

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 252

RECEIVED

MAY 22 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

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)
43-2413	9/21/1954	GROUND WATER	0.06	12.0	3.0	0.013	4.0
Rental Totals			0.06	12.0	3.0	0.013	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: \$240.00

The full fee for the rental of the above-described right(s) is \$240.00 for 2018. The rental fee includes an administrative fee of \$24.00 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)
INDUSTRIAL	0.04	6.0
Combined Total	0.04	6.0

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

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 252

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSESE	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENW	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESE	Sec. 35, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	(L1)SENE	Sec. 6, Twp 12S, Rge 28E,	CASSIA County
GROUND WATER	NWSENE	Sec. 4, Twp 12S, Rge 27E,	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	(L2)NWSWNW	Sec. 31, Twp 11S, Rge 28E,	CASSIA County
GROUND WATER	SESESE	Sec. 36, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	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	SESESE	Sec. 14, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NWSENW	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	NENESE	Sec. 3, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSWSW	Sec. 16, 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	SESENW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 26, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	NENENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENE	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWSENW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESESW	Sec. 34, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SWNESE	Sec. 9, Twp 11S, Rge 27E,	CASSIA County
GROUND WATER	SESENW	Sec. 22, Twp 11S, Rge 27E,	CASSIA County

BENEFICIAL USE

INDUSTRIAL

DIVERSION RATE

0.04 CFS

VOLUME

12.00 AF

SEASON OF USE

Water Right No.

43-2413

From

5/1

To

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. 252

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. 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.
11. The right holder 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 cement plant area can be measured and will provide the watermaster suitable control of the diversion(s).
12. The following rights are diverted through point 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, and 43-13511.

FOR OFFICE USE ONLY:

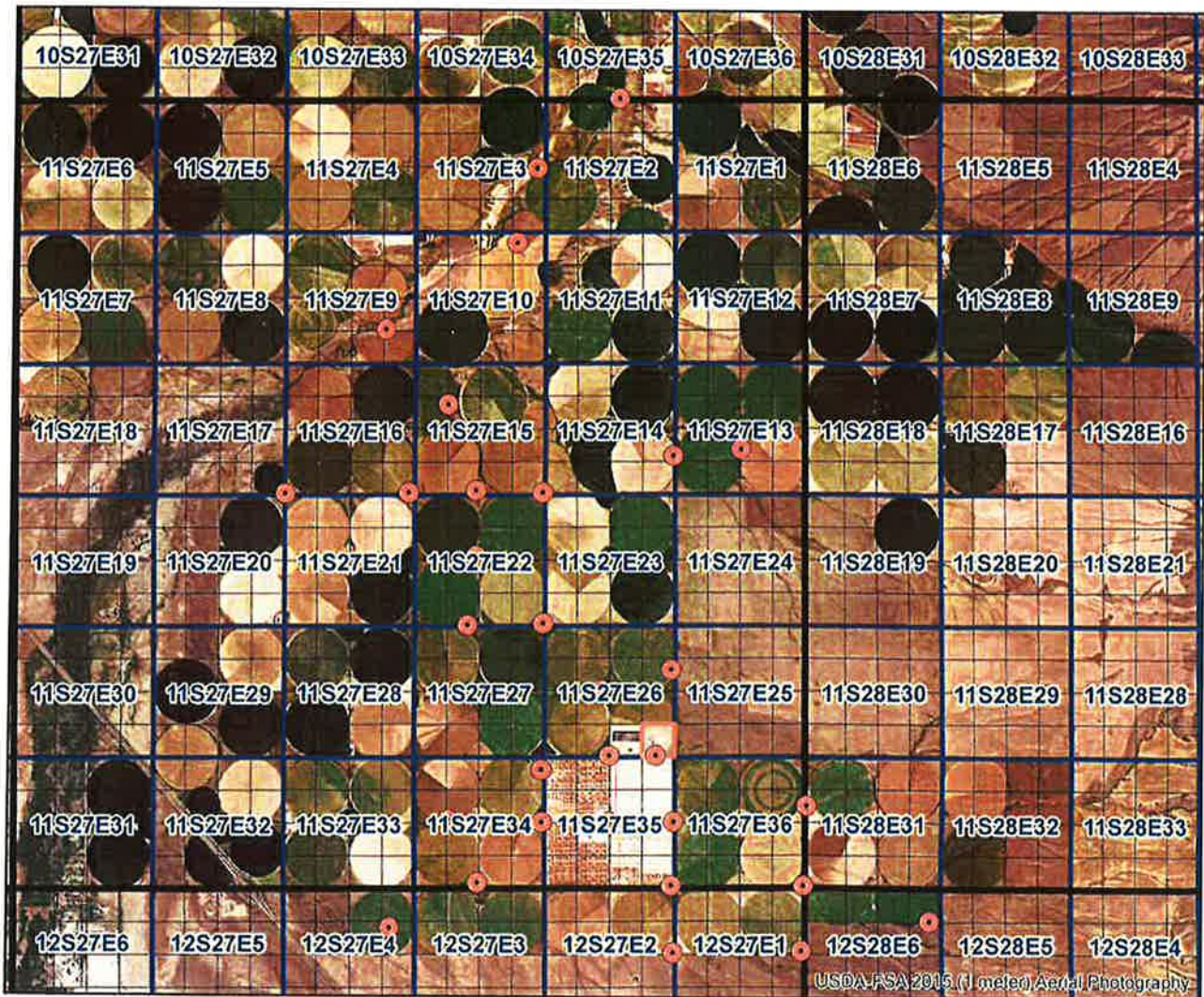
Fees paid: \$240.00 Date: 5/22/2018
Receipt No.: S036759 By: dm

