

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1390

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

LESSOR: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

SUPPORT DATA
IN FILE # 36-17172

RECEIVED
MAY 20 2021
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on March 17, 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)
36-17173	5/10/1955	GROUND WATER	0.14	21.7
36-17172	5/1/1982	GROUND WATER	0.03	4.8
Combined Limit Totals			0.14	26.5
Combined Lease Totals			0.14	26.5

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, 2022. 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. 1390

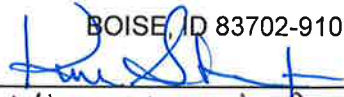
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right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

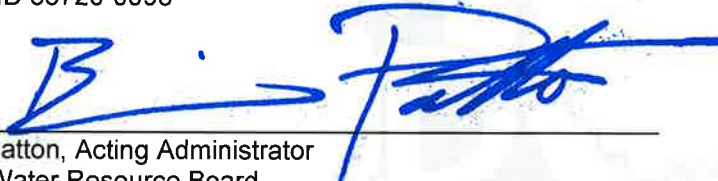
WATER SUPPLY BANK LEASE CONTRACT No. 1390

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

LESSOR: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

By 
Title Kim Stuart, Authorized Agent
Date May 17, 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 5/20/21

Lease approved by IDWR 

Date 5/20/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1390

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): 36-17172, 36-17173

GROUND WATER	SESE	Sec. 11	Twp 08S	Rge 17E	JEROME County
GROUND WATER	SESE	Sec. 11	Twp 08S	Rge 17E	JEROME County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
36-17172	INDUSTRIAL	1 /1	to	12/31	0.03 cfs	4.8 AF
36-17173	INDUSTRIAL	1 /1	to	12/31	0.14 cfs	21.7 AF
Totals:					0.14 cfs	34.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	11									X				X	X	X	X	

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.

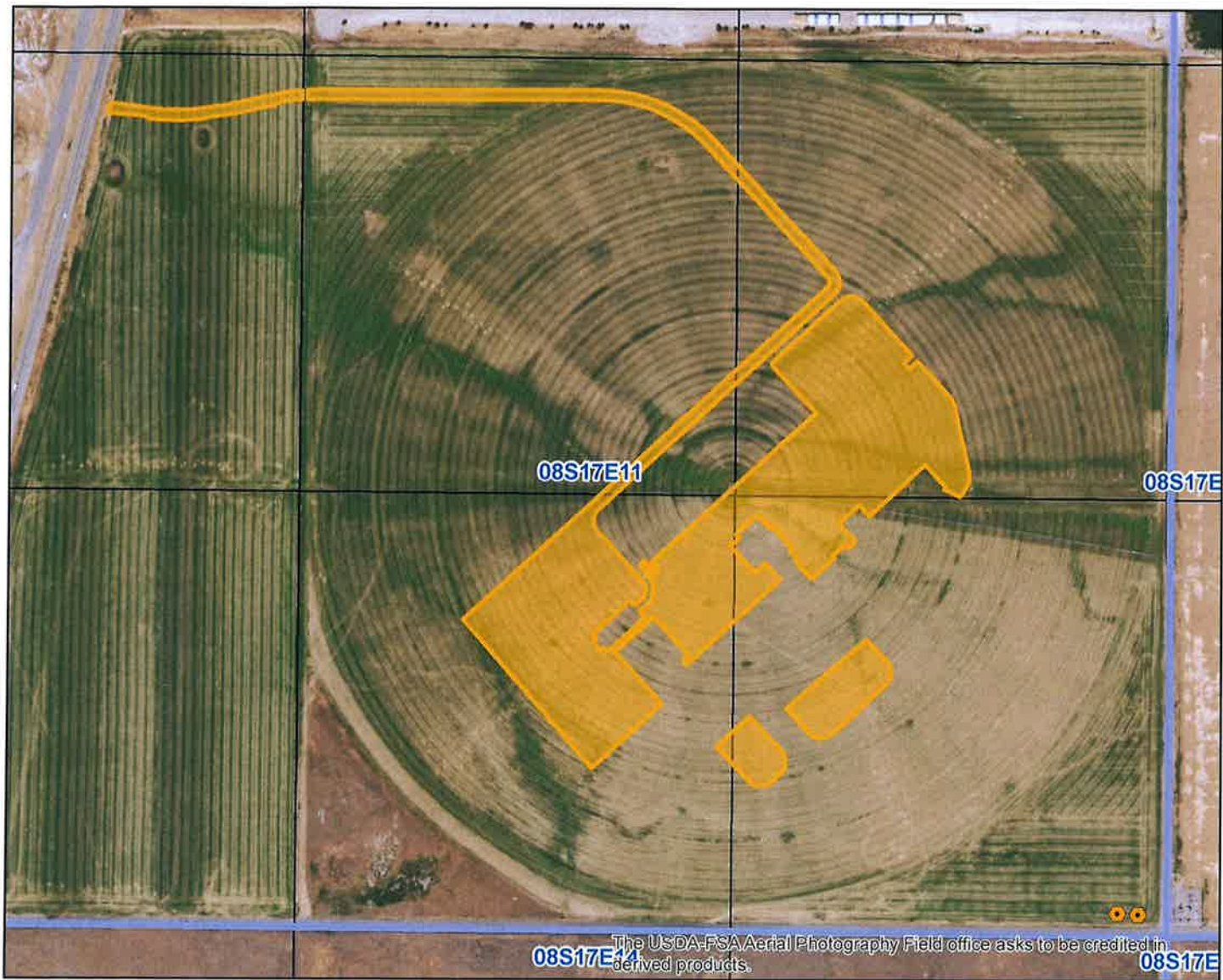
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1390

