



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 21, 2002

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue, Third Floor
P.O. Box 50130
Idaho Falls, ID 83405

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - ROCKY
MOUNTAIN LAND & LIVESTOCK**

Dear Mr. Foster:

Please find enclosed a receipt in the amount of \$176.00 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 16 acre feet of ground water for stockwater use during part of 2002 and 2003 by Rocky Mountain Land & Livestock. Upon receipt of this fully executed agreement and your client's compliance with the conditions of water use described in the agreement, your client is authorized to divert water.

If you have questions, please feel free to contact me or the Department's Western Regional office at 334-2190 in Boise.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Gary Spackman - IDWR
Lorie Graves - IDWR
02-02267

MICROFILMED
APR 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 21, 2002

US Ecology Idaho, Inc
c/o Dana Hofstetter
Hofstetter Law Office, PLLC
608 West Franklin St.
Boise, ID 83702

**RE: RENTAL OF PART OF WATER RIGHT NO. 02-02267 FROM THE WATER
SUPPLY BANK**

Dear Ms. Hofstetter:

The department has requested the issuance of a state warrant in the amount of \$160 as payment to US Ecology Idaho, Inc. for the rental of 16 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return for the rental is based on \$10.00 per acre-foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Gary Spackman - IDWR
Fiscal - Debbie Allen
✓02-02267

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APR 16 2003

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton 
RE: WATER SUPPLY BANK RENTAL FEE - 02-02667
Date: October 21, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of the above referenced water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared in the amount of \$160 and sent to the owner of the water rights at the following address:

US Ecology Idaho, Inc
c/o Dana Hofstetter
Hofstetter Law Office, PLLC
608 West Franklin St.
Boise, ID 83702

Attach: 2

 02-02267

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APR 16 2003

Idaho Department of Water Resources Receipt

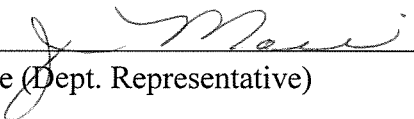
Receipt ID C065149

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$160.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$16.00	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

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APR 16 2003

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
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THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED

OCT 15 2002

Department of Water Resources

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

October 10, 2002

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706

RE: Rental Agreement - Water Supply Bank

Dear Mr. Saxton:

Enclosed is another signed Water Supply Bank Rental Agreement together with our check in the amount of \$176.00 pursuant to your letter of October 4, 2002. Thank you for your continued assistance.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\2368 ROCKY MOUNTAIN\Correspondence\Glen Saxton 101002.wpd:cdv

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APR 16 2003

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OCT 15 2002

Department of Water Resources

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Rocky Mountain Land & Livestock
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River tributary to Columbia River
4. Volume of water rented: 16 AF Max rate: 0.10 cfs
5. Diversion period: from October 10, 2002 to April 10, 2003
6. Use of water: Stockwater
7. a) Renter's point of diversion:

The renter proposes to temporarily exchange water rented from the Snake River with water diverted from Clover Creek in the NWSW Section 8, T5S, R11E, B.M., Elmore County

- b) Renter's place of use:

Legal description: S1/2, NE1/4 Section 6, T5S, R11E, B.M. up to 2,300 head of stock in a feed lot

8. The right from which water will be rented is 02-02267
9. Comment: The declaration of Elmore County as a drought emergency area in 2002 allows IDWR to approve a temporary exchange.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this rental/temporary exchange agreement, the renter shall install a pump at the point of diversion that will

not divert more than 0.10 cfs of water nor more than 10% of the flow in Clover Creek, whichever is less.

3. The renter shall provide a means to determine the rate of flow in Clover Creek.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
6. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

Dated this 9th day of OCTOBER, 2002.

ROCKY MOUNTAIN LAND & CATTLE

BY [Signature], ATTORNEY FOR RENTER
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 21st day of October, 2002.

[Signature]
for KARL J. DREHER, Director
Department of Water Resources

Before the Idaho Water Resource Board

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APR 16 2003



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DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 4, 2002

Rocky Mountain Land & Livestock
c/o Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

RE: RENTAL AGREEMENT - WATER SUPPLY BANK

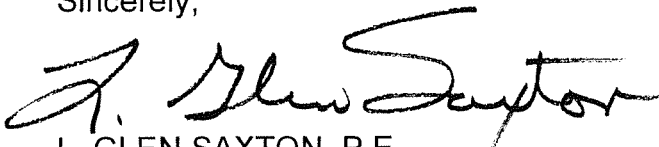
Dear Mr. Foster:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$176** and was calculated as \$11.00 per acre-foot times 16 acre feet. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Please promptly return the signed agreement and fee to my attention so I can complete the processing. If you have questions, feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Lorie Graves - IDWR
Gary Spackman - IDWR
✓ 02-2267

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APR 16 2003

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
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Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

October 4, 2002

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OCT 15 2002
Department of Water Resources

VIA FAX & REGULAR MAIL

Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706
208-327-7866

RE: Rental Agreement - Water Supply Bank

Dear Mr. Saxton:

We received, and are returning with our signature, the Water Supply Bank Rental Agreement which you so kindly sent to us by facsimile transmission. We are sending it by facsimile transmission as well as the originally signed copy by regular mail.

Thank you again for your assistance and consideration.

Very truly yours,



Kent W. Foster

Enclosure

cc: Hal Hawkins

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APR 15 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 21, 2002

Dana Hofstetter
Hofstetter Law Office, PLLC
608 West Franklin St.
Boise, ID 83702

RE: WATER SUPPLY BANK - RIGHTS 02-02267 AND 02-07065C

Dear Ms. Hofstetter:

As requested in your letter to me dated October 18, 2002, I have extended the time for the lease of the above referenced water rights to the water supply bank ("bank"). More specifically, I have extended the time for water right 02-02267 to remain in the bank until April 15, 2003 and for right 02-07065C until March 31, 2003.

After the pending rental of part of water right 02-02267 is complete, I will have the rental payment to US Ecology Idaho, Inc. sent to your office unless I hear differently from you.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region
02-02267 and 02-07065C

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APR 16 2003

HOFSTETTER LAW OFFICE, LLC

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 424-7800

Fax: (208) 424-8774

E-Mail: Dana@IdahoWaterLaw.com

RECEIVED

OCT 18 2002

Department of Water Resources

FAX COVER SHEET

DATE: October 18, 2002

TO: Glen Saxton

Fax: 327-7866

FROM: Dana Hofstetter

RE: Water Supply Bank – Water Right Nos. 02-02267 and 02-07065C

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 2

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES X **NO** ____

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APR 16 2003

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 18, 2002

Via Facsimile and U.S. Mail

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Water Supply Bank – Water Right Nos. 02-02267 and 02-07065C

Dear Mr. Saxton:

I write to inform you that US Ecology Idaho, Inc., the holder of water right nos. 02-02267 and 02-07065C, has decided to extend the Water Supply Bank terms for both of these water rights. As you know, both terms currently are due to expire November 15, 2002. With regard to the water right that you indicated is subject to a pending request for a lease of about 16 acre feet for stock water through approximately April 10, 2003, US Ecology has decided to extend the Water Supply Bank term for that water right until April 15, 2003 in an effort to accommodate this partial lease. With respect to the other water right, US Ecology would like to extend the Water Supply Bank term until March 31, 2003. Please confirm whether these requests for extensions to the Water Supply Bank terms are approved. As you know, US Ecology Idaho, Inc. currently is seeking interested buyers for these water rights.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: US Ecology Idaho, Inc.
E:/1837.5/5378

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APR 16 2003

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 18, 2002

Via Facsimile and U.S. Mail

RECEIVED

OCT 21 2002

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Department of Water Resources

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Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: US Ecology Idaho, Inc.
E/ 1837.5/5378

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APR 16 2003

MEMORANDUM

To: Water Supply Bank files

From: L. Glen Saxton

RE: APPLICATION TO RENT WATER

Date:

On September 27, 2002, Rocky Mountain L submitted an application to rent 16 AF of water for purposes near King Hill, Idaho for the period October 10 to November 10, 2002. The reason for the rental application is that King Hill Irrigation is providing stockwater for RML&L's prior water supply pumps from the Snake River on October 10, 2002.

After visiting with Kent Foster I determined that the diverted Snake River water with Clover Creek water, Clover Creek about 1/8 mile above the confluence of the Snake River. Foster advised that the rate of diversion shown on the rental application. In consultation with the department that the pump will need to be changed in order to divert at a rate not larger than 0.10 cfs, and that RML&L is willing to change (downsize) the pump.

The flow of Clover Creek at the RML&L point of diversion reaches a low of about 2 or 3 cfs according to Chuck Brockway. There are no diversions from Clover Creek between the RML&L diversion and the mouth of Clover Creek. Diversion of water by RML&L does not appear to injure Von and Debbie Bross as they allege since they live upstream from RML&L's point of diversion.

The department contacted Chuck Ward of Idaho Department of Fish and Game to determine if there is a minimum by-pass flow needed for the fishery in Clover Creek. Ward advised that _____

The department can consider a temporary exchange, since the department has declared a Drought Emergency for Elmore County during 2002. The department should make the rental/exchange of Snake River water for Clover Creek water with certain conditions including the following:

1. Diversion from Clover Creek is not authorized if the flow past the RML&L diversion is less than _____ cfs.

- Has been diverting @ 0.88 cfs

- Wants to divert stockwater @ 0.10 cfs (by reducing size of pump - i.e. change).

- Is there a min by pass flow required for the Bross fishery?

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APR 16 2003

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APR 16 2003

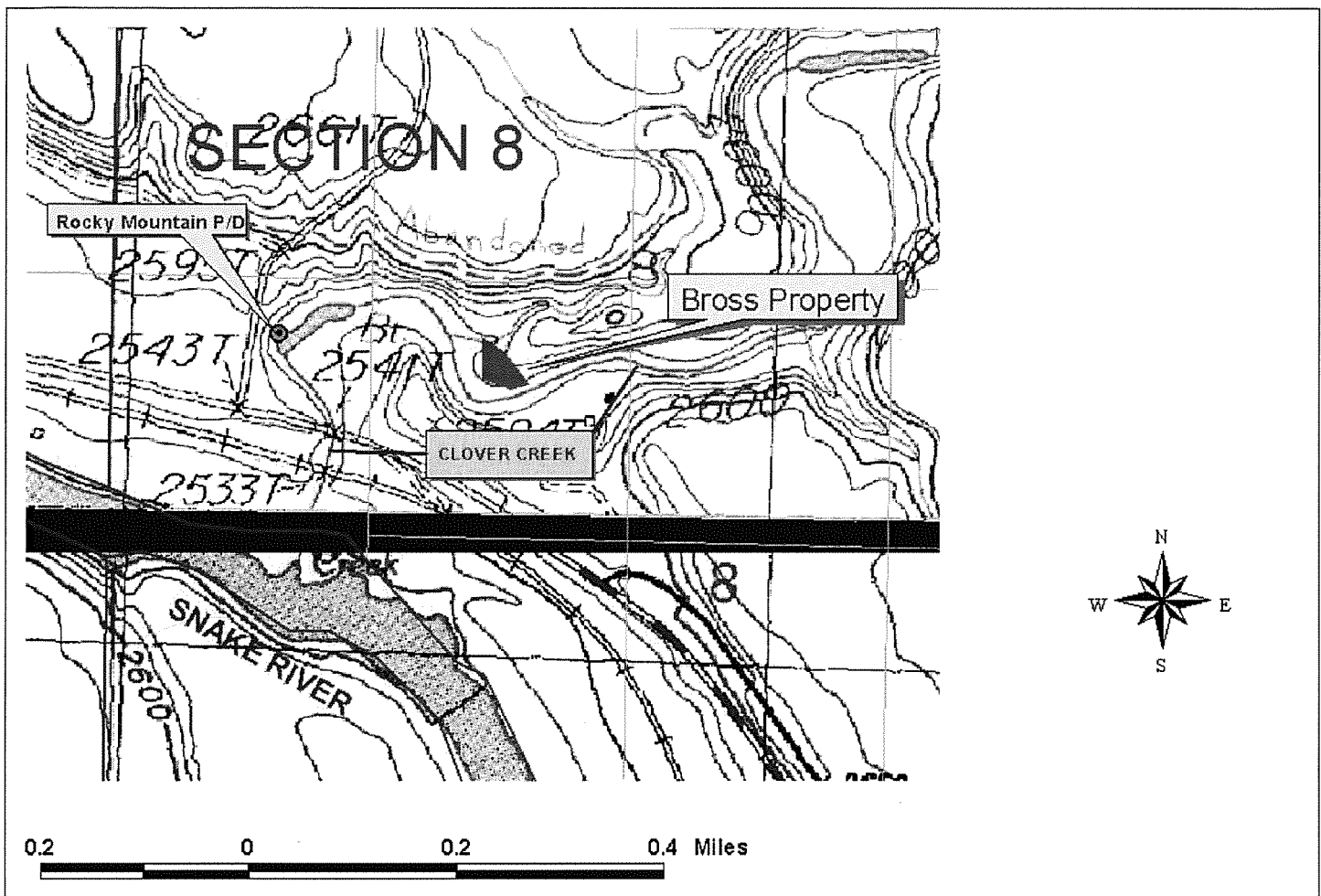
2. Prior to diversion of water from Clover Creek under the rental/exchange agreement, RML&L shall downsize its pump so that the rate of diversion from Clover Creek will not exceed 0.10 cfs.

