

RECEIVED

JUL 18 2018

DEPARTMENT OF WATER RESOURCES

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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
ON FILE # 43-2413

SCANNED
JUL 27 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 263

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: 
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. 263

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	SENW	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	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	SENW	Sec. 35, 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	SENW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 263

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 263

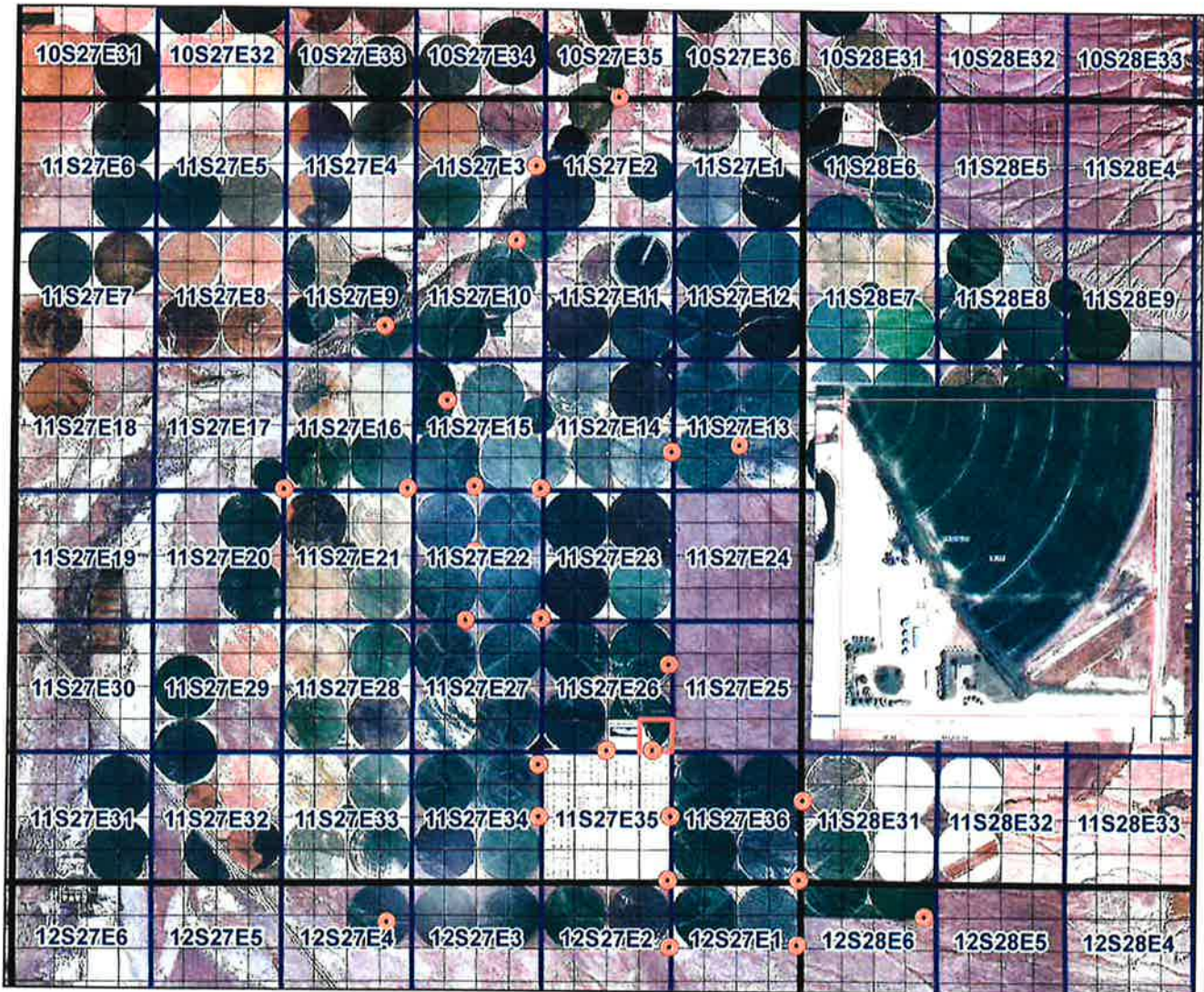
RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE





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14. This rental agreement will supersede rental agreement 245.

