

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL

WATER SUPPLY BANK RENTAL AGREEMENT No. 242

RECEIVED
JUL 18 2018
DEPARTMENT OF
WATER RESOURCES

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)
43-2346C	3/2/1950	GROUND WATER	1.270	292.0	73.0	0.017	4.0
Combined Rental Totals			1.270	292.0	73.0	0.017	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, 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: \$5,840.00

The full fee for the rental of the above-described right(s) is \$5,840.00 for 2018. The rental fee includes an administrative fee of \$584.00 for 2018.

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	1.170	262.1	73.0	0.016	3.59
Combined Total	1.170	262.1	73.0	0.016	3.59

** The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits when used with 43-2423C, et al and Rental Agreement 1079*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 242

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


Signature of Renter

July 17, 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, Acting Administrator
Idaho Water Resource Board

Date 7/19/2018

Rental approved by IDWR 

Date 7-19-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 242

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	SWSWSE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	NWNENE	Sec. 10, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWNWSE	Sec. 13, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENESE	Sec. 14, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NWSENE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSWSW	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NESENE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENESE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 36, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENESE	Sec. 3, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWNESE	Sec. 9, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	2NWSWNE	Sec. 31, Twp 11S, Rge 28E,	CASSIA County
GROUND WATER	SESENE	Sec. 1, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 2, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	NWSENE	Sec. 4, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	1SENESE	Sec. 6, Twp 12S, Rge 28E,	CASSIA County

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 242

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.17 CFS

VOLUME
262.10 AF

SEASON OF USE

Water Right No.
43-2346C

From
3/15

To
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	
10S	27E	35									6.2	35.0	6.4	0.4					48.0
11S	27E	2					0.4 L3	3.0 L4	15.0	6.6									25.0

Total Acres: 73.0

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. 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.
10. Right No. 43-10478 is an expansion of the following right nos. pursuant to Section 42-1416B, Idaho Code: 43-2346C, 43-2349, 43-2350, 43-2506.
11. 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 place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

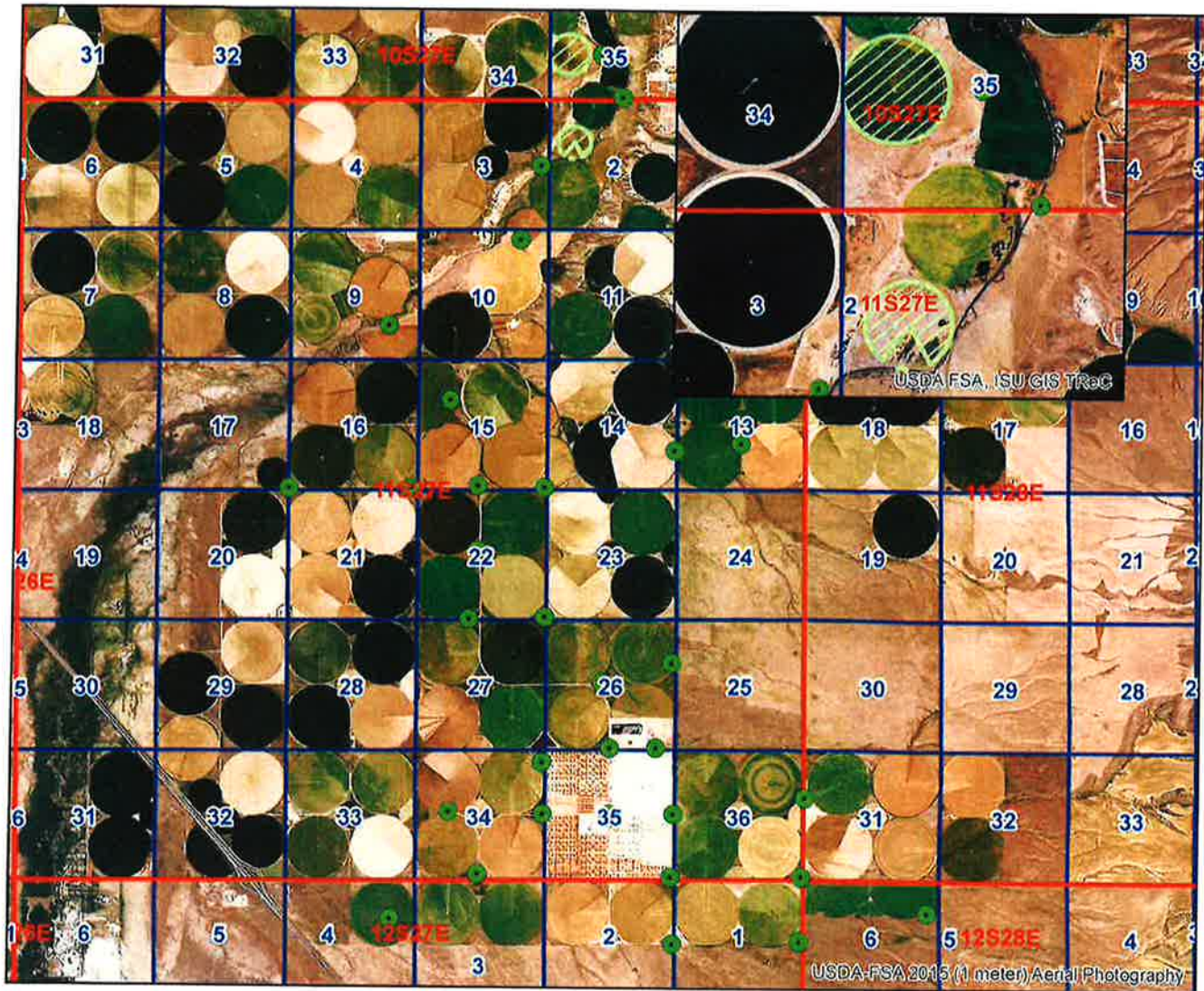
WATER SUPPLY BANK RENTAL AGREEMENT No. 242

12. This rental when combined with Amended Rental Agreement 244, shall not exceed a total diversion rate of 3.68 cfs, a total annual maximum diversion volume of 828.8 af at the field head gate, and the irrigation of 231 acres on East Valley Cattle's East Farm.
13. The following rights are diverted through points of diversion above: Rights 43-2317C, 43-2317E, 43-2339C, 43-2339E, 43-2423C, 43-2423E, 43-2467C, 43-2467E, 43-2510C, 43-2510E, 43-2574E, 43-2576E, 43-4002C, 43-4002E, 43-4014A, 43-4014B, 43-10019, 43-12933, 43-13405, 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13458, 43-13460, 43-13462, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 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, 43-4060D, 43-4063D, 43-10787, 43-10795, and 43-12923 when combined shall not exceed a total diversion rate of 112.99 cfs, a total annual maximum diversion volume of 25,646.5 af at the field head gate, and the irrigation of 7,150.6 acres.
14. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 242

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.



- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections



0 0.25 0.5 1 Miles

STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

RECEIVED

APR 09 2018

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)

43-2347

43-2413

1079

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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MAY 25 2018

DEPARTMENT OF
WATER RESOURCES

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 was converted from irrigation water to S/C by Transfer 80639 in 2017. The S/C water is not needed for 2018. The water right owner would like to rent 52.5 acres back for irrigation during the 2018 irrigation season.