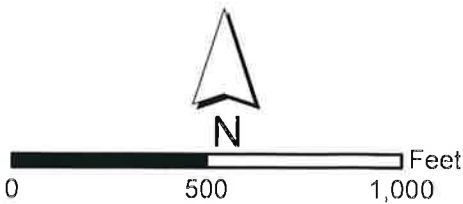
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into 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. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
13. The unleased extent of water rights 36-17172 and 36-17173 when combined shall not exceed a total diversion rate of 3.36 cfs and a total annual maximum diversion volume of 635 af.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1390
36-17173 & 36-17172
Effective until December 31, 2022

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



MAR 17 2021

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDesignated Applicant True West Beef LLC

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

Water Right No. 36-17172

(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>250-</u>	Received By: <u>KU</u>	Date Received: <u>3.17.21</u>	Receipt # <u>C110074</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>True West Beef LLC</u>	

2021

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 Kim Stuart, CFO and Authorized Agent for True West Beef LLC

Mailing Address 1555 Shoreline Drive, Suite 320 Boise ID 83702
Street City State Zip Code

Email Address Kim.Stuart@agrib Beef.com Phone Number 208-338-2500

☒ 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 Lori Graves Organization SPF Water Engineering

Professional Title Sr. Water Rights Specialist Email Address lgraves@spfwater.com

Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Phone Number 208-383-4140

☐ 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.

Transfer No. 84383 was approved 11/10/2020 authorizing development of a beef processing facility and two industrial wells under water rights 36-17172 & 36-17173. The plant is currently being constructed. Completion of the industrial wells is expected by the end of 2021.

- 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. 36-17173

- 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. Future industrial wastewater will be land applied on acres irrigated under water rights 36-2283 and 36-14617 and also on lands irrigated under water rights 36-2386, 36-2608, and 36-16951.

- 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. This lease is being submitted to allow up to 26.5 af of the authorized industrial water to be diverted out of an existing irrigation well for construction purposes at the facility site until the industrial wells are completed.

- 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 ☒.