Idaho Water Resource Board
Attachment to 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 Point of Diversion
-  Authorized Rental Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
JUN 15 2018
DEPARTMENT OF
WATER RESOURCES

Applicant 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	
	<input checked="" type="checkbox"/>	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>
	<input checked="" type="checkbox"/>	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	N/A	Yes
2	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	<input checked="" type="checkbox"/> Detailed information on a proposed use of rental water
3F	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion
3H	<input checked="" type="checkbox"/>	<input type="checkbox"/> Water modeling to account for the impacts of the rental request
3J	<input checked="" type="checkbox"/>	<input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	<input checked="" type="checkbox"/>	<input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	<input type="checkbox"/>	<input checked="" type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	<input checked="" type="checkbox"/>	<input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

43-2413

43-13763

11/3

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 North 300 West Jerome Idaho 83338

Street City State Zip Code

Email Address _____ Phone Number (208) 324-2350

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes No

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

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

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

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Water is needed to wash gravel material for construction purposes. Estimated water demand is 19.9 acre feet of consumptive water. Total rental volume will be 40.0 acre feet. The 19.9 acre feet includes 4.9 acre feet of mitigation for the pond and 15.0 acre feet for water used for washing the gravel.

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)
0.11 CFS	40 AF	0.11 CFS	40 AF	10.0 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?	
5/1/2018	12/31/2018	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> Return application to applicant
		1	2	3	4	5		

* 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 wells. 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 ATTACHMENT		
3.E.		

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

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

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

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

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

- Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- Industrial from: 1/01 (mm/dd) to: 12/31 (mm/dd)
- Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

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)
43-2413	Irrigation	1.8	360	90.0		0.03	6.3	1.57
43-13763	Stock/Commercial	0.875	318.6	-		0.05	16.0	-
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	0.08	20.0	10.0
						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**:

Average annual consumptive use based on Malta Agrimet data for alfalfa, silage corn, winter grain, potatoes, sugar beets and pasture is 2.2 feet per year. Consumptive use for this rental is based on 2.0 acre-feet/acre.

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? Yes No
If yes, describe:

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

D. Additional Information
None

DECLARATION

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

Signature of Applicant

Michael C. Creamer

Signature of Representative

*Attorney-in-Fact
for East Valley Cattle, LLC*

Printed Name of Applicant

Michael C. Creamer

Printed Name of Representative

Date

6/14/18

Date

Mail to:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

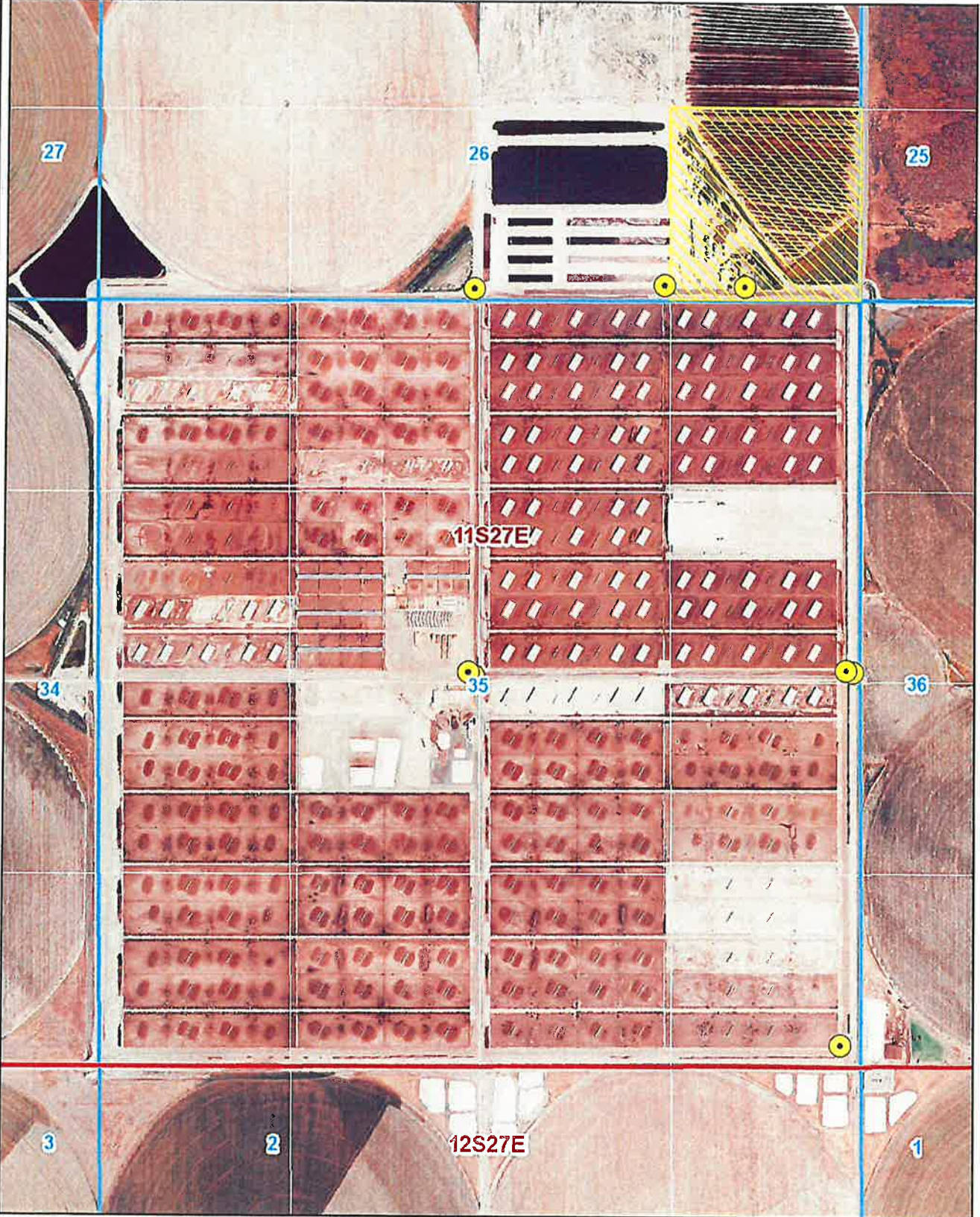
Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