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)
1.46 CFS	292 AF	1.46 CFS	292 AF	73.0 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?	
5/31/2018	7/30/2018	☒ 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)

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MAY 25 2018

DEPARTMENT OF
WATER RESOURCES

- 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
	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 73.0 (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 irrigation water right.

MAY 25 2018

DEPARTMENT OF
WATER RESOURCESSTATE 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)
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	1.46	292.0	73.0
						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**:

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**:



0 0.050.1 0.2 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/22/2018

RECEIVED

MAY 23 2018

DEPARTMENT OF
WATER RESOURCES

EAST VALLEY CATTLE LLC

73.0 Acres East Farm
NAIP 2017 AERIAL

Legend

IRRIGATION PPU
2018_Irrigation_Rental



**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

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- 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 was converted from irrigation water to S/C by Transfer 80639 in 2017. The S/C water is not needed for 2018. The water right owner would like to rent 52.5 acres back for irrigation during the 2018 irrigation season.

- 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)
0.83 CFS	210 AF	0.83 CFS	210 AF	52.5 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?	
5/1/2018	6/30/2018	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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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

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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

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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**:

Additional water is need for irrigation purpose due to curtailment orders.

- 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)
3.74 CFS	892 AF	3.74 CFS	892 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?	
5/1/2018	6/31/2018	☐ 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 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
	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 52.5 (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 irrigation water right.

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.

- 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	43-10019 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 224.0 (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:

43-10019 et al.

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)
43-13763	Stock/Commercial	0.875	318.6			0.83	210	52.5
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	0.83	210	52.5
						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**:

The proposed rental amounts are based on pre-transfer approval values for 43-13452. See transfer 80639.

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**:

The proposed rental amounts are based on pre-transfer approval values for 43-13452. See transfer 80639.

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	544.0	137.0		1.94	532	134.0
43-2413	Irrigation	1.8	360	90		1.8	360	90.0
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	3.74	892	224.0
						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**:
Flowmeters are installed on wells and watermaster will inspect irrigation that is occurring.

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:

- 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

Printed Name of Applicant

Date

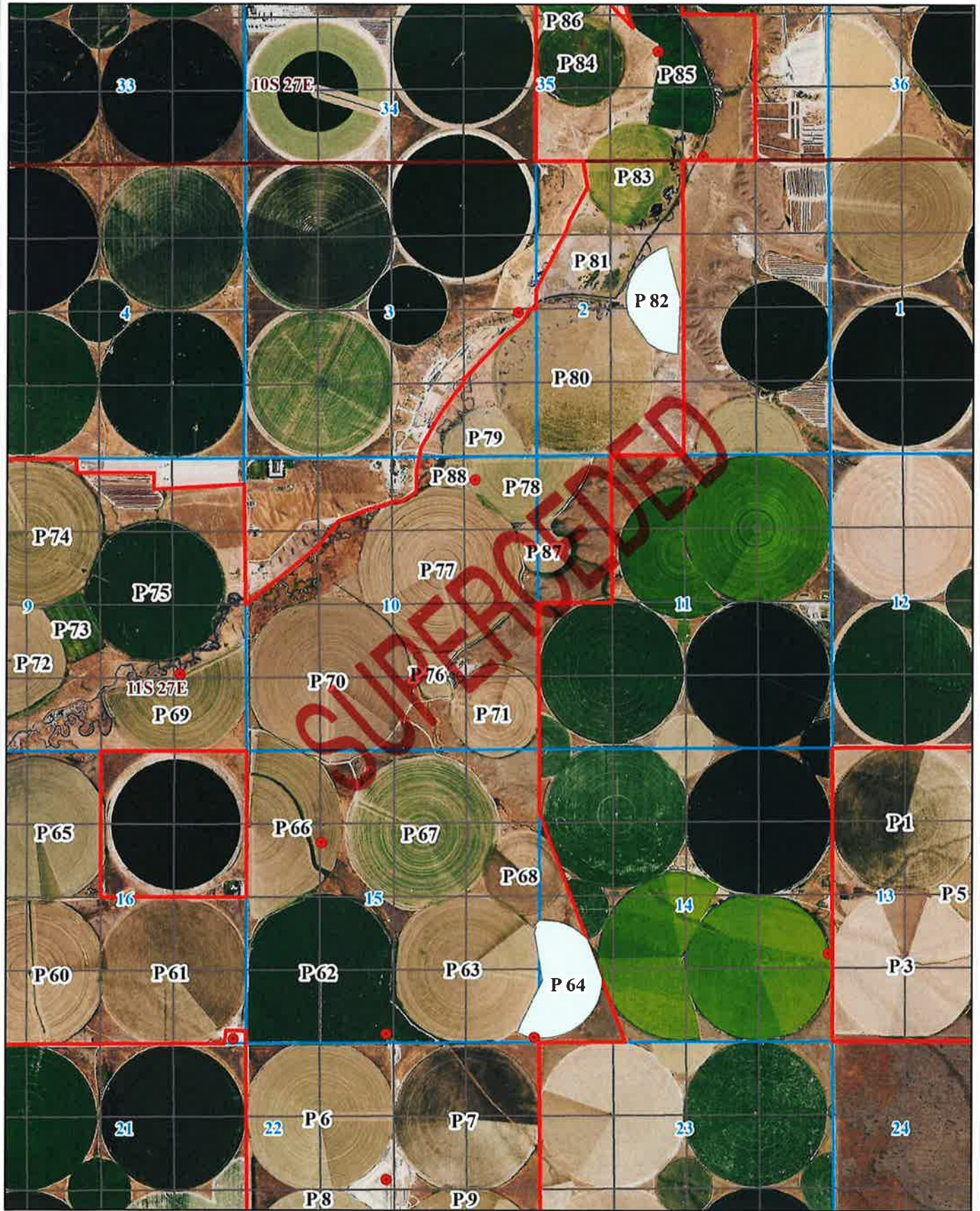
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



