

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 977

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

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

RECEIVED

MAY 14 2019

**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 January 28, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
43-13448	3/2/1950	GROUND WATER	0.24	56.4	14.1
Lease Totals			0.24	56.4	14.1

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, 2019 to December 31, 2020. 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. 977

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. 977

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

LESSOR: EAST VALLEY CATTLE LLC

471 N 300 W

JEROME, ID 83338-5078

By 
Title Manager
Date 5-12-19

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 5/17/2019

Lease approved by IDWR 

Date 5-17-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 977

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): 43-13448

GROUND WATER	SWNE	Sec. 2	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	SWNW	Sec. 1	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	L 4NWNW	Sec. 1	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	SENE	Sec. 35	Twp 11S	Rge 26E	CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-13448	IRRIGATION	03/15	to	11/15	0.24 cfs	56.4 AF
Totals:					0.24 cfs	56.4 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	
12S	26E	1			5.0					4.6						4.5			14.1

Total Acres: 14.1

ADDITIONAL CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate.
- 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.
- 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.
- 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.
- While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
- Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 977

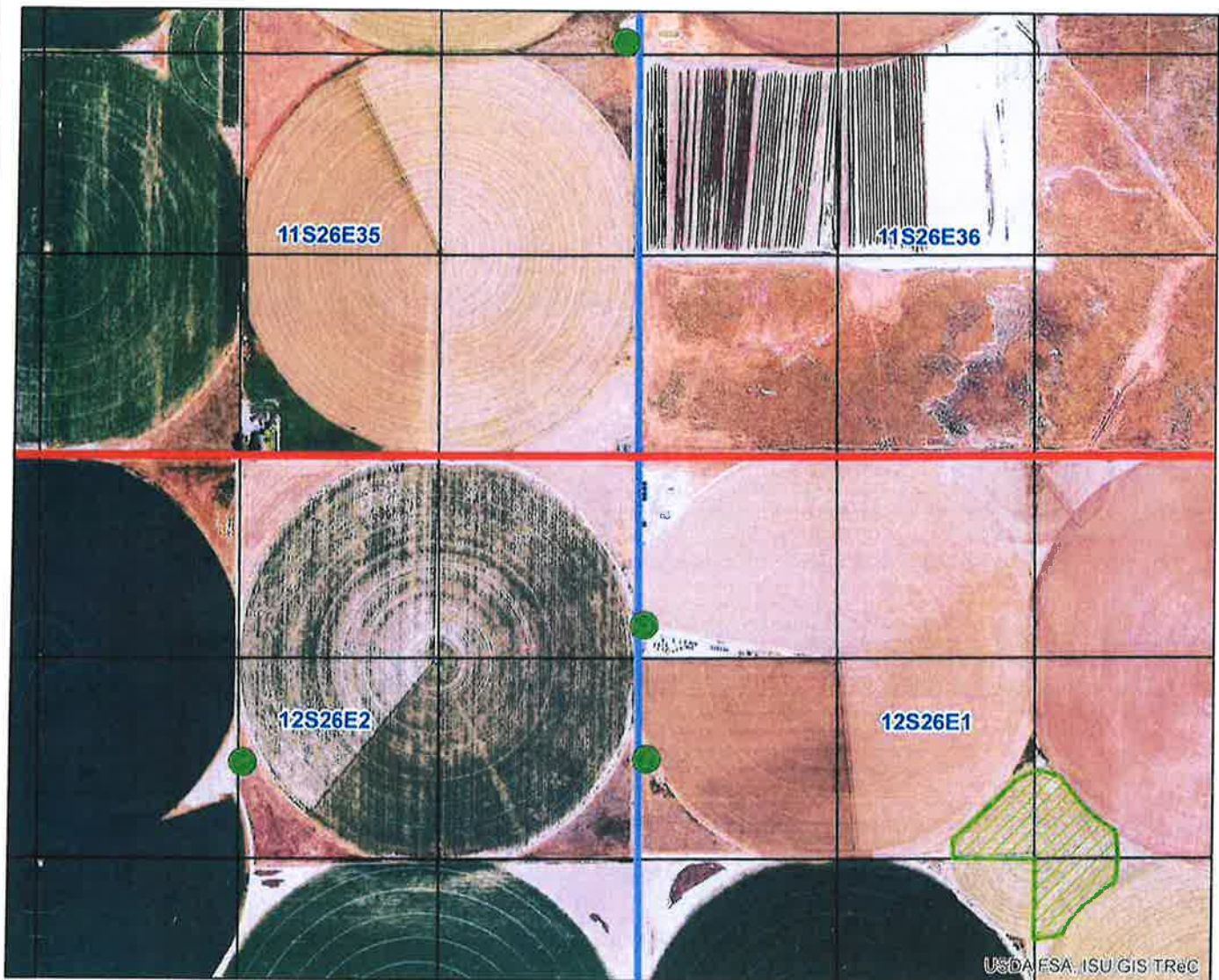
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Unleased Portions of rights 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, and 43-13807 when combined shall not exceed a total diversion rate of 17.19 cfs, a total annual maximum diversion volume of 3,803.2 af at the field headgate, and the irrigation of 953.0 acres.
13. 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.
14. This right when combined with all other rights 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.