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 252

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

RECEIVED

APR 23 2018

DEPARTMENT OF
WATER RESOURCES

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

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

1083

**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 need for a temporary cement mixing facility. Estimated water demand is 6.0 acre feet of consumptive water. Total rental volume will be 12.0 acre feet.

- 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)
0.04 CFS	12.0 AF	0.04 CFS	12.0 AF	3.0 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"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> 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 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	43-13449 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 _____ (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:
43-2317C et al. and 43-13449 et al.

Water is required for a temporary cement mixing facility.

**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

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	1.94	532	134		0.04	12.0	3.0
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	0.04	6.0	3.0
						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

Printed Name of Applicant

4/23/18

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Exhibit A
Points of Diversion

NEW ?	Lot	¼	¼	¼	Sec.	Township	Range	County	Source	WMIS #
No	✓	SW	SE	SE	26	11S	27E	Cassia County	Groundwater	1002797
No	✓	SE	SW	SE	26	11S	27E	Cassia County	Groundwater	1002838
No	✓	SE	SE	SW	26	11S	27E	Cassia County	Groundwater	1002796
No	✓	SE	SE	NE	35	11S	27E	Cassia County	Groundwater	1002820
No	✓	SE	SE	NE	35	11S	27E	Cassia County	Groundwater	1002798
No	✓	SE	SE	NW	35	11S	27E	Cassia County	Groundwater	1002799
No	✓	SE	SE	NW	35	11S	27E	Cassia County	Groundwater	1002821
No	✓	SE	SE	SE	35	11S	27E	Cassia County	Groundwater	1002733

East Valley Cattle
 2018 Industrial Use Calculations
 Brockway Engineering
 GWS

Malta Agrimet Station

	mm	ft
<u>Alfalfa - frequent cuttings</u>	851	2.8
<u>Silage Corn - truncated season</u>	564	1.9
<u>Winter Grain - Irrigated</u>	597	2.0
<u>Potatoes - cold pack (late harvest)</u>	538	1.8
<u>Sugar Beets</u>	660	2.2
<u>Grass Pasture - high management</u>	857	2.8
Average Crop Consumptive Use	2.2	ft

Rental Consumptive Use Volume 2.0 ft

Cement Mixing Facility Rental

	Water Right	CFS	AFA	ACRES
Original Water Right	43-2347	1.94	532	134
Rental Amounts		0.04	12.0	3