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RECEIVED

EAST VALLEY CATTLE LLC

MAY 01 2018

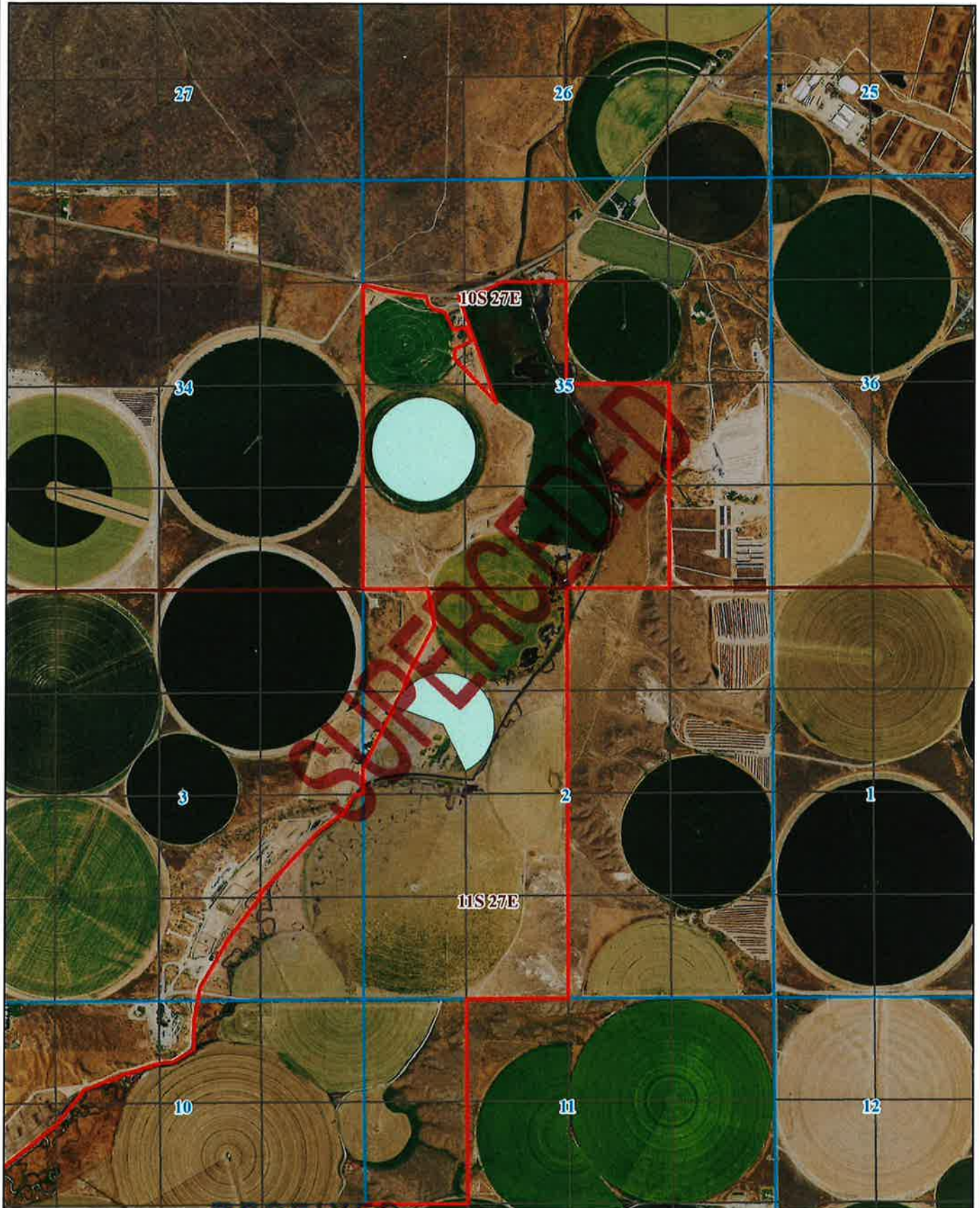
NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/1/2018

- Legend
- IRRIGATION PPU
 - Points_of_Diversion
 - 2018 Irrigation Rental



DEPARTMENT OF
WATER RESOURCES



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EAST VALLEY CATTLE LLC

MAY 21 2018

**DEPARTMENT OF
WATER RESOURCES**

NAIP 2017 AERIAL

Legend

■ IRRIGATION PPU

■ 2018_Irrigation_Rental

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BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/4/2018





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EAST VALLEY CATTLE LLC

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BROCKWAY ENGINEERING, PLLC.
GWS - Date: 4/20/2018

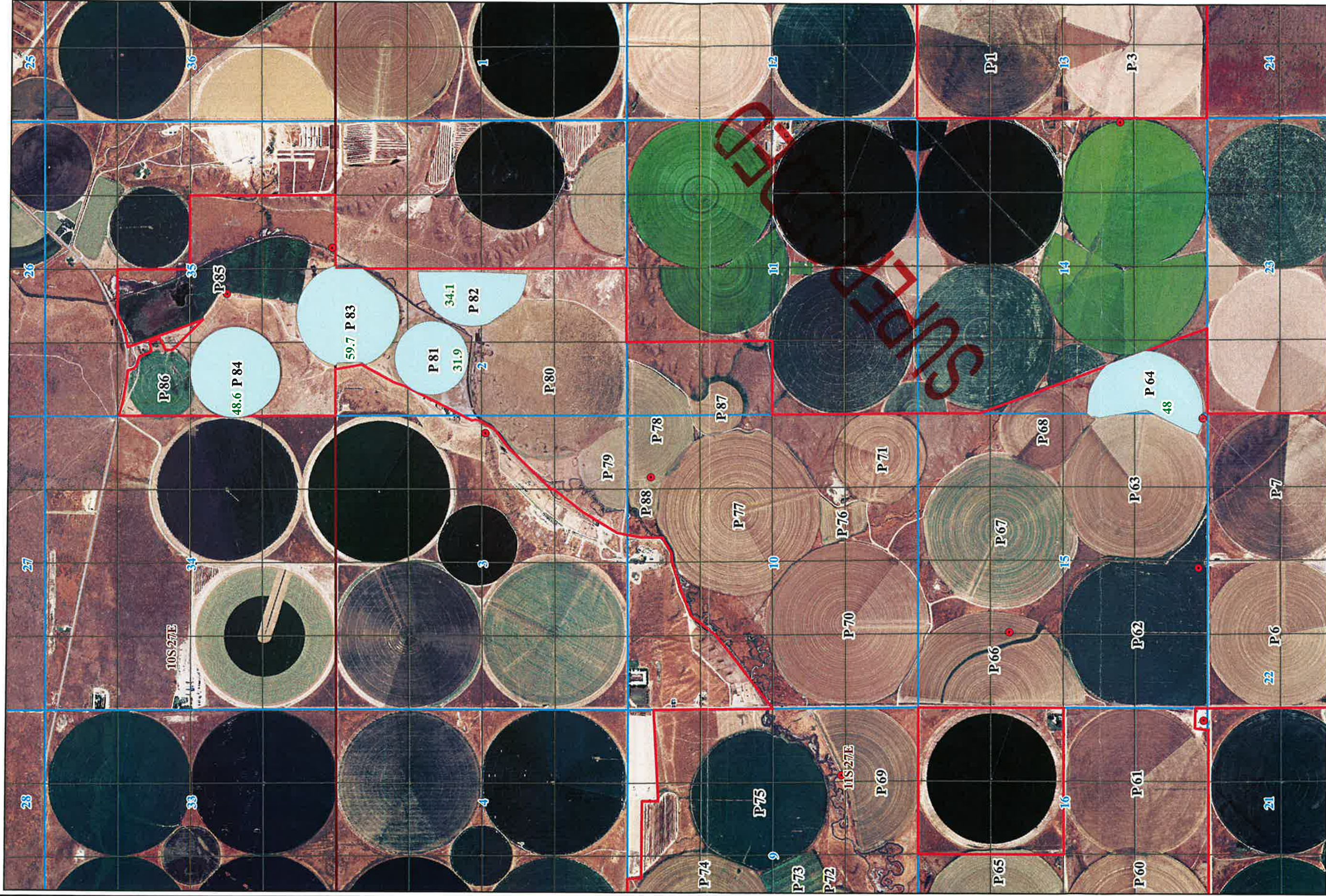
NAIP 2017 AERIAL

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☒ IRRIGATION PPU
☐ 2018_Irrigation_Rental

DEPARTMENT OF
WATER RESOURCES

N



EAST VALLEY CATTLE LLC

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 4/7/2018

NAIP 2017 AERIAL

- Legend
- IRRIGATION PPU
 - Points_of_Diversion
 - 2018_Irrigation_Rental





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

July 20, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 43-2346C**

Dear Renter:

Please find enclosed a receipt in the amount of **\$5,840.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 292.0 acre-feet of water for irrigation of 73.0 acres 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.