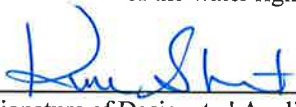
If lease, specify the years when the use of water will be suspended: 2021 to 2022 (maximum lease period 5 calendar years).
(Year) (Year)

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.
Administrative costs only.

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

Kim Stuart
Printed Name

3/9/2021
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**

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). 36-17172

	Designated Applicant	Applicant #2	Applicant #3
Name	Kim Stuart		
Mailing Address	same as above		
Phone Number	same as above		
Email Address	same as above		
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			
Mailing Address			
Phone Number			
Email Address			
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			

**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>36-17172</u>	<u>Industrial</u>	<u>0.03</u>	<u>4.8</u>	<u>n/a</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	Total Amounts:	<u>0.03</u>	<u>4.8</u>	_____

2. Source of water _____ Ground Water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
8S	17E	11			SE	SE	Jerome
8S	17E	11			SE	SE	Jerome

IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment.](#)

WATER RIGHT REPORT

3/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 36-17172

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TRUE WEST BEEF LLC 1555 W SHORELINE DR STE 320 BOISE, ID 83702-9109 2083382500
Original Owner	JOYCE A FORD 367 HWY 25 JEROME, ID 83338 2083242021

Priority Date: 05/01/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1 / 1	12/31	0.63 CFS	119 AFA
Total Diversion			0.63 CFS	119 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 11	Township 08S	Range 17E	JEROME County
GROUND WATER	SESE	Sec. 11	Township 08S	Range 17E	JEROME County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL JEROME County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	17E	11		NESW			SESW							
				NESE			NWSE			SWSE			SESE	
		12		SENE										
				NESW			NWSW			SWSW			SESW	
				NESE										
				SWSE										
	18E	6		NWNE			SWNE			SENE				
				NENW			NWNW			SWNW			SENW	
		7		NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
3. R43 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 diversions.
4. X35 Rights 36-17172 and 36-17173 when combined shall not exceed a total diversion rate of 3.5 cfs and a total annual maximum diversion volume of 661.5 af.
5. The place of industrial use authorized by this approval includes land upon which industrial wastewater may be applied for irrigation purposes. If the application of industrial wastewater occurs on lands not having a full existing (active) water right for irrigation, then the wastewater must be delivered and applied via a separate system containing only water diverted pursuant to industrial water rights 36-17172 and 36-17173. This separate system shall be independent and not shared with any other irrigation water rights or canal shares.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 01/02/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