Idaho Water Resource Board
Water Supply Bank Lease Contract No. 977

43-13448

Effective until December 31, 2020

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



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



0 0.25 0.5 0.75 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED DE
JAN 28 2019
DEPARTMENT OF
WATER RESOURCES

Designated Applicant EAST VALLEY CATTLE LLC

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

Water Right No. 43-13448

(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 \$

250

Received By:

[Signature]

Date Received:

1-28-19

Receipt #

C106197

W-9 received?

Yes ☐ No ☒

(Route W-9 to Fiscal)

Name on W-9:

1324

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 EAST VALLEY CATTLE LLC

Mailing Address 471 N 300 W JEROME, ID 83338-5078

Street

City

State

Zip Code

Email Address _____

Phone Number 2083242350

☒ 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 Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

☐ 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.
Existing wells, mainlines and pivot.

- 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. 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13807

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. See attached METRIC ET data for 2016.

- 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: 2019 to 2020 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

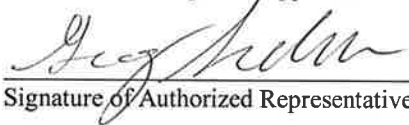
Current Rental Rate

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

The Designated Applicant acknowledges the following:

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

Signature of Designated Applicant



Printed Name

Greg Sullivan

Date

1/24/2019

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). 43-13448

	Designated Applicant	Applicant #2	Applicant #3
Name	EAST VALLEY CATTLE LLC		
Mailing Address	471 N 300 W JEROME, ID 83338-5078		
Phone Number	2083242350		
Email Address			
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>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>43-13448</u>	<u>Irrigation</u>	<u>0.24</u>	<u>56.4</u>	<u>14.1</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	<u>0.24</u>	<u>56.4</u>	<u>14.1</u>

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
26E	11S	35			SE	NE	Cassia
26E	12S	1			NW	NW	Cassia
26E	12S	1			SW	NW	Cassia
26E	12S	2			SW	NE	Cassia

KNOWN ALL MEN BY THESE PRESENTS:

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.

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 Miller King

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" Millentcamp, 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
STATE OF IDAHO

