

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 330

This is to certify that:

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

RECEIVED
MAY 14 2019
DEPARTMENT OF
WATER RESOURCES

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)
43-13448	3/2/1950	GROUND WATER	0.100	23.6	5.9	0.017	3.98
Combined Rental Totals			0.100	23.6	5.9	0.017	3.98

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2020. 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 2019, whichever occurs last.

Annual Rental Fee:

2019 and 2020: \$47.20 annually

The full fee for the rental of the above-described right(s) is \$47.20 per year for years 2019 and 2020. The rental fee includes an administrative fee of \$47.20 per year for years 2019 and 2020. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-13448.

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)
INDUSTRIAL	0.100	12.9	N/A
Combined Total	0.100	12.9	N/A

** The authorized water usage reflects a reduction from the water right elements rented, to account for change in nature of use from Irrigation to Industrial for a cement mixing facility.*

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 330

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 _____ Date May 12, 2019
William J. Millenkamp
Printed Name _____ Title Manager

*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  _____ Date 5/17/2019
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  _____ Date 5-17-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 330

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 26, Twp 11S, Rge 27E, CASSIA County

BENEFICIAL USE
INDUSTRIAL

DIVERSION RATE
0.10 CFS

VOLUME
12.9 AF

SEASON OF USE

Water Right No. **From** **To**
43-13448 1/1 12/31

RENTERS PLACE OF USE: 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	
11S	27E	26													X	X		X	X

Total Acres: 0.0

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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 330

11. This rental agreement does not authorize the construction of a well.
12. Prior to diversion and use of water under Rental Agreement 330, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
13. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
14. Industrial use is for a temporary cement mixing facility.

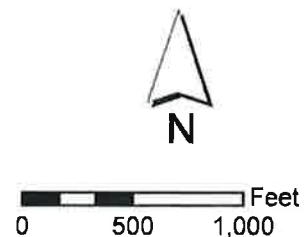
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 330

Effective until December 31, 2020

This map depicts the Industrial rental place of use pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

JAN 28 2019

DEPARTMENT OF
WATER RESOURCESApplicant Name: East Valley Cattle, LLC

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)

43-13448

1325

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 North 300 West 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 is need for a temporary cement mixing facility. Estimated water demand is 35.0 acre feet of consumptive water. Total rental volume will be 70.0 acre feet of irrigation water.

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)
0.10 CFS	12.9 AF	0.10 CFS	12.9 AF	0.0 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?	
1/1/2019	4/31/2019	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ 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 well. A temporary mainline will be installed to deliver water to the gravel washing area from the well identified as WMIS # 1002796. A flow meter will be installed on this temporary mainline.

- 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
11S 27E Sec 26 SESW	Ground Water	43-13449 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 _____ (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: 1/01 (mm/dd) to: 12/31 (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:

43-2317C et al. and 43-13449 et al.

Water is required for a temporary cement mixing facility.

**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)
43-13448	Irrigation	0.24	56.4	14.1		0.10	23.5	5.9
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	0.10	12.9	0.0
						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**:

A total of 23.5 acre-feet of irrigation water will be rented but only the 12.9 acre-feet of consumptive use will be pumped to the cement mixing facility.

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**:

Annual consumptive use based on 2016 METRIC ET data for the 14.1 acres that are to be leased.

**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:
This is a temporary facility that will be deconstructed after work is completed.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- 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.

Signature of Applicant

Greg Sullivan

Printed Name of Applicant

Greg Sullivan

Date

1/24/2019

Signature of Representative

Limited Power of Attorney

Printed Name of Representative

Date

Mail to:

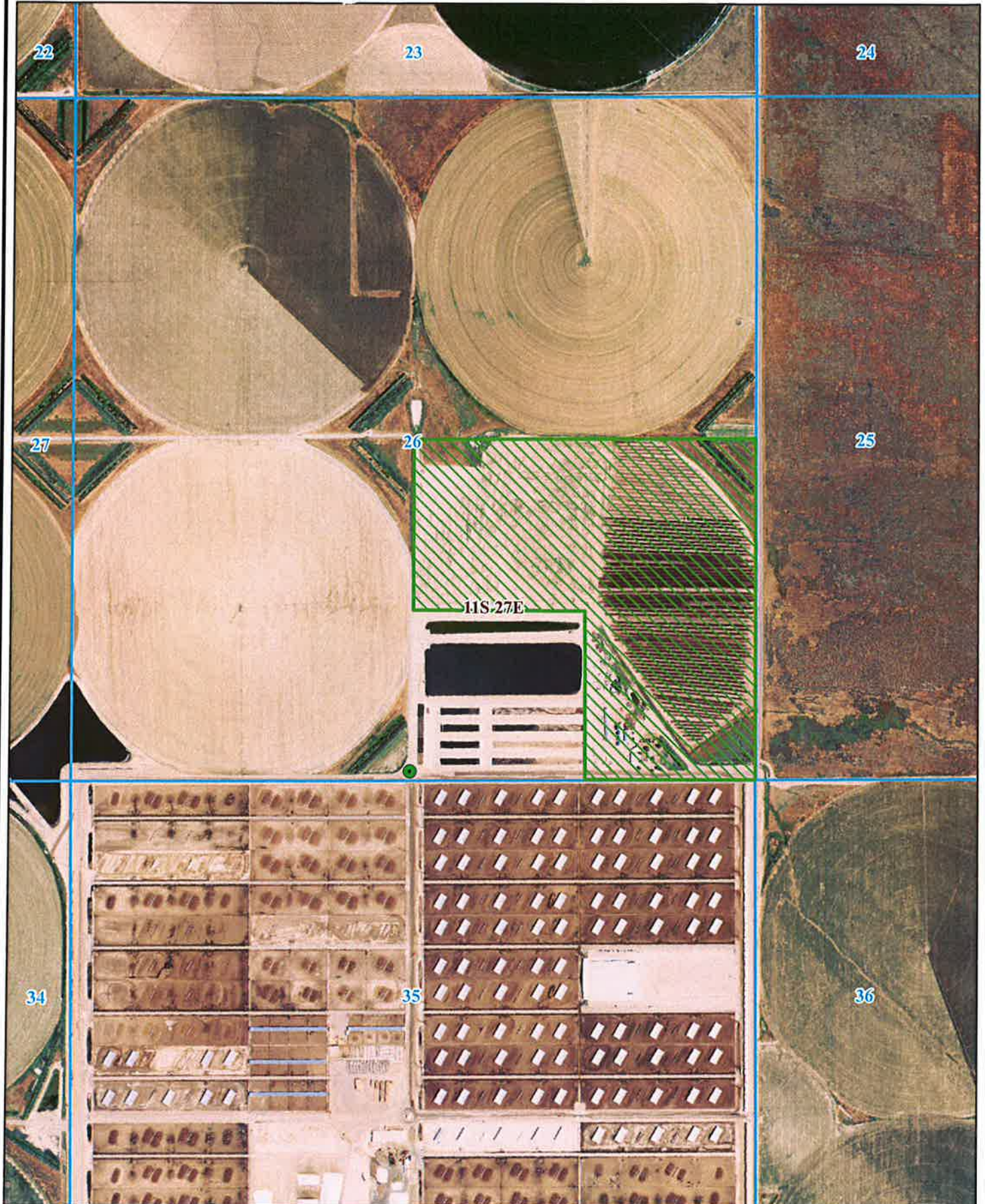
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

East Valley Cattle
 2019 Industrial Use Calculations
 Cement Plant Rental
 Brockway Engineering
 GWS

Metric ET Model		
2016 Data		
ET	893.7 mm	2.93 ft/season
CIR	668.7 mm	2.19 ft/season

Total Acres	226.4				
CFS	3.93			668.7 mm	
AFA	905.5	4.00	AFA/acre	2.19 ft/season	54.9%
Acres Leasing	5.9			496.7 AFA	
	0.0259 %			12.9 AFA	

