



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 3, 2018

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338

RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO(S). 43-2317E TO THE WATER SUPPLY BANK

Dear Applicant:

Per your written request received on May 1, 2018 the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Applications and the associated the Rental Applications for the rights listed above.

Diversion and use of water is not authorized under the returned rental application. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action. If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

I have requested a refund of \$250.00 for receipt C104918 for the withdrawal of lease application for 43-2317E.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for
Clay Webster
Water Rights Supervisor

Enclosure: Lease and Rental Application(s)

c: Greg Sullivan – Brockway Engineering
Cherie Palmer – IDWR Enforcement

Edl, Michele

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, May 01, 2018 3:18 PM
To: Edl, Michele
Subject: Lease of 43-2317E

Michele,

Please withdraw the lease application for water right 43-2317E that was submitted for 9.3 acres. This water right will not be used for any lease or rental for the 2018 year.

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

STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

RECEIVED

APR 09 2018

DEPARTMENT OF
WATER RESOURCESDesignated Applicant East Valley Cattle LLC

(Select one owner – see item 1A on the application)

Water Right No. 43-2317E

(One water right per application)

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

Yes ☒ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☐ | ☒ | Signatures and contact information for all owners of the water right to be leased or sold on this application. |
| 1B | ☒ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |

Department Use Only

Fee Amount \$ 250.00Received By: (Signature)Date Received: 4/9/2018Receipt # C104918W-9 received? Yes ☐ No ☒ (Route W-9 to Fiscal)

Name on W-9:

1077

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated 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

- ☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

- ☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

- ☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

- ☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

- ☐ The full water right is being offered to the Bank.

OR

- ☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled 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 idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).

- B. Please provide a description of the current water diversion and delivery system.
Existing wells, mainlines and delivery systems.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 43-2423C et al.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. See FSA Records

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

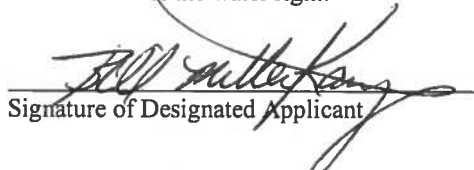
If lease, specify the years when the use of water will be suspended: 2018 to 2018 (maximum lease period 5 calendar years).
(Year) (Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate. The lease will be rented back to the applicant. Only the 10% processing fee will be paid to IDWR based on the current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.


Signature of Designated Applicant

Printed Name

4/9/18
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
<u>43-2317E</u>	<u>Irrigation</u>	<u>0.076</u>	<u>37.2</u>	<u>9.3</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
	Total Amounts:	<u>0.076</u>	<u>37.2</u>	<u>9.3</u>

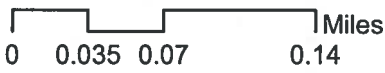
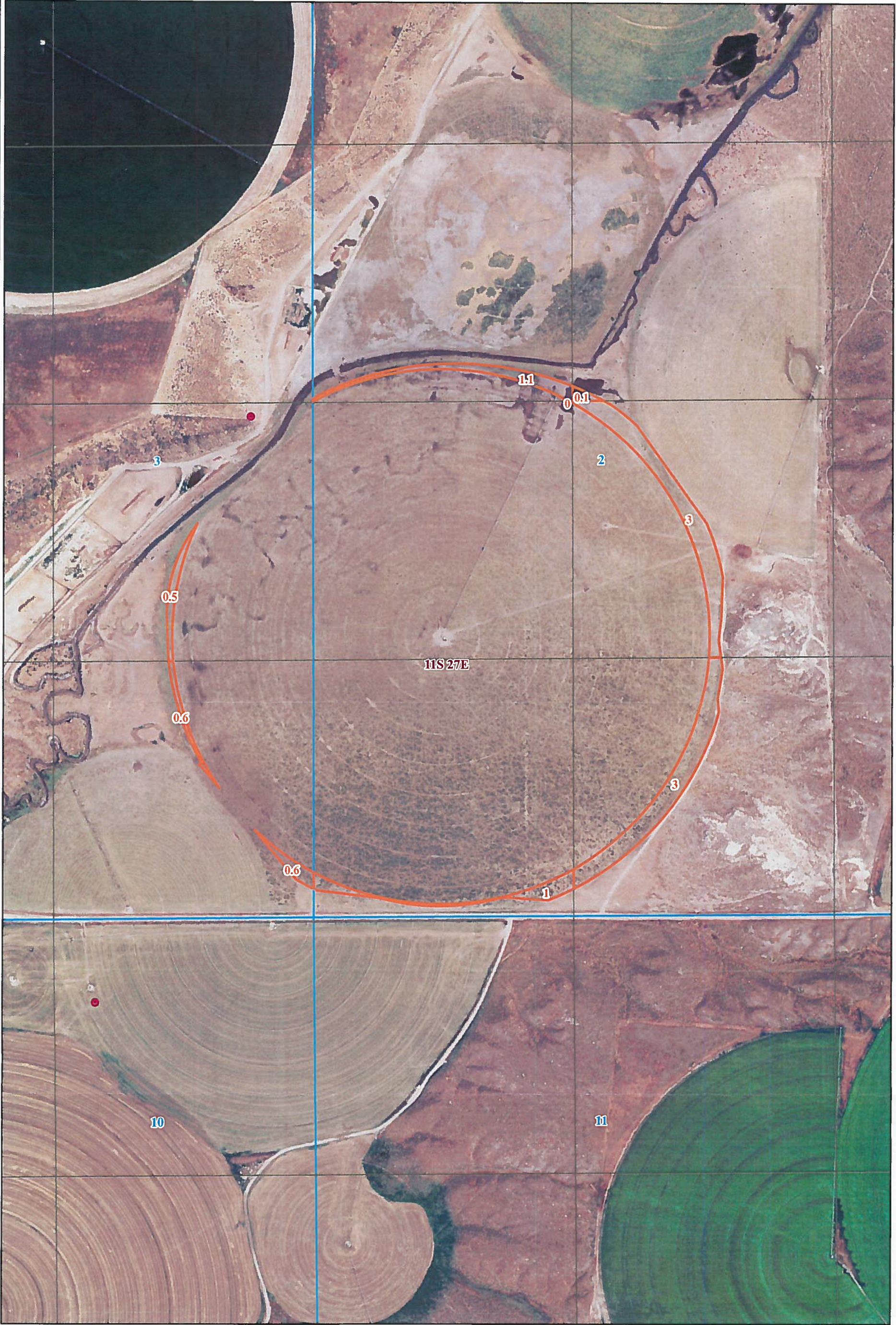
2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
See Exhibit A							

Exhibit A
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



BROCKWAY ENGINEERING, PLLC.
GWS - Date: 4/7/2018

EAST VALLEY CATTLE LLC

NAIP 2017 AERIAL

- Legend**
- 2018 Rental for Gravel
 - 2018 Lease for Gravel
 - Points_of_Diversion





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 09 2018

DEPARTMENT OF
WATER RESOURCES

April 9, 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 desires to lease 9.3 acres from water right 43-2317E to the Idaho Water Supply Bank.

East Valley Cattle desires to rent 9.3 acres from 43-2317E for the industrial use of washing gravel for construction purposes.

It is proposed to turn the end gun off of Pivot 80 for the 2018 irrigation season. This will allow 9.3 acres to be leased for the 2018 season. Alfalfa was grown in this pivot in the last five years and has a consumptive use of 2.8 ft/acre based on the Malta Agrimet data. A total of 26.04 acre feet would then be provided to the gravel washing facility.

It is expected that East Valley Cattle will pay the 10% processing fee to the Water Supply Bank for the rental.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp, Mike Creamer

Enc: Lease Application, Rental Application, Aerial Maps, FSA Records

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MEMORANDUM

To: Sascha Marston
From: Christine Field
Date: May 3, 2018
Re: Water Supply Bank Refund Needed

Please issue a Refund in the amount of **\$250.00 for Lease Application fees** for Lease Application W/R 43-2317E that was withdrawn.

Receipt: C104918

Issue Refund to:

Millenkamp Cattle Inc.
471 N 300 W
Jerome ID 83338