3.

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ROCKY MOUNTAIN CLOVER CREEK DIVERSION



p.d
NWSW, Sec 8, T5S, R11E, BM

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APR 16 2003

IDAHO DEPARTMENT OF
WATER RESOURCES

Fax

To: Gary Spackman

From: Glen Saxton

Fax:

Date: September 30, 2002

Phone:

Pages: 4

Re: Rocky Mountain Land & Cattle Co.

CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•**Comments:** Please call me at 327-7955 with your comments. Thanks.

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APR 16 2003

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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RECEIVED
SEP 27 2002

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William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

September 25, 2002

Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RE: Application for Rent Water from the Water Supply Bank for Rocky Mountain
Land and Cattle Company

Dear Mr. Saxton:

Enclosed with this letter is an application on behalf of Rocky Mountain Land and Cattle Company. You are already very much aware of the applicant's pending application no. 61-11954 for a groundwater right of sufficient magnitude to water the stock at the feedlot. While that application seeks water for up to 15,000 head, the present authorization from the County of Elmore only authorizes 2,800 head in the feedlot. In addition, some of the range cows (up to 500 or 600 head) are brought to the property (not kept in the feeding pens) where they are kept and calved during the winter.

As you also know, the matters before the Elmore County Planning and Zoning Commission and Board of Commissioners are still pending and Rocky Mountain expects that number to be modified to authorize the full 15,000 head in the near future. Because we are unable to predict the timing or results of the application for permit no. 61-11954 before IDWR, we felt that this application was our only possible safety valve.

We are aware that letters were submitted by Von and Debbie Bross and Idaho Fish and Game previously regarding the pumping of water from Clover Creek. Pumping of water from Clover Creek is continuing during the 2002 irrigation season under right no. 37-20344. The amount of that right is 0.88 cfs.

Rocky Mtn
Lic. 0.88 cfs / 132 AF
Irving / 44 ac

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APR 16 2003

As we recall, the Bross' complaint was that we were drying up Clover Creek at their home. That has not proven to be the case, and as we understand it, the gradient of the creek would make it impossible to do so regardless of how much water is pumped. We have also been informed that the Idaho Department of Fish and Game complaint about the bass fishery was erroneous because Idaho Fish and Game was referring to an entirely different Clover Creek somewhere else in the state. We have been unable to obtain any additional information from Fish and Game regarding this matter. In any event, 0.5 cfs, which is the maximum we would expect to pump to the reservoir from Clover Creek during the non-irrigation season is significantly less than the 0.88 cfs which has been pumped for irrigation purposes during most of the summer.

If we can provide any additional information or be of any assistance, please feel free to call upon us at your convenience. Thank you for your kind and continued assistance.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\2368 ROCKY MOUNTAIN\Correspondence\Glen Saxton 92502.wpd.cdv

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APR 16 2003

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Applicant Rocky Mountain Land & Livestock Phone 208-523-0620
 Address c/o Holden Kidwell Hahn & Crapo, P.O. Box 50130
 City Idaho Falls State ID Zip Code 83405

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water: Snake River
 which is tributary to: Columbia River.
2. Maximum volume of water sought 16 AF.
3. Maximum rate of diversion ~~0.5~~ 0.10 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Watering livestock - up to 2,300 head
2. Location of point of diversion NW 1/4 SW 1/4, Section 8,
 Township 5S, Range 11, E.B.M. Elmore County.
3. Season of use: From October 10, 2002 to April 10, 2003.
4. Description of diverting works:
 Applicants pump station in Clover Creek a few hundred feet upstream from Clover Creek's confluence with the Snake River through applicant's mainline to Walker Reservoir, then to be pumped through line from reservoir to feedlot.
5. Place of use:
 a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract, section, township and range.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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Total: _____

APR 16 2003

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

Watering up to 1,717 head of stock in feedlot located approximately in the S ½, NE1/4, Sec. 6, T5S, R11 E.B.M.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

61-10120 for 1083 of a total of 2,800 head of cattle

7. Who owns the property at the point of diversion?

Applicant

8. Who owns the property at the place of use?

Applicant

9. Are you seeking a rental for more than one (1) year? No

If so, how many years? _____

10. Remarks: _____

Sept-20-02
Date

Roger Ball
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 9-27-02 Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Rocky Mountain Land & Livestock
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River tributary to Columbia River
4. Volume of water rented: 16 AF Max rate: 0.10 cfs
5. Diversion period: from October 10, 2002 to April 10, 2003
6. Use of water: Stockwater
7. a) Renter's point of diversion:

The renter proposes to temporarily exchange water rented from the Snake River with water diverted from Clover Creek in the NWSW Section 8, T5S, R11E, B.M., Elmore County

- b) Renter's place of use:

Legal description: S1/2, NE1/4 Section 6, T5S, R11E, B.M. up to 2,300 head of stock in a feed lot

8. The right from which water will be rented is 02-02267
9. Comment: The declaration of Elmore County as a drought emergency area in 2002 allows IDWR to approve a temporary exchange.

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. Prior to diversion of water under this rental/temporary exchange agreement, the renter shall install a pump at the point of diversion that will

not divert more than 0.10 cfs of water nor more than 10% of the flow in Clover Creek, whichever is less.

3. The renter shall provide a means to determine the rate of flow in Clover Creek.
4. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
6. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

Dated this _____ day of _____, 2002.

Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2002.

KARL J. DREHER, Director
Department of Water Resources

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
111	10/ 4 2:00PM	0'41"	208 523 9518	Send.....	2/ 2	EC144	Completed.....

Total 0'41" Pages Sent: 2 Pages Printed: 0

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows.

1. Renter: Rocky Mountain Land & Livestock
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River tributary to Columbia River
4. Volume of water rented: 16 AF Max rate: 0.10 cfs
5. Diversion period from October 10, 2002 to April 10, 2003
6. Use of water: Stockwater
7. a) Renter's point of diversion:
The renter proposes to temporarily exchange water rented from the Snake River with water diverted from Clover Creek in the NWSW Section 8, T5S, R11E, B.M., Elmore County
b) Renter's place of use:
Legal description: S1/2, NE1/4 Section 6, T5S, R11E, B.M. up to 2,300 head of stock in a feed lot
8. The right from which water will be rented is 02-02267
9. Comment: The declaration of Elmore County as a drought emergency area in 2002 allows IDWR to approve a temporary exchange.

Conditions of water use under this agreement

1. The use of water under this agreement is subject to the provisions of Section 42-1796, Idaho Code.
2. Prior to diversion of water under this rental/temporary exchange agreement, the renter shall install a pump at the point of diversion that will

RENTAL AGREEMENT - Pg 1

MICROFILMED
APR 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2002

Rocky Mountain Land & Livestock
c/o Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK

Dear Mr. Foster:

On May 31, 2002, Chuck Brockway submitted to the Department a monitoring plan in connection with the use of stockwater by Rocky Mountain Land & Livestock ("Rocky Mountain") in Section 6, T5S, R11E, B.M. The Department's western regional office has reviewed the plan and has determined that it is sufficient to monitor water diversion and use.

Hence, please find enclosed a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 20 Acre Feet of Snake River water for stockwater use by Rocky Mountain during 2002. Upon receipt of this fully executed agreement, Rocky Mountain is authorized to divert water in compliance with the conditions of water use described in the agreement.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Gary Spackman - IDWR
Chuck Brockway
Hal Hawkins
02-02267

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2002

Envirosafe Services of Idaho
P.O. Box 400
Grand View, ID 83624

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 02-2267

Gentlemen:

The department has requested the issuance of a state warrant in the amount of \$200 as payment for the rental of 20 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return to you for the rental is based on \$10.00 per acre foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Fiscal - Debbie Allen
02-2267
Gary Spcakman - IDWR

MICROFILMED

JUN 18 2002

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton 
RE: WATER SUPPLY BANK RENTAL FEE - 02-02267
Date: June 5, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of a water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared in the amount of \$200 and sent to the owner of the water right at the following address:

Envirosafe Services of Idaho
P.O. Box 400
Grand View, ID 83624

Attach: 2
c: 02-02267

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JUN 18 2002

Idaho Department of Water Resources Receipt

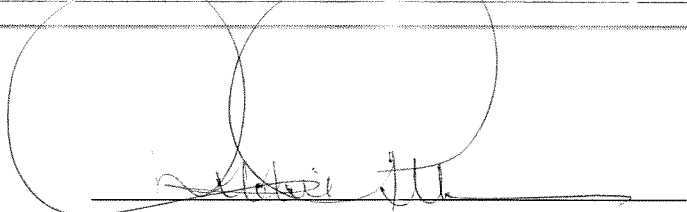
Receipt ID C062262

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	WATER BANK-OWNER SHARE	0229	21	55109	1205
\$20.00	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

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JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GovernorKARL J. DREHER
DirectorFAX TRANSMITTAL COVER SHEET