				Industrial Rental Amounts			
				Consumptive		Total	
Water Right	cfs	AFA	Acre Limit	cfs	AFA	AFA	Acres
43-13448	3.93	905.5	226.4	0.10	12.9	23.5	5.9
Additive Totals	3.93	905.5	226.4	0.10	12.9	23.5	5.9
Allowed Totals	3.93	905.5	226.4	0.10	12.9	23.5	5.9
				45.8	gpm		
				4,198,848	gallons per year		



EAST VALLEY CATTLE LLC

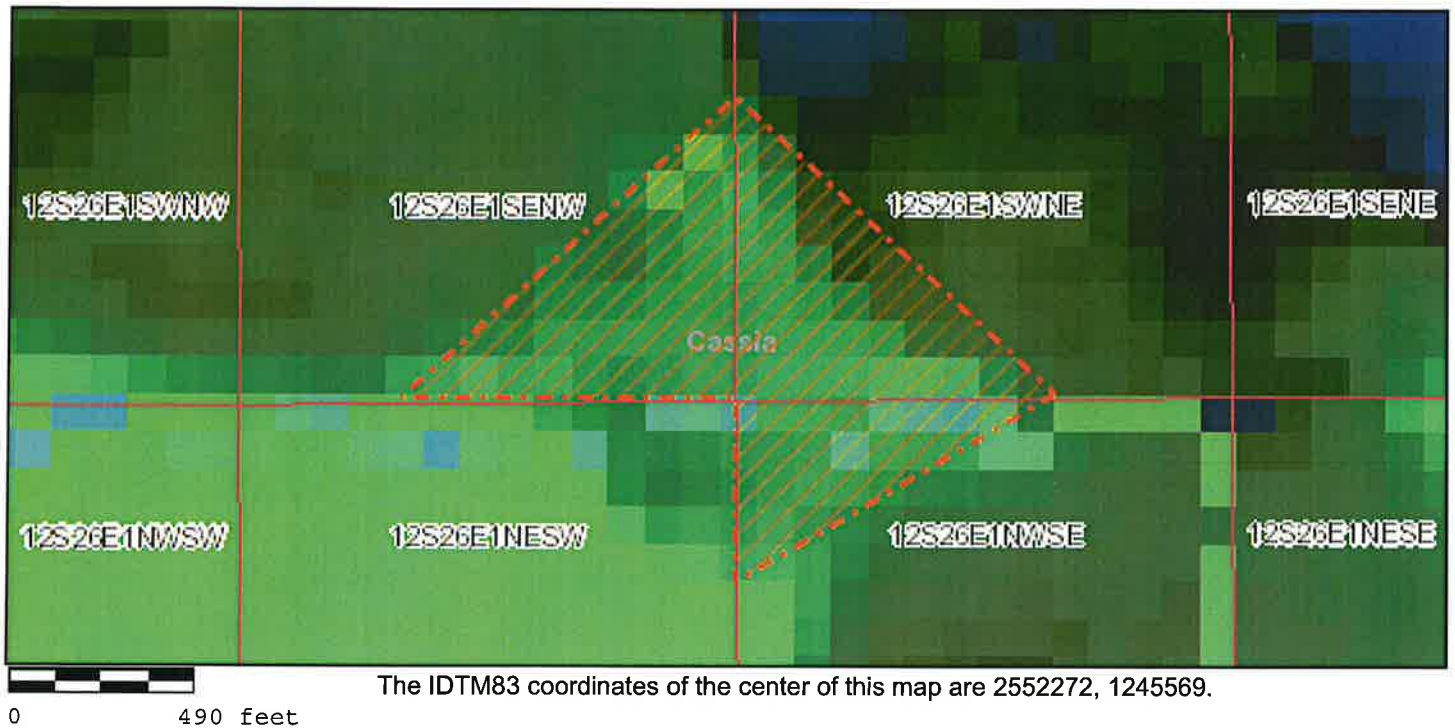
0 0.05 0.1 0.2 Miles

Legend

 Cement_Plant_Rental



Evapotranspiration Statistics from the METRIC ET Model



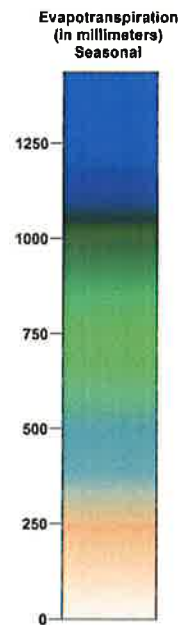
Evapotranspiration Statistics

Name: User Drawn Polygon

ET Dataset: p3940_20160401to20161031_et.img

Area: 20.5 acres

Statistics	ET	CIR
MEAN (mm)	893.7	668.7
AC-FT	60.11	44.98
AC-FT/Acre	2.93	2.19



These statistics were generated by the tools provided at <http://maps.idwr.idaho.gov/ET> using the METRIC (Mapping EvapoTranspiration at high Resolution with Internalized Calibration) model, developed by the University of Idaho.

Evapotranspiration (ET) from irrigated agriculture is synonymous with consumptive use. The consumptive irrigation requirement (CIR) is a measure of the irrigation water, exclusive of within-season effective rainfall, necessary to meet the consumptive use requirement of a crop. A detailed explanation of these data can be found here:

<http://idwr.idaho.gov/GIS/mapping-evapotranspiration/>

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENTS:

I, Bill Millenkamp representing East Valley Cattle LLC, hereby nominate and appoint Greg Sullivan of Brockway Engineering as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transactions before the Idaho Department of Water Resources, described as follows:

All stockwater, commercial and irrigation water right lease, rental and transfers pertaining to water rights owned by or applied for by East Valley Cattle LLC.

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

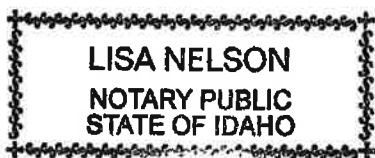
Dated this 2nd day of May 20 18.

Bill Millenkamp Signature

State of Idaho)
County of Jerome) ss.

On the 2nd day of May, 2018, before me, a Notary Public in and for said County and State, personally appeared William J. "Bill" Millenkamp, known or identified to me to be the individual whose name and subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Lisa Nelson
