

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 459

RECEIVED
JUN 09 2020
DEPT OF WATER RESOURCES

This is to certify that:

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME, ID 83338-5078

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
43-2347	9/7/1950	GROUND WATER	1.96	532	134	0.02	4.0
43-2413	9/21/1954	GROUND WATER	1.80	360	90.0	0.02	4.0
Combined Rental Totals			3.76	892	224	0.02	4.0

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2020, whichever occurs last.

Annual Rental Fee:

2020 - 2022: \$1,784.00 annually

SUPPORT DATA
IN FILE # 43-2347

The full fee for the rental of the above-described right(s) is \$1,784.00 per year for years 2020 - 2022. The rental fee includes an administrative fee of \$1,784.00 per year for years 2020 - 2022. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-2347, 43-2413.

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

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	3.76	820	205	0.02	4.0
Combined Total	3.76	820	205	0.02	4.0

*** The authorized water usage reflects a reduction from the water right elements rented, to account for the combined limits of the renter's irrigation water rights portfolio at the rental place of use.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 459

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



Signature of Renter

6-9-2020


Date

Michael C. Creamer
Printed Name

Attorney-in- Fact under POA East Valley Cattle, LLC
Title

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

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

By 
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 06/22/20

Rental approved by IDWR 

Date 06/22/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 459

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec. 3, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENE	Sec. 10, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 1, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	SWNW	Sec. 31, Twp 11S, Rge 28E,	CASSIA County
GROUND WATER	NENE	Sec. 6, Twp 12S, Rge 28E,	CASSIA County
GROUND WATER	SENE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 36, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 2, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 4, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	NESW	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	NESE	Sec. 9, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NESE	Sec. 14, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSW	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	NWSE	Sec. 13, Twp 11S, Rge 27E,	CASSIA County

BENEFICIAL USE

IRRIGATION

DIVERSION RATE

3.76 CFS

VOLUME

892 AF

SEASON OF USE

Water Right No.

43-2413

43-2347

From

3/15

3/15

To

11/15

11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	36					25	25	26	27	25	25	26	26					205

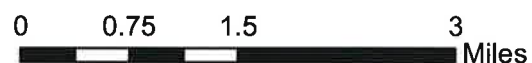
Total Acres: 205

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 459

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental does not authorize the construction of a well.
10. Use of water under this rental 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. 143.
11. The following rights are diverted through point(s) of diversion described above for East Farm: 43-4060D, 43-4063D, 43-10787, 43-10795, 43-12923, 43-2321B, 43-2574B, 43-2576B, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4015B, 43-10045, 43-10046, 43-13301, 43-13303, 43-13305, 43-13458, 43-13460, 43-13462, 43-2317C, 43-2339C, 43-2423C, 43-2467C, 43-2510C, 43-4002C, 43-10019, 43-2317E, 43-2339E, 43-2423E, 43-2467E, 43-2510E, 43-4002E, 43-12933, 43-2574E, 43-2576E, 43-4014A, 43-4014B, 43-13405, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 43-2313D, 43-2340, 43-2343, 43-2345, 43-2364, 43-2365, 43-10366, 43-2339F, 43-2423F, 43-2317F, 43-2320B, 43-2467F, 43-2510F, 43-4002F, 43-2320A, 43-10365, 43-13491, 43-13493, 43-13497, 43-13499, 43-13501, 43-13503, 43-13505, 43-13507, 43-13509, 43-13511, 43-13449, 43-13451, 43-13453, 43-13455, 43-13457, 43-13459, 43-13461, 43-13463 and 43-13763.
12. These rights when combined with all other rights (including those listed in condition # 11) shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. When combined with the above listed water rights, this rental authorizes a maximum combined diversion rate of 113.7 cfs and 26,086.7 afa for the irrigation of 6,532.8 acres within a 9,204 acre permissible place of use.
14. When combined with the above listed water rights, this rental authorizes a maximum combined diversion rate of 118.3 cfs and 27,869.5 afa for irrigation and commercial/stock water uses on East Farm.
15. Renter 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.



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

East Valley Cattle, LLC ("EVC"), hereby appoints the attorneys of Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho, 83701 as its true and lawful attorneys for the purpose of signing on its behalf all forms, applications, pleadings and amendments thereto, and all communications for submission to the Idaho Department of Water Resources, the Idaho Water Resources Board, the Idaho Water Supply Bank, and/or any Court undertaking an adjudication of water rights or judicial review of agency actions concerning water rights held by EVC, including but not limited to the following.