Pursuant to the Water Supply Bank Rules, 90% or \$5,256.00 of the rental fee will be paid to the lessor(s) and 10% or \$584.00 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Water Supply Bank

Enclosures: Receipt No. C105384
Rental Agreement (copy)

c: Sascha Marston – Fiscal
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
mcc@givenspursley.com
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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)

RECEIVED

JUL 18 2018

July 18, 2018

Via Hand Delivery

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

Re: East Valley Cattle, LLC
Our File: 11241-17

Dear Remington:

On behalf of our clients, East Valley Cattle, LLC, enclosed please find the following original documents to be filed today:

1. Water Supply Bank Rental Agreement No. 242 (with a check in the amount of \$5,840.00;
2. Water Supply Bank Rental Agreement No. 263 (with a check in the amount of \$158.00).

I am also including a Special Power of Attorney for Water Rights for East Valley Cattle, LLC. Please contact me should you have any questions or concerns.

Sincerely,

Michael C. Creamer

MCC/lg
Enclosures 11241-17 / 14270596_1

RECEIVED

JUL 18 2018

DEPARTMENT OF
WATER RESOURCES

**SPECIAL POWER OF ATTORNEY
FOR WATER RIGHTS
(EAST VALLEY CATTLE, LLC)**

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 executing on EVC's behalf Water Supply Bank Rental Agreements Nos. 242 and 263 for submission to the Idaho Department of Water Resources and/or the Idaho Water Supply Bank.

All may rely on such authority. I am authorized to grant this Special Power of Attorney binding EVC.

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

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

EAST VALLEY CATTLE, LLC

Dated: July 18, 2018

By: 
Bill Millenkamp, Manager

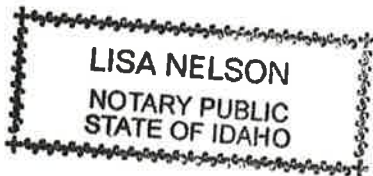
SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

ACKNOWLEDGMENT

State of Idaho)
) ss.
County of Jerome)

On this 18th day of July, 2018, 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.



Lisa Nelson
Notary Public for MKC, Jerome Cty ID.
Residing at Jerome City
My Commission Expires April 13, 2024

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS



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

July 18, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 43-2346C

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 \$5,840.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 292.0 acre-feet.

Please send a check for \$5,840.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$5,256.00 of the rental fee will be paid to the lessor(s) and 10% or \$584.00 will be retained by the Department to offset administrative costs.

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
Michael Creamer – Givens Pursley

MEMORANDUM FOR AGREEMENT # 242

To: Water Right(s) 43-2346C
From: Mary Condon
Date: June 25, 2018 (June 29, 2018)
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Application to rent originally for East Valley commercial and stock leased acres; intent to deny rental letter sent to East Valley May 2018 upon receipt and acceptance of the leased acres. Re-submitted application requesting leased Geothermal water rights for 43-2347 and 43-2413, which were then re-prioritized for another use on East Valley Cattle. Further adjustments and modifications to the planned farming operation, and acceptance of Raft River Valley water right 43-2346C leased to the bank is current rental proposal for pivot 81 & 84 on East Valley Farms. Phone conversation with Greg Sullivan on June 25, 2018 said this is still the current rental proposal.

AUTHORITY TO FILE: Application submitted by Greg Sullivan for Brockway Engineering, representative for Bill Millenkamp of East Valley Cattle. Mr. Millenkamp is the owner of the taxlot for the requested Places of Use, as well as owner per ISOS records.

WATER RIGHT VALIDITY: Review and acceptance of the lease for water right 43-2346C was completed on June 12, 2018, and signed June 28, 2018. The water right has been partially in the bank or covered by CREP contract since 2013 and it was decreed in 2002. Large PPU created via transfer 81430 for Moss and Raft River Farms. Within the lease contract, the reduction in limits on others combined on PPU was calculated and laid out. No concerns of validity.

INJURY TO OTHER WATER RIGHTS: The rental place of use and points of diversion are directly to the east of leased Raft River Valley Farm, with no concern for displacement or injury to other rights.

This rental is in direct response to NOV's and curtailed acres for 2017 and 2018. See NOV E2017-1267.

There is another rental on nearby pivots, Agreement 1062 for 166 acres, to also cover curtailed acres and NOV E2017-1267.

Transfers 80638 and 80639 to add PODs/POUs for PPU in 2016 and 2017 were made available for public interest period and approved. Transfer 81940 has been protested for land application of effluent waste and is currently still in process for responses to the protests.

ENLARGEMENT OF USE: Rented water right 43-2346C has combined limits with several other water rights but is additive in its own right. The combined limits include expansion right 43-10478 which is 66% curtailed for duration of the lease for 2018. After review with Clay Webster, see his memo to file June 12, 2018, there are no concerns enlargement in the lease of this right.

Combined limits at the rental place of use includes expansion acres which are currently 66% curtailed for 2018, for which this rental of irrigation water will cover a portion of. Again, there is also rental 244 for irrigation to partially cover curtailed acres for East Valley Cattle. Enlargement is not of a concern, so long as the East Valley irrigation water rights and rented irrigation water rights do not exceed their combined limits.

Amount requested for rental had a rate per acre of 0.02cfs and volume per acre of 4.0af, both of which exceed the combined limits of the East Valley Combined Limits for irrigation. The leased rights are worth 0.017 per acre and 4.0 per acre. Rate and volume will be reduced to proportionate values of East Valley Combined limits of 0.016 cfs per acre and 3.59 af per acre, the same as rental agreement 244 was calculated. See attached rental analysis, East Farm Limits spreadsheet.

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. Rental POU will put irrigation water to full beneficial use through crop growth.