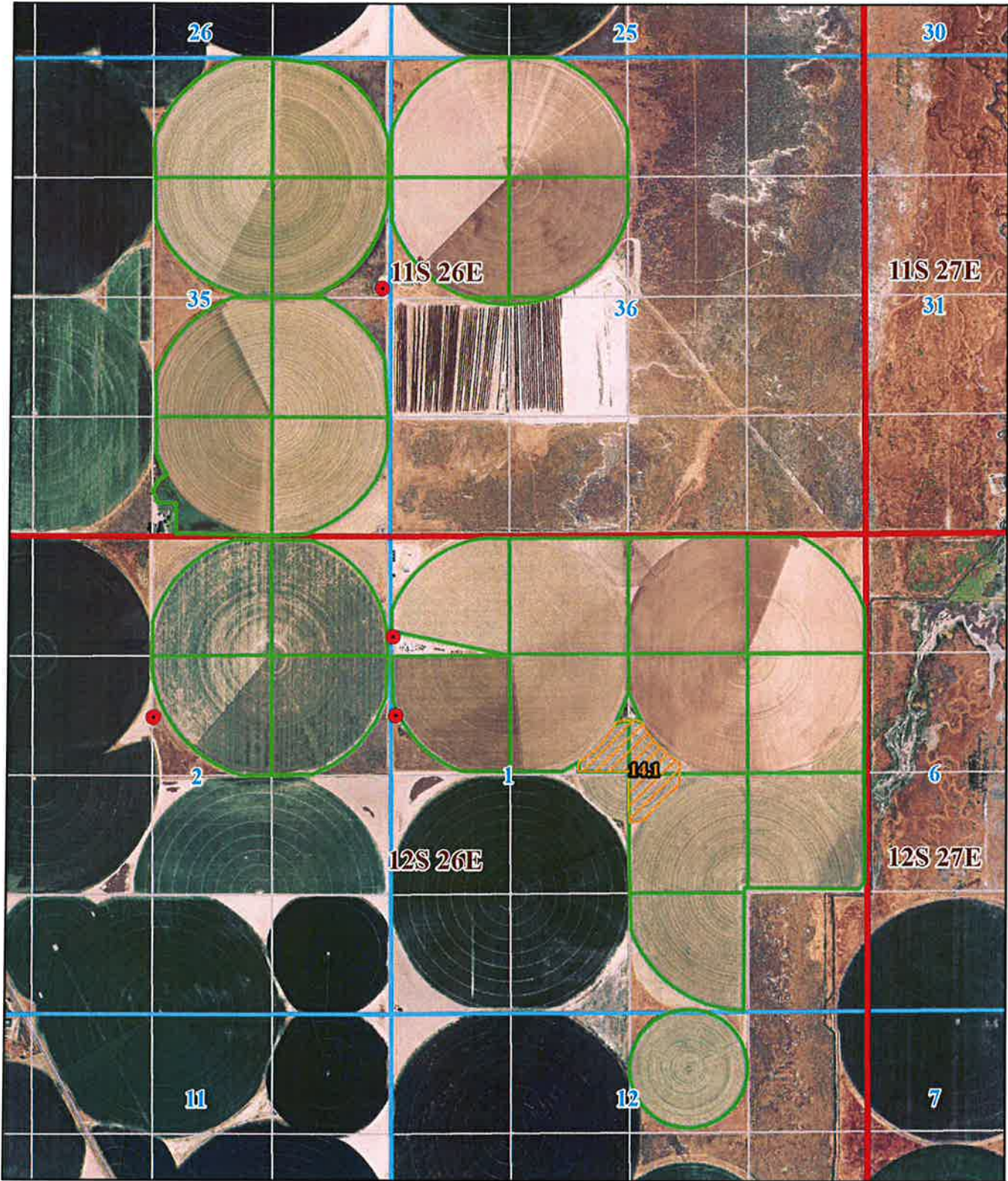
Luis Nelson

Notary Public

In and for said State and County

April 13, 2024

My Commission Expires



0 0.125 0.25 0.5 Miles

**EAST VALLEY CATTLE
MILLENKAMP**

Legend

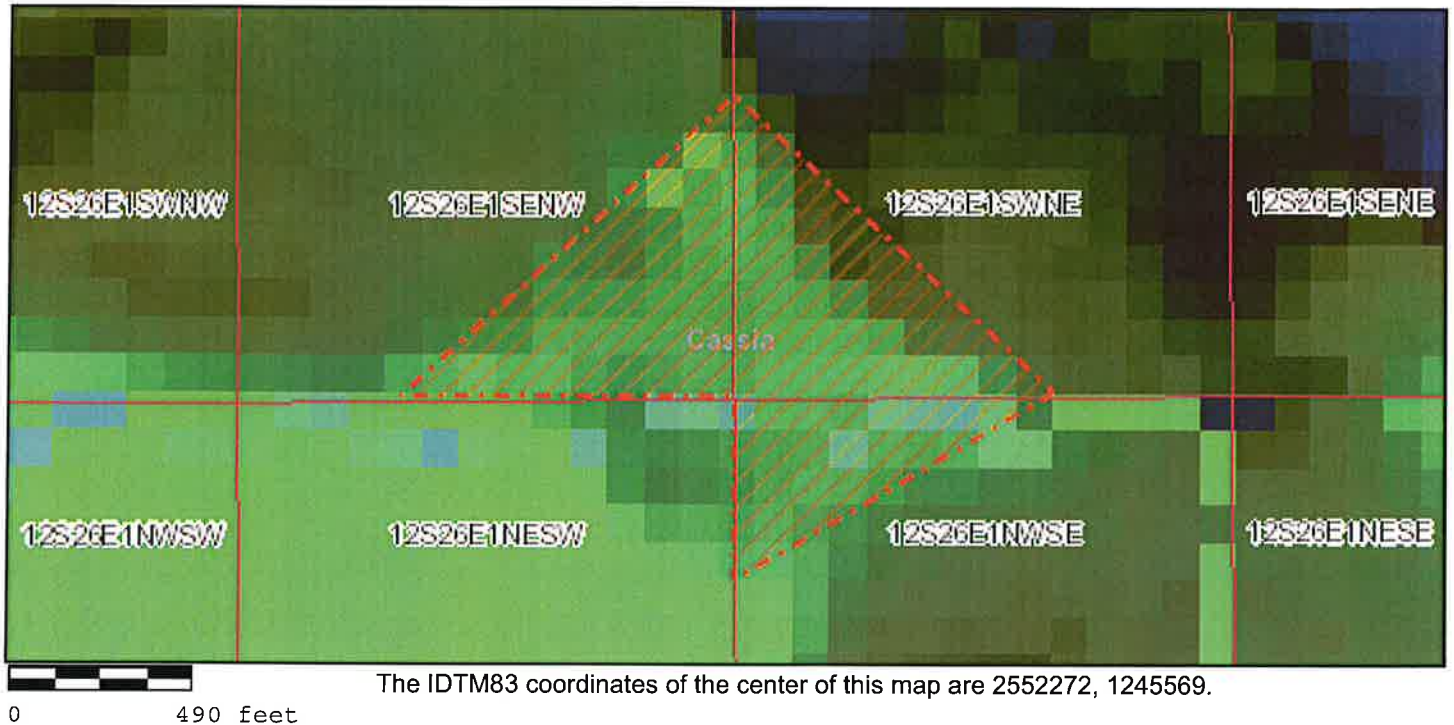
- Points_of_Diversion
- ▨ Buck Farm Lease
- 2018_Irrigation_POU