RECEIVED

FAX NUMBER (208) 334-2348

JUN - 5 2002

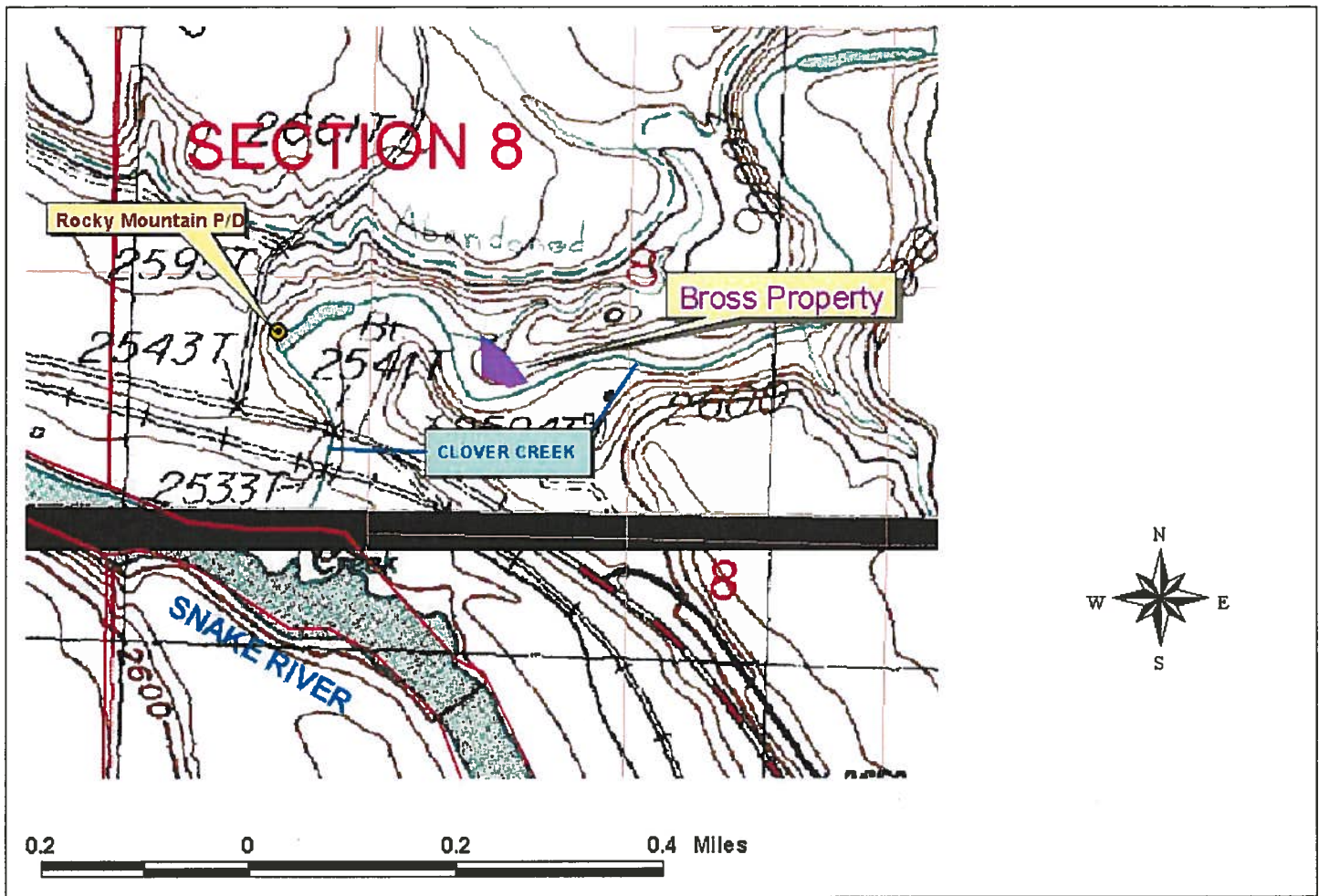
Department of Water Resources

DATE: 6-4-02TO: Alan S.FROM: WesternDOCUMENT DESCRIPTION/NOTES: letter from C. BrockwayTOTAL PAGES SENT: 4 + COVER SHEETCONTACT: Sue T.

MICROFILMED

JUN 13 2002

ROCKY MOUNTAIN CLOVER CREEK DIVERSION



p.d
NWSW, Sec 8, T5S, R11E, BM

MICROFILMED

APR 16 2003

Saxton, Glen

From: Saxton, Glen
Sent: Thursday, May 30, 2002 2:20 PM
To: Spackman, Gary
Subject: FAX FROM ROCKY MTN ON MAY 30, 2002

Gary,

I forwarded a FAX to you today from Rocky Mtn Land & Cattle Co. I see nothing in the Memorandum of Understanding that was signed on May 29, 2002 (yesterday) related to measuring or controlling the amount of ground water diverted from the domestic well, that you were concerned about. Hence, I will not approve the application to rent water from the bank for stockwater use until you are satisfied that Rocky Mtn has taken appropriate measures to alleviate your concerns. lgs

King Hill Domestic Water & Sewer Users Association

PO Box 396, King Hill, ID 83633

Knight C Duerig, Chairman

208-366-2519 *khdomwtr@nonconsumersdigest.com*

May 23, 2002

Gary Spackman
Department of Water Resources
Western Region, 2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

MAY 24 2002

Department of Water Resources

Mr. Spackman

The King Hill Domestic Water and Sewer Users Association filed a formal protest to the Application for Water Right No. 61-11954 filed by Rocky Mountain Land and Cattle Co. (RMLC) on February 27, 2002.

We also went on record as objecting to the current practice of RMLC of running 4000 head of cattle in a feedlot operation without stock water rights for those cattle. Their existing water rights A37-20344, 61-00356, 61-00357, 61-02242, 61-02243 and 61-07231 do not list any stock water right usage, therefore they seem to be in violation of current regulations. They have been running from 3-4000 head of cattle without the correct water rights since they purchased the property.

On April 4, 2002 we requested a report on the status of their illegal stock water usage, and what is being done to remedy the situation. We have not received an answer to date.

On April 16, 2002, you sent a letter to Kent Foster in which you stated: "The purpose of this letter is to request that RMLC provide evidence of an existing water right that is approved by IDWR or the court, or is supported by a beneficial use claim filed with the SRBA court. I ask that this evidence be submitted to IDWR within thirty (30) days of the date of this letter." And further, that "If the evidence of water is not submitted to this office, IDWR will begin preparing a notice of violation for the illegal use of water."

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JUN 18 2002

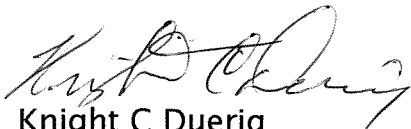
As of the date of this letter, I have not received confirmation that any documentation has been received in your office. I assume that you have started the proceedings for a Notice of Violation.

My question is, are you going to charge Rocky Mountain with illegal use of water since 1999 or are you only going to charge them with illegal use since May 16, 2002?

If my information is incorrect, please feel free to send me the corrected information.

Your response to this letter is requested.

Respectfully Yours,


Knight C Duerig

Cc:

Karl J. Dreher

Norm Young ✓

MICROFILMED
JUN 18 2002

Phone: 208-524-5454
Fax: 208-524-5455

Rocky Mountain Land & Cattle
P.O. BOX 1491
IDAHO FALLS, ID 83403

FAX**RECEIVED****MAY 30 2002**

Department of Water Resources

TO:*L. Glen Saxton***From:** Rocky Mountain Land & Cattle, LLC

Hal E. Hawkins

Fax:*208-327-7866***Date:***MAY 30 - 2002***Phone:** 208-524-5454 Ext. 151**Pages:** 3**Re:** *Livestock water Rental***CC:** *GARY SPACKMAN, Lori Graves***Urgent**☒ **For Review**☐ **Please Comment**☐ **Please Reply**☐ **Please Recycle****•Comments:**

*Signed Agreement With King Hill Irrigation District
To Deliver Water Bank Rental Water To Rocky Mountain
Livestock.*

MICROFILMED**JUN 18 2002**

From: Chuck Brockway <cebrock@mindspring.com>
To: Hal Hawkins <hhawkins@ballenterprises.com>; Kent Foster <kfoster@holdenlegal.com>
Sent: Friday, April 26, 2002 4:43 PM
Subject: Memo of Understanding KHID for livestock water

Memorandum of Understanding No 2
King Hill Irrigation District and Rocky Mountain Land and Cattle Company
April 26, 2002

The Rocky Mountain Land and Cattle Company owns and operates a feedlot on land which receives water from the King Hill Irrigation District through their Snake River pumping station near the City of King Hill. This feedlot has historically utilized water from wells owned by the company but can utilize water provided through the King Hill Irrigation District system. Water rights for the feedlot are not deemed currently adequate by the Idaho Department of Water Resources for the number of animals maintained on the facility.

In order to provide water for the cattle in excess of the number authorized under current water rights, Rocky Mountain Land and Cattle Company has applied for leased water from the Idaho Water Resource Board water bank for the year 2002. The Company has previously contracted with the Board to supplement irrigation supplies on the ranch and has an agreement with KHID to transport a total of 500 acre feet of irrigation water for the season and a maximum discharge of 1.82 cfs (91 miners inches).

King Hill Irrigation District has agreed to provide additional water for the feedlot up to a maximum of 20 acre feet for the 2002 irrigation season up to a maximum diversion rate of 0.054 cfs (2.7 miners inches). This water is in addition to the irrigation water provided for under a previous memorandum of agreement.

King Hill Irrigation District has agreed to provide this additional water for the feedlot through their pumping system subject to specific conditions and operating criteria. The purpose of this Memorandum of Understanding is to document the responsibilities of the parties to assure that the arrangement is compatible with KHID operating policies and capabilities and that Rocky Mountain Land and Cattle Company can fully comply with the reporting and use terms of the Idaho Water Resource Board.

In addition to the normally allocated KHID water delivered and the Water Bank water to be delivered under the previous memorandum of understanding, KHID agrees to:

1. Provide up to 2.7 miners inches of water bank water for livestock through the system into the RMLC ditch during the normal 2002 irrigation season as specified by the District.
2. This additional livestock water is to be provided before any additional water bank irrigation water is delivered under the previous memorandum of understanding.
3. Provide access to the daily log of separate deliveries to the Ranch, Edwards Place, water bank water for irrigation, and water bank water for livestock.
4. Provide copies of the monthly KHID delivery spreadsheets to include daily individual deliveries for the month, volume delivered, and total volume delivered for the season. Copies to be provided by e-mail to Hal Hawkins, RMLC and C.E. Brockway, Brockway Engineering P.L.L.C.
5. Bill RMLC at the end of the irrigation season on a per/acre foot basis for the cost of conveyance of the water bank water based on KHID power costs and normal maintenance and operation costs.

Rocky Mountain Land and Cattle Company through the ranch manager or other personnel will:

1. Notify the District and request at least 12 hours in advance any changes in deliveries of KHID water or water bank water.

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JUN 18 2002

2. Notify KHID as quickly as possible, of any system problems or operations problems requiring curtailment or modification of deliveries from the KHID system.
3. Maintain the concrete ditch downstream of the 5 ft Cippoletti weir to adequately convey KHID and water bank water.



King Hill Irrigation District

Rocky Mountain Land and Cattle Company LLC

5/29/02

Date

5/28/2002

Date

MICROFILMED

JUN 18 2002

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources "(Director)" for rental of water from the bank agrees to rent water as follows:

1. Renter: Rocky Mountain Land & Livestock
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River tributary to Columbia River
4. Volume of water rented: 20 AF Max rate: 0.54 cfs
5. Diversion period: from May 1 to October 10, 2002 or end of King Hill Irrigation District pumping season.
6. Use of water: Stockwater
7. a) Renter's point of diversion:

The point of diversion from the Snake River is located in the NESE Section 12, T5S, R10E, B.M., Elmore County.

- b) Renter's place of use:

Legal description: S1/2, NE1/4 Section 6, T5S, R11E, B.M. for 2.917 head of stock in a feed lot

8. The right from which water will be rented is 02-02267

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. The renter shall report the amount of water diverted at the point of diversion to the Department at the end of the water delivery season.
3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of

use of the water shall revert to its original place of use and/or again be available to rent from the bank.

4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
5. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
6. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

Dated this 10 day of May, 2002.

Brett Ball
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 5th day of June, 2002.

Karl J. Dreher
for KARL J. DREHER, Director
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 6, 2002

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK -
ROCKY MOUNTAIN LAND & LIVESTOCK**

Dear Mr. Foster:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$220** and was calculated as \$11.00 per acre foot times 20 acre feet. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton', is written over a horizontal line.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Rocky Mountain Land & Livestock
Gary Spackman - IDWR
02-02267

MICROFILMED

JUN 18 2002

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Applicant: Rocky Mountain Land and Livestock Phone: 208-523-0620

Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130

City: Idaho Falls State: Idaho Zip Code: 83405

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of Water: Snake River

Which is tributary to: Columbia River

2. Maximum volume of water sought: 20 acre feet

3. Maximum rate of diversion: .054 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use: Watering livestock - up to 2917 head.

2. Location of point of diversion: NE 1/4 SE 1/4, Section 12,
Township 5S, Range 10E, B.M. Elmore County.

3. Season of Use : From May 1, 2002 to October 10, 2002, or end of King Hill
Irrigation District pumping Season.

4. Description of diverting works:

King Hill Irrigation District pump and system pumps water from river into
feeder ditch to intake for Applicants irrigation system into Walker Reservoir and
pumped through line from reservoir to feedlot.

5. Place of use:

a. If water is for irrigation, describe the number of acres to be irrigate by
40-acre tract, section, township and range.

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JUN 18 2002

- b. If water is not for irrigation, describe the nature of the intended use and the place of use:

Watering up to 2917 head of stock in feed lot located approximately in the S1/2, NE1/4, Section 6, Township 5S, Range 11 E.B.M.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

61-10120 for 1083 of a total of 4,000 head of cattle.