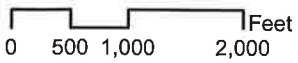
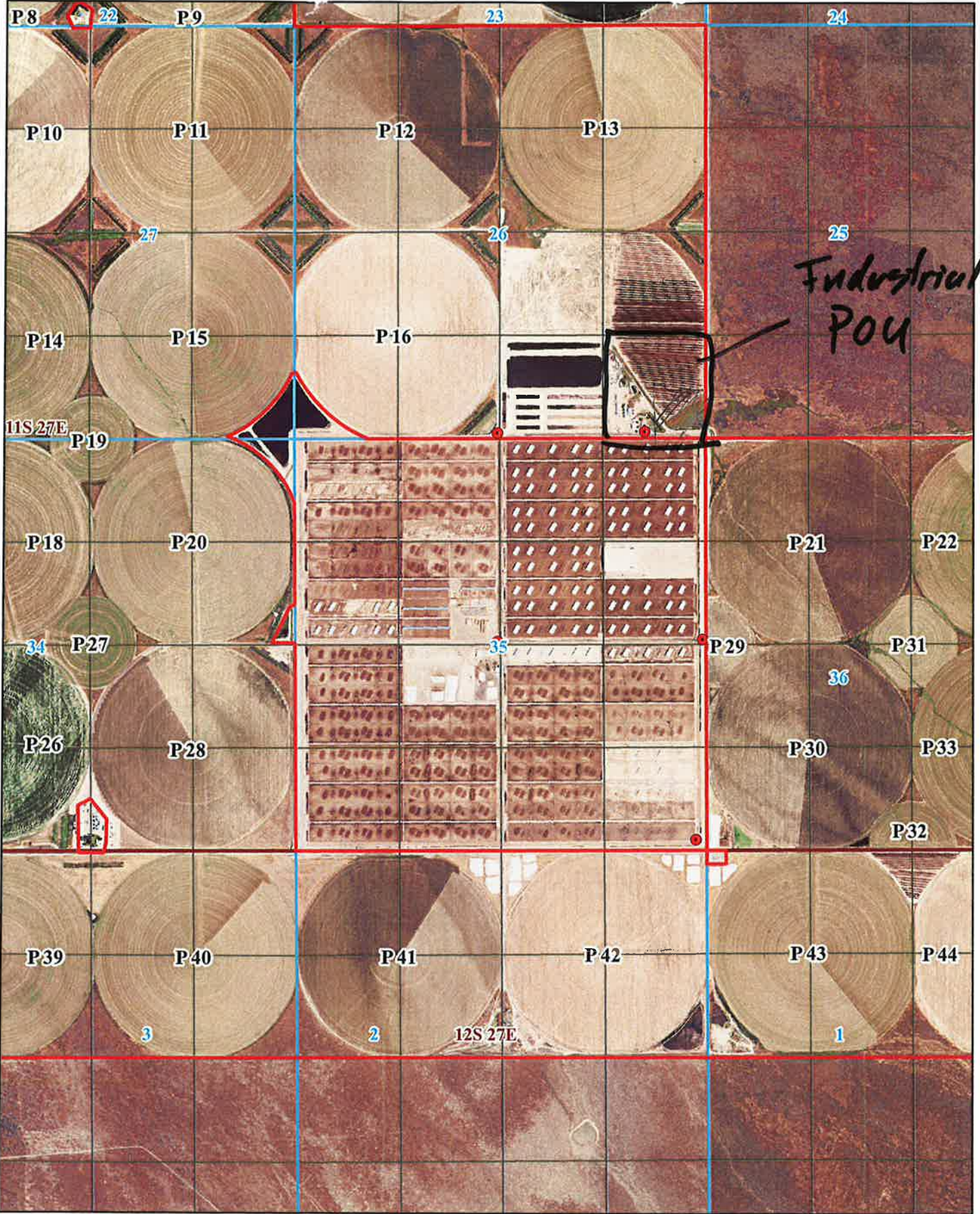
Consumptive Use Volume 6.0