Notary Public
In and for said State and County
April 13, 2024
My Commission Expires



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, 2019

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

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 43-13448, AGREEMENT 330**

Dear Renter:

Please find enclosed a receipt in the amount of **\$472.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 23.6 acre-feet of water for industrial use during 2019. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$424.80 of the rental fee will be paid to the lessor(s) and 10% or \$47.20 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. C106806
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 143
Greg Sullivan – Brockway 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 13, 2019

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. 43-13448, AGREEMENT 330**

*****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 **\$472.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 32.8 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$47.20.** 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 \$47.20 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

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

Webster, Clay

From: Condon, Mary
Sent: Tuesday, May 07, 2019 9:31 AM
To: Webster, Clay
Subject: FW: Rental Reviews - EVC for Industrial uses

FYI--

From: Skinner, Corey
Sent: Monday, May 06, 2019 9:16 AM
To: Erickson, Nathan; Condon, Mary
Subject: RE: Rental Reviews - EVC for Industrial uses

I'm good if Nathan is good.

From: Erickson, Nathan
Sent: Monday, May 06, 2019 9:16 AM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Rental Reviews - EVC for Industrial uses

Mary,
Looks good. I have no concerns with the proposed rental.
Thanks,
Nathan

From: Condon, Mary
Sent: Friday, May 03, 2019 2:54 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Rental Reviews - EVC for Industrial uses

Good afternoon, gentlemen,

Please see the attached review memo for two different Industrial rentals for East Valley Cattle for 2019 and 2020, and kindly respond with comments or concerns within 10 days. I have included the move maps and draft rental agreements for each Cement Mixing and Gravel Washing/storage.