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

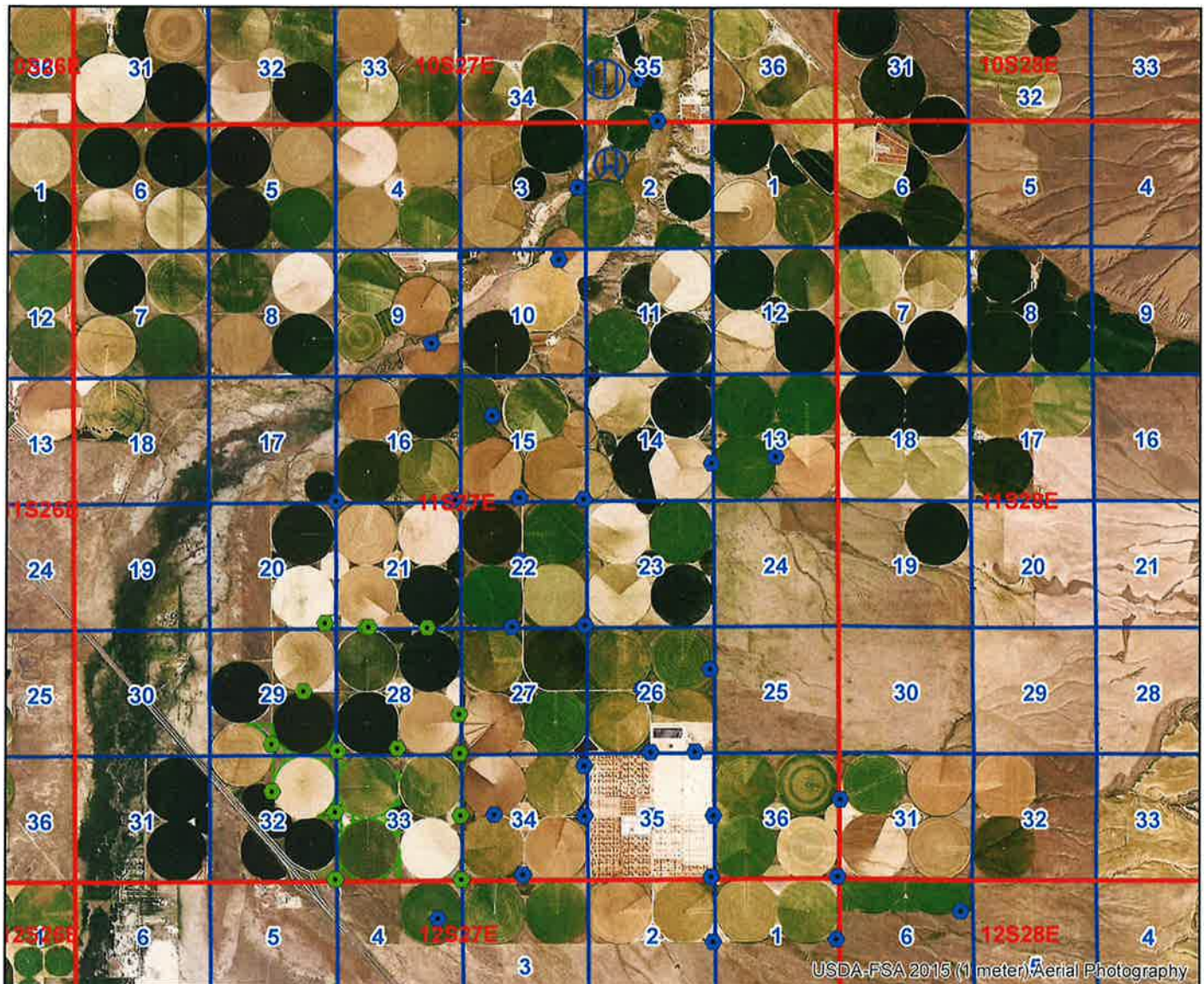
Comments and concerns from Southern Region and Watermaster requested via email on June 29, 2018.

Idaho Water Resource Board

2018 Proposed Rental

Move Map

43-2346C Lease #810 to East Valley Cattle Rental #242



-  Active Water Supply Bank Lease POD
-  Active Water Supply Bank Lease POU
-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU



0 1 2 Miles

Basin	Sequence	Suffix	Priority Date	Source List	Water Use List	Current Owner	Diversion Rate	Volume	Acre Limit	Total Acres	Water District	Rate per acre	Vol per acre
43	2317 C		8/14/1948	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.99	483.1	120.8	9,204.0	143 - Raft River Basin	0.008	4.00
43	2317 E		8/14/1948	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.87	424.5	106.1	9,204.0	143 - Raft River Basin	0.008	4.00
43	2321 B		9/24/1948	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	5.66	313.0	313.0	9,204.0	143 - Raft River Basin	0.018	
43	2339 C		2/27/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.39	1,166.2	291.6	9,204.0	143 - Raft River Basin	0.008	4.00
43	2339 E		2/27/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.09	1,019.8	255.0	9,204.0	143 - Raft River Basin	0.008	4.00
43	2423 C		3/1/1955	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.63	795.3	198.8	9,204.0	143 - Raft River Basin	0.008	4.00
43	2423 E		3/1/1955	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.43	697.8	174.4	9,204.0	143 - Raft River Basin	0.008	4.00
43	2467 C		12/23/1958	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.77	31.4	7.8	9,204.0	143 - Raft River Basin	0.227	4.03
43	2467 E		12/23/1958	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.54	87.9	22.0	9,204.0	143 - Raft River Basin	0.070	4.00
43	2510 C		6/18/1961	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.25		1,085.4	9,204.0	143 - Raft River Basin	0.001	
43	2510 E		6/18/1961	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.10		559.0	9,204.0	143 - Raft River Basin	0.002	
43	2574 B		7/19/1963	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	9.71		906.0	9,204.0	143 - Raft River Basin	0.011	
43	2574 E		7/19/1963	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.00	628.0	157.0	9,204.0	143 - Raft River Basin	0.013	4.00
43	2576 B		3/24/1964	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	6.47		906.0	9,204.0	143 - Raft River Basin	0.007	
43	2576 E		3/24/1964	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.14		157.0	9,204.0	143 - Raft River Basin	0.007	
43	4002 C		7/1/1963	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.67		1,085.4	9,204.0	143 - Raft River Basin	0.002	
43	4002 E		7/1/1963	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.47		559.0	9,204.0	143 - Raft River Basin	0.003	
43	4012 B		7/1/1962	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.80	1,848.0	485.0	9,204.0	143 - Raft River Basin		
43	4012 C		6/1/1963	GROUND WATER	IRRIGATION, STOCKWATER	EAST VALLEY CATTLE LLC	1.80	92.0	485.0	9,204.0	143 - Raft River Basin		
43	4012 D		6/1/1964	GROUND WATER	IRRIGATION, STOCKWATER	EAST VALLEY CATTLE LLC	1.40		485.0	9,204.0	143 - Raft River Basin		
43	4013 B		6/15/1963	GROUND WATER	IRRIGATION, STOCKWATER	EAST VALLEY CATTLE LLC	8.55	1,772.0	443.0	9,204.0	143 - Raft River Basin		
43	4014 A		7/1/1952	GROUND WATER	DOMESTIC, IRRIGATION, STOCKWATER	EAST VALLEY CATTLE LLC	0.72	351.3	104.0	9,204.0	143 - Raft River Basin		
43	4014 B		6/1/1954	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.98	64.7	104.0	9,204.0	143 - Raft River Basin		
43	4060 D		4/5/1954	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.33	140.1	496.0	9,204.0	143 - Raft River Basin		
43	4063 D		5/1/1955	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.85	360.8	496.0	9,204.0	143 - Raft River Basin		
43	10019		6/30/1985	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.66		468.4	9,204.0	143 - Raft River Basin		
43	10045		4/1/1906	RAFT RIVER	IRRIGATION	EAST VALLEY CATTLE LLC	3.80		320.0	9,204.0	143 - Raft River Basin		
43	10046		4/1/1909	RAFT RIVER	IRRIGATION	EAST VALLEY CATTLE LLC	2.10		320.0	9,204.0	43A - Lower Raft River		
43	10787		1/31/1955	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.94	823.5	496.0	9,204.0	143 - Raft River Basin	0.004	1.66
43	10795		5/1/1957	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.58	1,095.1	496.0	9,204.0	143 - Raft River Basin	0.005	2.21
43	12923		6/30/1985	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.28		26.0	9,204.0	143 - Raft River Basin	0.011	
43	12933		6/30/1985	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.02		1.5	9,204.0	143 - Raft River Basin	0.017	
43	13301		5/29/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.34	79.2	19.8	9,204.0	143 - Raft River Basin	0.013	4.00
43	13303		11/30/1957	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.26	124.5	43.2	9,204.0	143 - Raft River Basin	0.006	2.88
43	13305		8/26/1957	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.44	172.8	43.2	9,204.0	143 - Raft River Basin	0.010	4.00
43	13405		6/30/1985	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.83		232.1	9,204.0	143 - Raft River Basin	0.012	
43	13448		3/2/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.93	905.5	226.4	9,204.0	143 - Raft River Basin	0.017	4.00
43	13450		2/27/1957	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.66	731.9	183.0	9,204.0	143 - Raft River Basin	0.020	4.00
43	13452		8/26/1957	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.97	459.2	117.0	9,204.0	143 - Raft River Basin	0.008	3.92
43	13454		3/30/1959	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.11	504.7	120.0	9,204.0	143 - Raft River Basin	0.009	4.21
43	13456		4/6/1961	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	4.14	534.5	133.6	9,204.0	143 - Raft River Basin	0.031	4.00
43	13458		1/9/1959	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.70	381.3	95.3	9,204.0	143 - Raft River Basin	0.018	4.00
43	13460		2/24/1956	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	4.36	902.1	225.5	9,204.0	143 - Raft River Basin	0.019	4.00
43	13462		12/14/1965	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.01	81.7	37.4	9,204.0	143 - Raft River Basin	0.080	2.18
43	13490		8/14/1948	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.47	102.8	25.7	9,204.0	143 - Raft River Basin	0.011	4.00
43	13492		2/27/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	1.11	324.3	102.6	9,204.0	143 - Raft River Basin	0.011	3.16
43	13494		3/2/1950	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	7.59	1,488.4	372.1	9,204.0	143 - Raft River Basin	0.020	4.00
43	13496		2/20/1952	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.62	515.6	128.9	9,204.0	143 - Raft River Basin	0.020	4.00
43	13498		3/1/1955	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.77	86.1	102.6	9,204.0	143 - Raft River Basin	0.008	0.84
43	13500		12/23/1958	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.82	202.0	50.5	9,204.0	143 - Raft River Basin	0.016	4.00
43	13502		12/14/1965	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.53	428.4	107.1	9,204.0	143 - Raft River Basin	0.024	4.00
43	13504		1/12/1961	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	3.03	515.6	128.9	9,204.0	143 - Raft River Basin	0.024	4.00
43	13506		6/18/1961	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.59	103.6	25.9	9,204.0	143 - Raft River Basin	0.023	4.00
43	13508		7/1/1963	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	0.77	202.4	50.6	9,204.0	143 - Raft River Basin	0.015	4.00
43	13510		3/15/1962	GROUND WATER	IRRIGATION	EAST VALLEY CATTLE LLC	2.04	602.4	150.6	9,204.0	143 - Raft River Basin	0.014	4.00
Totals							125.88	21,330.5	15,163.2				
Limits						Rental 242	112.99	25,646.5	7,150.6			0.016	3,587
							2.58	585.2	163.0			0.016	3,590
						43-2346C as leased	1.74	400.0	100.0			0.017	4.00
						Requested for rental	1.27	292.0	73.0			0.017	4,000
						Limited to	1.17	262.1	73.0			0.016	3,590
						New Combined limit	116.74	26,493.74	7,386.60			0.016	3,587
						rental 242 & 244	3.75	847.24	236.00			0.016	3,590