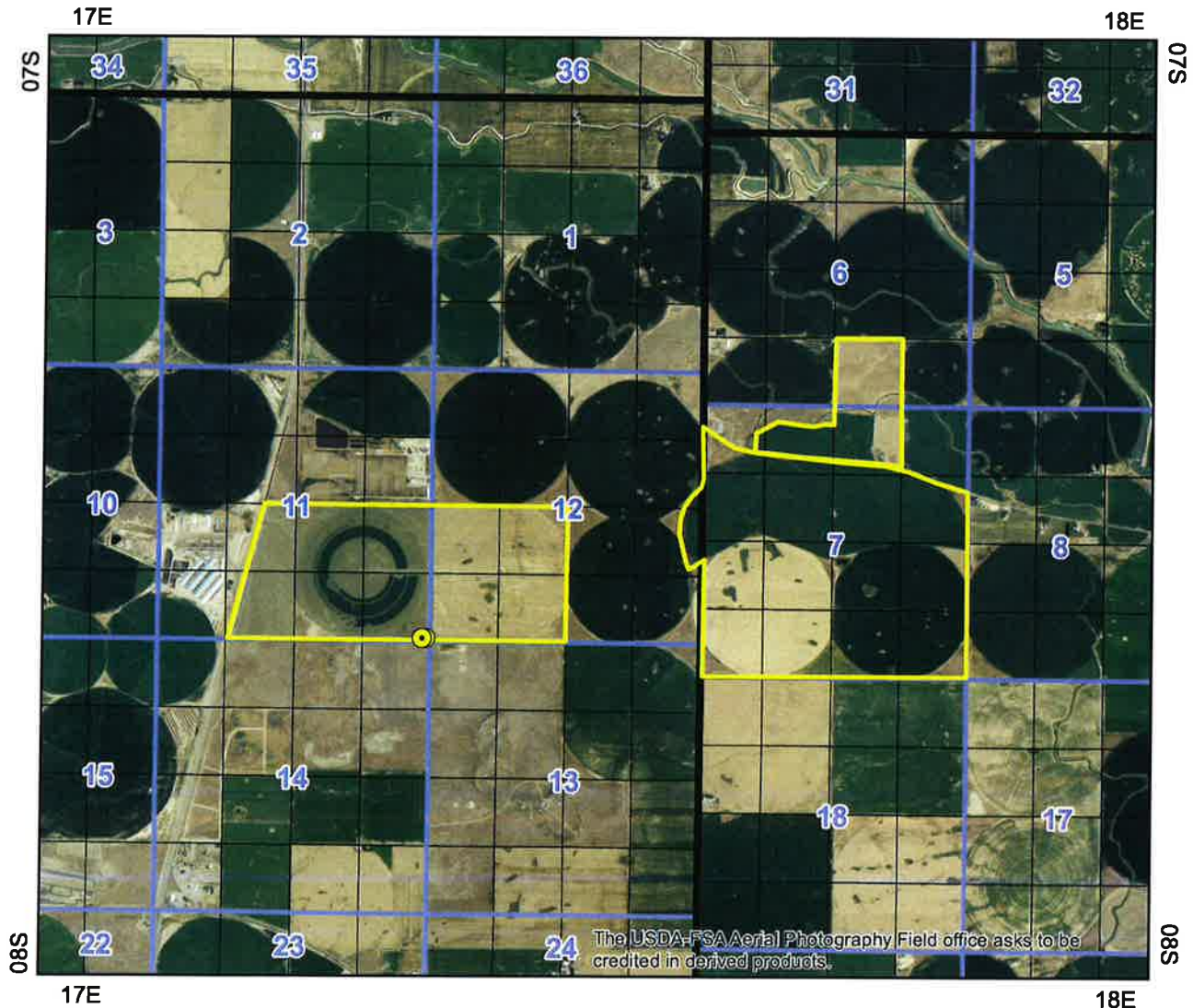
Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right 36-17172

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.425 0.85 1.7 Miles





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

May 21, 2021

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

**RE: WATER SUPPLY BANK LEASE CONTRACT 1390
FOR WATER RIGHTS 36-17173 & 36-17172**

Dear Lessor:

Water rights **36-17173 & 36-17172** 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, 2022**, 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
State Water District 130
Lori Graves – SPF Water Engineering



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

May 11, 2021

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

RE: APPLICATION TO LEASE WATER RIGHTS 36-17172 & 36-17173 TO THE WATER SUPPLY BANK CONTRACT 1390

******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, 2022**, 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,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Lori Graves – SPF Water Engineering

Memorandum

To: Water Supply Bank Application 2027
From: Remington Buyer
Date: March 26, 2021
Re: Water Supply Bank Lease Application 2027

Purpose/Narrative: An application was received by the Department on March 17, 2021 on behalf of True West Beef LLC, through their representative SPF Engineering, offering a combined limited 26.5 af portion of industrial ground water rights 36-17173 and 36-17172 for lease to the Bank through 2022. The lease is intended to be the basis for a rental by True West Beef LLC, through rental application 2029.

The lease appears to propose a non-use of water during 2021 through 2022, while rental application is only for one year. The lease will be approved for two years, and can be cancelled at the end of this year if it is no longer desired by the applicant.

Authority to File: The lease applications were signed by Kim Stuart who represents themselves as being both the "CFO and Authorized Agent for True West Beef LLC". Kim Stuart is also listed as the representative for True West Beef LLC with the Secretary of State's office. No concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: Water rights 36-17173 and 17172 were created in 2020, through Transfer 84383. IDWR's 2020 evaluation found the water rights to be valid. No concerns about water right validity.

