

# WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

**LESSOR: DIAMOND A LIVESTOCK INC**  
1997 S 1875 E  
GOODING ID 83330  
208-934-5391

**RECEIVED**

**MAR 22 2016**

**DEPARTMENT OF  
WATER RESOURCES**

## RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On December 31, 2015, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

### Summary of Water Rights or Portions Leased to the Bank

| Water Right                                        | Priority Date | Source                          | Tributary                    | Leased Rate | Annual Leased Volume | Total Leased Acres |
|----------------------------------------------------|---------------|---------------------------------|------------------------------|-------------|----------------------|--------------------|
| 37-228                                             | 06/01/1883    | CHIMNEY CREEK<br>UNNAMED STREAM | CAMAS CREEK<br>CHIMNEY CREEK | 0.56 cfs    | 223.3 af             | 63.8 ac            |
| 37-229                                             | 06/01/1884    | CHIMNEY CREEK<br>UNNAMED STREAM | CAMAS CREEK<br>CHIMNEY CREEK | 0.56 cfs    | 223.3 af             | 63.8 ac            |
| Total annual combined limits of these water rights |               |                                 |                              | 1.12 cfs    | 223.3 af             | 63.8 ac            |

|                                                    |            |                                 |                              |          |          |         |
|----------------------------------------------------|------------|---------------------------------|------------------------------|----------|----------|---------|
| 37-2147                                            | 07/10/1909 | CHIMNEY CREEK<br>UNNAMED STREAM | CAMAS CREEK<br>CHIMNEY CREEK | 0.60 cfs | 105.0 af | 30.0 ac |
| Total annual combined limits of these water rights |            |                                 |                              | 1.72 cfs | 328.3 af | 93.4 ac |

Lease Totals

**SUPPORT DATA**

1.72 cfs      326.9 af      93.4 ac

IN FILE # 37-228

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

**Minimum Payment Acceptable:** Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2015 to December 31, 2019. This Lease shall bind the parties and take effect when both parties have signed it.

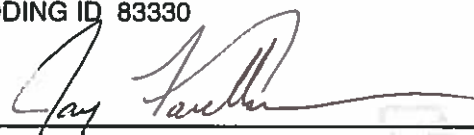
## WATER SUPPLY BANK LEASE CONTRACT

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

### DIAMOND A LIVESTOCK INC

1997 S 1875 E  
GOODING ID 83330

By 

Printed Name Jay Faulkner

Date 3/19/16

Title President

### IDAHO WATER RESOURCE BOARD

322 EAST FRONT ST  
PO BOX 83720  
BOISE ID 83720-0098

By 

Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date 3/22/2016

Lease approved by IDWR 

Date 3-22-2016

## ATTACHMENT A

### WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 37-228, 37-229, and 37-2147,

The water right or portion thereof leased to the bank is described as follows:

**Lessor:** DIAMOND A LIVESTOCK INC  
1997 S 1875 E  
GOODING ID 83330  
208-934-5391

**Location of Point(s) of Diversion for Water Right 37-228, 37-229 and 37-2147**

|                |        |                                         |
|----------------|--------|-----------------------------------------|
| CHIMNEY CREEK  | NWNWSE | Sec. 35, Twp 01N, Rge 12E, CAMAS County |
| CHIMNEY CREEK  | NESWSW | Sec. 26, Twp 01N, Rge 12E, CAMAS County |
| CHIMNEY CREEK  | NWNWSW | Sec. 26, Twp 01N, Rge 12E, CAMAS County |
| CHIMNEY CREEK  | SWNWNE | Sec. 27, Twp 01N, Rge 12E, CAMAS County |
| UNNAMED STREAM | NWNWNE | Sec. 27, Twp 01N, Rge 12E, CAMAS County |

| <u>Water Right</u> | <u>Beneficial Use</u> | <u>From</u>    | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   |
|--------------------|-----------------------|----------------|-----------|-----------------------|-----------------|
| 37-228             | IRRIGATION            | 04/15 to 10/31 |           | 0.56 cfs              | 223.3 af        |
| 37-229             | IRRIGATION            | 04/15 to 10/31 |           | 0.56 cfs              | 223.3 af        |
| 37-2147            | IRRIGATION            | 04/15 to 10/31 |           | 0.60 cfs              | 105.0 af        |
| 37-2147            | DOMESTIC              | 01/01 to 12/31 |           | 0.04 cfs              | NA              |
| <b>Total:</b>      |                       |                |           | <b>1.72 cfs</b>       | <b>326.9 af</b> |