Best,
Mary

Mary Condon
Contractor
for
Water Supply Bank
Idaho Department of Water Resources

MEMORANDUM FOR AGREEMENTS # 330 & 333

To: Water Right(s) 43-13448
From: Mary Condon
Date: April 26, 2019 (May 3, 2019)
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: A companion lease and two rental applications for East Valley Cattle were received on January 28, 2019 for two years. These two rental applications are repeats of last year's rentals for industrial cement mixing and gravel washing, under a different rented water right. The lease application for this has already been reviewed for acceptance into the bank for two years, under contract 977, so this memo will only cover the rentals.

AUTHORITY TO FILE: Application to rent is signed by Greg Sullivan of Brockway Engineering, an authorized representative for East Valley Cattle. The tax lot property data for the rental places of use and diversion wells are also in the name of East Valley Cattle. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right 43-13448 was decreed in 2002 and transferred in 2014 under transfer 79077, in 2016 under transfer number 80638, in 2017 under transfer number 80639 and again in 2018 under transfer number 82294. The recent lease review found the right to be valid. No concerns of validity.

INJURY TO OTHER WATER RIGHTS: Leased and rental place of use and diversions are within the Raft River GWMA. Leased right has combined limits with rights 43-13450, 43-13452, 43-13454, 43-13456 and 43-13807; however, each is additive to the other in rate, volume and acres, as irrigation rights. These rights are not part of the curtailment and no injury is expected through these repeat rentals.

ENLARGEMENT OF USE: Rental applications were accompanied with METRIC ET data for the change in nature of use from irrigation to industrial. Water right 43-13448 has a calculated consumptive use of 2.19 af per acre, equal to a volume of 30.9 af for the leased 14.1 acres. Rental application 1325 for the cement mixing facility is fully consumptive, and requests 12.9 af, double the request from 2018. Rental application 1326 for the gravel washing facility may be considered (partially) consumptive and requests 18 af, slightly less than the 2018 request, of which 13.1 af is for industrial (rock washing) purposes and 4.9 af is for industrial storage. Both rental uses will be operated on an infrequent, as-needed basis, according to the cover letter for the companion package will not be operated continuously. POD consumptive use standard is 3.

Cement mixing facility: The rental POD indicated on rental application 1325 is located in the SESW of Sec 26, Twp 11, Rge 27. This POD is authorized to divert rights 43-2313D et al and 43-13449 et al for irrigation, commercial and stock. WMIS Number 1002796 data shows a working meter is installed and monitored by the watermaster. Application to rent states a measuring device for the temporary mainline diverting the industrial water use from the existing well will be installed. A combined limit with other rights will not be expressed on rental agreement 330, as it is intended to be the only industrial use. No concerns with enlargement through the rental of this right, though monitoring is highly suggested.

Gravel washing and pond (industrial storage): Rental application 1326 is accompanied by two maps; one with the rental POU and one POD nearby, and the other with 31 additional POD's, also listed by QQ on attachment A with the application. Application is accompanied by Metric ET data for consumptive use values and a pond seepage loss spreadsheet, all reasonable for the requested use. Other than this rental, no other industrial uses are diverted from the well. WMIS tag 1002690 indicates the other water rights from this well are for irrigation and stockwater. Since they will only divert from one POD (as indicated on the first map submitted with the rental application) to deliver water to a nearby gravel washing pond, and no other industrial uses are authorized from the well, the rental agreement 333 will not have combined limits for the rental with other uses on the farm and it is reasonable that the gravel washing rental agreement will only list the one well in the NESE of Sec 9, Twp 11S, Rge 27E to be used for the Industrial gravel washing and pond (Industrial Storage). Application states a temporary mainline from the well will be installed with a measuring device. This will be a condition on the rental agreement.

No enlargement from the change in nature of use from irrigation to industrial is expected through these two rentals.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest. This rental does not authorize any alteration to stream beds, or the Raft River, at or near the rental place of use.