Gravel Washing Facility Rental

	Water Right	CFS	AFA	ACRES
Original Water Right	43-2347	1.94	532	134
Rental Amounts		0.11	40.0	10.0

Consumptive Use Volume for Washing 15.0 7.5
 Consumptive Use Volume for Pond 4.9 2.5

Consumptive Use Volume 19.9



EAST VALLEY CATTLE LLC

NAIP 2017 AERIAL





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 25, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 43-2413**

Dear Renter:

Please find enclosed a receipt in the amount of **\$240.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 12.0 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 \$216.00 of the rental fee will be paid to the lessor(s) and 10% or \$24.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


Greg Sullivan
Water Supply Bank

Enclosures: Receipt No. S036759
Rental Agreement (copy)

c: Sascha Marston – Fiscal
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



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" OFTER
Governor

GARY SPACKMAN
Director

May 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. 43-2413**

*****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 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 \$240.00 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 12.0 acre-feet.

Please send a check for \$240.00 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 \$216.00 of the rental fee will be paid to the lessor(s) and 10% or \$24.00 will be retained by the Department to offset administrative costs.

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

Sincerely,


Greg Sullivan
Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

Edl, Michele

From: Edl, Michele
Sent: Wednesday, May 16, 2018 6:49 PM
To: Skinner, Corey; Erickson, Nathan
Cc: Luke, Tim; Webster, Clay
Subject: East Valley Cattle cement plant
Attachments: Rental Review Memo-EVC cement plant 2018.docx; map for comment on EVC rental 252 (cement plant).jpg

Corey and Nathan,

I have completed my review of another rental proposed by Greg Sullivan on behalf of East Valley Cattle LLC (EVC). This rental proposes to cover the water used by a small cement manufacturing facility allowing it to operate May-Dec 2018. A portion of only one right will be rented. The right is: 43-2413 (US Geothermal; irrigation). Change in nature of use calculations were provided by the consultant and are reasonable. The rental will authorize 0.04 cfs and 6.0 AF.

I have attached a copy of my review memo for the rental and the map showing the proposed POU and the closest POD. Because the wells are connected, I needed to list all 32 of them as PODs on the rental agreement. The nearest well will likely provide all the water required for the facility.

Please let me know if you have any questions or concerns about this rental.

Michele Edl
208-287-4946

MEMORANDUM

To: Right(s) 43-2413
From: Michele Edl
Date: May 16, 2018
Re: Review & Analysis of WSB Application #1083 to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On April 23, 2018 Greg Sullivan (engineer, Brockway Engineering PLLC) submitted an application to rent water from the State Water Supply Bank on behalf of East Valley Cattle, LLC (EVC). The application proposes to rent a portion of Water Right 43-2413 for use in a small temporary cement plant which is proposed to operate 5/1/2018 through 12/31/2018.

AUTHORITY TO FILE: According to available Cassia County tax parcel information, the proposed place-of-use is property owned by the applicant.

The proposed PODs are the network of wells located within East Valley Cattle property. All the wells are considered to be connected. But by proximity, WMIS well #1002797 is the most likely candidate to deliver water for this rental. The well network is the authorized POD for WR #43-2467E and many other rights held by EVC for irrigation and stockwater use.

East Valley Cattle, LLC is listed with IDSOS as W41668. Bill J. Millenkamp signed the application. IDSOS lists William J. Millenkamp as a member.

WATER RIGHT VALIDITY: Right 43-2413 has recently been leased to the WSB until 2019. The majority of the right is committed to other rental proposals for EVC. However, a sufficient quantity of the right is available to fill this rental request.

INJURY TO OTHER WATER RIGHTS: No injury is anticipated.

ENLARGEMENT OF USE: No enlargement is anticipated. Water Right 43-2413 is for irrigation use and is leased in its entirety to the bank. The leased water and the rental use proposed by this application required change NOU analysis.

Greg Sullivan provided acceptably conservative calculations to quantify the amount of water needed for this rental. The elements of the rental sum to 0.06 cfs, and 12.0 af, limited to 0.04 cfs and 6.0 af for the industrial season of use.