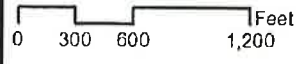
Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.



EAST VALLEY CATTLE LLC

GRAVEL WASHING RENTAL
NAIP 2017 AERIAL



Legend

- PODs
- 2018 Rental for Gravel

N

SYMAN, LLC
 2101 Delta Drive
 Nampa, Idaho 83687
 Phone (209) 287-8420



CONCEPTUAL SITE PLAN
 BATCH PLANT
 NELLIES LANE
 CASSIA COUNTY DEQLO, IDAHO
 EAST VALLEY CATTLE, LLC.

NO.	DATE	DESCRIPTION

CAL NUMBER
 18-00174
 DESIGNED BY
 A. LYMAN
 J. MATTHEWS
 DATE
 APR 2012

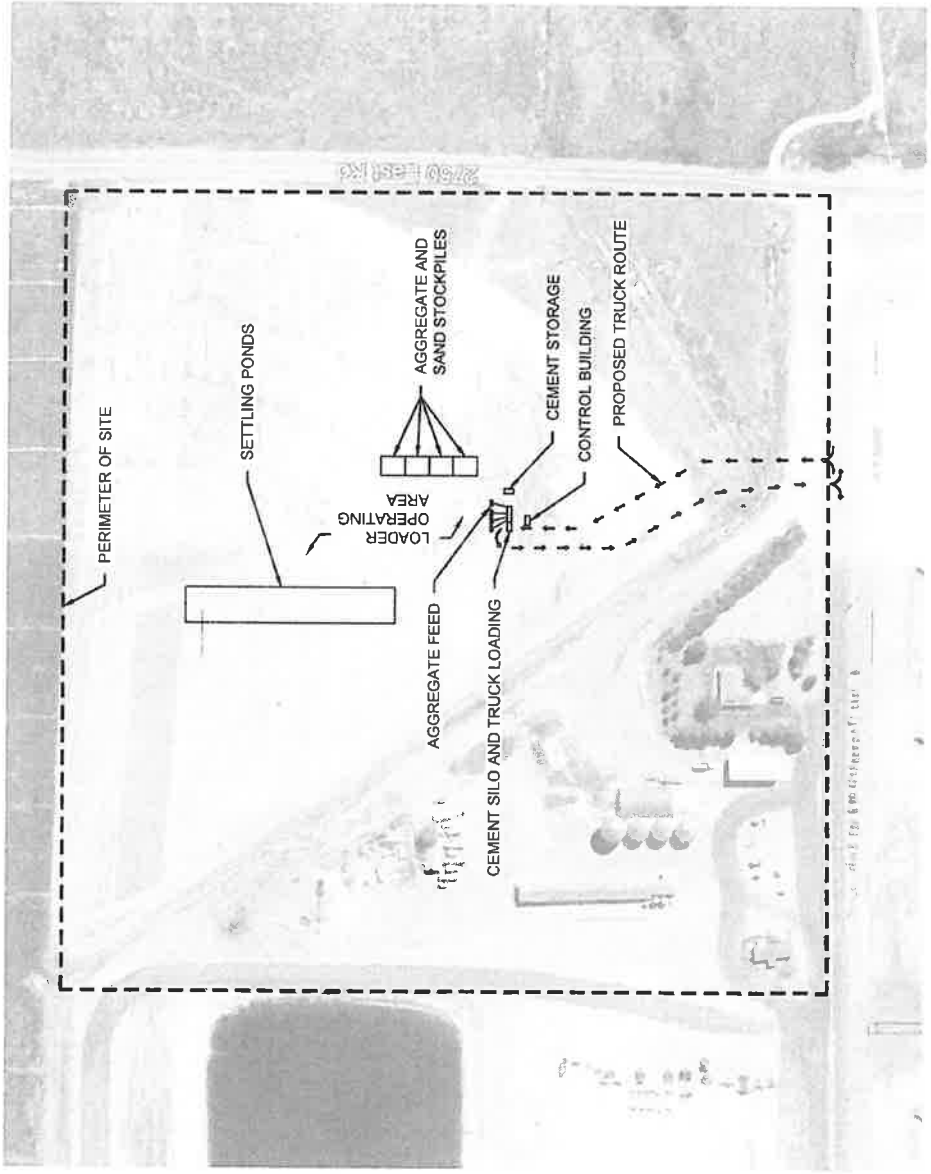
SHEET NUMBER
 CS-101

LEGEND

- 1. PERIMETER OF SITE
- 2. CONCRETE TRUCK ROUTE

NOTES

1. THE PLANT, PONDS, STOCKPILES, AND STORAGE MAY BE RECONFIGURED, BUT WILL BE WITHIN THE PERIMETER OF THE SITE.
2. TRAFFIC WILL ENTER FROM THE FEED LOT TO THE SOUTH AND RETURN TO THE FEED LOT.
3. PARKING WILL BE AT THE CONTROL BUILDING.



SITE MAP

1:100 (22x34 FULL SIZE)





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 NOS. 43-2413 and 43-13763**

Dear Renter:

Please find enclosed a receipt in the amount of **\$158.00** and 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.

Pursuant to the Water Supply Bank Rules, 90% or \$113.40 of the rental fee will be paid to the lessor(s) and 10% or \$44.60 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. C105385
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
Direct: 208-388-12247

Gary G. Allen
Christopher J. Beeson
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Jeff W. Bower
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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
Debra 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