**Place of Use to be Idled Under This Lease:** IRRIGATION

| Twp | Rge | Sec | NE |     |     |    | NW  |      |    |      | SW |      |     |    | SE |      |    |    | Totals |
|-----|-----|-----|----|-----|-----|----|-----|------|----|------|----|------|-----|----|----|------|----|----|--------|
|     |     |     | NE | NW  | SW  | SE | NE  | NW   | SW | SE   | NE | NW   | SW  | SE | NE | NW   | SW | SE |        |
| 01N | 12E | 26  |    |     |     |    |     |      |    |      |    | 11.1 | 1.8 |    |    |      |    |    | 12.9   |
| 01N | 12E | 35  |    | 3.4 | 2.1 |    | 6.2 | 28.9 |    | 10.1 |    |      |     |    |    | 30.2 |    |    | 80.9   |

Total Acres: 93.4

**Conditions Applicable to All Leased Water Rights**

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment after the following rental season.
11. The water rights leased to the bank are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right is 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. 37B.
13. When combined with all other rights, the leased rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
14. The unleased portion of water right 37-228 is limited to the irrigation of 163.9 acres and the unleased portion of 37-229 is limited to the irrigation of 163.9 acres within the place of use described above in a single irrigation season.
15. The unleased portions of water rights 37-228 and 37-229 are limited to the irrigation of a combined total of 163.9 acres in a single irrigation season.
16. The unleased portions of water right 37-228, 37-228 and 37-2147 are limited to the irrigation of a combined total of 163.5 acres and a total combined diversion rate of 3.0 cfs in a single irrigation season.

Idaho Water Resource Board  
**Water Supply Bank Lease**

37-228, 37-229 Aand 37-2147  
Effective until December 31, 2019

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



-  Approved Lease Point of Diversion
-  Approved Lease Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 Miles

STATE OF IDAHO  
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANKRECEIVED  
JAN 04 2016  
DEPARTMENT OF  
WATER RESOURCES  
DEC 31 2015  
DEPT OF WATER RESOURCES  
SOUTHERN REGIONDesignated Applicant DIAMOND A LIVESTOCK INC

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

Water Right No. 37-228

(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 Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from [www.idwr.idaho.gov](http://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](http://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 Section 42-222(2), Idaho Code.

## Department Use Only

Fee Amount \$ 750-Received By: CH/DMDate Received: 12.31.15Receipt # 5035183W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Diamond A Livestock Inc.

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

DEC 31 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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 DIAMOND A LIVESTOCK INC

Mailing Address 1997 S. 1875 E. GOODING IDAHO 83330  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone Number (208) 934-5391

- ☒ 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 Amy Runser Organization Brockway Engineering, PLLC  
Professional Title Technician Email Address amy.runser@brockwayeng.com  
Mailing Address 2016 N. Washington St. Suite 4 Twin Falls, Id 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.

Surface water with both pressurized irrigation and flood irrigation practices with in PPU.

- 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. 37-228, 37-229 & 37-2147 have the same PPU and a combined limit of 257.3 Ac & 4.6 cfs

- 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. Full rates and/or volumes have been used.

- 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.

Yes ☐ No ☒

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: 2015 to 2020 (maximum lease period 5 calendar years).  
(Year) (Year)

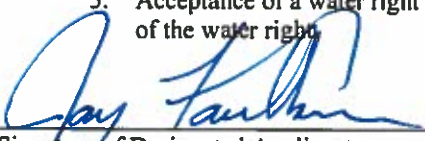
B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