7. Who owns the property at the point of diversion?

King Hill Irrigation District

8. Who Owns the property at the place of use?

Applicant

9. Are you seeking a rental for more than one (1) year? No

If so, how many years? _____

10. Remarks: _____

April 29, 2002

Date

Roger Baer
Signature of Applicant

MICROFILMED

JUN 18 2002

FOR DEPARTMENT USE ONLY

Received by WJA Date 5-6-02 Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

MICROFILMED
JUN 18 2002

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources "(Director)" for rental of water from the bank agrees to rent water as follows:

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b) Renter's place of use:

Legal description: S1/2, NE1/4 Section 6, T5S, R11E, B.M. for 2,917 head of stock in a feed lot
8. The right from which water will be rented is 02-02267

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
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6. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

Dated this _____ day of _____, 2002.

Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2002.

KARL J. DREHER, Director
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 29, 2002

Kent W. Foster
HOLDEN KIDWELL HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

RE: Rocky Mountain Land & Cattle Co., LLC
Water Right No. 02-02267

Dear Mr. Foster:

Enclosed is a fully executed copy of the Water Supply Bank Rental Agreement for the Rocky Mountain Land & Cattle Co., LLC. I previously mailed an incomplete copy and I ask that you replace that copy with the one enclosed.

If you have any questions, please contact me at (208)327-7910.

Sincerely,

Deborah J. Gibson
Water Allocation Bureau
Administrative Assistant

Encl.

cc: Gary Spackman

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JUN 18 2002

RECEIVED

MAY - 6 2002

Department of Water Resources

April 29, 2002

State Of Idaho
Department of Water Resources
L. Glen Saxton, P.E.
1301 N. Orchard St.
Boise, Idaho 83706

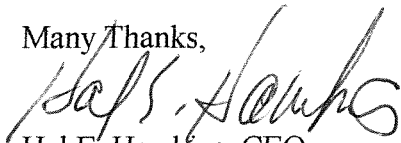
Dear Mr. Saxton:

Please find enclosed an application to rent water from the water bank for livestock use. Kent Foster has drawn up this agreement and the owner has signed it. I am also sending an agreement that was put together by Dr. Charles Brockway for delivery of the water from the Snake River by the King Hill irrigation district.

If you have any questions concerning this agreement please feel free to give Kent Foster or myself a call.

We appreciate your help in these matters.

Many Thanks,



Hal E. Hawkins, CEO
Rocky Mountain Land & Cattle
208-524-5454

MICROFILMED

JUN 13 2002

Main Identity

From: Chuck Brockway <cebrock@mindspring.com>
To: Hal Hawkins <hhawkins@ballenterprises.com>; Kent Foster <kfoster@holdenlegal.com>
Sent: Friday, April 26, 2002 4:43 PM
Subject: Memo of Understanding KHID for livestock water

Memorandum of Understanding No 2
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 April 26, 2002

The Rocky Mountain Land and Cattle Company owns and operates a feedlot on land which receives water from the King Hill Irrigation District through their Snake River pumping station near the City of King Hill. This feedlot has historically utilized water from wells owned by the company but can utilize water provided through the King Hill Irrigation District system. Water rights for the feedlot are not deemed currently adequate by the Idaho Department of Water Resources for the number of animals maintained on the facility.

In order to provide water for the cattle in excess of the number authorized under current water rights, Rocky Mountain Land and Cattle Company has applied for leased water from the Idaho Water Resource Board water bank for the year 2002. The Company has previously contracted with the Board to supplement irrigation supplies on the ranch and has an agreement with KHID to transport a total of 500 acre feet of irrigation water for the season and a maximum discharge of 1.82 cfs (91 miners inches).

King Hill Irrigation District has agreed to provide additional water for the feedlot up to a maximum of 20 acre feet for the 2002 irrigation season up to a maximum diversion rate of 0.054 cfs (2.7 miners inches). This water is in addition to the irrigation water provided for under a previous memorandum of agreement.

King Hill Irrigation District has agreed to provide this additional water for the feedlot through their pumping system subject to specific conditions and operating criteria. The purpose of this Memorandum of Understanding is to document the responsibilities of the parties to assure that the arrangement is compatible with KHID operating policies and capabilities and that Rocky Mountain Land and Cattle Company can fully comply with the reporting and use terms of the Idaho Water Resource Board.

In addition to the normally allocated KHID water delivered and the Water Bank water to be delivered under the previous memorandum of understanding, KHID agrees to:

1. Provide up to 2.7 miners inches of water bank water for livestock through the system into the RMLC ditch during the normal 2002 irrigation season as specified by the District.
2. This additional livestock water is to be provided before any additional water bank irrigation water is delivered under the previous memorandum of understanding.
5. Provide access to the daily log of separate deliveries to the Ranch, Edwards Place, water bank water for irrigation, and water bank water for livestock.
6. Provide copies of the monthly KHID delivery spreadsheets to include daily individual deliveries for the month, volume delivered, and total volume delivered for the season. Copies to be provided by e-mail to Hal Hawkins, RMLC and C.E. Brockway, Brockway Engineering P.L.L.C.
7. Bill RMLC at the end of the irrigation season on a per/acre foot basis for the cost of conveyance of the water bank water based on KHID power costs and normal maintenance and operation costs.

MICROFILMED

JUN 18 2002

Rocky Mountain Land and Cattle Company through the ranch manager or other personnel will:

1. Notify the District and request at least 12 hours in advance any changes in deliveries of KHID water or water bank water.

2. Notify KHID as quickly as possible, of any system problems or operational problems requiring curtailment or modification of deliveries from the KHID system.
3. Maintain the concrete ditch downstream of the 5 ft Cippoletti weir to adequately convey KHID and water bank water.

King Hill Irrigation District

Rocky Mountain Land and Cattle Company LLC

Date

Date

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JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, ID 83405

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK

Dear Mr. Foster:

Enclosed please find a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 500 AF of water from the Snake River for irrigation use by Rocky Mountain Land & Cattle Co., LLC ("Rocky Mountain") and a receipt in the amount of \$5,500 for the rental. Upon receipt of this fully executed agreement, Rocky Mountain is authorized to divert water in compliance with the conditions of water use described on the agreement.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Gary Spackman - IDWR
02-02267

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Stephen A. Romano
American Ecology Corporation
805 W. Idaho, Suite 200
Boise, ID 83702-8916

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 02-02267

Dear Mr. Romano:

The department has requested the issuance of a state warrant in the amount of \$5,000 as payment for the rental of 500 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return for the rental is based on \$10.00 per acre foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Fiscal - Debbie Allen
02-2267

MICROFILMED

JUN 18 2002

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton 
RE: **WATER SUPPLY BANK RENTAL FEE - 02-02267**
Date: April 24, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of a water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared and sent to the owner of the water right in the amount of \$5,000. The right owner of record is:

Stephen A. Romano
American Ecology Corporation
805 W. Idaho, Suite 200
Boise, ID 83702-8916

Attach: 2
c: 02-02267

MICROFILMED
JUN 18 2002

Idaho Department of Water Resources Receipt

Receipt ID C061574

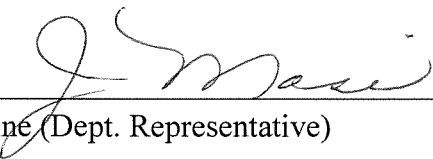
Payment Amount \$5,500.00 Date Received 4/22/2002 3:19:21 PM Region State Status 
Payment Type Check Check Number 7599

Payer ROCKY MOUNTAIN LAND & CATTLE

Comment WATER SUPPLY BANK RENTAL AGREEMENT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$550.00	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$4,950.00	WATER BANK-OWNER SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

MICROFILMED

JUN 18 2002

RECEIVED

APR 22 2002

Department of Water Resources

State of Idaho
Department of Water Resources
L. Glen Saxton, P.E.
1301 N. Orchard St.
Boise, Id. 83706

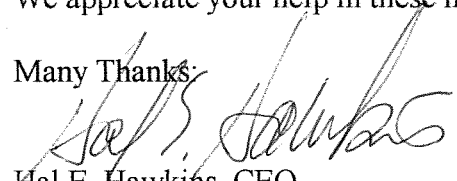
Dear Mr. Saxton:

Please find enclosed the Water Supply Bank Rental Agreement, payment and the Memorandum of understanding between King Hill Irrigation District and Rocky Mountain Land & Cattle Co.

King Hill Irrigation district has agreed to deliver the rented water to Rocky Mountain under the conditions stated in the Memorandum of Understanding. I have enclosed a copy of this document for your information. After Kent Foster and Dr. Chuck Brockway's review we feel this answers all questions concerning the delivery and measuring of the rental water. If after your review you have questions concerning this document please feel free to give me a call.

We appreciate your help in these matters.

Many Thanks:


Hal E. Hawkins, CEO
Rocky Mountain Land & Cattle Co.
208-524-5454

cc: Gary Spackman
Dr. Chuck Brockway
Gib Brown

MICROFILMED

JUN 18 2002

Main Identity

From: Chuck Brockway <cebrock@mindspring.com>
To: Hal Hawkins <hhawkins@ballenterprises.com>; Kent Foster <kfoster@holdenlegal.com>
Sent: Friday, April 12, 2002 9:48 AM
Subject: Revised Memo of Understanding KHID. Who should transmit this to KHID?

Memorandum of Understanding
 King Hill Irrigation District and Rocky Mountain Land and Cattle Company
 April 9, 2002

The Rocky Mountain Land and Cattle Company owns land which receives water from the King Hill Irrigation District through their Snake River pumping station near the City of King Hill. The District has historically provided pumped water to the home Ranch and the farm land termed the Edwards Place through the pipeline and ditch system running north through King Hill and thence to the Ranch proper. The full supply discharge normally provides 415 miners inches to the home Ranch and about 260 inches to the Edwards Place including over-acres.

Rocky Mountain Land and Cattle Company has leased water from the Idaho Water Resource Board water bank for the year 2002 to supplement irrigation supplies on the 1000 acre + ranch. This lease agreement is for a total of 500 acre feet for the season and a maximum discharge of 1.82 cfs (91 miners inches)

King Hill Irrigation District has agreed to provide this water to the Ranch through their pumping system subject to specific conditions and operating criteria. The purpose of this Memorandum of Understanding is to document the responsibilities of the parties to assure that the arrangement is compatible with KHID operating policies and capabilities and that Rocky Mountain Land and Cattle Company can fully comply with the reporting and use terms of the Idaho Water Resource Board.

In addition to the normally allocated KHID water delivered, KHID agrees to:

1. Provide up to 50 miners inches of water bank water through the system into the RMLC ditch initially.
2. Modify the pipe inlet structure at the head of the concrete ditch to accommodate additional pumping pressure to effect the conveyance of additional water bank water.
3. As soon as possible determine whether the KHID pumps and delivery system are capable of providing additional water bank water up to 91 miners inches.
4. If the full 415 miner's inches of KHID water is not being delivered to the RMLC ranch, then up to 91 miners inches of water bank water will be delivered if requested.
5. Provide access to the daily log of separate deliveries to the Ranch, Edwards Place, and water bank water.
6. Provide copies of the monthly KHID delivery spreadsheets to include daily individual deliveries for the month, volume delivered, and total volume delivered for the season. Copies to be provided by e-mail to Hal Hawkins, RMLC and C.E. Brockway, Brockway Engineering P.L.L.C.
7. Bill RMLC at the end of the irrigation season on a per/acre basis for the cost of conveyance of the water bank water based on KHID power costs and normal maintenance and operation costs.

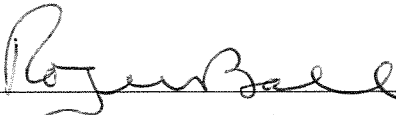
Rocky Mountain Land and Cattle Company through the ranch manager or other personnel will:

1. Purchase and install 250 ft of 21 inch diameter PVC pipe in the KHID ditch connected to the existing 30 inch diameter steel pipe.
2. Notify the District and request at least 12 hours in advance any changes in deliveries of KHID water or water bank water.
3. Notify KHID as quickly as possible, of any system problems or operations problems requiring curtailment or modification of deliveries from the KHID system.