RECEIVED
JUL 18 2018
W. Hugh O'Riordan, LL.M.
Randal A. Peterman
Jack W. Reif
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)

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 13 2018
DEPT 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.

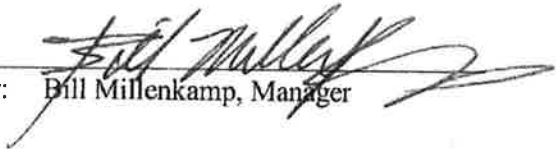
All may rely on such authority. I am authorized to grant this Special Power of Attorney binding EVC.

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: ~~June~~ ^{July} 18, 2018

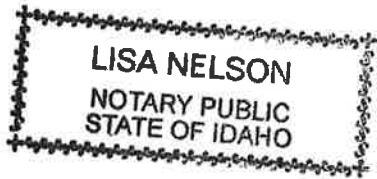
By:  Bill Millenkamp, Manager

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



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 NOS. 43-2413 and 43-13763**

*****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.

The full fee for the rental of the above described right 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 43-13763 and all fees have already been paid under executed rental agreement No. 245.

Please send a check for \$158.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,


Water Supply Bank

Enclosure

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

MEMORANDUM

To: Right(s) 43-2413 and 43-13763
From: Michele Edl & Remington Buyer
Date: July 2, 2018
Re: Review & Analysis of WSB Application #1113 to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On June 21, 2018 IDWR received an application to rent water from the Water Supply Bank, which was in effect an application to amend approved rental agreement #245. Rental agreement #245 authorized an industrial use of water, to wash gravel, as part of a construction project.