1. Notice of Claim to a Water Right (including late claims and/or amendments of claims);
2. Application for Amendment of Permit to Appropriate the Waters of the State of Idaho;
3. Notice of Change of Water Right Ownership;
4. Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit;
5. Notice of Protest;
6. Application for Transfer of a Water Right;
7. Proof of Beneficial Use;
8. Application for Exchange of Water;
9. Application for Extension of Time to Avoid Forfeiture of a Water Right;
10. Application to Sell or Lease a Water Right to the Water Supply Bank (including a rental pool);
11. Application to Rent Water from the Water Supply Bank (including a rental pool);
12. Application for Temporary Approval of a Water Application;
13. Application for Permit to Appropriate the Waters of the State of Idaho; and
14. Any other pleading or document in support or furtherance of any of the above.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by EVC.

For purposes of the exercise of the powers herein granted, the facsimile signature of said attorneys shall be lawful and binding and any person may rely upon such facsimile signature as if it were an original.

[End of text]

IN WITNESS WHEREOF, the undersigned has executed this Special Power of Attorney effective as of the date noted.

EAST VALLEY CATTLE, LLC

Dated: June 4, 2020

By: Bill Millenkamp, Manager

ACKNOWLEDGMENT

State of Idaho)
County of Jerome) ss.

On this 4th day of June, 2020, before me, the undersigned, a notary public in and for said county and state, personally appeared Bill Millenkamp, known or identified to me to be the Manager for East Valley Cattle, LLC, the entity that executed the above instrument, and acknowledged to me that he executed the foregoing instrument on behalf of the East Valley Cattle, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Robin Brown
Notary Public for State of Idaho
Residing at 204 Wm St. Hazelton, ID
My Commission Expires 5/19/2021

Idaho Department of Water Resources Receipt

Receipt ID: C108872

Payment Amount	\$1,784.00	Date Received	6/9/2020	Region	STATE
Payment Type	Check	Check Number	007798		
Payer	GIVENS PURSLEY LLC				
Comments	WATER SUPPLY BANK RENTAL FOR WR# 43-2347 & 43-2413 FOR 2020-2022 SEASONS				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,784.00	WATER BANK-DEPARTMENT SHARE	55113	0229	21		1205



Signature Line (Department Representative)

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 20 2020

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: East Valley Cattle

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

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☐ ☒ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☐ ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

43-2347

43-2413

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 N 300 W Jerome, Idaho 83338

Street City State Zip Code

Email Address Phone Number 208-324-2350

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

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

Mailing Address 2016 North Washington St Ste 4 Twin Falls, Idaho 83301

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Water right rental is to be used for irrigation purposes due to basin wide curtailment order.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
3.76 CFS	892.0 AF	3.76 CFS	892.0 AF	224 AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2020	7/30/2020	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

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

POD Description	Water Source	Other Water Rights Diverted from this POD
See Exhibit A	Ground Water	43-2423C et al.

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

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

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

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

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

- ☒ Irrigation 204.9 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
43-2423C et al. Additional water is need to cover areas that are not currently covered by an active irrigation water right.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
43-2347	Irrigation	2.0	544	137		1.96	532	134
43-2413	Irrigation	1.8	360	90		1.8	360	90
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	3.76	892.0	204.9
						CFS	AF	AC

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

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

N/A

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

Water was rented from 43-2347 and 43-2413 during the 2018 and 2019 irrigation season. No additional water rights have been identified to be purchased at this time. The Water Supply Bank limited the irrigation acres to 204.9 acres.

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

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

- D. Additional Information
None

DECLARATION

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

X 
Signature of Applicant

William J. Mittenkamp
Printed Name of Applicant

2-27-20
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Exhibit A
Points of Diversion

