

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 244

This is to certify that:

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

RECEIVED

MAY 1 23 2018

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
43-2347	9/7/1950	GROUND WATER	2.00	544.0	137.0	0.015	3.97
43-2413	9/21/1954	GROUND WATER	1.71	341.7	85.4	0.020	4.00
Combined Rental Totals			3.71	885.7	222.4	0.017	3.98

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 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: \$17,714.40

The full fee for the rental of the above-described right(s) is \$17,714.40 for 2018. The rental fee includes an administrative fee of \$1,771.44 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

BUCK FARM

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.85	204.2	54.0	0.016	3.79
Combined Total	0.85	204.2	54.0	0.016	3.79

EAST FARM

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	2.51	566.7	158.0	0.016	3.59
Combined Total	2.51	566.7	158.0	0.016	3.59

* The authorized water usage reflects a reduction from the water right elements rented, to account for combined limits and to address enlargement concerns

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 43-2347

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED WATER SUPPLY BANK RENTAL AGREEMENT No. 244

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:


Signature of Renter

May 22, 2018
Date

Greg Sullivan
Printed Name

Limited Power of Attorney
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 5/23/2018

Rental approved by IDWR 

Date 5-23-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 244

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec. 10, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	4SWNWNW	Sec. 1, Twp 12S, Rge 26E,	CASSIA County
GROUND WATER	5NWSWNW	Sec. 1, Twp 12S, Rge 26E,	CASSIA County
GROUND WATER	SWSWNE	Sec. 2, Twp 12S, Rge 26E,	CASSIA County
GROUND WATER	SENE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	SWSWSE	Sec. 35, Twp 10S, Rge 27E,	CASSIA County
GROUND WATER	SWNWSE	Sec. 13, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SENE	Sec. 14, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NWSE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 15, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSWSW	Sec. 16, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 22, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 36, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENE	Sec. 3, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWNE	Sec. 9, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	2NWSWNW	Sec. 31, Twp 11S, Rge 28E,	CASSIA County
GROUND WATER	SESE	Sec. 1, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	SESE	Sec. 2, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	NWSE	Sec. 4, Twp 12S, Rge 27E,	CASSIA County
GROUND WATER	1SENE	Sec. 6, Twp 12S, Rge 28E,	CASSIA County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
3.36 CFS

VOLUME
770.9 AF

SEASON OF USE

Water Right No.	From	To
43-2413	4/1	10/31
43-2347	4/1	10/31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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RENTERS PLACE OF USE: IRRIGATION

BUCK FARM

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	26E	35									5.0						1.2		6.2
12S	26E	1		6.2	6.8	5.5	7.2		3.3	7.6					6.2	5.0			47.8

Total Acres: 54.0

EAST FARM

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	2							7.0	21.0	14.0								42.0
11S	27E	3															3.6	17.0	20.6
11S	27E	10	7.9																7.9
11S	27E	11						17.0											17.0
11S	27E	14							7.8			18.0	17.0						42.8
11S	27E	15				23.0									4.7				27.7

Total Acres: 158.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The following rights are diverted through point(s) of diversion described above for Buck Farm: 43-2313D, 43-2317F, 43-2320A, 43-2320B, 43-2339F, 43-2340, 43-2343, 43-2345, 43-2364, 43-2365, 43-2423F, 43-2467F, 43-2510F, 43-4002F, 43-10365 and 43-10366.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 244