East Valley Cattle Irrigation

Webster, Clay

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, May 25, 2018 2:23 PM
To: Webster, Clay
Subject: RE: Rental Application 1079
Attachments: Scan052530915.pdf

Clay,

See the attached scanned documents.

Let me know if you need the shape files for the 73.0 acres.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Wednesday, May 23, 2018 11:58 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Rental Application 1079

Greg,

We will need amended pages 2, 3 and 4 for this rental application to go with the map you delivered this morning for rental application 1079 to irrigate 73 acres on pivot 84 and part of pivot 81. Thanks.

Sincerely,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)



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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 18, 2018

EAST VALLEY CATTLE LLC
471 NORTH 300 WEST
JEROME ID 83338

RE: RENTAL OF WATER RIGHT 43-13763 FROM THE WATER SUPPLY BANK

Dear Gentlemen:

The Idaho Department of Water Resources ("Department") is returning to you Water Supply Bank ("Bank") Application 1079 which requests the rental of a portion of ground water right 43-13763 from the Bank to irrigate 52.5 acres in 2018.

East Valley Cattle LLC ("EVC") has leased 50 percent of right 43-13763, or 318.6 acre-feet to the Bank and has requested rental of this 50 percent for irrigation of 52.5 acres plus industrial use for gravel washing. The Department has approved EVC's rental request for the industrial use amounting to 16 acre-feet. EVC requests the remaining 302.6 acre-feet of the leased portion of right 43-13763 be used for irrigation.

The 50 percent portion of right 43-13763 not leased to the Bank is currently used at EVC's commercial dairy and feedlot ("dairy/feedlot"). The volume for this half of right 43-13763, when combined with other EVC commercial use rights at the dairy/feedlot, is limited to 1463.6 acre-feet. Based on collection of flow meter data over the past year from wells at the EVC dairy/feedlot by the Water District 143 watermaster, the Department projects that EVC may use up to 1,400 acre-feet in 2018. However, this projection is based on limited data collection that does not include some summer water use and may predate some ongoing expansion of the dairy/feedlot facility.

The Department is concerned that EVC's 2018 commercial dairy/feedlot water use may exceed authorized diversion amounts and constitute an enlargement of water right 43-13763 if half of the water right is rented from the Bank for irrigation purposes. If EVC exceeds its water right volume limits at the dairy/feedlot facility in 2018, then water use at the facility would have to be shut off by the Water District 143 watermaster. Such a shut off may have a devastating effect on a large number of cattle at the facility and potentially create a crisis that is contrary to local public interests. It is unlikely EVC can find additional water rights or sources of water to cover any additional volume needs given that there are no additional ground water rights available in the Bank, and given that the area is within the Raft River Critical Ground Water Area where the Department is already curtailing ground water expansion rights, including expansion rights owned by EVC.

Pursuant to Idaho Code § 42-1763 and Rule 30 of the Water Supply Bank Rules (IDAPA 37.02.03.30), the Director of the Department of Water Resources may reject and refuse approval of a rental from the Bank. This letter is notice that the Department intends to reject and refuse approval of rental application 1079 unless EVC submits information that satisfactorily alleviates the Department's concerns that the rental will not result in an enlargement of right 43-13763 and is thereby in the local public interest.

The Department will hold rental application 1079 for ten (10) days from the date of this letter pending EVC's submittal of sufficient information to address the Department's concerns about enlargement of right 43-13763 and whether the rental is in the local public interest. The Department will issue a formal notice to refuse and reject rental application 1079 if no information is received within the 10-day period,

If rental application 1079 is not approved, the Department will amend EVC's lease of right 43-13763, so that the lease covers only the portion of water 43-13763 already rented by EVC for industrial use, or 16.0 acre-feet. The remaining unrented portion of right 43-13763 will be released from the Bank and become available to East Valley Cattle for the commercial and stockwater uses authorized at the dairy/feedlot facility.