	NEW ?	Lot	¼	¼	¼	Sec.	Township	Range	County	Source
1	No		SE	NE	SW	35	10S	27E	Cassia County	Groundwater
2	No		SW	SW	SE	35	10S	27E	Cassia County	Groundwater
3	No		NE	NE	SE	3	11S	27E	Cassia County	Groundwater
4	No		SW	NE	SE	9	11S	27E	Cassia County	Groundwater
5	No		NW	NE	NE	10	11S	27E	Cassia County	Groundwater
6	No		SW	NW	SE	13	11S	27E	Cassia County	Groundwater
7	No		SE	NE	SE	14	11S	27E	Cassia County	Groundwater
8	No		NW	SE	NW	15	11S	27E	Cassia County	Groundwater
9	No		SE	SE	SW	15	11S	27E	Cassia County	Groundwater
10	No		SE	SE	SE	15	11S	27E	Cassia County	Groundwater
11	No		SW	SW	SW	16	11S	27E	Cassia County	Groundwater
12	No		SE	SE	SE	16	11S	27E	Cassia County	Groundwater
13	No		SE	SE	NW	22	11S	27E	Cassia County	Groundwater
14	No		SE	SE	SW	22	11S	27E	Cassia County	Groundwater
15	No		SE	SE	SE	22	11S	27E	Cassia County	Groundwater
16	No		NE	SE	NE	26	11S	27E	Cassia County	Groundwater
17	No		SE	SE	NW	26	11S	27E	Cassia County	Groundwater
18	No		SE	SE	SW	26	11S	27E	Cassia County	Groundwater
19	No		SW	SE	SE	26	11S	27E	Cassia County	Groundwater
20	No		NE	NE	NE	34	11S	27E	Cassia County	Groundwater
21	No		SE	SE	NE	34	11S	27E	Cassia County	Groundwater
22	No		SW	SE	NW	34	11S	27E	Cassia County	Groundwater
23	No		SE	SE	SW	34	11S	27E	Cassia County	Groundwater
24	No		SE	SE	NE	35	11S	27E	Cassia County	Groundwater
25	No		SE	SE	NW	35	11S	27E	Cassia County	Groundwater
26	No		SE	SE	SE	35	11S	27E	Cassia County	Groundwater
27	No		SE	SE	SE	36	11S	27E	Cassia County	Groundwater
28	No	2	NW	SW	NW	31	11S	28E	Cassia County	Groundwater
29	No		SE	SE	NE	1	12S	27E	Cassia County	Groundwater
30	No		SE	SE	NE	2	12S	27E	Cassia County	Groundwater
31	No		NW	SE	NE	4	12S	27E	Cassia County	Groundwater
32	No	1	SE	NE	NE	6	12S	28E	Cassia County	Groundwater

CONTRACT OF AGREEMENT

To Whom It May Concern,

East Valley Cattle and US Geothermal Inc. C/O Ormat Nevada Inc. have entered into an agreement concerning ground water rights 43-2413 and 43-2347 located near Malta, Idaho in Cassia County, Idaho.

East Valley Cattle will pay the 90% annual rental contract payment for 2020, 2021 and 2022 directly to US Geothermal Inc. C/O Ormat Nevada Inc. No additional fees are required by US Geothermal Inc. C/O Ormat Nevada Inc. of East Valley Cattle for the 2020, 2021 and 2022 irrigation season from the Idaho Water Supply Bank for the rental of 43-2413 and 43-2347.

East Valley Cattle will pay the 10% of the current Idaho Water Supply Bank rental rate annually to the Idaho Water Supply Bank for the irrigation seasons of 2020, 2021 and 2022.