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 JUN 18 2002

4. Maintain the concrete ditch downstream of the 5 ft Cippoletti weir to adequately convey KHID and water bank water.

King Hill Irrigation District

 4/12/02

Rocky Mountain Land and Cattle Company LLC

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JUN 18 2002

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APR 22 2002

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT Department of Water Resources

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Rocky Mountain Land & Cattle Co, LLC
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River
4. Volume of water rented: 500 AF, Max rate: 1.82 cfs
5. Diversion period: from April 1 to October 31, 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

The point of diversion from the Snake River is located in the NWSW Section 8, T5S, R11E, B.M., Elmore County.

Pump Lift: 50' Pump HP 125

- b) Renter's place of use:

Legal description: 930 ac. in parts of Sections 1 and 12, T5S, R10E, B.M. and in parts of Sections 5, 6, 7, and 8, T5S, R11E, B.M.

8. The right from which water will be rented is 02-02267

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. The renter shall measure the amount of water diverted at the point of diversion and shall report the information to the Department at the end of the irrigation season.

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JUN 18 2002

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
5. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
6. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
7. The renter is not authorized to divert water from the channel of Clover Creek tributary to the Snake River.
8. Prior to the construction or installation of the point of diversion from the Snake River, and prior to diversion of water under this agreement, the renter shall specifically show the proposed location of the point of diversion from the Snake River to staff of the department's Western Regional office and shall obtain approval from regional office staff for the location of the point of diversion.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
10. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 12 day of April, 2002.

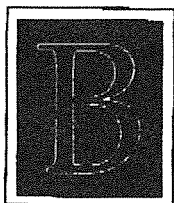
Roger Ball
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 24 day of April, 2002.

Karl J. Dreher
KARL J. DREHER, Director

RECEIVED

MAY 31 2002

WATER RESOURCES
WESTERN REGION**BROCKWAY**
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 9, 2002

Mr. Gary Spackman, Regional Manager
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Stockwater Monitoring Plan-Rocky Mountain Land and Cattle-King Hill

Dear Gary:

As we discussed on Tuesday, May 28, 2002, I have prepared a stockwater monitoring plan for the Rocky Mountain Land and Cattle Company (RMLC) King Hill Ranch. This plan will document the ground water pumped for the residential and feedlot uses at the Ranch.

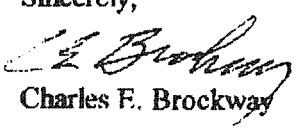
As you know, the RMLC also has obtained Snake River water through the Water Bank, which is being delivered via the KHID system. The proposed monitoring plan also documents the use of this water.

I believe this plan addresses the concerns, which you expressed to me relative to stockwater use.

I discussed this requirement with Glen Saxton who administers the Water Bank agreements and he indicated that as soon as a satisfactory stockwater-monitoring plan was provided to your office that he would complete the Water Bank agreement for the stockwater.

Please call me if you have additional questions regarding the proposed plan. I understand from Mr. Stan Phelps, RMLC ranch manager that this system will be in place and operating by May 31, 2002 or earlier.

Sincerely,


Charles E. Brockway

cc: Kent Foster
Hal Hawkins
Stan Phelps

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

MICROFILMED
JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2002

Stephen A. Romano
American Ecology Corporation
805 W. Idaho, Suite 200
Boise, ID 83702-8916

RE: WATER SUPPLY BANK - WATER RIGHT NOS. 02-02267 AND 02-07065C

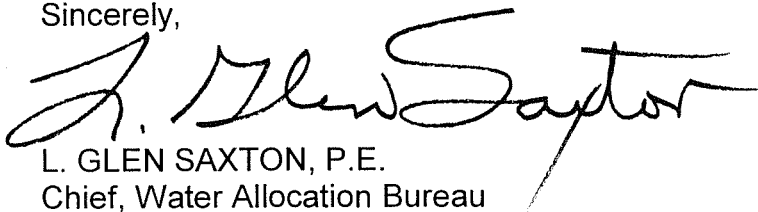
Dear Mr. Romano:

As requested in your letter dated April 1, 2002, I have changed the availability dates for rental of the above two referenced water rights from "Indefinite" to "November 15, 2002", which is the end of the irrigation season for the lands associated with the water rights.

As now shown in Department records, the rights will automatically be released from the Water Supply Bank on November 15, 2002, unless you advise the Department before this date that you want the rights retained in the bank for a longer period.

If you have questions, please feel free to contact me.

Sincerely,



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region

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JUN 18 2002

American Ecology Corporation
805 W. Idaho, Suite 200
Boise, ID 83702-8916

RECEIVED

208/331/8400
Fax: 208/331-7900
sromano@americanecology.com

APR 5 2002

American Ecology

Department of Water Resources

STEPHEN A ROMANO
President and
Chief Operating Officer

April 1, 2002

Mr. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Supply Bank – Water Right Nos. 02-02267 and 02-7065C

Dear Mr. Saxton:

As you know, our Company purchased Envirosafe Services of Idaho, Inc. last year (now known as US Ecology Idaho, Inc). With the acquisition, we gained title to water rights 02-02267 and 02-07065C, which are currently in the Idaho Department of Water Resources (IDWR) water supply bank.

Because we are currently preparing to sell these rights, we request that IDWR amend the terms of the water supply bank from indefinite to expiring at the end of the 2002 irrigation season. This change will ensure the rights are unencumbered and available for sale during the 2003 irrigation season.

We will write you again in October if we are unsuccessful in selling these rights and we decide to extend the water bank terms past the end of the 2002 irrigation season.

Please contact Chad Hyslop or myself at 331-8400 if you have any questions or need any additional information to process this request. Thank you for your assistance.

Sincerely,


Stephen A. Romano
President and Chief Executive Officer

cc: Chad Hyslop, Director of Public Affairs, AEC
Jim Baumgardner, Chief Financial Officer, AEC

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2002

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, ID 83405

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Foster:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

The rental fee is **\$5,500** and was calculated as \$11.00 per acre foot times 500 acre feet. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Concern has been expressed to the department that continued irrigation of the lands receiving the water rented may result in percolation into and movement of some contaminants in an old landfill located down gradient from the place of use. This public interest issue should be addressed through a contested case hearing for the protested application for transfer. If the protested application has not been resolved by next year, future rental of water is contingent upon a showing that continued irrigation will not contaminate ground water in the area.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: Gary Spackman
✓02-02267

MICROFILMED

JUN 18 2002

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Rocky Mountain Land & Cattle Co, LLC
2. Address: c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405
3. Source of water: Snake River
4. Volume of water rented: 500 AF, Max rate: 1.82 cfs
5. Diversion period: from April 1 to October 31, 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

The point of diversion from the Snake River is located in the NWSW Section 8, T5S, R11E, B.M., Elmore County.

Pump Lift: 50' Pump HP 125

- b) Renter's place of use:

Legal description: 930 ac. in parts of Sections 1 and 12, T5S, R10E, B.M. and in parts of Sections 5, 6, 7, and 8, T5S, R11E, B.M.

8. The right from which water will be rented is 02-02267

Conditions of water use under this agreement:

1. The use of water under this agreement is subject to the provisions of Section 42-1766, Idaho Code.
2. The renter shall measure the amount of water diverted at the point of diversion and shall report the information to the Department at the end of the irrigation season.

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
5. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
6. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
7. The renter is not authorized to divert water from the channel of Clover Creek tributary to the Snake River.
8. Prior to the construction or installation of the point of diversion from the Snake River, and prior to diversion of water under this agreement, the renter shall specifically show the proposed location of the point of diversion from the Snake River to staff of the department's Western Regional office and shall obtain approval from regional office staff for the location of the point of diversion.
9. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
10. The rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this _____ day of _____, 2002.

Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2002.

KARL J. DREHER, Director

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton 
RE: WATER SUPPLY BANK RENTAL FEE - 02-2267
Date: March 19, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of a water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared and sent to the owner of the water right in the amount of \$168. The right owner is:

Envirosafe Services of Idaho
P.O. Box 400
Grandview, ID 83624

Attach: 2
c: 02-2267

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2002

Envirosafe Services of Idaho
P.O. Box 400
Grand View, ID 83624

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 02-2267

Gentlemen:

The department has requested the issuance of a state warrant in the amount of \$168 as payment to you for the rental of 16.8 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return for the rental is based on \$10.00 per acre foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton', is written over a horizontal line.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Fiscal - Debbie Allen
02-2267

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 19, 2002

Weston Farris
1283 S. Island Glen Way
Eagle, ID 83616

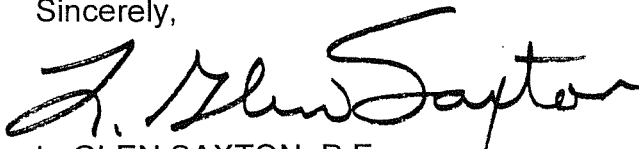
RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK

Dear Mr. Farris:

Enclosed please find a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 16.8 AF of water from the Snake River for irrigation use from April 1, 2002 through October 15, 2002. Also enclosed is a copy of a receipt for the rental in the amount of \$184.80 that you submitted to the department for the rental.

If you have questions, please feel free to contact me.

Sincerely,



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Gary Spackman - IDWR
02-02267

MICROFILMED

JUN 18 2002

Idaho Department of Water Resources Receipt

Receipt ID C060721

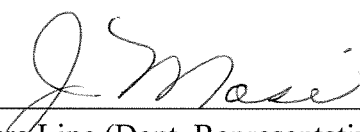
Payment Amount \$184.80 Date Received 3/18/2002 2:33:16 PM Region State Status
Payment Type Check Check Number 008315

Payer FARRIS INC

Comment WATER SUPPLY BANK RENTAL AGREEMENT FOR WESTON FARRIS

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$184.80	RENTAL POOL	0490	2	13602	1205

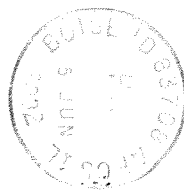

Signature Line (Dept. Representative)

MICROFILMED
JUN 18 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098
Return Service Requested

RETURNED TO SENDER
INSUFFICIENT ADDRESS
NO SUCH NUMBER
UNCLAIMED
ATTEMPTED
REFUSED
NO SUCH STREET
VACANT
NO RECEIPT
NOT DELIVERABLE
TO FORWARD - UNABLE
ROUTE NO. DATE
CARR/INITIALS

RECEIVED
JUN 10 2002
Department of Water Resources



HAL HAWKINS
ROCKY MOUNTAIN LAND & CATTLE
~~PO BOX 73~~
HAGERMAN ID 83332
not at this
2235 E 25th St Ste 220 address
Id. Falls, ID

83464 - sent 6/10/02

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Weston Farris
2. Address: 1283 S. Island Glen Way
Eagle, ID 83616
3. Source of water: Snake River
4. Volume of water rented: 84 AF, Max rate: 0.42 cfs
5. Diversion period: from April 1, 2002 to October 15, 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

The point of diversion from the Snake River is the King Hill Irrigation District pumping plant located in the NW1/4SW1/4 Section 12, T6S, R12E, B.M.

Renter will divert the water from the King Hill Irrigation District delivery system in the NW1/4SE1/4 Section 26, T5S, R8E, B.M, Elmore County.

Pump Lift: 50' to 75'

- b) Renter's place of use:

Legal description: 21 ac. in Section 26, T5S, R8E, B.M, (Tax 5 less tax 6 and 7).

8. The right from which water will be rented is 02-02267.

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Upon a determination of need by the department, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director.

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
5. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.

Dated this _____ day of _____, 2002.

Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this _____ day of _____, 2002.

KARL J. DREHER, Director
Department of Water Resources

MICROFILMED
JUN 18 2002

RECEIVED
C06072/
MAR 18 2002

Before the Idaho Water Resource Board

Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Weston Farris
2. Address: 1283 S. Island Glen Way
Eagle, ID 83616
3. Source of water: Snake River
4. Volume of water rented: 16.8 AF, Max rate: 0.08 cfs
5. Diversion period: from April 1, 2002 to October 15, 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

The point of diversion from the Snake River is the King Hill Irrigation District pumping plant located in the NW1/4SW1/4 Section 12, T6S, R12E, B.M.