Jay Faulkner, President  
Printed Name

12/31/15  
Date

\_\_\_\_\_  
Signature of Authorized Representative

Amy Runser  
Printed Name

12/29/2015  
Date

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

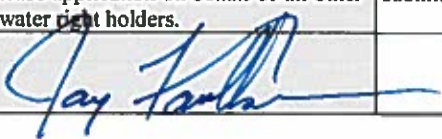
**ATTACHMENT 1A**

**Additional Water Right Holders Party to the Lease Application**

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). \_\_\_\_\_

|                       | Designated Applicant                                                                                 | Applicant #2                                                                  | Applicant #3                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  | Diamond A Livestock                                                                                  |                                                                               |                                                                               |
| Mailing Address       | 1997 S 1875 E<br>Gooding ID                                                                          |                                                                               |                                                                               |
| Phone Number          | 208-934-5391                                                                                         |                                                                               |                                                                               |
| Email Address         |                                                                                                      |                                                                               |                                                                               |
| Applicant Declaration | As Designated Applicant, I submit this lease application on behalf of all other water right holders. | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. |
| Signature             |                   |                                                                               |                                                                               |

|                       | Applicant #4                                                                  | Applicant #5                                                                  | Applicant #6                                                                  |
|-----------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Name                  |                                                                               |                                                                               |                                                                               |
| Mailing Address       |                                                                               |                                                                               |                                                                               |
| Phone Number          |                                                                               |                                                                               |                                                                               |
| Email Address         |                                                                               |                                                                               |                                                                               |
| Applicant Declaration | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. | I authorize the Designated Applicant to submit this application on my behalf. |
| Signature             |                                                                               |                                                                               |                                                                               |

**STATE OF IDAHO  
WATER RESOURCE BOARD**

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

**ATTACHMENT 2**

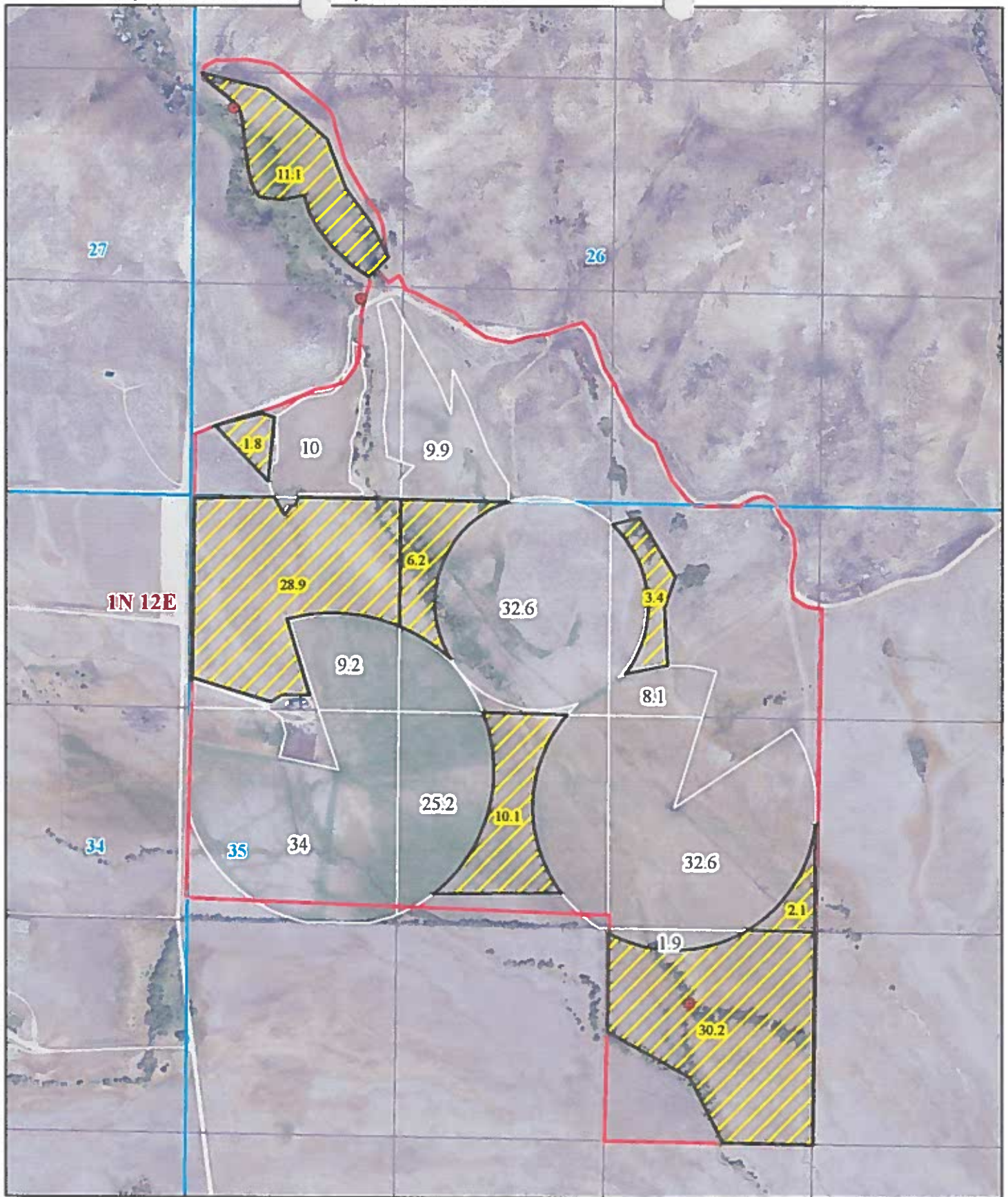
**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

| 1. <u>Water Right Number</u> | Nature of Use     | Leased Rate<br>(cfs) | Leased Volume<br>(af) | Leased Acres<br>(ac) |
|------------------------------|-------------------|----------------------|-----------------------|----------------------|
| <u>37-228</u>                | <u>IRRIGATION</u> | <u>0.56</u>          |                       | <u>63.8</u>          |
|                              |                   |                      |                       |                      |
|                              |                   |                      |                       |                      |
|                              |                   |                      |                       |                      |
| Total Amounts:               |                   |                      |                       |                      |

2. Source of water CHIMNEY CREEK & UNNAMED STREA tributary to \_\_\_\_\_

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County |
|-----|-----|-----|-----|----|----|----|--------|
| 01N | 12E | 26  |     | NW | NW | SW | CAMAS  |
| 01N | 12E | 26  |     | NE | SW | SW | CAMAS  |
| 01N | 12E | 27  |     | NW | NW | NE | CAMAS  |
| 01N | 12E | 27  |     | SW | NW | NE | CAMAS  |
| 01N | 12E | 35  |     | NW | NW | SE | CAMAS  |
|     |     |     |     |    |    |    |        |
|     |     |     |     |    |    |    |        |



0 300 600 1,200 Feet

**DIAMOND A LIVESTOCK INC.**  
WSB LEASE 2015, 37-228, 229 & 2147  
NAIP 2013 AERIAL

**Legend**

- Points\_of\_Diversion
- ▨ WSB LEASE 93.8 Ac
- ▭ WR\_37-228\_POU
- ▭ twnshp
- ▭ Sections
- ▭ ladesc
- Irrigation=163.5 ac.

## Webster, Clay

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**From:** Webster, Clay  
**Sent:** Wednesday, March 30, 2016 8:20 AM  
**To:** 'amy.runser@brockwayeng.com'  
**Cc:** Judd, Debbi  
**Subject:** RE: Water Supply Bank Lease Contract Diamond A Livestock Inc 37-228, 37-229 & 37-2147

Amy,

This limit was placed on the lease to address the overlap of water right 37-2147. This right overlaps 37-228 and 37-229 by 0.4 acres. This limit will allow the entire 93.8 acres of the other rights to come into the bank and be protected from forfeiture while still preventing an enlargement of the overlapping 0.4 acres in the event of a rental of these rights.

Sincerely,  
Clay Webster  
Water Resource Agent  
[clay.webster@idwr.idaho.gov](mailto:clay.webster@idwr.idaho.gov)  
208-287-4910  
Idaho Department of Water Resources (IDWR)

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**From:** Judd, Debbi  
**Sent:** Tuesday, March 29, 2016 8:21 AM  
**To:** Webster, Clay; Hersley, Jean  
**Subject:** FW: Water Supply Bank Lease Contract Diamond A Livestock Inc 37-228, 37-229 & 37-2147

I don't know why this wasn't brought up when the proposed lease contract was sent out. Would either of you like to answer her?

Thanks,

Debbi

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**From:** Amy Runser [<mailto:amy.runser@brockwayeng.com>]  
**Sent:** Monday, March 28, 2016 8:35 AM  
**To:** Judd, Debbi  
**Subject:** RE: Water Supply Bank Lease Contract Diamond A Livestock Inc 37-228, 37-229 & 37-2147

Debbi,

I may have found an error in the acres total for lease it should equal 93.8 the acres that are listed on the acceptance place of use do add up to 93.8 acres but the total only list 93.4. Could you double check this for me.

Thanks

Amy Runser  
Brockway Engineering, PLLC  
736-8543

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**From:** Judd, Debbi [<mailto:Debbi.Judd@idwr.idaho.gov>]  
**Sent:** Wednesday, March 23, 2016 8:43 AM

**To:** Merritt, Allen; Amy Runser ([amy.runser@brockwayeng.com](mailto:amy.runser@brockwayeng.com)); Rusty Kramer ([WATERDISTRICT37B@OUTLOOK.COM](mailto:WATERDISTRICT37B@OUTLOOK.COM))  
**Subject:** Water Supply Bank Lease Contract Diamond A Livestock Inc 37-228, 37-229 & 37-2147

Debbi Judd  
Technical Records Specialist  
[debbi.judd@idwr.idaho.gov](mailto:debbi.judd@idwr.idaho.gov)

Idaho Department of Water Resources  
322 E Front St  
PO Box 83720  
Boise, ID 83720-0098  
208-287-4920  
[www.idwr.idaho.gov](http://www.idwr.idaho.gov)



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

March 24, 2016

GARY SPACKMAN  
Director

DIAMOND A LIVESTOCK INC  
1997 S 1875 E  
GOODING ID 83330

**RE: WATER SUPPLY BANK LEASE CONTRACTS FOR WATER RIGHTS  
37-228, 37-229, and 37-2147**

Dear Lessor:

Water rights 37-228, 37-229, and 37-2147 were leased into the Water Supply Bank (Bank) as of December 31, 2015, in accordance with the enclosed executed lease contracts. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2019**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

for Clay Webster  
Water Resource Agent  
WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: Amy Runser – Brockway Engineering  
Allen Merritt - IDWR Southern Region  
Rusty Kramer – Water District 37B



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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

March 16, 2016

DIAMOND A LIVESTOCK INC  
1997 S 1875 E  
GOODING ID 83330

**RE: APPLICATIONS TO LEASE WATER RIGHT 37-228, 37-229 and 37-2147 TO THE WATER SUPPLY BANK**

**\*\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\*\***

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2019**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

*for*   
Clay Webster  
Water Resource Agent  
Water Supply Bank Point of Contact

Enclosure: Proposed Lease Contracts

c: Brockway Engineering PLLC

**Hersley, Jean**

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**From:** Rusty Krame <waterdistrict37b@outlook.com>  
**Sent:** Sunday, March 06, 2016 5:20 PM  
**To:** Hersley, Jean; Merritt, Allen  
**Subject:** Re: WSB Lease application for Diamond A Livestock

I have no concerns with this application

Thank you  
Rusty Kramer

37-228

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**From:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>  
**Sent:** Thursday, March 3, 2016 10:55 AM  
**To:** Merritt, Allen; Rusty Krame  
**Subject:** WSB Lease application for Diamond A Livestock

Attached is the map, review memo and draft contract. Please let me know if you have any comments or concerns. Thank you.

*Jean Hersley  
Idaho Dept Water Resources  
Technical Records Specialist II  
208-287-4942*

## Hersley, Jean

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**From:** Merritt, Allen  
**Sent:** Thursday, March 03, 2016 1:10 PM  
**To:** Hersley, Jean  
**Subject:** RE: WSB Lease application for Diamond A Livestock

I do not quite understand the statement that "Because of the overlap, this means that the leased portions have to be limited to 93.4 acres. "

What portion of which right is not leased? Or are you intending to say that no more than 93.4 acres could ever be rented?

Also since these rights were decreed in a 345.4 ppu and now you take away 93.4 that leaves a ppu of 252 with allowed acres to be irrigated of 163.9. Maybe it is reasonable to make him identify what 163.9 acres are to be irrigated.

No other issues.

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**From:** Hersley, Jean  
**Sent:** Thursday, March 03, 2016 11:56 AM  
**To:** Merritt, Allen; Rusty Krame  
**Subject:** WSB Lease application for Diamond A Livestock

Attached is the map, review memo and draft contract. Please let me know if you have any comments or concerns. Thank you.

*Jean Hersley  
Idaho Dept Water Resources  
Technical Records Specialist II  
208-287-4942*

## Hersley, Jean

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**From:** Amy Runser <amy.runser@brockwayeng.com>  
**Sent:** Thursday, March 03, 2016 8:44 AM  
**To:** Hersley, Jean  
**Subject:** RE: wsb lease applications for Diamond A Livestock  
**Attachments:** Diamond A Lease Shape.zip

Jean,

Lets go with the 2015-2019 lease on these. Attached is the shape files.

Thanks

Amy

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**From:** Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]  
**Sent:** Wednesday, March 02, 2016 9:27 AM  
**To:** Amy Runser  
**Subject:** wsb lease applications for Diamond A Livestock

I need a clarification on the Lease term. On the applications, the term is 2015 to 2020. If your client wants the rights in the Bank for the 2015 season, they will need to come out at the end of 2019. I can put them in the Bank from January 1, 2016 to December 31, 2020. Since the rights were decreed in 2010, the portions that need to be protected from forfeiture don't need to come into the Bank until 2016. Please let me know what term you would like on the contracts. Thank you.

*Jean Hersley  
Idaho Dept Water Resources  
Technical Records Specialist II  
208-287-4942*

# WATER SUPPLY BANK

## Agent Lease Review Checklist

Applicant(s) Name: Diamond A Livestock Inc

Memo Date: March 2, 2016

Water Right Number(s): 37-228, 37-229 and 37-2147

Reviewers Name: Jean

### Quick Tools

| Decreed<br>Year | No Forfeiture Concerns Thru: |
|-----------------|------------------------------|
| 2009            | 2015                         |
| 2010            | 2016                         |
| 2011            | 2017                         |
| 2012            | 2018                         |
| 2013            | 2019                         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Check<br>box                        |     | COMMENTS/CONCERNS:    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----|-----------------------|
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> |     |                       |
| Fill out WSB Data Entry Checklist for Leases                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     |     |                       |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Reason for lease of water rights (Brief description of lease proposal in narrative)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     | 37-228 and 37-229     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     | 37-2147               |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> |     |                       |
| Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            | Yes | No                    |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> |     |                       |
| Rentable? If no explain in comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |     |                       |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Authority to file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     |                       |
| 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Water Right validity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     |                       |
| Decreed/Licensed/Statutory claim date (write in comments section)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     |                       |
| Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
| Has this right previously been leased to the bank or in CREP?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                     |     |                       |
| 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Injury to other water rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     |                       |
| If the POD is through a delivery entity, was consent provided?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            |     | %                     |
| If the POD is through a delivery entity, was holdback required? (percentage in comments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                     |     |                       |
| 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Enlargement concerns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>            | Yes | No                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
| Are there overlapping rights that need to be placed in the bank also?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     | parts not in the Bank |
| Will the place of use continue to receive water?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |     |                       |
| 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            |     |                       |
| Local Public Interest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
| Does the processor know of any problems this action will cause for the local public?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |     |                       |
| 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> |     |                       |
| Have you contacted regional office and watermaster for comment/concerns?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                     |     |                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> |     |                       |
| Send the watermaster comment request form or e-mail request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                     |     |                       |
| 11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>            |     |                       |
| Area Headgate requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |     |                       |
| 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> |     |                       |
| Is water right involved in any other department action? Pull file and check database                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |     |                       |
| ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |     |                       |
| 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |     |                       |
| <p>Narrative: The applicant wishes to place a portion of water right 37-228 and 37-229 in the Bank. 63.8 acres and 0.5 cfs. The entirety of water right 37-2147 will be placed in the Bank. 30.0 acres and 0.6 cfs of irrigation and domestic. This is for the 2015 to 2019 season. These three rights are limited to the irrigation of 257.3 acres, diversion rate of 4.6 cfs. Jay Faulkner, president of Diamond A Livestock, signed the applications. No outside water rights overlap the water rights proposed for lease. Applicant wants to put 93.8 acres total in the Bank (30 acre from 37-2147 and 63.8 acres of 37-228 and 37-229). However, water right 37-2147 overlaps 37-228 and 37-229 by 0.4 acres. Because of the overlap, this means that the leased portions have to be limited to 93.4 acres.</p> |                                     |     |                       |

3.5

|                                                                                                                                                            |                                                                                                                                                  |                                                                                                                                                        |                                                           |                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------|
| No. <b>C 98086</b>                                                                                                                                         | Due no later than <b>Mar 31, 2016</b><br><b>Annual Report Form</b>                                                                               |                                                                                                                                                        | 2. Registered Agent and Address<br><b>(NO PO BOX)</b>     |                           |
| Return to:<br><br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | 1. Mailing Address: Correct in this box if needed.<br><br>DIAMOND A LIVESTOCK, INC.<br>FRED FAULKNER<br>1997 SOUTH 1875 EAST<br>GOODING ID 83330 |                                                                                                                                                        | FRED FAULKNER<br>1997 SOUTH 1875 EAST<br>GOODING ID 83330 |                           |
|                                                                                                                                                            |                                                                                                                                                  |                                                                                                                                                        | 3. <u>New</u> Registered Agent Signature:*                |                           |
| 4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).                                          |                                                                                                                                                  |                                                                                                                                                        |                                                           |                           |
| Office Held                                                                                                                                                | Name                                                                                                                                             | Street or PO Address                                                                                                                                   | City                                                      | State Country Postal Code |
| TREASURER                                                                                                                                                  | SUSAN FAULKNER                                                                                                                                   | 1997 S 1875 E                                                                                                                                          | GOODING                                                   | ID USA 83330              |
| SECRETARY                                                                                                                                                  | FRED FAULKNER                                                                                                                                    | 1997 S 1875 E                                                                                                                                          | GOODING                                                   | ID USA 83330              |
| PRESIDENT                                                                                                                                                  | JAY FAULKNER                                                                                                                                     | 1877 E 2000 S                                                                                                                                          | GOODING                                                   | ID USA 83330              |
| 5. Organized Under the Laws of:<br><br><b>ID<br/>C 98086</b>                                                                                               |                                                                                                                                                  | 6. Annual Report must be signed.*<br><br>Signature: Susan Faulkner<br>Name (type or print): Susan Faulkner<br><br>Date: 01/18/2016<br>Title: Treasurer |                                                           |                           |
| Processed 01/18/2016                                                                                                                                       |                                                                                                                                                  | * Electronically provided signatures are accepted as original signatures.                                                                              |                                                           |                           |



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED  
JAN 04 2016  
DEPARTMENT OF  
WATER RESOURCES

December 31, 2015

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

RECEIVED  
DEC 31 2015  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

Re: WSB Lease; 37-228, 37-229 and 37-2147 on Behalf of Diamond A Livestock

Dear Cherie:

On behalf of Diamond A Livestock and Jay Faulkner, Brockway Engineering is submitting three water supply bank lease applications which propose to lease all of water rights 37-2147 and portions of rights 37-228 & 37-229 to the Water Supply Bank for 2015. A map is attached showing the areas that are proposed to be idled associated with the lease applications.

Water rights 37-228, 37-229 & 37-2147 have a combined limit of 257.3 acres & 4.6 cfs. Rights 37-228 & 37-229 have a limit of 227.7 acres. All of right 37-2147 for 30 acres all of which will be put in the bank along with 28% of both 37-228 & 37-229 or 0.56 cfs & 63.8 acres will be places in the water bank. A total of 93.8 acres for a period of 5 years are being submitted for approval in to the water supply bank.

Also enclosed is a check for \$750.00 to cover the cost of the three water supply bank lease applications. Please copy our office on all correspondence regarding these applications. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Amy Runser

Enc: (3) WSB Lease Applications, Aerial Map.  
(1) Brockway Engineering Check # 13089

Cc: Jay Faulkner, Diamond A Livestock

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