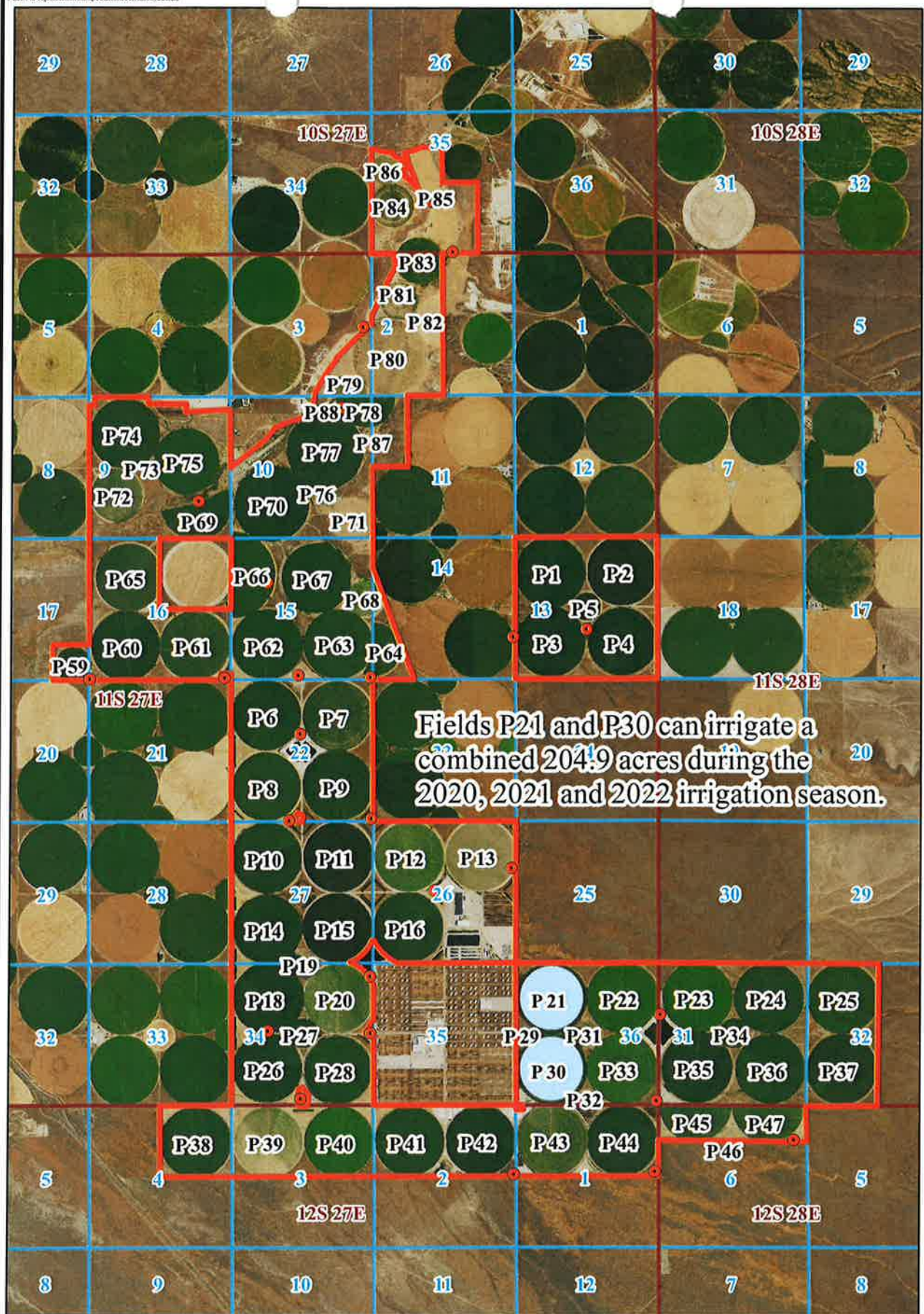
East Valley Cattle:

X 

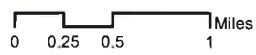
Date: 2-27-20

US Geothermal Inc. C/O Ormat Nevada Inc.:

Date: _____



Fields P21 and P30 can irrigate a combined 204.9 acres during the 2020, 2021 and 2022 irrigation season.



BROCKWAY ENGINEERING, PLLC
GWS - Date: 3/17/2020

EAST VALLEY CATTLE LLC
2020, 2021 & 2022
204.9 ACRE RENTAL MAP

NAIP 2017 AERIAL

- Legend
- IRRIGATION PPU
 - Rental_Acres
 - Points_of_Diversion





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

June 24, 2020

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338-5078

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2347 & 43-2417, AGREEMENT 459**

Dear Renter:

Please find enclosed a receipt in the amount of **\$1,784.00** and a copy of a fully executed Water Supply Bank Rental Agreement of 892.0 acre-feet of water for irrigation of 205 acres. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$1,784.00.**

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

Sincerely,



Water Supply Bank

Enclosures: Receipt No. C108872
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 143
Greg Sullivan – Brockway Engineering

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300
www.givenspursley.com

Michael C. Creamer
208-388-1247
MCC@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jason J. Blakley
Clint R. Bollinger
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Brian J. Holleran

Kersti H. Kennedy
Neal A. Koskella
Debora K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

RECEIVED

JUN 09 2020

DEPARTMENT OF
WATER RESOURCES

Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Randall A. Peterman
Michael O. Roe
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Don E. Knickrehm, of counsel

Retired:
Kenneth L. Pursley (1040-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

June 9, 2020

Via Hand Delivery

Jean Hersley
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098

Re: East Valley Cattle, LLC Water Supply Rental & Lease Agreements

Dear Jean,

Please find enclosed herewith:

- A check in the amount of \$1784.00
- Executed Water Supply Rental Agreement No. 459 and
- Power of Attorney authorizing Givens Pursley to execute

Thank you for your time and attention to this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,



Michael C. Creamer

MCC/jb
15162361_1 [11241-24]



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

June 9, 2020

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338-5078

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2347 & 43-2417, AGREEMENT 459

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

Dear Applicant:

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

A rental fee of **\$17,840.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 892.0 acre-feet. Since you have a private agreement with the lessor, **you are only obligated to pay the 10% administrative fee or \$1,784.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$1,784.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Greg Sullivan-Brockway Engineering PLLC

MEMORANDUM FOR AGREEMENT # 459

To: Water Rights 43-2347 and 43-2413

From: Dave Betts

Date: June 5, 2020

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

PURPOSE/NARRATIVE: On March 20, 2020, Brockway Engineering ("representative") submitted an application to rent water on behalf of East Valley Cattle ("applicants"). In a letter submitted with the application by the representative, the proposed rental is described as a renewal of a previous rental agreement (Rental Agreement # 283 (2019)).