Apparently there were issues with the points of diversion and place of use where industrial uses of water were approved under rental agreement #245. This rental is thus requesting to amend the prior rental, by proposing new points of diversion and a new place of use for the gravel washing operation.

AUTHORITY TO FILE: Applicant is Mike Creamer, attorney for the rental water user. The new points of diversion and place of use for this rental is land owned by the rental water user. No concerns about authority to file.

WATER RIGHT VALIDITY: No changes proposed to (and thus no concerns about the validity of) the water rights being rented.

INJURY TO OTHER WATER RIGHTS: The water authorized to be diverted under this rental will come from wells which authorize diversions of water under water rights held by the rental water user. Those same wells (and the proposed new place of use) are also associated with rental agreement 252, which authorizes industrial uses of water, for mixing concrete. No concerns about injury to the water rights and rental agreements authorized to the renter. Approval of this rental is subject to the non-injury to water rights held by other, proximate water users.

ENLARGEMENT OF USE: The enlargement evaluation conducted previously for this rental is accepted and no further enlargement evaluation is being conducted at this time. No concerns about enlargement.

LOCAL PUBLIC INTEREST: Local public interest concerns exist with respect to the water use of the rental water user; there are unresolved protests to active transfer applications that have been proposed by the applicant, and the Department has concerns about the volumes of water being used by the applicant. However, this rental was previously approved and it is again recommended for approval.

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

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rental use is subject to Water District 143. Water District 143 water master and Southern Region staff member Nathan Erickson was contacted about this rental and had no concerns.

Buyer, Remington

From: Buyer, Remington
Sent: Monday, July 02, 2018 1:53 PM
To: Erickson, Nathan
Cc: Webster, Clay
Subject: Amended Rental Agreement for East Valley Cattle
Attachments: EVC gravel wash Rental 263.pdf; Rental Agreement 263.docx; Rental Review Memo-EVC gravel wash 2018 v2.docx

Nathan,

Following up on our conversation today regarding East Valley Cattle's request to amend rental agreement 245, to change the points of diversion and place of use for their gravel washing operation. The attached review memo, draft rental agreement and map outline the new PODs and POU for the gravel washing operation. It appears that the only material difference between rental agreement 245 and rental agreement 263 is the change in POU and PODs.

Remington

Buyer, Remington

From: Buyer, Remington
Sent: Thursday, June 14, 2018 4:59 PM
To: Condon, Mary; Webster, Clay
Subject: FW: Revised East Valley Cattle Rental Application [IWOV-GPDMS.FID770348]
Attachments: Application to Rent Water From the Board_s Water Supply Bank.PDF

FYI – It seems that there is a problem with East Valley Cattle’s current gravel washing operation and EVC needs to change the point of diversion (well) and the industrial (gravel washing) place of use. The attached rental application indicates the new POU/POD for the new rental. It is my understanding that this is the only change to their current rental agreement which authorizes gravel washing.

From: Michael C Creamer [mailto:mcc@givenspursley.com]
Sent: Thursday, June 14, 2018 4:45 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Cc: Greg W. Sullivan - Brockway Engineering, PLLC (greg.sullivan@brockwayeng.com) <greg.sullivan@brockwayeng.com>; Charles G. Brockway, Jr. Ph.D., P.E. (charles.g.brockway@brockwayeng.com) <charles.g.brockway@brockwayeng.com>
Subject: Revised East Valley Cattle Rental Application [IWOV-GPDMS.FID770348]

Dear Remington,

As we discussed this afternoon, I am attaching a Water Bank rental application, which I have executed as attorney-in-fact for East Valley Cattle, LLC. This is intended to amend or supersede East Valley Cattle’s prior rental application for groundwater to be used for a gravel washing operation. The location for this activity has been moved. Otherwise, this rental application mirrors the prior application, which was approved per Rental Agreement 245.

It is my understanding that no filing fee is required with this filing, but any approval will not be effective until the rental agreement is signed and returned with the rental fee. The original application will be hand delivered to your attention tomorrow.

Please let me know if you have any questions or need any additional information. I am copying Greg Sullivan with Brockway Engineering on this email as he has worked with EVC and with you concerning this rental.

Sincerely,

Mike Creamer

MICHAEL C. CREAMER

GIVENS PURSLEY LLP

601 W Bannock St, Boise, ID 83702

main 208-388-1200

direct 208-388-1247

fax 208-388-1300

mcc@givenspursley.com

www.givenspursley.com