Renter will divert the water from the King Hill Irrigation District delivery system in the NW1/4SE1/4 Section 26, T5S, R8E, B.M, Elmore County.

Pump Lift: 50' to 75'

- b) Renter's place of use:

Legal description: 4.2 ac. in Section 26, T5S, R8E, B.M, (Tax 5 less tax 6 and 7).

8. The right from which water will be rented is 02-02267.

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Upon a determination of need by the department, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director.

MICROFILMED
JUN 18 2002

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.
5. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.

Dated this 14th day of March, 2002.

Weston Fards
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 18th day of March, 2002.

K. J. Dreher
for KARL J. DREHER, Director
Department of Water Resources

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED

MAR 14 2002

Department of Water Resources

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

March 12, 2002

Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Re: Rocky Mountain Land & Cattle, L.L.C.

Dear Mr. Saxton:

Enclosed with this letter is an Application to Rent Water from the Water Supply Bank by our client Rocky Mountain Land & Cattle, L.L.C.. You will probably recall that Rocky Mountain Leased some water from the water bank about mid season last year, they will want to get started on it a little earlier this year. If you will advise us of the costs for the lease we will forward a check. Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\2368 ROCKY MOUNTAIN\Correspondence\Glen Saxton ltr31202.wpd.cdv

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2002

Weston Farris
1283 S. Island Glen Way
Eagle, ID 83616

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Farris:

Enclosed is a revised Water Supply Bank Rental Agreement for your review and signature. The revisions are based on your phone call on this date advising that you only need to rent water for about 4.2 acres. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorizes the diversion and use of water as provided in the agreement.

The rental fee is **\$184.80** and was calculated as \$11.00 per acre foot times 4 acre feet of water per acre times 4.2 acres. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: W. Region
02-02267

MICROFILMED

JUN 18 2002

12/99

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Applicant Rocky Mountain Land & Cattle, LLC Phone (208) 523-0620
 Address c/o Holden Kidwell Hahn & Crapo, P.O. Box 50130
 City Idaho Falls State Idaho Zip Code 83405

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Snake River
 which is tributary to Columbia River.
2. Maximum volume of water sought 500 AF.
3. Maximum rate of diversion 1.82 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Irrigation
2. Location of point of diversion NW 1/4 SW 1/4, Section 8,
 Township 5 S, Range 11, E.B.M. Elmore County.
3. Season of use: From April 1 to Oct. 31.
4. Description of diverting works:
 Pump HP 125 Lift 50' Pump type _____
 Canal name, if appropriate _____
5. Place of use:
 a. If water is for irrigation, describe the number of acres to be
 irrigated by 40-acre tract, section, township and range.

Tw	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	10E	1	40.1	40	30	40.2									31	1.4		14	196.7
		12	4																4.0
5S	11E	5									28	31	40	14					113.0
		6		34	12.5	13	41	31.3	30.1	40	40	31	25	35	33	32	30	34.5	462.4
		7	36	20	10	19	18	17											120.0
		8						23	6		5.3								34.3

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Total: 930.4

JUN 18 2002

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and water received from King Hill Irrigation District.

7. Who owns the property at the point of diversion?

APPLICANT

8. Who owns the property at the place of use?

APPLICANT

9. Are you seeking a rental for more than one (1) year? NO

If so, how many years? _____

10. Remarks: EXTRA WATER IS NEEDED TO SUPPLEMENT WATER UNDER OTHER RIGHTS INSUFFICIENT TO IRRIGATE ENTIRE PLACE OF USE

March 8, 2002
Date

[Signature] CEO
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date 3-14-02 Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

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JUN 18 2002

Rocky Mountain Land and Cattle Company Stockwater Use Monitoring Plan

Stockwater for the feedlot at the King Hill facility is obtained from two sources: Groundwater from two wells is pumped to the residence and outbuildings and to the feedlot. This water is measured through two flow meters (A & B) as shown on the accompanying schematic diagram and in the attached photograph. All water from the two wells is measured through the two flow meters.

Additional stockwater has been obtained through the State Water Bank and pumped from the Snake River by the King Hill Irrigation District system into the reservoir. From the reservoir it is pumped to the feedlot through a flowmeter (C), see attached photograph.

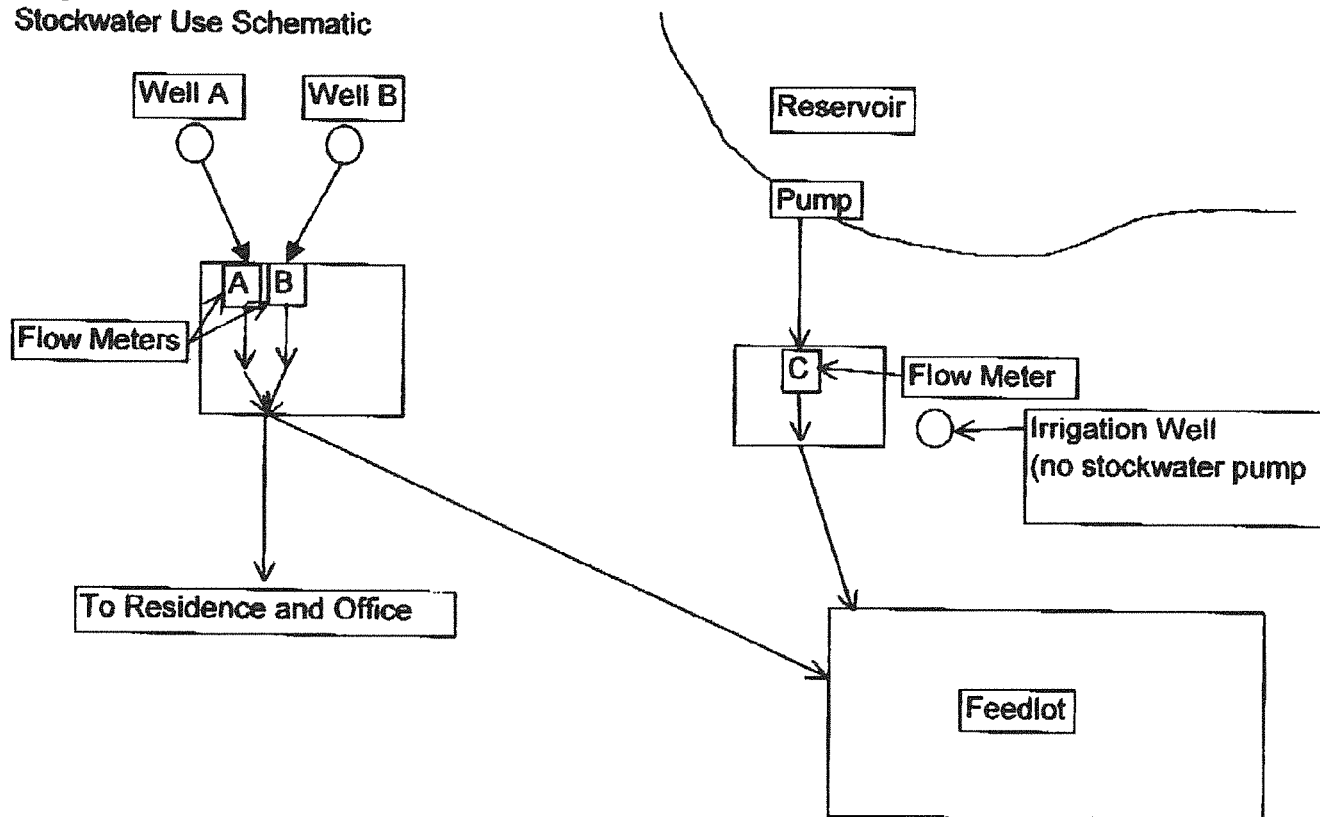
The total flow through flowmeters A and B is utilized either in the residential complex or in the feedlot. Flowmeter C measures only the stockwater utilized under the State Water Bank agreement and wheeled by the King Hill Irrigation Company. This water is also measured over the KHID weir at the entrance to the Rocky Mountain Land and Cattle Company facility and documented in the KHID monthly water accounting program.

Totalizers on flow meters A, B, and C will be measured daily, commencing May 31, 2001, to document the daily water use volume. The totalizer measurements will be logged on daily log sheets and provided to the IDWR Regional Office. In addition, copies of the KHID daily flow allocation, which includes the Water Bank stockwater allocation, will be furnished.

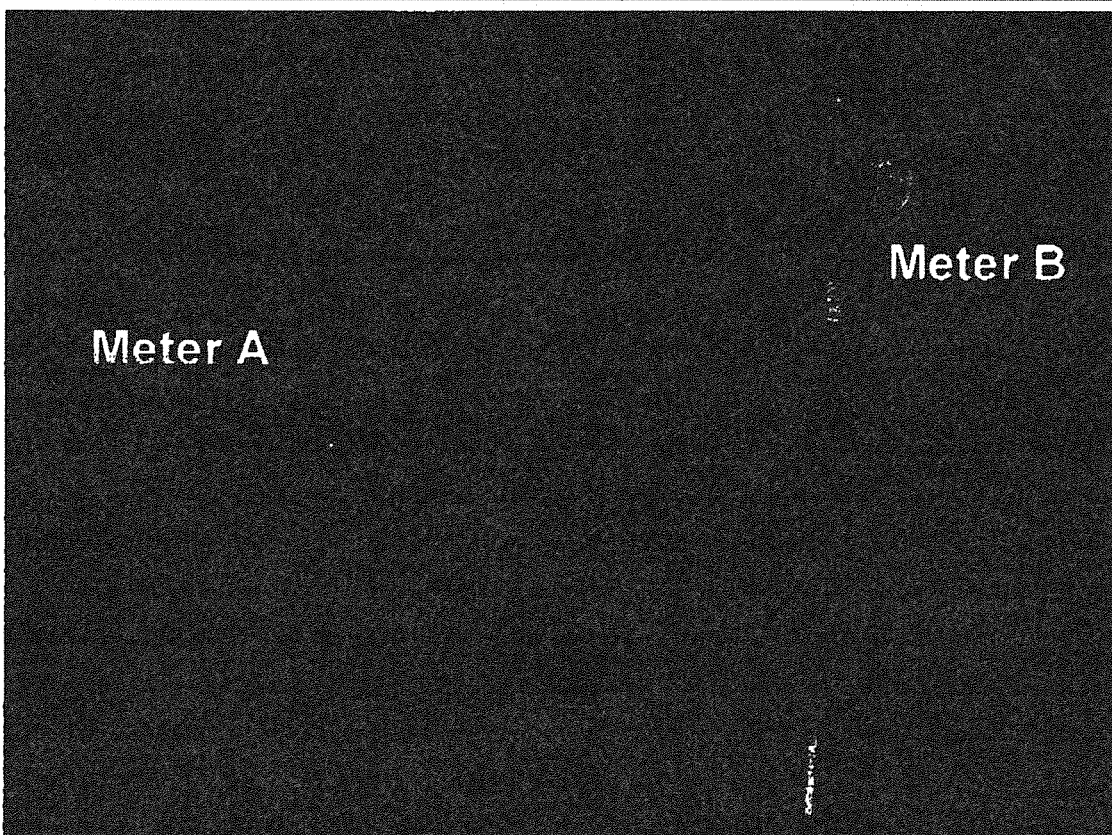
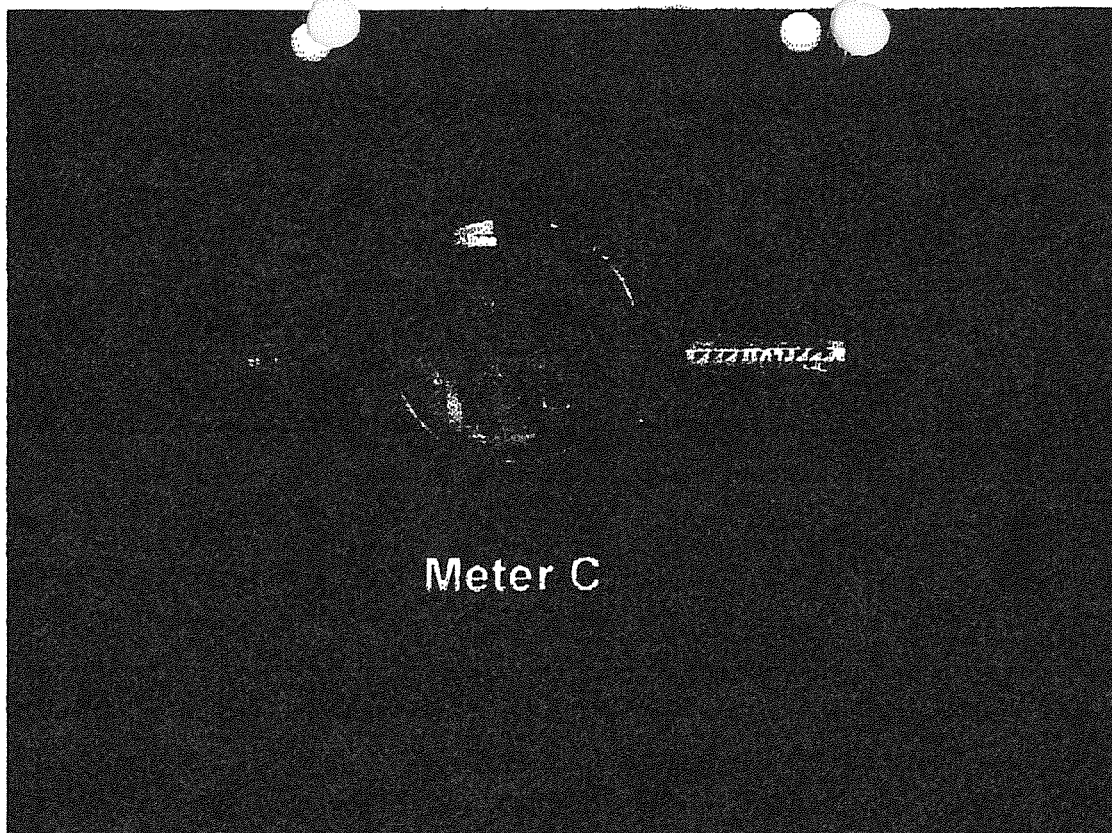
Brockway Engineering P.L.L.C. 5/29/02