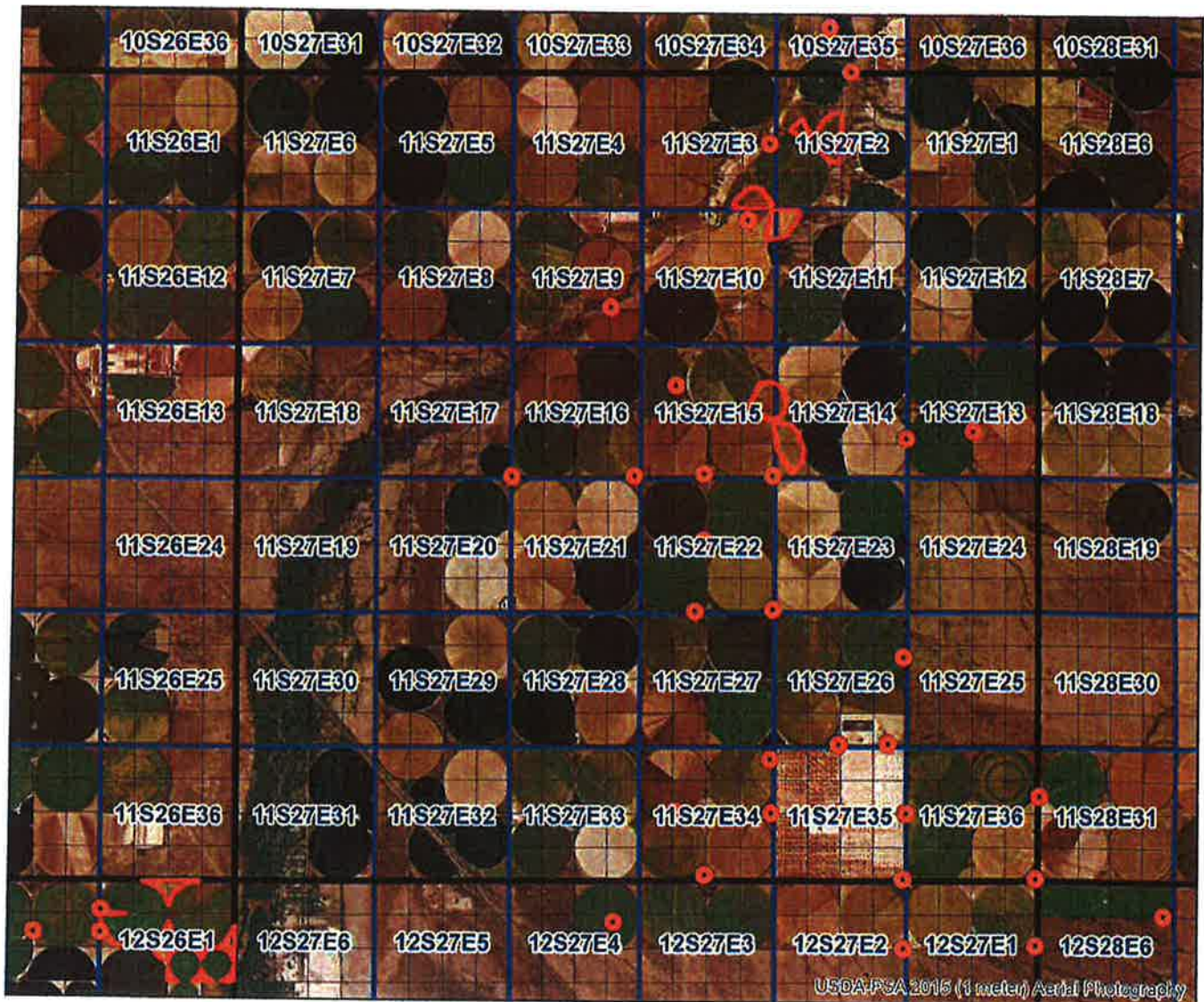
10. The following rights are diverted through point(s) of diversion described above for East Farm: 43-4060D ,43-4063D ,43-10787 ,43-10795 ,43-12923 ,43-2321B ,43-2574B ,43-2576B ,43-4012B ,43-4012C ,43-4012D ,43-4013B ,43-4015B ,43-10045 ,43-10046 ,43-13301 ,43-13303 ,43-13305 ,43-13448 ,43-13450 ,43-13452 ,43-13454 ,43-13456 ,43-13458 ,43-13460 ,43-13462 ,43-2317C ,43-2339C ,43-2423C ,43-2467C ,43-2510C ,43-4002C ,43-10019 ,43-2317E ,43-2339E ,43-2423E ,43-2467E ,43-2510E ,43-4002E ,43-12933 ,43-2574E ,43-2576E ,43-4014A ,43-4014B ,43-13405 ,43-13490 ,43-13492 ,43-13494 ,43-13496 ,43-13498 ,43-13500 ,43-13502 ,43-13504 ,43-13506 ,43-13508 ,43-13510.
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 lands above.
12. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
14. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Idaho Water Resource Board