If you have any questions, please contact this office at (208) 287-4910.

Sincerely,



Clay Webster
Water Rights Supervisor

c: Tim Luke – IDWR Water Compliance Bureau Chief
Nathan Erickson – Water District 143 Watermaster
Greg Sullivan – Brockway Engineering
Michael Creamer – Givens Pursley LLP

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, May 09, 2018 9:31 AM
To: Edl, Michele
Subject: RE: which EVC next
Attachments: Scan050930605.pdf

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, May 08, 2018 5:54 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: which EVC next

Greg,

I've completed my review of East Valley Cattle's gravel wash rental. Clay has the file and is checking for typos. I believe that he intends to send that rental agreement and the lease contract for 43-13763 in the same mailing.

While I await comment from the watermaster and the region and editor review, I can tackle the next rental for East Valley Cattle.

I have been newly assigned to the concrete batch plant rental (application #1079) and I still have what was a 224-acre rental for '5-fields' (application #1083). Which rental should be processed next? 1079 or 1083?

For application 1079, I will need the smaller shape files for what is now less than 5 fields and 224 acres for irrigation. And I will need amended pages to that rental application because the water rights listed in that application have been swapped out to fill the higher priority rental.

Application 1083 does not appear to need amended pages. But does your client want a one or two year agreement? (boxes for both 1 and 2 are highlighted)

Regards,
Michele
208-287-4946



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Webster, Clay

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, May 04, 2018 10:39 AM
To: Luke, Tim; 'Michael C Creamer'; 'Bill Millenkamp'
Cc: Erickson, Nathan; Palmer, Cherie; Buyer, Remington; Condon, Mary; Skinner, Corey; Edl, Michele
Subject: RE: EVC Commercial/Stock Water Use
Attachments: Stock and Commercial 2018 Rental Updated.jpg; 2018_Irrigation_Rental.dbf; 2018_Irrigation_Rental.prj; 2018_Irrigation_Rental.sbn; 2018_Irrigation_Rental.sbx; 2018_Irrigation_Rental.shp; 2018_Irrigation_Rental.shp.xml; 2018_Irrigation_Rental.shx

Everyone,

Mike Creamer, Tim Luke and myself had a phone conversation yesterday afternoon regarding the lease and rental of water right 43-13763.

Based on the meter readings obtained by Nathan Erickson at the three wells that supply water to the feedlot/dairy facility owned by East Valley Cattle the estimated annual volume requirement for 2018 is 1315 acre feet. We recognize that this is an estimate which may be high or low. Regardless, the estimate indicates that a portion of 43-13763 (allowed 637.2 af) will be required for stock and commercial water use at the facility during 2018.

The 19 historical stock and commercial water rights for the facility allow 1145.6 acre feet annually. With all 20 stock and commercial water rights a total of 1782.6 acre feet annually is allowed to be diverted.

East Valley Cattle would like to reduce the proposed leased volume from 637.2 acre feet to 318.6 acre feet. This will allow 1464.2 acre feet of stock and commercial water to be diverted during 2018. East Valley Cattle will be responsible for monitoring their water use and managing their water use to prevent pumping over the 1464.2 acre feet.

The 318.6 acre feet and 0.875 cfs of 43-13763 would be leased for the 2018 irrigation season.

From the 318.6 acre feet there would be 16.9 acre feet and 0.05 cfs rented to the gravel washing facility. Which would leave 301.7 acre feet from 43-13763 available for irrigation use. The gravel washing facility rental breakdown is as follows:

Rental Amounts		43-2413	0.03	6.3	1.57
43-2413	Consumptive Use Volume for Washing		0.03	3.1	1.57
43-13763	Consumptive Use Volume for Washing		0.05	11.9	
43-13763	Consumptive Use Volume for Pond			5.0	
		Rental Limits	0.08	20.0	

The remaining 301.7 acre feet of 43-13763 divided by 4.0 af/acre = 75.4 acres. However, the diversion rate for the 75.4 acres would be 0.83 cfs or 0.011 cfs/acre. In an earlier email correspondence with Mary Condon she had indicated that the East Farm as a combined water system has a 0.016 cfs/acre application rate. In order for the 0.83 cfs of 43-13763 to be used for irrigation, only 52.5 acres can be irrigated to achieve the 0.016 cfs/acre. The rental will be limited to 0.83 cfs, 210.0 acre feet and the irrigation of 52.5 acres. See the attached jpg map and shape files for the 52.5 acres.

	Irrigation from 43-13763				
	Water Right	CFS	AFA	ACRES	
Original Water Right	43-13763	1.75	637.2	159.3	
	Rental Amounts	0.83	301.6	75.4	0.011 cfs/acre
	Rental Limits	0.83	210	52.5	0.016 cfs/acre

In order to reduce the irrigation on P84 (the full pivot in the attached map) the end gun, outer nozzles past the last tire track and the inside 100 feet from the last tire track of nozzles will be turned off or plugged. I called and talked with Nathan Erickson this morning about this proposed management and he indicated that he would be fine with this approach. I also called Bill Millenkamp and discussed this reduction with him. Bill gave his approval for it.

In an additional effort to manage all of the current pending applications Bill, Nathan, Corey and I have agreed to meet together as the rental applications are approved to confirm what can be irrigated and what cannot be irrigated. Similarly, correspondence or a meeting will occur when the Raft River water is no longer available for irrigation purposes.

If there are any other issues that East Valley Cattle needs to address to allow these applications to be processed please let us know and we will respond as quickly as possible. I will be in Boise later this afternoon and could sign any contract or agreement on behalf of East Valley Cattle that is ready for signature. Please let me know.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Luke, Tim [mailto:Tim.Luke@idwr.idaho.gov]
Sent: Thursday, May 03, 2018 11:46 AM
To: Michael C Creamer <mcc@givenspursley.com>; Greg Sullivan <greg.sullivan@brockwayeng.com>; Bill Millenkamp <Bill@Millenkamp.com>
Cc: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: RE: EVC Commercial/Stock Water Use

Mike, Greg, Bill

I have not received a response from you regarding my last email of April 26 (see below) regarding the lease/rental application package for water right 43-13763. However, I understand that Greg has been in communication with IDWR Water Supply Bank staffer Mary Condon about a lease/rental of 50% of water right 43-13763. I believe they have discussed that 50% of the right could be leased into the Bank then be rented from the Bank for new and supplemental water use needs by East Valley Cattle ("EVC"), and the other 50% of the right would remain available to EVC for commercial and stock water purposes at the CAFO/dairy. It appears this communication has occurred without my full participation and knowledge, as well as others at IDWR, until late yesterday.

