

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 09 2018

DEPARTMENT OF
WATER RESOURCES

AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 263

This is to certify that:

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

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)
43-13763	8/26/1957	GROUND WATER	0.050	16.00	0.00	N/A	N/A
43-2413	9/21/1954	GROUND WATER	0.030	6.30	1.57	0.019	4.01
Combined Rental Totals			0.080	22.30	N/A	N/A	N/A

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2018. 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 2018, whichever occurs last.

Annual Rental Fee:

2018: \$158.00

The full fee for the rental of the above-described right(s) is \$158.00 for 2018. The rental fee includes an administrative fee of \$44.60 for 2018. Note that the renter is obligated to pay only administrative fees associated with water right(s): 43-13763 and all fees have already been paid, under executed rental agreement No. 245.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
INDUSTRIAL	0.080	20.00
Combined Total	0.080	20.00

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

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 43-2413

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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:

EAST VALLEY CATTLE, LLC
By: Michael C Creamer
Signature of Renter

August 9, 2018
Date

MICHAEL C. CREAMER
Printed Name

Attorney-in-Fact
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
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 8/13/2018

Rental approved by IDWR Chy Wat

Date 8-13-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

BENEFICIAL USE
INDUSTRIAL

DIVERSION RATE
0.08 CFS

VOLUME
20.00 AF

SEASON OF USE

Water Right No.	From	To
43-2413	5/1	12/31
43-13763	5/1	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
11S	27E	10						X			X								

STATE OF IDAHO
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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. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
12. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that the amount of industrial diversion entering the gravel washing area can be measured and will provide the watermaster suitable control of the diversion(s).
13. The following water rights are diverted through points of diversion described above: 43-13449, 43-13451, 43-13453, 43-13455, 43-13457, 43-13459, 43-13461, 43-13463, 43-13491, 43-13493, 43-13495, 43-13497, 43-13499, 43-13501, 43-13503, 43-13505, 43-13507, 43-13509, 43-13511 and 43-13763.
14. This rental when combined with rental 252 shall provide no more than 0.12 cfs and 26.0 af for industrial uses.
15. This rental agreement will supersede rental agreement 245.

Idaho Water Resource Board

Attachment to Amended Water Supply Bank Rental Agreement No 263

Effective until December 31, 2018

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



- Authorized Rental Points of Diversion
- Authorized Rental Places of Use
- PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 43-2413 and 43-13763**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 22.30 acre-feet of water for industrial use during 2018. 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.

A payment of \$158.00 was received on July 18, 2018 in connection with this rental agreement.

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

Sincerely,

Water Supply Bank

Enclosure: Rental Agreement (copy)

c: Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 143
Greg Sullivan – Brockway Engineering
Michael Creamer – Givens Pursley
Cherie Palmer - IDWR Compliance Bureau

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
DIRECT: 208-388-1247
mcc@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
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
Emily G. Mueller
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Randall A. Peterman
Jack W. Relf
Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Donald E. Knickrehm (retired)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

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DEPARTMENT OF
WATER RESOURCES

August 9, 2018

Via Hand Delivery

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

Re: Water Bank Rental Agreement 263

Dear Remington,

Enclosed please find Water Bank Rental Agreement 263, which I have executed on behalf of East Valley Cattle per my power of attorney, which was previously provided to you along with a check for \$158 to cover the rental fee in connection with this rental on July 18, 2018. East Valley Cattle wishes to begin use of this water as soon as possible and so I would appreciate it if you could arrange for IWRB signature and notify me as soon as that has been obtained.

Also, I would like to take this opportunity to thank you and other involved IDWR/IWRB staff for expediting your review and approval of this rental. I realize that this rental has taken more effort and review than otherwise might be required, and your efforts are much appreciated by me and my client.

Please let me know if you need anything further concerning this agreement.

Sincerely,



Michael C. Creamer

MCC/lg

Enclosure 14299849_1 [11241-17]

cc: Bill Millenkamp
Greg Sullivan



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 8, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

RE: AMENDED RENTAL AGREEMENT 263 FOR WATER RIGHT NOS. 43-2413 AND 43-13763

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

Dear Applicant:

The Department of Water Resources acknowledges your request to amend the place of use of this rental agreement. **I have enclosed an Amended Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, 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.

The rental fee was paid in full with the original rental agreement.

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

Sincerely,

Clay Webster
Water Rights Supervisor

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering
Michael Creamer – Givens Pursley