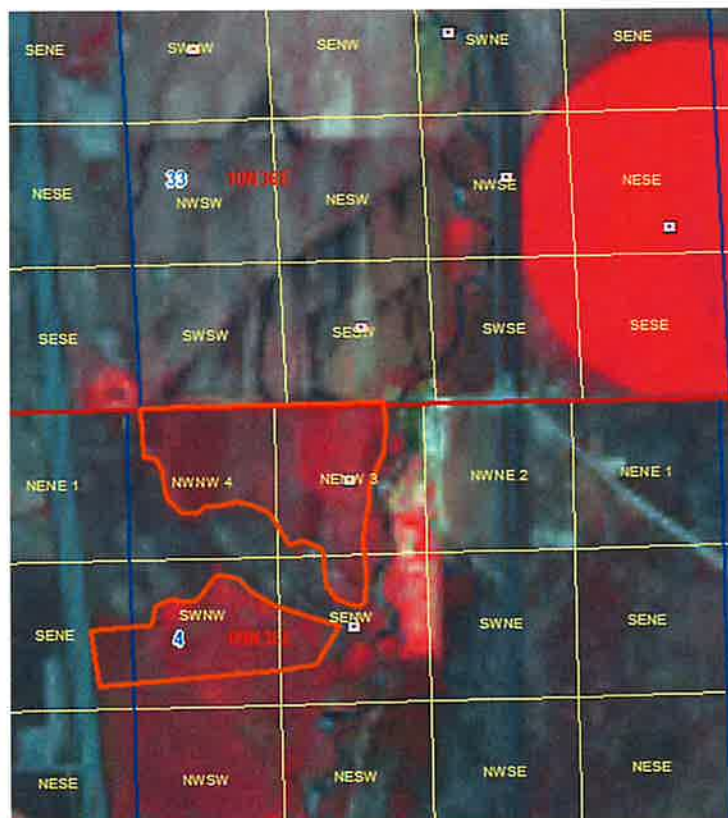
April 26, 2018



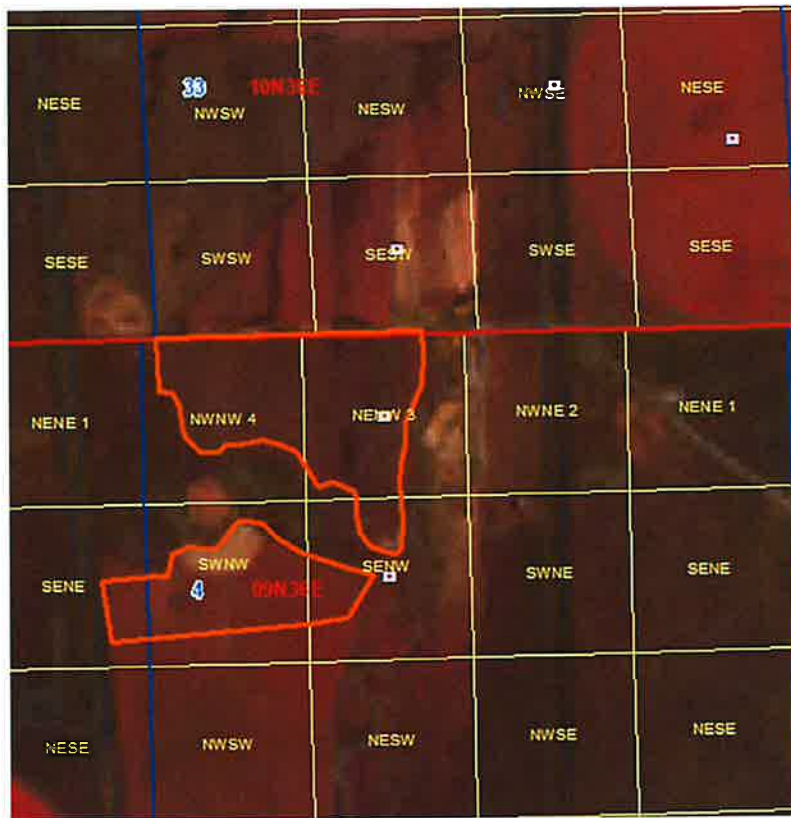
May 3, 2018



May 26, 2018



June 2, 2018



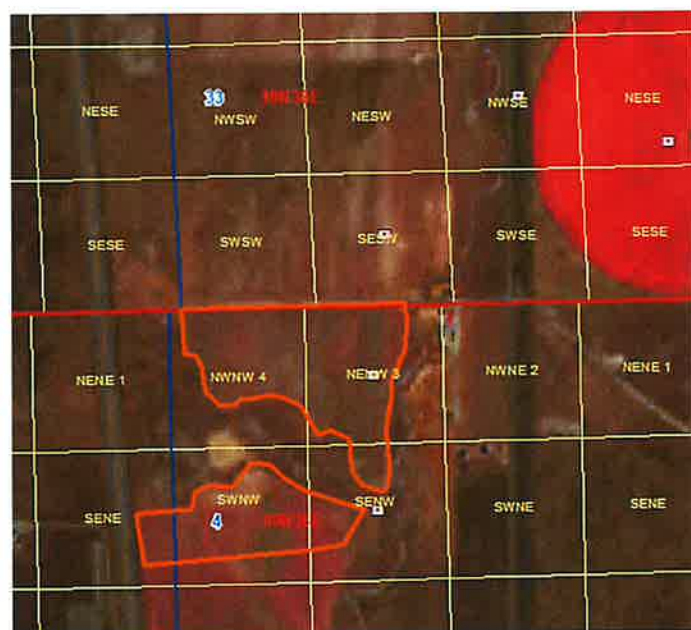
April 11, 2019



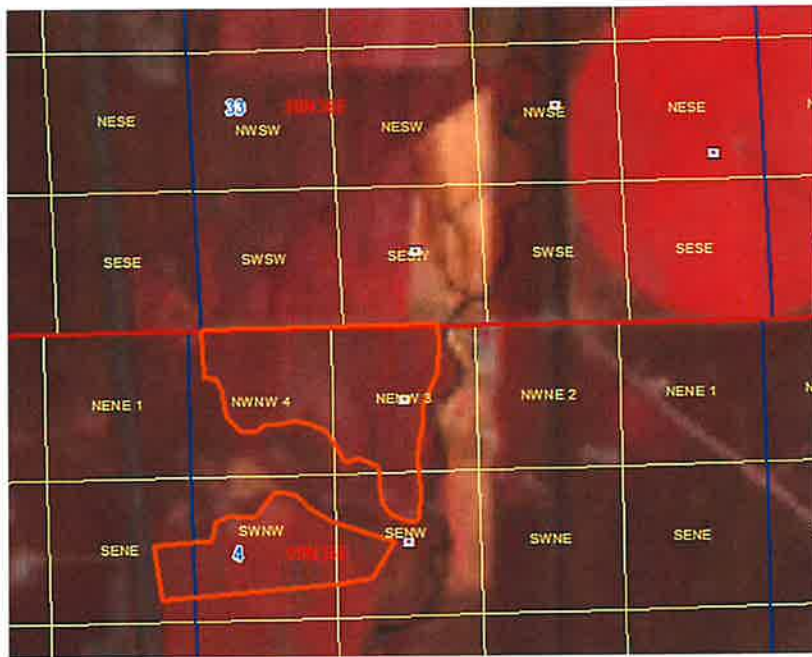
May 11, 2019



June 10, 2019



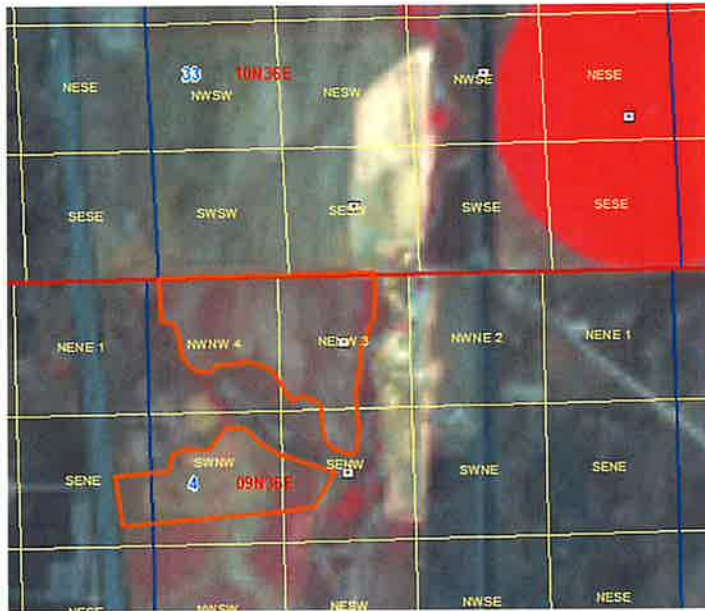
October 5, 2019



April 22, 2020



May 5, 2020



May 30, 2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 12, 2021

ROCKY MOUNTAIN LAND & CATTLE
C/O DAVID G ADAMS
1096 E IONA RD
IDAHO FALLS ID 83404

RE: LEASE APPLICATION FEE REQUEST TO LEASE WATER RIGHT NO(S). 31-7094, 31-7114, 31-11444, 31-12300, 31-12302 & 31-12304 TO THE WATER SUPPLY BANK

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources (Department) received your application(s) to lease water right(s) 31-7094, 31-7114, 31-11444, 31-12300, 31-12302 & 31-12304 to the Bank on April 29, 2021. During the initial review, it was determined that additional information and fees are needed before the Department can process your applications.

Water rights 31-7094, 31-7114, 31-11444, 31-12300, 31-12302 & 31-12304 are currently in the name of Megan Foos. A Notice of Change in Water Right Ownership will need to be filed with the Department or documentation from Megan Foos that Rocky Mountain Land & Cattle have the authority to place the rights in the Bank on her behalf. I have enclosed a Notice of Change in Water Right Ownership form for your benefit.

Effective April 8, 2011, Water Supply Bank Rule 25.02 (also known as IDAPA 37.02.03.025.02.f) requires a \$250.00 fee be submitted with all Water Supply Bank (Bank) lease applications. The fee for a set of overlapping rights is a maximum of \$500.00. To clarify, Bank lease applications seek to place water rights into the Bank.

Not all of the rights you requested to be placed in the Bank are overlapping. Water right 31-7094 and 31-7114 will be leased separately and water rights 31-11444, 31-12300, 31-12302 & 31-12304 are overlapping and will be leased together. The additional lease application fee will be \$500. **Please submit the \$500.00 lease application fee and ownership documents within 14 days.** Without the additional fees and ownership documents, your application(s) are considered incomplete and will not be processed.

Once the additional fees and ownership documents are received, your application(s) will be reviewed. If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

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. This and other water right forms are available from the Department's web site, <http://www.idwr.idaho.gov>.

Please contact me if you have any questions at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure