

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 08 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 09 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	0.78	185.7	49.0	0.016	3.79
Combined Total	0.78	185.7	49.0	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	2.58	585.2	163.0	0.016	3.59
Combined Total	2.58	585.2	163.0	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

SCANNED
MAY 14 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

William Milenkamp May 7, 2018
Signature of Renter Date

William J. Milenkamp Manager
Printed Name 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 5/9/2018
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Chay Webb 5-9-2018
Date

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

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WATER SUPPLY BANK RENTAL AGREEMENT No. 244

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

Total Acres: 49.0

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							12.0	21.0	14.0								47.0
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: 163.0

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.

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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).

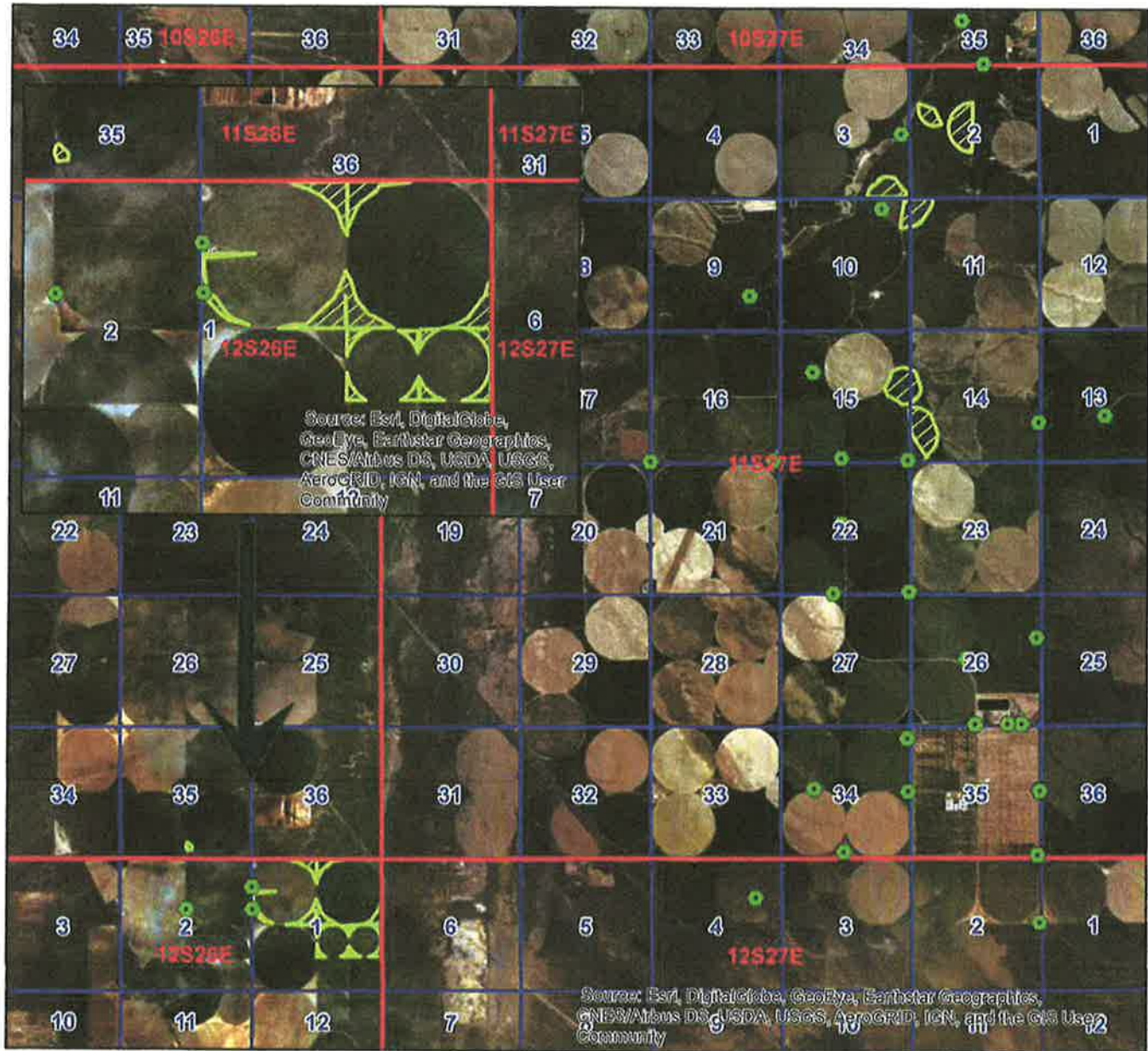
FOR OFFICE USE ONLY:

Fees paid: \$17,714.40 Date: 5/8/2018
Receipt No.: S036732 By: DM

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No 244

Effective until December 31, 2018

This map depicts the IRRIGATION rental place of use for BUCK FARM and EAST FARM 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

0 0.5 1 1.5 Miles

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

Applicant Name: East Valley Cattle

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST			
Check All Items as Either Attached (Yes) or Not Applicable (N/A)			
Yes			
	☒	Completed <i>Application to Rent Water from the Board's Water Supply Bank</i>	
	☒	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank	
Attachment	N/A	Yes	
2	☒	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request	
3A	☐	☒	Detailed information on a proposed use of rental water
3F	☒	☐	Authorization from the owner/operator of the rental point(s) of diversion
3H	☒	☐	Water modeling to account for the impacts of the rental request
3J	☒	☐	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☒	☐	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☒	Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☐	☒	Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)	
43-13763	RECEIVED MAR 27 2018 DEPARTMENT OF WATER RESOURCES

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 N 300 W Jerome, Idaho 83338

Street

City

State

Zip Code

Email Address _____

Phone Number 208-324-2350

- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

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

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Water right was converted from irrigation water to S/C by Transfer 80639 in 2017. The S/C water is not needed for 2018. The water right owner would like to rent the original 212.4 acres back for irrigation during the 2018 irrigation season.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
1.35 CFS	645.1 AF	1.35 CFS	645.1 AF	163.0 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	6/30/2018	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):
Existing PODs, mainlines and delivery system.
-

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
	Ground Water	43-2423C et al.

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

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

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

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

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

- ☒ Irrigation 163.0 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
43-2423C et al. Additional water is need to cover areas that are not currently covered by an irrigation water right.
-

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
43-13763	Stock/Commercial	1.75	637.2			1.35	645.1	163.0
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	1.35	645.1	163.0
						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**:

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

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☐ No ☒

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

Yes ☐ No ☒

If yes, describe the date and location of the NOV.

- D. Additional Information

None

DECLARATION

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

Signature of Applicant



Printed Name of Applicant

Bill Miller Kamp

Date

3/23/18

Signature of Representative

Printed Name of Representative

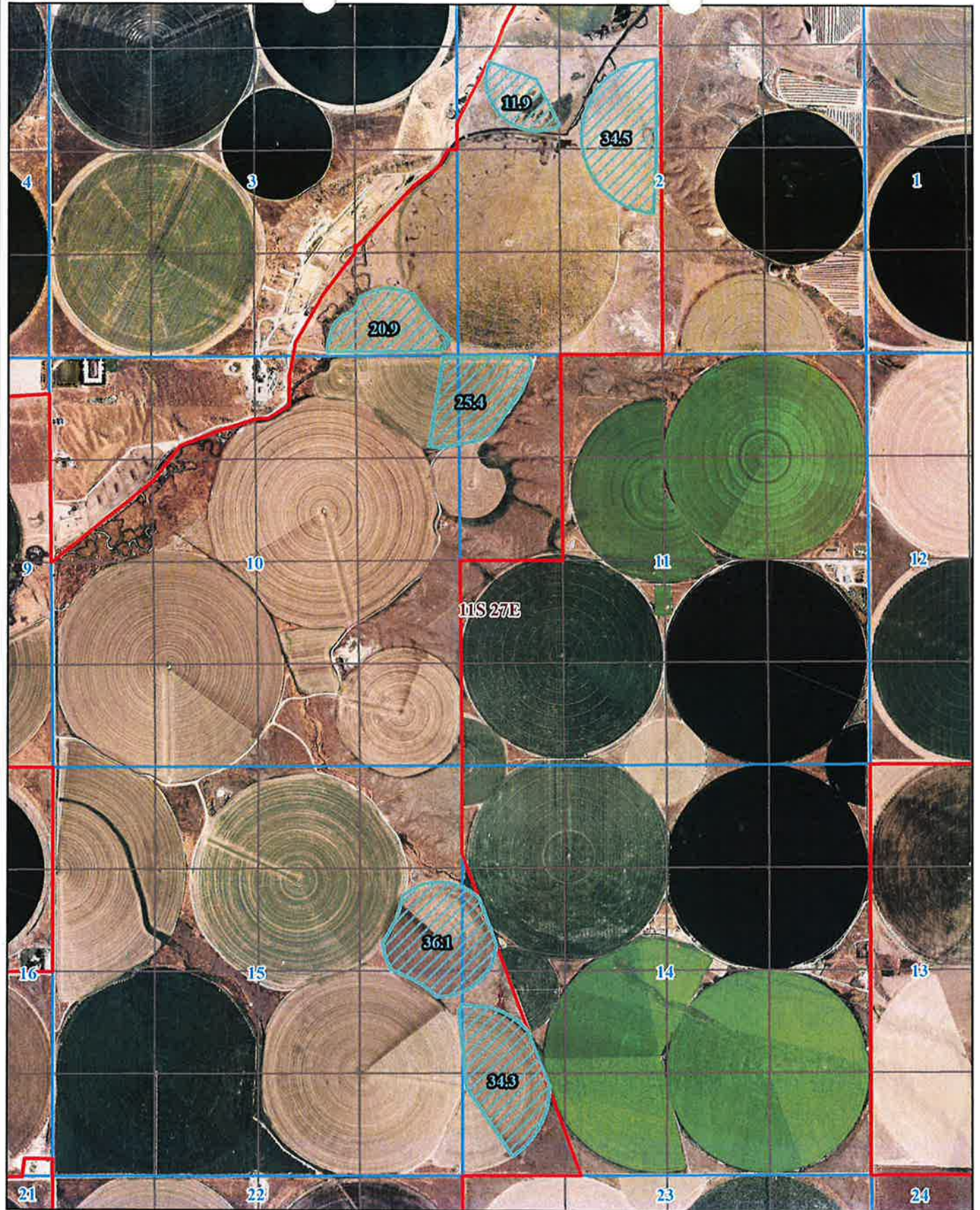
Date

Mail to:

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

Points of Diversion

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



0 500 1,000 2,000 Feet

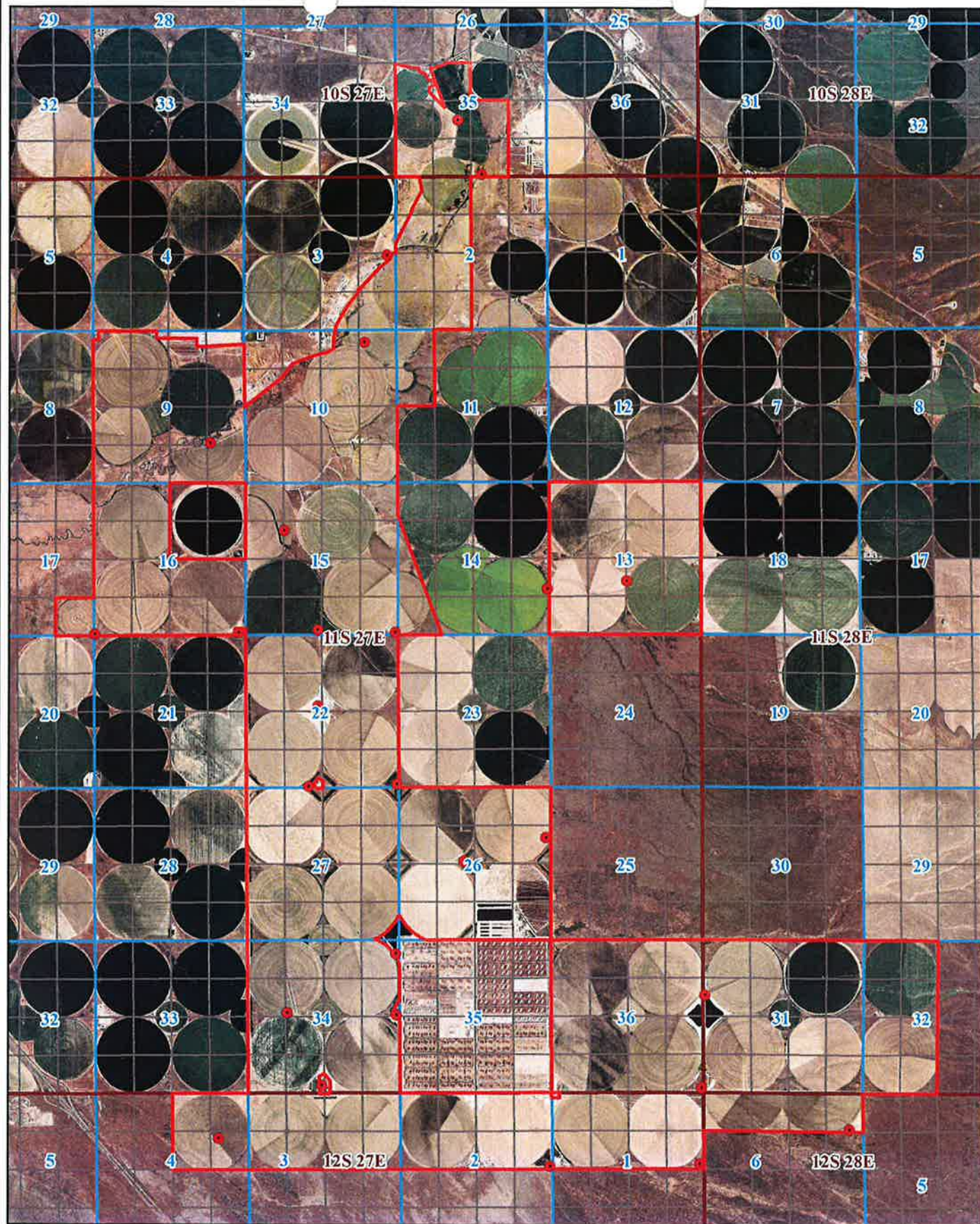
EAST VALLEY CATTLE LLC

NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/2/2018

Legend
■ IRRIGATION PPU
■ 2018_Rental





0 1,375 2,750 5,500 Feet

EAST VALLEY CATTLE LLC

NAIP 2017 AERIAL

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/2/2018

Legend
■ IRRIGATION PPU
● Points_of_Diversion





0 0.125 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 3/23/2018

Superceded

EAST VALLEY CATTLE LLC
RENTAL ACRES FOR 2018
NAIP 2017 AERIAL

Legend

2018_Rental
PPU



Exhibit B
Points of Diversion

	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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

Applicant Name: East Valley Cattle

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☐ | ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

43-13763

**RECEIVED
MAR 27 2018**

DEPARTMENT OF
WATER RESOURCES

1062

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 N 300 W Jerome, Idaho 83338

Street

City

State

Zip Code

Email Address _____

Phone Number 208-324-2350

- B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Greg Sullivan

Professional Title Engineer

Organization Brockway Engineering

Relationship to Applicant Consultant

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

Email Address greg.sullivan@brockwayeng.com

Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

Water right was converted from irrigation water to S/C by Transfer 80639 in 2017. The S/C water is not needed for 2018. The water right owner would like to rent 49.0 acres back for irrigation during the 2018 irrigation season.

- B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.40 CFS	193.5 AF	0.40 CFS	193.5 AF	49.0 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	6/30/2018	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing PODs, mainlines and delivery system.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
	Ground Water	43-2313D 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 49.0 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

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

43-2313D et al. Additional water is need to cover areas that are not currently covered by an irrigation water right.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
43-13763	Stock/Commercial	1.75	838.6			0.40	193.5	49.0
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	0.40	193.5	49.0
						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**:

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

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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:

Transfer application was submitted to Southern IDWR office March 19, 2018.

- 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.

Letter from Cherie Palmer dated February 6, 2018. Compliance conference was held on March 16, 2018. During the meeting this rental was discussed and verbally agreed to that it would be adequate to cover these acres during the 2018 season.

- 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

Bill Miller Kamp
Printed Name of Applicant

3/23/18
Date

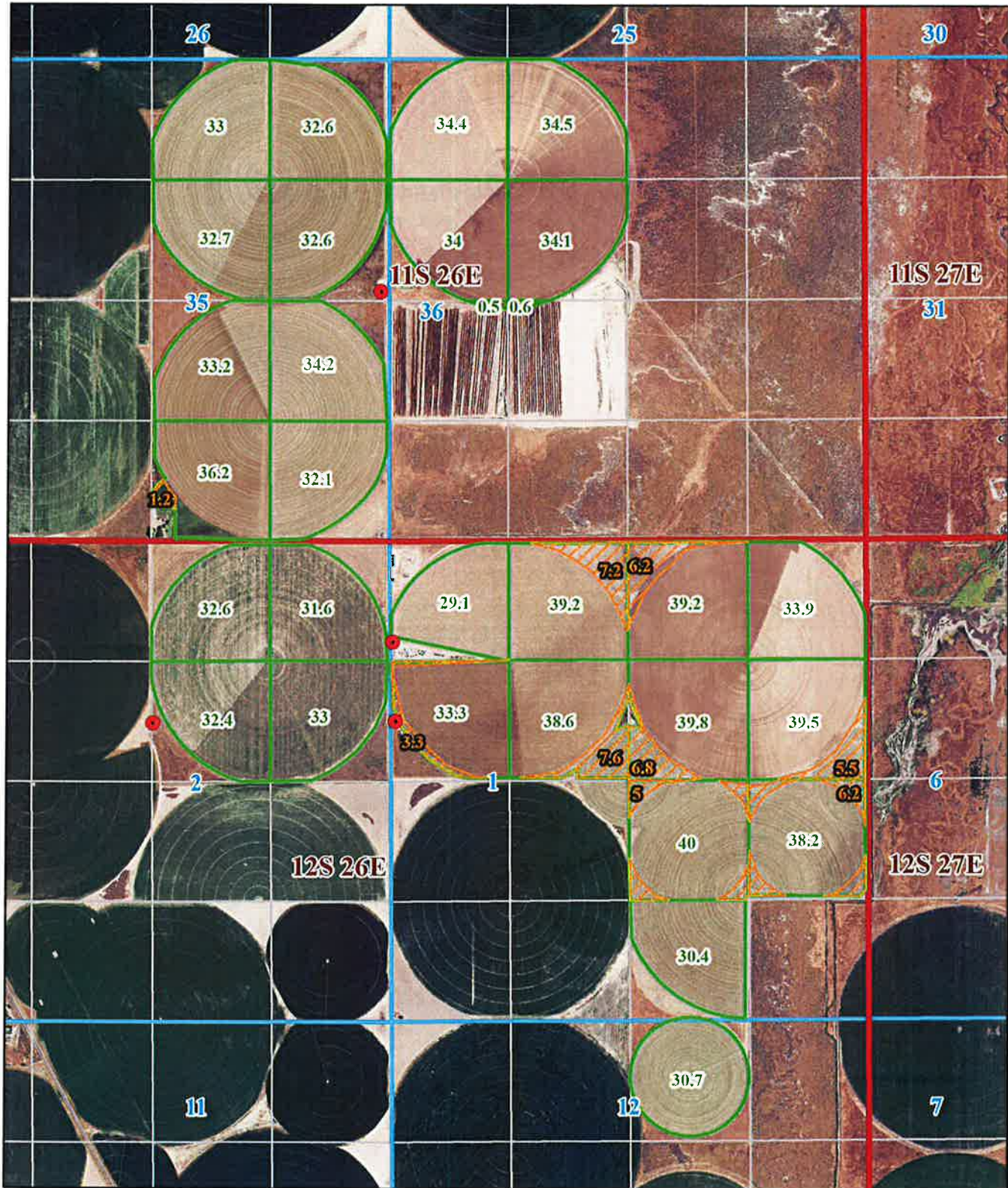
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



EAST VALLEY CATTLE MILLENKAMP

Legend

- Points_of_Diversion
- 2018 Buck Farm Rental
- 2018_Irrigation_POU



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 10, 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**

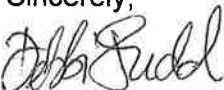
Dear Renter:

Please find enclosed a receipt in the amount of **\$17,714.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 885.7 acre-feet of water for irrigation of 212.0 acres during 2018. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$15,942.96 of the rental fee will be paid to the lessor(s) and 10% or \$1,771.44 will be retained by the Department to offset administrative costs.

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

Sincerely,


for Water Supply Bank

Enclosures: Receipt No. S036732
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 143
Greg Sullivan – Brockway Engineering
Michael Creamer – Givens Pursley
Cherie Palmer - IDWR Compliance Bureau E2017-1267



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 8, 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 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 \$17,714.40 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 885.7 acre-feet.

Please send a check for \$17,714.40 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 \$15,942.96 of the rental fee will be paid to the lessor(s) and 10% or \$1,771.44 will be retained by the Department to offset administrative costs.

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

Sincerely,

Water Supply Bank

Enclosure

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

MEMORANDUM FOR AGREEMENT # 244

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

From: Mary Condon

Date: April 24, 2018 & May 1, 2018

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Two applications for rental (under application ID 1062 in the WSB software), one is 163 acres on East farm covering 2018 curtailed acres and another application is 49 acres on Buck farm covering 2018 curtailed and non-water right associated acres. Both farms have NOV E2017-1267 for failure to curtail expansion acres, still under review from 2017.

Applications to rent irrigation water on East Farm and Buck farms received as Lease/Rental package from East Valley Cattle (EVC) on March 27, 2018 for water right 43-13763 fully for irrigation. There is an approved transfer for change of nature of use to stock and commercial in 2017 from irrigation. The lease proposal required more data and research before the amount available for lease to avoid enlargement could be determined.

An amendment to the requested water rights was made by Greg and his client, Bill Millenkamp on April 16, 2018 to instead use WR No's 43-2347 & 43-2413 of US Geothermal instead of the original lease/rental.

Their other rental requests for 43-2347 & 43-2413 WR's from US Geothermal are being amended and will use portion of 43-13763 available for lease into the bank.

AUTHORITY TO FILE: Rental applications are submitted by EVC president, Bill Millenkamp, represented by Greg Sullivan with Brockway Engineering. Idaho SOS confirms Bill is authorized to represent EVC. EVC owns the POD's and POU's for rental.

WATER RIGHT VALIDITY: Water Rights 43-2413 and 43-2347 are for irrigation, decreed in 2002. Irrigation visible in satellite imagery from 2010 to 2015 according to lease review of imagery. Water rights put in the bank March 2018 fully and POU will be idled 2018-2019. Review of 2017 sentinel imagery shows no irrigation occurring on the POU. No concerns of water right validity.

INJURY TO OTHER WATER RIGHTS: Leased water rights are also within the Raft River GWMA, approximately 25 miles south of the East Farm rental POU and under 20 miles from Buck farm. Rentals will cover of portion of the 2018 curtailed expansion water rights. Season of Use for leased water rights is 3/15-11/15, extension after 10/31 subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002 and must show beneficial use. Season of Use at rental POD's are from 4/1-10/31, with extension beginning on 3/15 and extending until 11/15 subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002 and must show beneficial use. There is no immediate concern of injury.

ENLARGEMENT OF USE: Place of Use for lease has been idled. Place of use for rental is identified to specific acres either within shape file for 2018 curtailment area provided by Brockway Engineering to Watermaster for East Farm, or over area not covered by water right on Buck Farm. See Rental Analysis Memo dated April 24, 2018 for calculations for limits on rental

POD's. Amendment to rental shape for East Farm received on May 2, 2018 with new curtailed acres map. Adjustments are consistent with proposal. No concerns of Enlargement.

LOCAL PUBLIC INTEREST: Rental for irrigation use is commonly recognized beneficial use and not contrary to public interests.

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

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

Communication between reviewer, renter and staff involved have been ongoing, very open and positive. Request for comments or concerns sent to Southern Region manager, Watermaster and other staff involved in April 16 meeting for review, and there were no concerns with proceeding with the rental.

MEMORANDUM FOR APPLICATION # 1062

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

From: Mary Condon

Date: April 24, 2018 & May 3, 2018

Re: Rental Amount Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: Rental analysis of leased water rights 43-2347 and 43-2413 for rental from points of diversion shared with water rights 43-2313D, etl., on Buck Farm and 43-2343C, etl., on East Farm to cover acres either idled for 2018 expansion acres or not previously covered by water rights for irrigation, as indicated in rental applications received on March 27, 2018. Rental Applications combined into one Rental Application ID# 1062 within the Water Supply Bank software for processing.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Applications for rental on Buck Farm and East Farm were for 163 acres and 49 acres respectively, with volumes consistent with headgate standard, but extremely low diversion rates of only 0.008 cfs. Both farms have NOV's, still under review from 2017 and irrigation is scheduled to begin May 1st within the Season of Use. The location for the rental PD is subject to Water District # 143, Raft River GWMA.

Below, are tables showing the amounts needed for Rental Application ID# 1062 for cumulative total of 212 acres between East Farm and Buck Farm, US Geothermal leased water rights 43-2347 and 43-2413 as decreed used for the rental, and the conversion to account for varying rates and historic uses to prevent injury or enlargement.

The Points of Diversion (POD) shared for **East Farm Rental** have a combined limit of:

Water Right (WR#)	CFS	AF	Acres	AF/Acre	Cfs/Acre
43-2324C, etl.,	112.99	25,646.5	7150.6	3.59	0.016

The Points of Diversion (POD) shared for **Buck Farms Rental** have a combined limit of:

Water Right (WR#)	CFS	AF	Acres	AF/Acre	Cfs/Acre
43-2313D, etl.,	14.59	3,481.6	918.1	3.79	0.016

Based on the diversion rates at the rental POD's, the rentals were calculated based on the requested acres.

Buck Farms Rental	CFS	AF	Acres	AF/Acre	Cfs/Acre
Needed	0.78	185.7	49.0	3.79	0.016
East Valley Cattle Farm					
Needed	2.58	585.2	163.0	3.59	0.016
Total Required	3.36	770.9	212.0	3.64	0.016

Beginning with Buck Farms Rental for 49 acres:

Buck Farm Rental	CFS	AF	Acres	AF/Acre	Cfs/Acre
Needed	0.779	185.7	49.0	3.79	0.016
Rent WR# 43-2413	0.980	196.0	49.0	4.00	0.020
Authorized	0.779	185.7	49.0	3.79	0.016

After Buck Farm Portion Rented

US GEOTHERMAL REMAINING	CFS	AF	Acres	AF/Acre	Cfs/Acre
43-2413	0.82	164.0	41.0	4.00	0.020
43-2347	2.00	544.0	137.0	3.97	0.015

East Farm Rental:

East Farm Rental	CFS	AF	Acres	AF/Acre	Cfs/Acre
Needed	2.58	585.2	163.0	3.59	0.016
Rent WR# 43-2347	2.00	544.0	137.0	3.97	0.015
Authorized WR# 43-2347	2.00	454.4	126.6	3.59	0.016
Still Needed	0.58	130.8	36.4	3.59	0.016
Rent WR# 43-2413	0.73	145.7	36.4	4.0	0.020
Authorized WR# 43-2413	0.58	130.8	36.4	3.59	0.016

Total Rental for Application 1062 for 212 Acres:

East Valley Cattle Rental	CFS	AF	Acres	AF/Acre	Cfs/Acre
WR# 43-2413	1.71	341.7	85.4	4.0	0.020
WR# 43-2347	2.00	544.0	137.0	3.97	0.015
Combined	3.71	885.7	222.4	3.98	0.017

Rental LIMITED TO:	CFS	AF	Acres	AF/Acre	Cfs/Acre
Authorized 43-2413	0.78	185.7	49.0	3.79	0.016
Authorized 43-2347	2.00	454.4	126.6	3.59	0.016
Authorized 43-2413	0.58	130.8	36.4	3.59	0.016
Combined Limits of Rental	3.36	770.9	212.0	3.64	0.016

Amount of US Geothermal Lease water rights left:

WR# 43-2413	0.091	18.282	4.57	4.0	0.02
WR# 43-2347	0.00	0.00	0.00		

Additional water rights are needed for more rentals by EVC on East Farm for gravel washing, digester and additional irrigation acres on separate rental applications after this rental application and priority.

Suggest Brockway Engineering and East Valley Cattle prioritize needs and evaluate for these other rentals for the remaining US Geothermal water right 43-2413. Lease of EVC water right number 43-13763 is still under review, and will likely come into the bank at less than 50% of the water right due to 2018 current and projected use as stock and commercial on the dairy.

Condon, Mary

From: Skinner, Corey
Sent: Wednesday, May 02, 2018 4:49 PM
To: Condon, Mary; Erickson, Nathan
Subject: RE: East Valley Cattle

If Nathan's good, I'm good.

From: Condon, Mary
Sent: Wednesday, May 02, 2018 4:44 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Cc: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: East Valley Cattle

Nathan,

I will, and thank you for all of your help...there's more to come!

Mary

From: Erickson, Nathan
Sent: Wednesday, May 02, 2018 4:42 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: FW: East Valley Cattle

Mary,

The updated POU for the rental on the US Geothermal looks good. I don't see any problems with the rental. Let me know when this is approved.

Thanks for all your work on this!

Nathan

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Wednesday, May 02, 2018 12:03 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: East Valley Cattle

Mary,

See the attached jpeg for 163.0 acre rental from the US Geothermal water right and the shape files.

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

From: Condon, Mary
To: [Edl, Michele](#)
Cc: [Buyer, Remington](#); [Webster, Clay](#)
Subject: RE: East Valley Cattle rentals
Date: Monday, April 23, 2018 4:46:00 PM

Michele,

During our meeting with Greg today, we decided to take a slightly different route in how the US Geothermal rights will be rented.

I will take the first chunk of US Geothermal equaling 212 acres for my rentals on EVC East Farm (163 acres) and Buck Farms (49 acres) since these are their priority.

You can still process the rental for gravel washing with portion of US Geothermal rights. There is another rental coming down today for another industrial/commercial use for cement mixing as well that will take most of the remainder. (There will be a small sliver left over.)

The lease for EVC is on hold until we can get well readings from Nathan. Once we have determined the volume allowable, we will process the remaining geothermal and EVC acres for irrigation, although there will be some modification to the rental proposal POU in which Greg will provide to us later.

Hope this is clear enough to understand, but let me know when I can snatch US Geothermal files for the first rental, and I would be happy to speak to you about all of this.

Best,
Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700

From: Buyer, Remington
Sent: Monday, April 23, 2018 10:57 AM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>; Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: East Valley Cattle rentals

Michele,

Thank you for taking time to conduct an informed preliminary review of these latest EVC rentals. Your information is helpful as we prepare for our conversation with EVC and their representatives this afternoon. I wonder, have we determined whether any of the leased extent of the US Geothermal water rights will remain available for rent during 2018, once EVC pursues all that they have thus far much sought? (Or has EVC requested to fully exhaust the full extent of the irrigation use water right elements leased to the Bank for 2018 under the US Geothermal water rights?)

Thanks,

-Remington

From: Edl, Michele

Sent: Monday, April 23, 2018 9:49 AM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>; Buyer, Remington <Remington.Buyer@idwr.idaho.gov>

Subject: East Valley Cattle rentals

Clay, Remington,

Two of the rental applications that I have in my cube are for East Valley Cattle and are 'hot'. Very late Friday afternoon, Greg Sullivan called me and discussed changes to both proposals.

I understand that you both will be meeting with Greg and others later this afternoon. The purpose of this email is to provide you with the latest proposals.

Rental 1078 (gravel wash)

First edition – proposed to shut off end guns and self serve WR# 43-2317E

Second edition – propose to reduce acres requested in rental 1079 to 211 acres (down from 224) and rent all available from US Geothermal 43-2347 and 43-2413)

Rental 1079 (5 field)

First edition – proposed to rental all but 3 acres of US Geothermal rights to irrigate 5 fields totaling 224 acres.

Second edition – propose to reduce irrigated acres to 211 acres in 5 fields (field P82 is reduced ~1/3) and with rental 1078 rent all available from US Geothermal rights.

I have the files and I will update them with Greg Sullivan's emails and maps.

Michele



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 27 2018

DEPARTMENT OF
WATER RESOURCES

March 26, 2018

Remington Buyer
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: East Valley Cattle

Dear Mr. Buyer:

East Valley Cattle is submitting two rental applications at this time. Both rental applications will be proposing renting water from water right 43-13763. Water right 43-13763 is a stock and commercial water right that was converted from 212.4 acres of irrigation in 2017.

The two rental applications propose renting the 212.4 acres back to East Valley Cattle as irrigation for the 2018 irrigation season. It is necessary to note that water right 43-13763 is in combination with other 19 stock and commercial water rights. The combined diversion rate and volume for the 19 water rights is 2.86 cfs and 1145.6 acre feet annually. After transfer 80639 was approved the combined total diversion rate and volume for the 20 stock and commercial water rights changed to 4.61 cfs and 1782.8 acre feet annually.

Only the water portion under 43-13763 should be rented.

The 1st rental is for 49.0 acres on the Buck Farm. The 2nd rental is for 163.0 acres on a Large PPU Farm. Both farms are owned by East Valley Cattle.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp, Mike Creamer
Enc: Two Rental Application, Aerial Maps

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

CHARLES G.
BROCKWAY,
PH.D., P.E.

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