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JUN 18 2002

Rocky Mountain Land and Cattle Company
King Hill Ranch
Stockwater Use Schematic



Flowmeter A McCrometer 2.5" in-line Serial # 99-6155-2.5
Flowmeter B Master Meter 2 " in-line Serial # 2527374
Flowmeter C McCrometer 2.5 " in-line Serial # 99-7982-2.5



King Hill - Rocky Mountain Land & Cattle Stockwater Flowmeters

Brockway Engineering, PLLC

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JUN 18 2002

Administrator's Memorandum

TO: Water Management Division Staff Multiple Programs No. 1

FROM: Norman C. Young

DATE: March 4, 2002

RE: Descriptions of Places of Use

Place of use (POU) locations for water right records are described in two primary ways in IDWR records. The traditional technique has been to use the Public Land Survey (PLS). Locations described in this tabular manner typically include township, range, section, quarter section, and quarter-quarter section. In some situations the description will also include a government lot, a tract, a mineral survey, a homestead entry survey, or a sixteenth section.

In recent years, the advent of GIS has enabled POUs to be described spatially. A shapefile can be used to describe the polygon outline of a place of use. The shapefile can be stored in a unique file, or can be incorporated in the IDWR Enterprise Database via the Spatial Database Engine (SDE).

In an effort to optimize the opportunities for the public to access information about IDWR programs, the recommended technique is for information to be placed on the Internet in both tabular and spatial modes.

On water rights for water delivery entities with large POUs¹, the POUs are to be stated in a general service area description in remarks, and digital boundaries of the service area will be stored spatially in a shapefile in SDE. The digital boundary will be the official record of the authorized POU. For query and display purposes only, PLS information will be generated automatically from the digital boundary. Workflow processes using the IDWR Enterprise Database now offer this capability. Attachment A to this memorandum identifies the mechanisms for displaying and changing textual, spatial, and tabular POU descriptions for water delivery entities with large POUs. POU shapefiles for water delivery entities with large POUs should be archived in both the SDE and in the individual record by repository in the IDWR electronic document management system or other secure environment.

As additional Workflow processes are developed for various programs throughout the Water Management Division, please ensure that POUs for water rights include spatial descriptions as well as tabular and textual descriptions when required.

¹ Canal companies, irrigation districts, municipalities, water and sewer districts, etc.

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JUN 18 2002

POU Descriptions for Water Delivery Organizations

Draft prepared 1/30/02

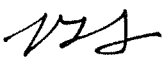
Organization	Authorizing Legislation	Tabular	Tabular	Tabular	Spatial	Spatial Change Document	Spatial Reporting	Remark Text Statement
Municipal Use								
Type a. Municipality	42-219, 42-222, 42-202B(3)(a)	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary not required but included in database for informational purposes	Submit new service area	Polygon for informational purposes	Footnote 1
Type b1. Municipal Server such as United Water	42-219, 42-222, 42-202B(3)(b)	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary not required but included in database for informational purposes	Submit new service area	Polygon for informational purposes	Footnote 2
Type b2. Water & Sewer Dist.	42-219, 42-222, 42-202B(3)(b)	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary not required but included in database for informational purposes	Submit new service area	Polygon for informational purposes	Footnote 3
Type c. Other	42-219, 42-222, 42-202B(3)(c)	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary not required but included in database for informational purposes	Submit new service area	Polygon for informational purposes	Footnote 4
Irrigation Use								
Irrigation District	42-219, 42-222, 43-323 <i>42-141(2)(h)</i>	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary -- Formally tied to water right	Submit new boundary	Polygon as description of POU	Footnote 5
Organization that delivers water to 25K or more acres	42-219, 42-222 <i>f'</i>	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary -- Formally tied to water right	Change boundary via transfer	Polygon as description of POU	Footnote 6
Organization that delivers surface water to more than 5 users	42-219, 42-222 <i>f'</i>	Derive from spatial boundary	Re-derive from changed boundary	Print/list as an option	Boundary -- Formally tied to water right	Change boundary via transfer	Polygon as description of POU	Footnote 7
Other	42-219, 42-222	Identify Specific acres irrigated	Transfer	Always print/list	Specific acres irrigated	Transfer related to acres per 40	Polygons identifying acres irrigated	Footnote 8

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JUN 18 2002

Footnotes

- 1 Place of use within service area of the City of _____ municipal water supply system as provided for under Idaho law.
- 2 Place of use within service area of _____ as provided for under Idaho Law. Place of use generally described as city limits of _____ and surrounding area.
- 3 Place of use within service area of _____ as provided for under Idaho Law. Place of use generally described as _____.
- 4 Place of use within area served by the public water supply system of _____. Place of use generally located within T(), R(), S().
- 5 Place of use within the boundary of _____, pursuant to Section 43-323, Idaho Code.
- 6 Place of use within area served by _____.
- 7 Place of use within area served by _____.
- 8 (No text remark needed.)

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton 
RE: **WATER SUPPLY BANK RENTAL FEE - 02-2267**
Date: February 28, 2002

The following information is provided in order that you can document the preparation of a state warrant compensating the owner of a water right for rental of part of the right from the Water Supply Bank. Attached is a copy of the rental agreement and a copy of the receipt for the rental.

Please have a state warrant prepared and sent to the owner of the water right in the amount of \$1,215. The right owner is:

Envirosafe Services of Idaho
P.O. Box 400
Grandview, ID 83624

Attach: 2
c: 02-2267

SCANNED
MAR 18 2002

MICROFILMED
JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2002

Envirosafe Services of Idaho
P.O. Box 400
Grand View, ID 83624

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - 02-2267

Gentlemen:

The department has requested the issuance of a state warrant in the amount of \$1,215 as payment to you for the rental of 121.5 acre feet of the above referenced water right from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

The return for the rental is based on \$10.00 per acre foot of water rented. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton', is written over a horizontal line.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Fiscal - Debbie Allen
✓ 02-2267

MICROFILMED

JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2002

William R. Wolfe
P.O. Box 398
Grand View, ID 83624

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK

Dear Mr. Wolfe:

Enclosed please find a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 121.5 AF of water from the Snake River for irrigation use from April 15, 2002 through November 15, 2002. Also enclosed is a copy of a receipt for the rental in the amount of \$1,336.50 that you submitted to the department for the rental.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: Gary Spackman - IDWR
02-02267

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JUN 18 2002

Idaho Department of Water Resources Receipt

Receipt ID C060277

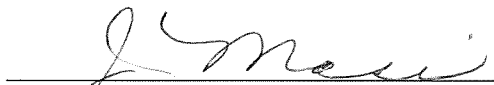
Payment Amount \$1,336.50 Date Received 2/28/2002 10:26:59 AM Region State Status
Payment Type Check Check Number 2041

Payer WOLFE BROTHERS INC

Comment WATER SUPPLY BANK RENTAL AGREEMENT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1,336.50	RENTAL POOL	0490	2	13602	1205


Signature Line (Dept. Representative)

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JUN 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 22, 2002

Weston Farris
1283 S. Island Glen Way
Eagle, ID 83616

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Farris:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorizes the diversion and use of water as provided in the agreement.

The rental fee is **\$924** and was calculated as \$11.00 per acre foot times 84 acre feet of water. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: W. Region
02-02267

MICROFILMED

JUN 18 2002

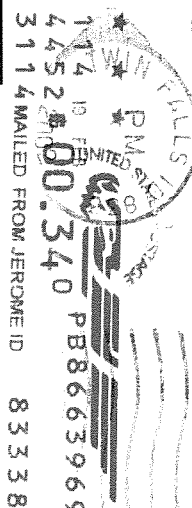
Cc: IDFG – Robertson
IDFG – 415
Rocky Mountain I
c/o Holden, K
P.O. Box 5013
Idaho Falls, Id



IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street / Box 428
Jerome, Idaho 83338-0428

Glen Saxton
Idaho Dept. of Water Resources
1302 N. Orchard St.
Boise, ID 83706-2237

837062237



MICROFILMED
JUN 18 2002

MICROFILMED
JUN 18 2002



RECEIVED

FEB 21 2002

Department of Water Resources

IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

Dirk Kempthorne/Governor
Al Van Vooren/Acting Director

February 19, 2002

Glen Saxton
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

Re: Rocky Mountain Land and Cattle, LLC – Application for Temporary Exchange of Water
From the Water Bank

Dear Glen,

The Idaho Department of Fish and Game has reviewed the above referenced application to temporarily lease water from the Water Bank near King Hill by diverting 1.82 cfs of water out of Clover Creek, a few hundred feet upstream of its confluence with the Snake River. Our agency objects to this diversion of water because it will not be in the public's interest for the following reasons:

- The diversion of 1.82 cfs of water from Clover Creek will not be water from the Water Bank, even though the applicant states that they will be diverting it a few hundred feet upstream of the Clover Creek confluence with the Snake River. The biological impacts of pumping water out of Clover Creek will be significant. This section of Clover Creek supports a smallmouth bass fishery that receives a lot of angler use near its confluence with the Snake River during the summer. Clover Creek also provides habitat for a variety of fish species and other aquatic life and the riparian area provides habitat for several wildlife and bird species. Due to other upstream diversions the withdrawal of 1.82 cfs of water would result in a significant reduction of flows from the lower reaches of Clover Creek impacting these fish and wildlife resources.
- This reach of Clover Creek and the Snake River at the Clover Creek confluence are both listed under Section 303(d) of the Clean Water Act as not meeting water quality standards. Any additional withdrawal of water from either of these sources exasperates the poor water quality conditions.
- Should the applicant be permitted to temporarily lease 1.82 cfs of water from the water bank, we strongly recommend that it only be from the Snake River and that the pump be fitted with a 0.25 inch mesh screen to keep larval fish out of the irrigation pump.

Thank you for the opportunity to comment on this. Please contact Chuck Warren, natural resources biologist at this office if you have any questions.