Mike and Bill, it is not entirely clear to me that either of you may be fully aware of the 50% proposal. The intent of my email last Friday was to obtain a clear, documented response from EVC regarding its intent with respect to the

lease/rental of water right 43-13763. I don't feel we are quite there yet. Although IDWR is certain that some portion of the transferred water right 43-13763 has been accomplished (i.e., water use has been converted from the former irrigation use to stock/commercial use), we are still very uncertain as to the amount of water that has been converted to commercial/stock over the past year, and what amount may still be developed for commercial/stock use this year. Despite some communication from staff earlier this week, it is not appropriate for IDWR to suggest that the lease/rental amount should be 50% of the right, or any other percentage for that matter. I want to minimize or avoid the chance of any additional NOVs. Additionally, the water right owner must accept all risks associated with the water rights, including the possibility that water use may exceed the authorized limits of the rights. I remain concerned that EVC could exceed the volume of use authorized for right 43-13763 after some lease/rental approval for the right. Accordingly, I think it is imperative that IDWR have some assurance from the water right owner as to the amount of water sought for lease/rental. Therefore, I request Mr. Millenkamp submit a signed, written statement to IDWR that clearly requests the amount of water under right 43-13763 that he wishes to lease to, and rent from the Water Supply Bank. IDWR will delay any further action on the lease/rental of water right 43-13763 pending receipt of this communication from Mr. Millenkamp.

Also, please know IDWR cannot not approve a rental agreement where a use of rental water would cause an enlargement in existing water rights. Water Supply Bank acceptance of a lease proposal by East Valley Cattle should not be considered a guarantee that the Water Supply Bank can and will approve East Valley Cattle's rental requests, as submitted. To approve a Water Supply Bank rental request, IDWR must be satisfied that the diversion rates and volumes associated with rental water uses do not exceed the water use elements leased to the Bank under the water rights being rented, nor can a rental use of water enable water use authorizations to be exceeded under existing water rights associated with the use of rental water.

Please forward all further correspondence regarding this matter to my attention.

Respectfully,

*Tim Luke
Water Compliance Bureau Chief
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959 (office)
208-287-6700 (fax)*

From: Luke, Tim
Sent: Thursday, April 26, 2018 11:49 AM
To: 'Michael C Creamer' <mcc@givenspursley.com>; Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: EVC Commercial/Stock Water Use

Mike, Greg,

Please find attached a spreadsheet that includes flow meter readings and analysis by Nathan Erickson for the current estimated annual water use at the East Valley Cattle feedlot/dairy from the three wells that we understand are used and dedicated to the facility. Nathan's data and analysis indicates that Transfer 80639 (transfer of 212 acre irrigation use to commercial/stock use) has been partially accomplished. He estimates that current annual use may be just over 1,300 AF

and could be closer to 1,400 AF. Based on this information and having no additional data or evidence from EVC, the Department considers the transfer to have been partially accomplished. I believe there is some question as to the actual extent of accomplishment and the potential amount of additional development that may occur this year. EVC may want to consider its potential commercial/stock water use for this year before making any further decisions about a WSB lease-rental that involves any of the commercial/stockwater rights.

Given our determination of partial transfer accomplishment and uncertainty regarding actual commercial/stock use, IDWR will hold the current lease-rental application package for water right 43-13763 pending further communication from you. I believe our WSB staff are moving ahead with the other WSB applications consistent with our discussion on Monday. I have not checked on the actual status of these other applications or transactions.

I did not have an email address for Bill – I trust you will communicate with him.

Regards,

*Tim Luke
Water Compliance Bureau Chief
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959 (office)*



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From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]

Sent: Tuesday, May 01, 2018 4:24 PM

To: Condon, Mary <Mary.Condon@wr.idaho.gov>

Subject: East Valley Cattle Rental

Mary,

See the attached map for the two pivots we would like to cover with the lease/rental of water right 43-13763.

Field 64 should be fully covered with 48.0 acres.

Field 82 will take the remaining portion of 43-13763 that is available. The pivot northern stop will be moved to make sure that only the allowed acres will be irrigated.

Thank you.

Greg Sullivan

Brockway Engineering

2016 North Washington Street, Suite 4

Twin Falls, Idaho 83301

208-736-8543

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, April 20, 2018 4:54 PM
To: Edl, Michele
Subject: RE: 5 field rental
Attachments: US Geothermal Rental Acres 2018.jpg; 2018_Irrigaiton_Rental.dbf; 2018_Irrigaiton_Rental.prj; 2018_Irrigaiton_Rental.sbn; 2018_Irrigaiton_Rental.sbx; 2018_Irrigaiton_Rental.shp; 2018_Irrigaiton_Rental.shp.xml; 2018_Irrigaiton_Rental.shx

Michele,

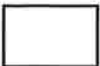
See the attached maps and shape files for Rental Application #1079. It is proposed to reduce the rented acre amount to 211.0 acres from water right 43-2413 and 43-2347. The remaining 13.0 acres of water right 43-2347 will be used for other rental applications.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Friday, April 20, 2018 4:36 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: 5 field rental

Greg Sullivan,
Here is the spreadsheet of my calculations for rental . I also made this available to Clay Webster. I did not find combined limits on either right.
However, I did see a statement on page three of both leases that beginning in 2019 and as part of the ground water management plan, the RRGWMD will rent these rights but not use them. I don't see documents in the files from the GWMD which confirm the agreement from their side so I don't know how we will process that reservation of these rights. Without information from the RRGWMD, I have presumed that the rights are available for both 2018 and 2019.

Regards
Michele Edl
208-287-4946



Virus-free. www.avg.com

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-19)	Rental Amounts			
East Valley Cattle LLC				Rate	Acres			
43-2347	532.0	\$9,576.00	\$1,064.00	\$10,640.00	1.94	134.0		
43-2413	360.0	\$6,480.00	\$720.00	\$7,200.00	1.8	90		
Total	892.0	\$16,056.00	\$1,784.00	\$17,840.00	3.74	224.00		
calculated by Michele Edl								
43-2347 decreed	rate	volume	acre	af/ac	cts/ac	trimester vol		sufficient rate for pivots
43-2413 decreed	2.00	544.00	137.00	90.0	0.015			
	1.80	360.00	90.0		0.020			
	3.8	904.0	227.0	3.98	0.017		area HG = 4.0	
43-2347 leased 2018-2019	2.00	544.00	137.00	3.97	0.015			
43-2413 leased 2018-2019	1.80	360.00	90.0	4.00	0.020			
	3.8	904.0	227.0	3.98	0.017			
East Valley Cattle request								
43-2347	1.94	532.00	134.00	3.97	0.014			
43-2413	1.80	360.00	90.00	4.00	0.020			
EVC use	3.74	892.00	224.00	3.98	0.017		for 5 fields which may not be same crop	
remaining	0.060	12.000	3.000					

supported



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Hydraulics

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Water Resources

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APR 09 2018

DEPARTMENT OF
WATER RESOURCES

April 9, 2018

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 desires to rent 224.0 acres from water rights 43-2347 and 43-2413. It was through recent correspondence with Water Bank staff that these two water rights were made known to East Valley Cattle that they may be available to rent. It our understanding that a portion of these rights may already be rented other water right users. We desire to rent as much possible irrigation water that is available.

The fields in priority of being covered by this rental is Field 64 with 48.0 acres, Field 83 with 59.7 acres, Field 82 with 34.1 acres, Field 81 with 31.9 acres and Field 84 with 48.6 acres.

Please contact me for adjustments that may need to be made on this rental application. East Valley Cattle is aware that no irrigation can occur on these fields until the rental contract is approved by the Idaho Water Supply Bank.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp, Mike Creamer
Enc: Rental Application, Aerial Map, Exhibit A

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

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