East Valley Cattle
 2019 Buck Farm Lease Acres
 Brockway Engineering
 GWS

Total Acres	226.4		
CFS	3.93		
AFA	905.5	4.00	AFA/acre
Acres sold/ Transf	14.1		
	0.0623 %		

				Lease Amounts		
Water Right	Original Water Rights			Total		
	cfs	AFA	Acre Limit	cfs	AFA	Acres
43-13448	3.93	905.5	226.4	0.24	56.4	14.1
Additive Totals	3.93	905.5	226.4	0.24	56.4	14.1
Allowed Totals	3.93	905.5	226.4	0.24	56.4	14.1

Evapotranspiration Statistics from the METRIC ET Model



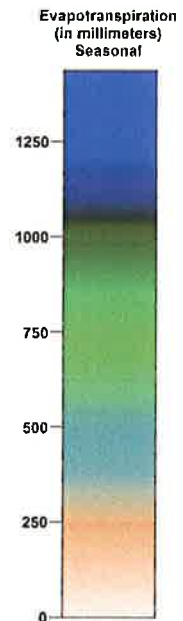
Evapotranspiration Statistics

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/>



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: WATER SUPPLY BANK LEASE CONTRACT 977
FOR WATER RIGHT 43-13448**

Dear Lessor:

Water right **43-13448** was leased into the Water Supply Bank (Bank) as of January 28, 2019, in accordance with the enclosed executed lease contract. **Your water right, as described on the lease contract, is considered leased into the Bank and should remain unused until it is formally released from the Bank.** More information and further restrictions placed on your water right while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right will automatically be released from the Bank on **December 31, 2020**, unless the right is 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 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. This form is available on our public website at www.idwr.idaho.gov. **Please note your water right may not be available for immediate release if it has been rented or is 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 287-4800.

Sincerely,



Water Supply Bank

Enclosure: Executed Lease Contract

c: Corey Skinner - IDWR Southern Region
Nathan Erickson – Water District 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 LEASE WATER RIGHT 43-13448 TO THE WATER SUPPLY BANK CONTRACT 977

****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, 2020**, 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 287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C106197

c: Greg Sullivan – Brockway Engineering

MEMORANDUM

To: Water Right No(s). 43-13448

From: Ashley Ritter

Date: April 19, 2019

Re: Review of Application to Lease Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On January 28, 2019 The Department received a lease/rental package to the Water Supply Bank (WSB) from Brockway Engineering on behalf of East Valley Cattle LLC. The application proposes to lease a portion from water right 43-13448. Water right 43-13448 has not previously been leased into the WSB. The applicant wishes to place 0.24 cfs, 56.4 af and 14.1 acres into the Bank, which will leave 3.69 cfs, 849.1 af and 212.3 acres to be used at the water right's current place of use (POU).