The proposed rental is for the irrigation of acres that are no longer receiving water, due to the curtailment of expansion acre water rights in Basin 43.

The applicants propose renting the same quantity of water from the same water rights, 43-2347 and 43-2413, for the same number of acres and place of use ("POU"). The proposed rental is for three years, ending on December 31, 2022.

AUTHORITY TO FILE: The application was signed by William J (Bill) Millenkamp who is the registered agent for East Valley Cattle LLC. The proposed points of diversion and places of use appear to be on tax parcels that belong to the applicant. There are no concerns with authority to file at this time.

WATER RIGHT VALIDITY: Satellite imagery indicate that the POUs for 43-2347 and 43-2413 were irrigated within the five years prior to being leased to the Water Supply Bank in 2018. Satellite imagery and correspondence with the lessor were used to confirm that the leased rights were idled.

INJURY TO OTHER WATER RIGHTS: ESPA modeling was not required. There is no apparent injury to other rights through the proposed rental.

ENLARGEMENT OF USE: The applicant is requesting a renewal of the previous agreement (Rental Agreement No. 283 (2019)). Based on the 2019 review, enlargement does not appear to be a concern.

The number of acres authorized under the rental will be reduced to maintain a per acre rate of 0.017 cfs/acre. Similarly, since the number of acres is being reduced, the volume needs to be reduced otherwise there would be enlargement concerns. The volume should be reduced so that a volume of 4 af/acre is being maintained, consistent with the other rights that are used to irrigate land within the PPU. Both reductions are based on the analysis done for the 2019 agreement, more detailed information can be found in the review memo for rental application 1129 dated January 3, 2019.

The proposed rental is for the irrigation of acres that are not covered by existing water rights within a shared PPU. The PPU includes some water rights that have been curtailed because they are enlargement rights. No overlap was found between the requested rental and the other water rights within the PPU.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: On June 2, 2020, comments were requested from Southern Region and the watermaster for Water District 143. No comments were received, the review staff assumes that there are no concerns with the proposed rental.

Veibell, Amanda

From: Betts, David
Sent: Tuesday, June 2, 2020 9:56 PM
To: Erickson, Nathan; Skinner, Corey
Subject: Application to Rent in Basin 43 (East Valley Cattle - 43-2347 & 43-2413)
Attachments: MoveMap_East Valley Cattle_1685.pdf; Rental Review Memo - East Valley Cattle - 43-2347 43-2413.docx; Rental Review Memo (2019).docx

Hello Nathan and Corey,

East Valley Cattle has submitted an application that is a renewal of a previous Rental Agreement from 2019. I have attached my review materials.

Please let me know if you have any comments or concerns within 7 days.

Dave Betts - Water Resource Agent

Water Rights Section | Idaho Department of Water Resources

322 East Front St | P.O. Box 83720 | Boise, ID 83720

Phone: (208) 287-4826 | email: david.betts@idwr.idaho.gov



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 20 2020

DEPARTMENT OF
WATER RESOURCES

March 18, 2020

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: East Valley Cattle

Dear Mr. Buyer:

East Valley Cattle is submitting several documents to the Idaho Water Supply Bank with this letter. It is requested that these documents be processed simultaneously to help avoid any water use without proper approval by IDWR.

East Valley Cattle and US Geothermal Inc. C/O Ormat Nevada Inc. have entered into an agreement regarding water rights 43-2413 and 43-2347. East Valley Cattle has agreed to rent the full irrigation amount of water under these two water right for 2020, 2021 and 2022. Because East Valley Cattle and US Geothermal Inc. C/O Nevada Inc. have a side agreement in place, it is expected that only the annual 10% current IDWR rental processing fee will be paid when the rental contracts are finalized and when annual rental payments are due.

The lease applications for 43-2413 and 43-2347 are for the full water right amounts for 2020, 2021 and 2022. These water rights have previously been leased into the Idaho Water Supply Bank.

The rental application proposes to rent the entire volume amount and irrigate 204.9 acres. This is consistent with the 2018-2019 rental of 43-2413 and 43-2347 to the same location.

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp

Enc: Lease Application, Rental Application, Contract of Agreement, W-9 Form, Brockway Engineering Check # 15817 for \$500.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506