Injury Evaluation: No injury is apparent through these applications.

Enlargement of Use: No enlargement is evident through the lease proposals.

Local Public Interest: Staff are unaware of any local public interests that are averse to the lease.

Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Comments were requested from IDWR Southern Region along with the Watermaster for Water District 130, no concerns were received.

Water Supply Bank Evaluation: Based on the information presented, staff recommend approval of the lease.

[Reply all](#) | [Delete](#) [Junk](#) | [...](#)

True West Beef LLC

**Buyer, Remington**

Today, 4:32 PM

Skinner, Corey; Erickson, Nathan [✕](#)[Reply all](#) | [✕](#)

Sent Items

[Lease Contract 1390.docx](#) [✕](#)
243 KB[Lease Map - True Beef.p...](#) [✕](#)
968 KB[Lease Review M](#)
19 KB[Show all 6 attachments \(2 MB\)](#) [Download all](#)**Corey, Nathan,**

SPF Engineering recently submitted some Water Supply Bank lease and rental applications for water rights 36-17172 and 17173, so that True West Beef LLC might temporarily use the POD associated with water rights 36-14617, 16951, 2283, 2286 and 2608, to divert water rights for dust abatement and soil compaction activities, associated with the construction of the meat processing facility authorized under water rights 36-17172 and 17173.

My review memos, maps and approval documents are attached. Please advise if you have any questions, comments or concerns.

Thanks,

Remington



0004067431

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***AMENDMENT TO CERTIFICATE OF ORGANIZATION OF
LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$30.00

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

File #: 0004067431

Date Filed: 11/13/2020 2:40:57 PM

Amendment to Certificate of Organization of Limited Liability CompanySelect one: Standard, Expedited or Same Day Service (see
descriptions below)

Standard (filing fee \$30)

The current name of the limited liability company is:

True West Beef LLC

The file number of this entity on the records of the Idaho Secretary
of State is:

0003900153

Entity Type:

Limited Liability Company

Entity Subtype:

Limited Liability Company

The date the certificate of organization was originally filed:

2020-06-04 13:04:49.213

Limited Liability Company Name

Entity name

True West Beef LLC

2. The complete street address of the principal office is amended to:

Principal Office Address

KIM STUART
1555 W SHORELINE DR
320
BOISE, ID 83702**3. The mailing address of the principal office is amended to:**

Mailing Address

KIM STUART
1555 W SHORELINE DR
STE 320
BOISE, ID 83702-9109**4. Managers and Members**

Name	Title	Address
 Agri Beef Co	Member	KIM STUART 1555 W SHORELINE DR 320 BOISE, ID 83702

Signature of Authorized Person:

Kim Stuart

Sign Here

11/13/2020

Date

BU002-4559 11/13/2020 2:40 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



SPF WATER
ENGINEERING

RECEIVED
MAR 17 2021
DEPARTMENT OF
WATER RESOURCES

March 12, 2021

Justin Ferguson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: True West Beef Water Bank Lease and Rental Applications

Dear Justin,

Enclosed on behalf of True West Beef LLC, is a lease/rental application package consisting of two water bank lease applications and one rental application to allow diversion of ground water for construction purposes from an existing well. Applicants recently received approved Transfer No. 84383 authorizing development of a beef processing facility and two industrial wells under water rights 36-17172 & 36-17173. The plant is currently being constructed. Completion of the industrial wells is expected by the end of 2021. Applicants wish to divert a portion of their industrial water from an existing irrigation well for dust control and compaction uses during facility construction in 2021.

Check No. 015747 is enclosed for the \$500 filing fee required for the two lease applicants. With regards the rental application, only administrative costs are to be applied. Please let me know if there are any questions. Thanks Justin.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Dave Stiner via email

Enclosures

SPF file number: 235.0130

2021, 2028 + 2029