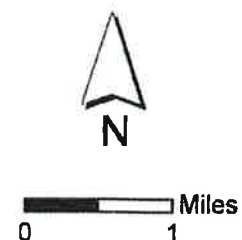
Attachment to Amended Water Supply Bank Rental Agreement No.244

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

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

May 24, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 43-2347 and 43-2413**

Dear Renter:

Please find enclosed a copy of a fully executed Water Supply Bank Amended Rental Agreement in connection with the rental of 885.7 acre-feet of water for irrigation of 158.0 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.

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

Sincerely,



Debbie Fudd
Water Supply Bank

Enclosure: Rental Agreement (copy)

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

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENTS:

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

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

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

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

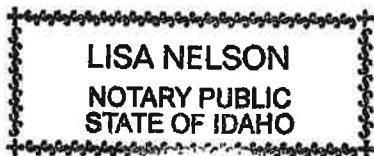
Dated this 2nd day of May 2018.

Bill Millenkamp
Signature

State of Idaho)
) ss.
County of Jerome)

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

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



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 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

May 23, 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. 43-2347 and 43-2413**

*****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 an Amended Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

Payment for this rental was received on May 8, 2018 and no further payment is required.

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

Sincerely,

Water Supply Bank

Enclosure

c: Greg Sullivan – Brockway Engineering

MEMORANDUM FOR AMENDMENT OF RENTAL AGREEMENT 244

To: Water Right(s) 43-2347 & 43-2413

From:  Clay Webster

Date: May 22, 2018

Re: Amended Place of Use ("POU") for Rental Agreement 244

PURPOSE/NARRATIVE: The Department received a request to amend the POU for Rental Agreement 244 from Greg Sullivan of Brockway Engineering on behalf of East Valley Cattle LLC. This request was in part a response to the Letter of intent sent to East Valley Cattle LLC for the pending denial of Rental Application 1079. This proposal will reduce the authorized irrigated acres in SWNW of T11S,R27E,S2 by five acres on the East Farm and increase the irrigated acres on Buck Farms in NESW of T12S,R26E,S1.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: This amendment was discussed with the Nathan Erickson (Watermaster), Tim Luke (Water Compliance Bureau Chief) and Remington Buyer (Water Supply Bank Coordinator) prior to proceeding with the amendment. I received no indications of concerns over these changes.

Webster, Clay

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, May 21, 2018 3:32 PM
To: Webster, Clay
Subject: Amendment to Rental 244 Agreement
Attachments: Amended US Geothermal Rental 2018.jpg