AUTHORITY TO FILE: The Department's database indicates that water right 43-13448 is owned by the applicant, East Valley Cattle, LLC. The State of Idaho Secretary of State website lists William J (Bill) Millenkamp as the current registered agent for East Valley Cattle LLC. A Limited Power of Attorney document was submitted (signed and filed by William Millenkamp on May 10, 2018) with the lease application appointing Greg Sullivan of Brockway Engineering as East Valley Cattle, LLC's attorney-in-fact with full authority to sign all documentation pertaining to water right transactions. Greg Sullivan, prepared and signed the lease and rental applications.

WATER RIGHT VALIDITY: Based on 2018 Landsat imagery, forfeiture does not appear to be an issue.

INJURY TO OTHER WATER RIGHTS: Water rights 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, and 43-13807 are sourced from ground water, owned by East Valley Cattle LLC, share the same four (4) points of diversion and the same place of use (POU). No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right is subject to Water District 143.



0003329871

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

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 332-2811

Filing Fee: \$0.00

B0072-8129 10/17/2018 12:36 PM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

EAST VALLEY CATTLE, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000137125

Address 471 N 300 W
JEROME, ID 83338-5078

Entity Details:

Entity Status Active - Existing

This entity is organized under the laws of: IDAHO

The file number of this entity on the records of the Idaho Secretary of State is: 0000137125

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W41668

Registered Agent Name and Address

Current Registered Agent WILLIAM J MILLENKAMP
Registered Agent
Physical Address
471 N 300 W
JEROME, ID 83338
Mailing Address☐ Check here if the registered agent needs to be changed

If the agent is an individual, do not put the individual's name on the attention line (then it will show in the address block twice).

The attention line is used for organizations *if* they wish to specify a particular individual within the organization to whose attention documents should be sent.

Limited Liability Company Managers and Members

Name of individual or organization	Title	Address
WILLIAM J MILLENKAMP	Manager	471 NORTH 300 WEST JEROME, ID 83338

The annual report must be signed by an authorized signer of the entity.

William John Millenkamp

Sign Here

Signer's Capacity Manager

10/17/2018

Date



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 28 2019

DEPARTMENT OF
WATER RESOURCES

January 24, 2019

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 previously submitted a rental application for industrial use for industrial use in 2019 for a cement mixing facility. The 1 year rental application proposed renting water from 43-13797 for this purpose. However, it was recently discovered that 43-13797 is located outside of the Raft River Critical Ground Water Area. Because the proposed industrial place of use is located within the Raft River Critical Ground Water Area the rental cannot be approved as proposed. The submitted 1 year rental application for 43-13797 needs to be withdrawn and will be replaced with a rental application that is attached to this letter.

Attached to this letter is a lease application of 14.1 acres from water right 43-13448. East Valley Cattle owns this water right and would like to lease this portion of water right 43-13448 into the Idaho Water Supply Bank for 2 years. METRIC ET data is being included with the application to document that the ground the 14.1 acres are appurtenant to has been irrigated in the last 5 years. The METRIC ET data also provides a calculated consumptive use of 2.19 acre feet per acre.

Water right 43-13448 shares its PODs and irrigation POU with water rights 43-13450, 43-13452, 43-13454, 43-13456 and 43-13457. All of these water rights have an additive cfs, volume and acre limits. Because they have additive water limit characteristics only one of these water rights needs to be leased into the Idaho Water Supply Bank.

A water bank rental application for industrial water at a temporary cement mixing facility is attached to this letter and will replace the previously submitted rental application. The rental proposes a 2 year rental of 12.9 acre feet of consumptive use water. The proposed rental amounts in this application have been re-calculated based on what the expected water demand

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

will be under normal operating conditions instead of maximum operating conditions. The cement mixing facility is not expected to be operated continuously throughout the proposed rental period.

A water bank rental application for a temporary gravel washing facility is attached to this letter. It is proposed to rent 18.0 acre feet of consumptive water for 2 years. The gravel washing facility will be operated as needed during the 2 year rental period.

Both the cement mixing facility and the gravel washing facility have identified to rent water from 43-13448. Because East Valley Cattle owns 43-13448 it is expected that only the 10% rental processing fee will be paid when the rental contracts are finalized.

Please copy our office on all correspondence regarding these applications.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Greg Sullivan', is written in black ink.

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp, Mike Creamer

Enc: Lease Application, Gravel Rental Application, Cement Rental Application, METRIC
ET Data, Aerial Maps, Limited Power of Attorney, Rental Calculations Spreadsheets,
Brockway Engineering Check # 15134 for \$250.00