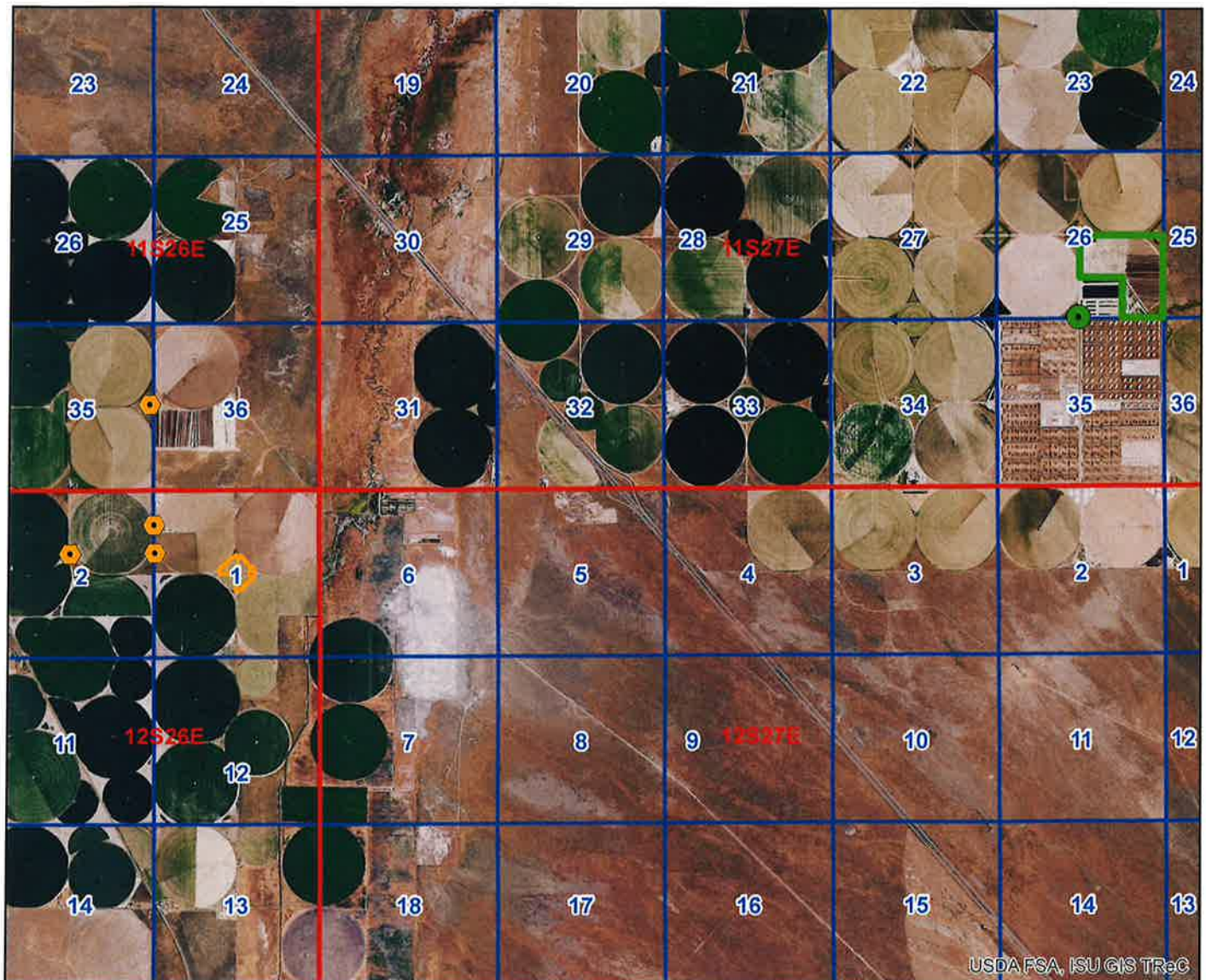
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 143 and the Raft River Basin CGWA.

Request for comment sent to the Southern region manager and Watermaster on 5/3/2019.

Idaho Water Resource Board

Move Map - East Valley Cattle
RA 330 2019 - 2020



-  Active Water Supply Bank Lease POD
-  Active Water Supply Bank Lease POU
-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Township/Range
-  Sections



0 1 2 Miles