Clay,

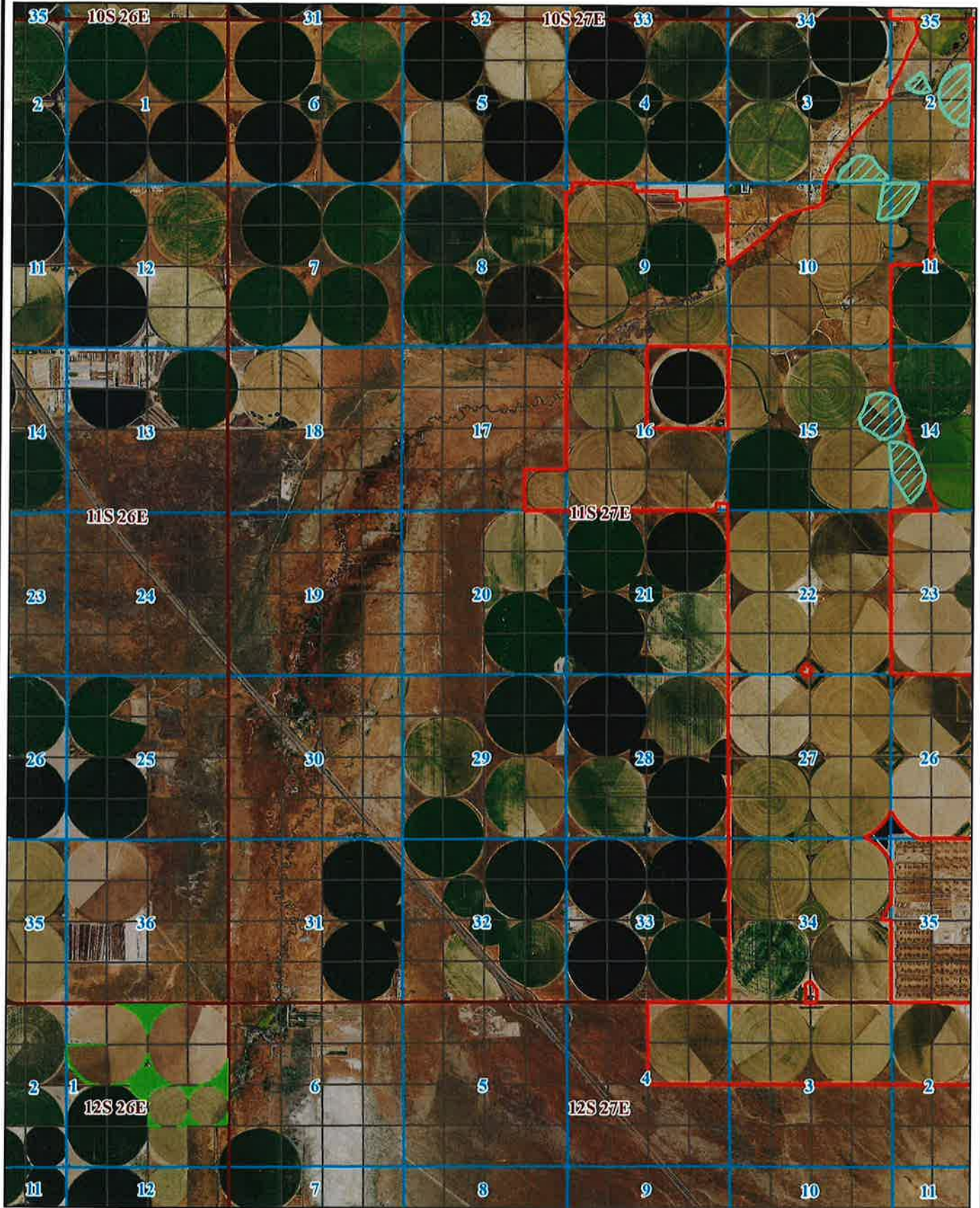
Due to the recent decisions of IDWR regarding the lease and rental of water right 43-13763 it is necessary to ask IDWR to amend the rental agreement 244. The rental agreement is to remain at 3.36 cfs, 770.9 acre feet and 212.0 acres. The proposed amendment would change the place of use of 5.0 acres that are currently located on the East Farm in Section 2 11S 27E to a mini pivot on the Buck Farm in Section 1 of 12S 26E.

The Buck Farm rental portion is purposed to be amended to 0.85 cfs, 204.2 acre feet and 54.0 acres of irrigation.

The East Farm rental portion is purposed to be amended to 2.51 cfs, 566.7 acre feet and 158.0 acres of irrigation.

The rental fee has already been paid for rental agreement 244.

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



EAST VALLEY CATTLE LLC

212.0 Acre Rental
54.0 Acres on Buck Farm
158.0 Acres East Farm
NAIP 2017 AERIAL

Legend

- IRRIGATION PPU
- 2018_Rental
- 2018 Buck Farm Rental