LOCAL PUBLIC INTEREST: Recently approved Transfers 80638 (approved 5/26/2016) and Transfer 80639 (approved 4/20/2017) acted on the native rights. Those transfers provided opportunity for public comment and consideration of the local public interest.

However, active Transfer 81940 (received 9/22/2017) has been protested. The cause of the protests appears to be proposed land application of waste water which would provide continued irrigation of fields that would otherwise be curtailed.

EVC is the subject of at least one 2018 NOV. Although this rental proposes a different use of water, it may be of concern to the local public.

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. The watermaster and Southern Region will be consulted.

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, May 09, 2018 1:07 PM
To: Edl, Michele
Subject: RE: rental POD question

Michele,

The EVC irrigation system is fully connected. So all 32 must be listed as PODs. You could just reference the Points of Diversion as an attachment. Or you could copy and paste the below table into the conditions.

	NEW ?	Lot	¼	¼	¼	Sec.	Township	Range	County	Source
1	No		SE	NE	SW	35	10S	27E	Cassia County	Groundwater
2	No		SW	SW	SE	35	10S	27E	Cassia County	Groundwater
3	No		NE	NE	SE	3	11S	27E	Cassia County	Groundwater
4	No		SW	NE	SE	9	11S	27E	Cassia County	Groundwater
5	No		NW	NE	NE	10	11S	27E	Cassia County	Groundwater
6	No		SW	NW	SE	13	11S	27E	Cassia County	Groundwater
7	No		SE	NE	SE	14	11S	27E	Cassia County	Groundwater
8	No		NW	SE	NW	15	11S	27E	Cassia County	Groundwater
9	No		SE	SE	SW	15	11S	27E	Cassia County	Groundwater
10	No		SE	SE	SE	15	11S	27E	Cassia County	Groundwater
11	No		SW	SW	SW	16	11S	27E	Cassia County	Groundwater
12	No		SE	SE	SE	16	11S	27E	Cassia County	Groundwater
13	No		SE	SE	NW	22	11S	27E	Cassia County	Groundwater
14	No		SE	SE	SW	22	11S	27E	Cassia County	Groundwater
15	No		SE	SE	SE	22	11S	27E	Cassia County	Groundwater
16	No		NE	SE	NE	26	11S	27E	Cassia County	Groundwater
17	No		SE	SE	NW	26	11S	27E	Cassia County	Groundwater
18	No		SE	SE	SW	26	11S	27E	Cassia County	Groundwater
19	No		SW	SE	SE	26	11S	27E	Cassia County	Groundwater
20	No		NE	NE	NE	34	11S	27E	Cassia County	Groundwater
21	No		SE	SE	NE	34	11S	27E	Cassia County	Groundwater
22	No		SW	SE	NW	34	11S	27E	Cassia County	Groundwater
23	No		SE	SE	SW	34	11S	27E	Cassia County	Groundwater
24	No		SE	SE	NE	35	11S	27E	Cassia County	Groundwater
25	No		SE	SE	NW	35	11S	27E	Cassia County	Groundwater
26	No		SE	SE	SE	35	11S	27E	Cassia County	Groundwater
27	No		SE	SE	SE	36	11S	27E	Cassia County	Groundwater
28	No	2	NW	SW	NW	31	11S	28E	Cassia County	Groundwater
29	No		SE	SE	NE	1	12S	27E	Cassia County	Groundwater
30	No		SE	SE	NE	2	12S	27E	Cassia County	Groundwater
31	No		NW	SE	NE	4	12S	27E	Cassia County	Groundwater
32	No	1	SE	NE	NE	6	12S	28E	Cassia County	Groundwater

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: Wednesday, May 09, 2018 12:36 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: rental POD question

Greg,

Is the EVC system of wells fully connected such that I should list their 30+ PODs on a rental agreement
or

Do you know if a designated well or a couple of wells will be the delivering the water to these 2 fields?

Michele

208-287-4946



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