

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 245

RECEIVED

MAY 10 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	0.03	6.3	1.57	0.019	4.01
43-13763	8/26/1957	GROUND WATER	0.05	16.0	0.00	N/A	N/A
Combined Rental Totals			0.08	22.3	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 \$49.60 for 2018. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-13763.

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	0.08	20.0
Total	0.08	20.0

* 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.

SUPPORT DATA
IN FILE # 43-2413

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MAY 11 2018

DEPARTMENT OF
WATER RESOURCES

SCANNED
MAY 17 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 245

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 10, 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 5/15/2018

Rental approved by IDWR 

Date 5-15-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 245

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec. 9, Twp 11S, 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	10						X					X							X

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 245

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 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 diversions entering the settling pond area can be measured and will provide the watermaster suitable control of the diversion(s).
13. 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.

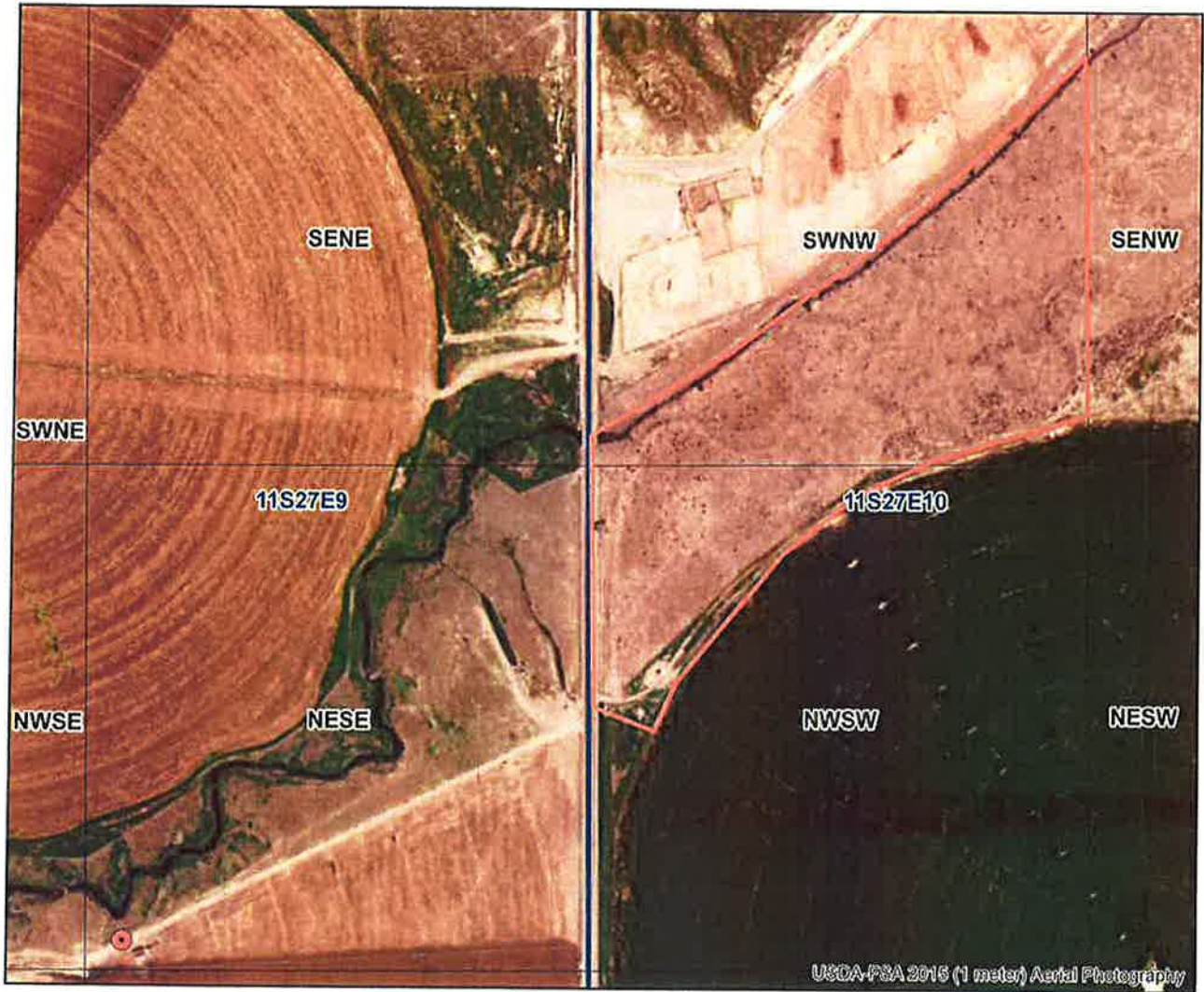
FOR OFFICE USE ONLY:



Fees paid: \$158.00 Date: 5/10/2018
Receipt No.: S036735 By: 

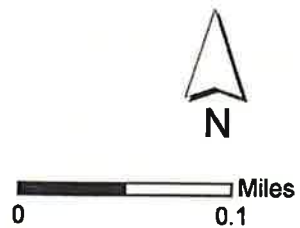
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 245

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

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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)
43-2317E

1078

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

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1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 North 300 West Jerome Idaho 83338

DEPARTMENT OF
WATER RESOURCES

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 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"/> 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)

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 to wash gravel materal for construction purposes. Estimated water demand is 26.04 afa.

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)
0.076 CFS	26.04 AF	0.076 CFS	26.04 AF	0.0 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
11S 27E Sec 9 NESE	Ground Water	43-10019 et al.

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes N/A
If yes, include documented consent as **Attachment 3F**.
- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes No
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.
- H. Has water modeling been provided with your rental request? Yes N/A
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

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

- Irrigation _____ (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: 4/23 (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:
43-10019 et al.
-

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Application to Rent Water (Continued)

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Yes No

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

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.

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Application to Rent Water (Continued)

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DEPARTMENT OF
WATER RESOURCES

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

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If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

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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	0.11	40.0	10.0	
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	0.11	40.0	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)

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)
43-2317E	Irrigation	0.076	37.2	9.3	0.076	26.04	None	
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	0.076	26.04	None
						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 is 2.8 feet per year. It is expected that 9.3 acres will be rented to provide the necessary water.

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

4/9/18
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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



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 16, 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 22.3 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,

A handwritten signature in black ink, appearing to read "Gabe Sudd". The signature is written in a cursive style with a large initial 'G' and 'S'.

& Water Supply Bank

Enclosures: Receipt No. S036735
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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 10, 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 rights 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 the administrative fees associated with the water right: 43-13763.

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,

A handwritten signature in black ink, appearing to read 'Greg Sullivan', is written over a printed name. The signature is cursive and somewhat stylized.

Greg Sullivan
Water Supply Bank

Enclosure

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

Edl, Michele

From: Edl, Michele
Sent: Tuesday, May 08, 2018 2:40 PM
To: Skinner, Corey; Erickson, Nathan; Luke, Tim
Subject: FW: East Valley Cattle gravel wash rental
Attachments: Rental Review Memo-EVC gravel wash 2018.docx; map for WM region comment.jpg

Correction

The US Geothermal right used for this rental is 43-2413 not 43-2347.

From: Edl, Michele
Sent: Tuesday, May 08, 2018 1:55 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Cc: Luke, Tim <Tim.Luke@idwr.idaho.gov>
Subject: East Valley Cattle gravel wash rental

Corey and Nathan,

I have completed my review of a rental package proposed by Greg Sullivan on behalf of East Valley Cattle LLC (EVC). The rental proposes to cover the water uses for a small gravel washing facility to operate May-Dec. Portions of two rights will be rented: 43-2413 not 43-2347 (US Geothermal; irrigation) and 43-13763 (EVC; commercial and stock). Change in nature of use calculations were provided and are reasonable.

I have attached a copy of my review memo for the rental and the map showing the proposed POU and POD. 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 and 43-13763
From: Michele Edl
Date: May 7, 2018
Re: Review & Analysis of WSB Application #1078 to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On April 20, 2018 and on May 7, 2018 Greg Sullivan (engineer, Brockway Engineering PLLC) submitted an amended application to rent water from the State Water Supply Bank on behalf of East Valley Cattle, LLC (EVC). The amended application proposes to rent a portion of Water Right 43-2347 and a portion of 43-13763 for a gravel washing facility which will 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 POD a well located within that property. It is WMIS well #1002690 and 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.

A portion of Right 43-13763 has recently been leased into the WSB for 2018. In 2017 the right was acted on by a transfer to change the nature of use from irrigation to commercial and stockwater. The change has been partially accomplished. The portion of the commercial and stockwater use which is leased to the bank is an unaccomplished portion.

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 0.08 cfs, and 22.3 af limited to 20.0 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.

Although this rental proposes a very 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.

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-19)	Rate	Rental Amounts	Uses
						Acres	
East Valley Cattle LLC							
43-2413	6.3	\$113.40	\$12.60	\$126.00	0.03		irrigation
43-13763	16	\$0.00	\$32.00	\$32.00	0.05		commercial & stock
Total	22.3	\$113.40	\$44.60	\$158.00	0.08	0.0	
limited to	20						
calculated by Michele Edl							
	rate	volume	acre	af/ac	cts/ac	trimester vol	
43-2413	1.80	360.00	90.00	4.00	0.020		area HG = 4.0
43-2347	2.0	544.0	137.0	3.97	0.015		sufficient for pivots
		3.8	904.0	227.0			
43-2413 + 43-2347 leased							
2018-2019	3.80	904.00	227.00	3.98	0.017		2 rentals were combined into 1 agreement
EVC priority fields rental #244	3.36	770.9	212	3.64	0.016		The sum of both together is not standard arithmetic for a lease.
remaining	0.44	133.10	15.00				
gravel wash rental #245	0.03	6.30	1.57				
remaining	0.4	126.8	13.4				
43-13763							
leased 2018	1.75	637.2					commercial & stock
gravel wash rental #245	0.88	318.6					
remaining	0.05	16.9					
	0.83	301.70					

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, May 07, 2018 3:31 PM
To: Edl, Michele
Subject: East Valley Cattle

		Gravel Washing Facility Rental		
Original Water Right	Water Right	CFS	AFA	ACRES
	43-2413	1.8	360	90
Rental Amounts	43-2413	0.03	6.3	1.57
43-2413	Consumptive Use Volume for Washing	0.03	3.1	1.57
43-13763	Consumptive Use Volume for Washing		11.9	
43-13763	Consumptive Use Volume for Pond	0.05	5.0	

Rental Limits	0.08	20.0
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Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, May 07, 2018 1:49 PM
To: Edl, Michele
Subject: East Valley Cattle
Attachments: Scan050730557.pdf

Michele,

Please see the attached page 4 of the rental application for East Valley Cattle for the gravel washing facility.

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

Edl, Michele

From: Erickson, Nathan
Sent: Thursday, April 26, 2018 10:17 AM
To: Edl, Michele
Subject: RE: EVC gravel ops
Attachments: East Valley Cattle.pdf

Hi Michele,

The gravel washing area is located in 11S27E sec10 NWNWSW, and SWSWNW. The attached map is what we used when the gravel pit was first identified. It has a label on it showing the likely gravel washing area and settling ponds, that is where all the equipment is being set up. Hope this helps. Let me know if you need anything else.

Nathan

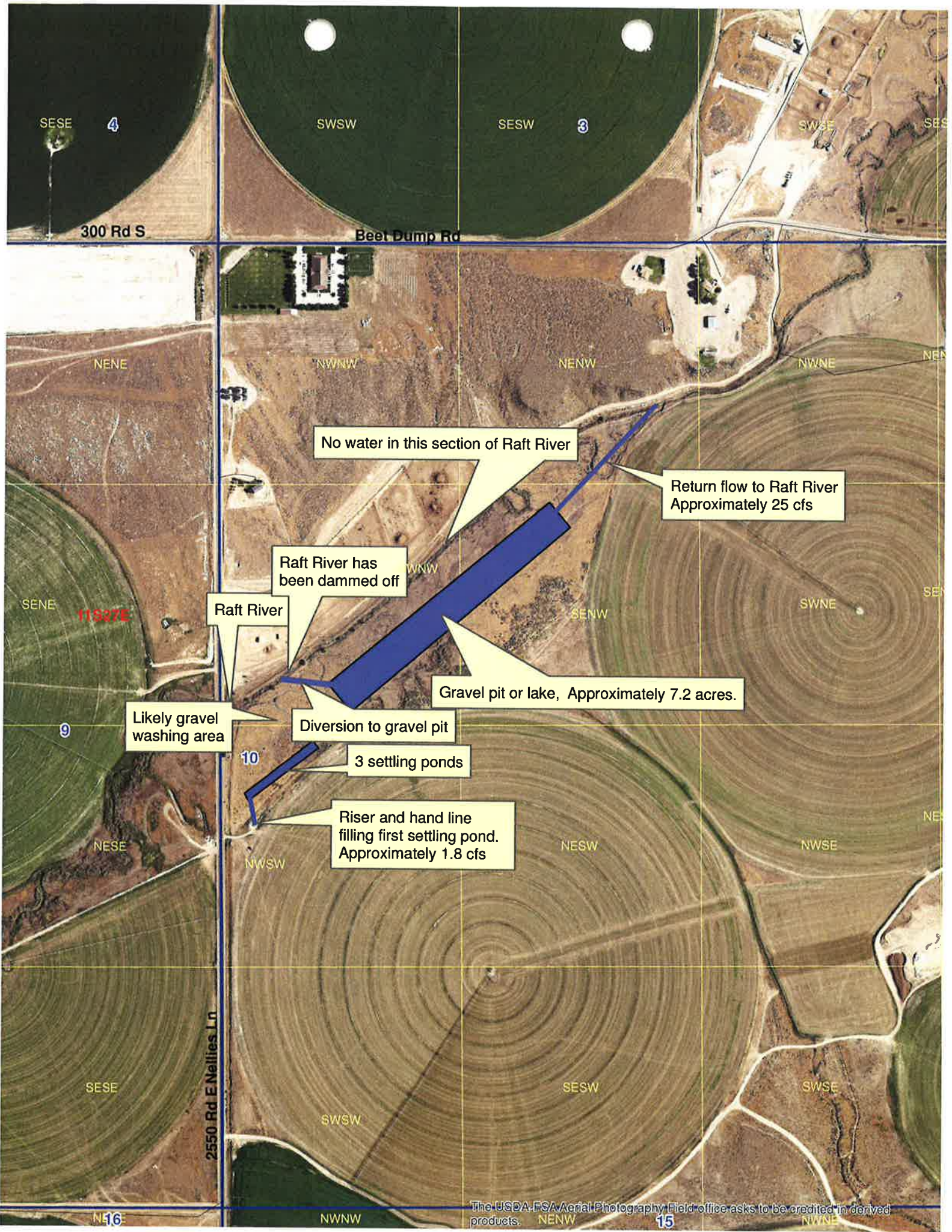
From: Edl, Michele
Sent: Wednesday, April 25, 2018 12:43 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: EVC gravel ops

Nathan,

I need to know where the East Valley Cattle's gravel washing is located. The map provided for the WSB rental is from a previous version of the application and unfortunately doesn't show the gravel wash site. Greg Sullivan, EVC's consultant, is unavailable.

I know that you are very involved in monitoring EVC's activities so I am hoping you can show me where it is. Please and thank you.

Michele
208-287-4946



SESE 4

SWSW

SESW 3

300 Rd S

Beet Dump Rd

NENE

NWNW

NENW

NWNE

NEN

No water in this section of Raft River

Return flow to Raft River
Approximately 25 cfs

Raft River has
been dammed off

Raft River

WNW

SENW

SWNE

SEN

SENE 11827E

Gravel pit or lake, Approximately 7.2 acres.

Likely gravel
washing area

Diversion to gravel pit

3 settling ponds

Riser and hand line
filling first settling pond.
Approximately 1.8 cfs

9

10

NESE

NWSW

NESW

NWSE

NE

SESE

SWSW

SESW

SWSE

2550 Rd E Nellies Ln

N16

NWNW

NENW

15

NWNE

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, April 20, 2018 5:24 PM
To: Edl, Michele
Subject: Rental Application # 1078
Attachments: Scan042030149.pdf

Michele,

See the attached documents.

Due to a conversation with Tim Luke of IDWR on Wednesday I was informed that the Water Supply Bank will not process the proposed lease of 9.3 acre that accompanied Rental Application #1078. Therefore it is necessary to provide the Water Supply Bank with a different water right to satisfy the rental application. We have identified water right 43-2347 to satisfy this rental need. I have attached page 2 and page 4 of the rental application with the adjusted water amounts to reflect renting water from 43-2347.

Because the rental is proposing to change the beneficial use of 43-2347 from irrigation to industrial use an analysis of consumptive use was performed. I reached out to the applicant who signed the lease contract to verify historical crop use but was only able to leave a message. I did examine the consumptive use volumes based on the Malta Agrimet data for alfalfa, silage corn, winter grain, potatoes, sugar beets and pasture and calculated an average crop consumptive use of 2.2 acre-feet/acre. In an effort to be conservative, the consumptive use for this rental is based on 2.0 acre-feet/acre instead of the average of 2.2 acre-feet/acre.

The industrial water use requires the use of a pond to recycle the pumped water. Mitigation calculations were performed for the pond and it was calculated that 2.5 acres would be required to be rented to provide sufficient mitigation.

The industrial water use for washing gravel is expected to require 15.0 acre-feet of consumptive water. This amount of water will require 7.5 acres to be rented to provide the adequate amount of water.

Based on the 2.0 acre-feet/acre consumptive use volumes, rental characteristics for Rental Application #1078 will be 0.11 cfs, 40.0 acre-feet and 10.0 acres will need to be rented with a volume limit of 19.9 acre-feet being placed on the rental agreement.

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

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
 Mitigation Calculations
 Brockway Engineering
 GWS

East Valley Cattle LLC

Pond	Surface Area Acres	Depth (ft)	Volume (AF)	Pond Evap (AF)	Pond Seepage (AF)
				2.81 ft	0.0200 ft/day
1	0.36	6.00	2.2	1.0	1.8
2					
3					
4					
	0.36 Acres		2.2 AF	1.0 AF	1.8 AF

Acres needed to be dried up one time to fill the ponds	1.08 Acres		
Acres needed to be dried up to offset evaporation losses		0.51 Acres	
Acres to be dried up to offset seepage losses			0.88 Acres

Total Acres Required to be Dried Up
2.47 Acres

Days that Pond will be filled 5/1/2018 12/31/2018 244 Days

Evaporation data collected from ETIdaho 2012 Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho.

Pdef used in Consumptive use calculations

Malta (AgriMet -- MALI)

610 mm 2.00 ft

<http://data.kimberly.uidaho.edu/ETIdaho/stcwrstats.py?station=6&cover=57&stats=Deficit>

Malta (AgriMet -- MALI)

pond 855 mm 2.81 ft

Soil Type OL Seepage Loss 0.0200 ft/day

Pond Not Lined

Pond 1		
Pond Pdef	2.81	ft
Pond Width	450	ft
Pond Length	35	ft
Pond Surface Area	0.36	acres
Pond Depth	6.00	ft
Pond Volume	2.17	AF
Evaporation Loss	1.01	AF

Reference

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**

SC (clayey sands, sand clay mixtures) = **0.007 ft per day**

CL (Low to medium plasticity clays) = **0.003 ft per day**

MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**

LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

GW	0.2
GP	0.2
GM	0.2
GC	0.2
SW	0.2
SP	0.2
SM	0.2
OL	0.02
ML	0.02
SC	0.007
CL	0.003
MH	0.0003
OH	0.0003
PT	0.0003
CH	0.0003