Sincerely,


MICROFILMED

David Parrish

Magic Valley Regional Supervisor

WEST ESPA MEASUREMENT DISTRICT
2001 Calendar Year
WATER MEASUREMENT ANNUAL REPORT

RECEIVED
FEB 25 2002
Department of Water Resources
Southern Region

For the Water Measurement Using - MEASURING DEVICE METHOD

ATTENTION: Year end data must be submitted to the West ESPA Measurement District
% Idaho Department of Water Resources, 1341 Fillmore St. Suite 200, Twin Falls ID
83301, on or before January 15th of the ensuing year.

NOTE: A separate reporting form must be submitted for each well.

Name:	Rocky Mountain Land & Cattle Co.		
Water Right No:	37-20344	& Water Bank Water	
Legal Description:	T 5S R 11E Sec. 8 NW 1/4 SW 1/4		
Site Tag No:			
Diversion Name:	Clover Creek Pumping Station		

SECTION I. Appropriator Information

Please Check for Address Corrections

Name and Address of Water Right Holder and Note Changes in SECTION VI-Comments

Current Owner Rocky Mountain Land & Cattle Company
Name c/o Holden, Kidwell, Hahn Grano 208-523-0620

Last, First, MI
Address P.O. Box 50130 Phone
Fax

City Idaho Falls State & Zip Idaho 83405

Original Owner (if sold within last year)

Name Phone

Last, First, MI
Address Fax

City State & Zip

Operator (if leased or operated by someone else)

Name Phone

Last, First, MI
Address Fax

City State & Zip

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JUN 18 2002

SECTION II. Meter Readings

Describe type or brand of the meter: 12" McCrometer Meter

Record flow meter volume and flow rate at least once per month. Take year-end reading near December 31. Record units (gallons, acre-feet, gpm, cfs) and any multipliers. Please explain when two or more diversions are measured with one meter or when two or more meters are used for one diversion (indicate each meter's readings).

Date (enter date of reading if different than below)	Total Volume Reading Units: <u>ac-in</u> (gal or af) Multiplier: X <u>0.01</u>	Flow Rate Units: <u>gpm</u> (gpm or cfs) Multiplier: X <u>0</u>	Discharge pressure (psi)
January 1			
January 31			
February 28			
March 31			
April 30			
May 31			
June 30	0		
July 31	70812		
August ~~XX~~ 24	155241		
September ~~XX~~ 28	255986	800	
October ~~XX~~ 4	277156		
November 30			
December 31	277156		

* Please take reading on or near the end of each month.

Do the totalizer readings above include the meter multiplier? _____ Yes ☒ No

Total Gallons _____

OR

Total Acre-ft 230.96 ac-ft

(325,850 gallons per acre-foot)

$$277156 - 0 = 277156 * 0.01 \text{ ac in} = 2771.56 \text{ ac-in}$$

$$2771.56 \text{ ac-in} / 12 = 230.96 \text{ ac-ft}$$

SECTION III. Well Information (Optional) Not Applicable

Idaho code measurement statute § 42-701 requires water users to measure water levels in their wells. However, IDWR recognizes that measuring water levels in some wells is very difficult, especially wells with submersible-type pumps installed. If the water level cannot be measured, please give a brief explanation in the comments section. If measured in during reporting year please report below:

Static Water Level: Ft. _____ Date _____ Time of day _____
Depth to water in the well with the **pump off** and water level stabilized, measured from approximate ground level to water surface in the well.

Dynamic Water Level: Ft. _____ Date _____ Time of day _____
Depth to water in the well with the **pump operating** at or near full capacity and the water level stabilized.

SECTION IVa. For Irrigation Uses; crop information and method of irrigation for area being served by this pump. If possible list each type of crop and the number of acres grown and number of acres irrigated with each of the irrigation systems methods.

<u>Crop</u>	<u>Acres</u>	<u>How irrigated? (no. of acres each method)</u>	
		<u>Sprinkler (acres)</u>	<u>Surface(acres)</u>
Alfalfa	930	930	0
Not Irrigated this year**	**		
Total acres		930	

** Show the numbers of acres normally irrigated but **NOT** irrigated for some reason this year.

SECTION IVb. (Optional) For Non-Irrigation Uses; describe type of use:

SECTION V. Modifications made during reporting year and other comments

Please describe in the space below any major modifications made to the pumping plant or piping system, which would affect the accuracy of the flow measurements during reporting year. Attach drawings, sketches, photographs, notes, or design information if needed.

12" McCrometer meter installed July 13, 2001

SECTION VI

Comments:

No meter readings prior to July 2001

Water Bank Rental = 250 ac-ft, 1.82 cfs, POU = 930 ac

POU = Portions of Section 1 & 12 T05S, R10E

Portions of Section 5, 6, 7, & 8 T05S, R11E

Total Volume Within Permitted Limits for 2001

SECTION VII. Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Date 2/21/02

Signature



For Office Use Only

Received by _____

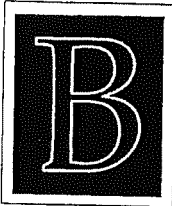
Date _____

Reviewed by _____

Date _____

Data Entry by _____

Date _____



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 21, 2002

West ESPA Measurement District
C/o Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

RECEIVED
FEB 25 2002
Department of Water Resources
Southern Region

Re: Rocky Mountain Land & Cattle Company
Water Volume Measurement Annual Report

To Whom It May Concern:

Enclosed you will find a completed water measurement annual report prepared on behalf of our client Rocky Mountain Land & Cattle Company (RMLCC). The water measurement form reports water diverted from Clover Creek to the ranch under water right #37-20344 and water leased in 2001 from the State Water Bank.

As you will note from the attached form, the meter was installed on July 13, 2001 so the data presented is from this date to the end of the irrigation season. RMLCC will track the volume from the start of the irrigation season in 2002.

It is our understanding that RMLCC leased 250 AF of water from the Snake River (Diverted from Clover Creek) from the Idaho Water Bank in 2001. The diversion rate for the leased water was 1.82 cfs and the stated place of use was 930 acres on the ranch. According to the ranch manager, the 930 acres were sprinkler irrigated alfalfa for the 2001 growing season.

Water right #37-20344 allowed a diversion rate of 0.88 cfs over 44 acres. Assuming 4 AFA diversion volume, the allowed diversion volume under this right is 176 ac-ft. Based on these numbers, a total volume of 426 ac-ft was allowed to be diverted from Clover Creek in 2001. The meter readings indicate that RMLCC diverted 230.96 ac-ft in 2001 which was well below the permitted limit. The average diversion rate was approximately 800 gpm (1.8 cfs) which was below that permitted under the water right and water bank agreement.

Based on our analysis and the meter reading data provided by RMLCC, it appears that RMLCC operated within permitted limits for diversion of water from Clover Creek in 2001.

Per the consent agreement between RMLCC and IDWR, Brockway Engineering will calibrate the newly installed flow meter prior to the 2002 irrigation season.

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JUN 18 2002

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

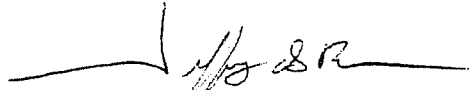
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

On behalf of RMLCC we apologize for the delay in submitting this annual form. Please contact our office if you have any questions or comments concerning this analysis. Thank you and have a great day.

Sincerely,



Jeffrey S. Rau, P.E.

Attachment: 2001 Water Measurement Annual Report

Cc: Hal Hawkins
Kent Foster
Stan Phelps

MICROFILMED
JUN 18 2002

RECEIVED

FEB 28 2002

Department of Water Resources

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: William R. Wolfe
2. Address: P.O. Box 398, Grand View, ID 83624
3. Source of water: Snake River
4. Volume of water rented: 121.5 AF, Max rate: 0.54 cfs
5. Diversion period: from April 15, 2002 to November 15, 2002
6. Use of water: Irrigation
7. a) Renter's point of diversion:

Legal description: NE1/4NE1/4 Section 16, T5S, R3E, B.M.

Pump HP: 75 Lift: 110 feet

Canal or conveyance works: Private penstock

- b) Renter's place of use:

Legal description:

T5S, R3E, B.M. Sec. 17 - NE1/4SE1/4 - 27 acres

Total number of acres to be irrigated: 27

8. The right from which water will be rented is 02-02267.

The undersigned renter agrees to pay **\$1,336.50** for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

SCANNED

MAR 18 2002

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JUN 18 2002

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Upon a determination of need by the department, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director.
3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
6. If water is to be used for irrigation, the rate of diversion when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 21 day of Feb., 2002.

Brian Webb
Renter

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 28th day of February, 2002.

Karl J. Dreher
for KARL J. DREHER, Director
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Holden, Kidwell, Hahn & Crapo, PLLC

Attn: Kent Foster

PO Box 50130

Idaho Falls ID 83405

RECEIVED

FEB 12 2002

Re: Rocky Mountain Land & Cattle (RMLC)

Department of Water Resources

Dear Kent Foster:

Enclosed is the latest documentation submitted to Idaho Department of Water Resources that you should be aware of regarding your client RMLC.

The letter from Debbie and Von Bross dated 2/5/02 indicates that the increased diversion from the Clover Creek pump station has adversely affected their diversion from the Creek. We are expecting a similar letter from a gentleman located next to the Bross's, who has also experienced diversion problems.

The letter from King Hill Domestic Water Association (KHDWA) dated 2/7/02 indicates that there may be a threat of potential contamination due to RMLC's expanded irrigation near the old King Hill landfill. The area referenced in the letter includes the 37 acres of illegal irrigation found in 2001, which resulted in a violation notice issued by IDWR and RMLC's rental of Snake River water from the Water Supply Bank for the remaining irrigation season. Please note that KHDWA has protested RMLC's feedlot application no. 61-11954 and will probably file a petition to intervene regarding RMLC's irrigation transfer no. 68533.

We are also expecting a letter from Chuck Warren, Field Biologist for Idaho Department of Fish and Game, claiming that RMLC's excessive pumping from Clover Creek has caused a negative impact on the Creek's fish population and habitat.

Due to the above circumstances that have been brought to IDWR's attention, and assuming that RMLC will be seeking supply bank water again for the 2002 irrigation season, RMLC should explore alternatives other than the Clover Creek pump station for the diversion of rented water from the Snake River.

Please give me a call Kent if you have any questions.

Sincerely,

Lori Graves

Sr. Water Resource Agent

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JUN 18 2002

RECEIVED

FEB 08 2002

WATER RESOURCES
WESTERN REGION

King Hill Domestic Water
Association
P.O. Box 396
King Hill, Idaho 83633

February 7, 2001

IDWR
Western Regional Office
Lori Graves, Sr. Water Resource Agent
2735 Airport Way
Boise, ID 83705-5082

Dear Ms. Graves,

Although the comment period has ended for the RMLC water transfer, I wish to submit the following information as it also pertains to RMLC Variance and CAFO requests. According to the enclosed maps, the half pivot addressed in the NOTICE OF VIOLATION dated July 5, 2001 as containing the unauthorized irrigating of 37 acres, expanded watering dangerously close to the old King Hill land fill and domestic well heads. This land fill was used for decades for farmers and ranches of the area.

The continued irrigation threatens us with potential contaminants. The even greater threat vests in the Variance and CAFO application.

Unless there has been a resolution to this unauthorized irrigation, we request that the DWR oppose said Variance and CAFO application as well as immediately seek sanctions on further irrigation.

Respectfully,


K.C. Duerig
Chairman,
King Hill Domestic
Water Association

cc DWR: David Tutthill
DEQ: Steve West, Joe Baldwin
EPA: Warren McFall
Dept of Ag: John Chatburn, Jennie Beddoes

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JUN 18 2002

DEBBIE AND VON BROSS

P.O. Box 344
King Hill, Idaho 83633
(208) 366-7737
vbross@ispnet.com

February 5, 2002

RECEIVED

FEB 08 2002

**WATER RESOURCES
WESTERN REGION**

Dear Sirs;

I am writing regarding the selling of water to Rocky Mountain Land and Cattle who purchased water you own in the Snake River. Unfortunately, the water Rocky Mountain Land and Cattle pumped came from Clover Creek. I reside approximately 1/8 of a mile upstream from the property line. I have a water right for Clover Creek, #37-13415, dated 1 March 1970. When you sold your water right from the Snake River, you sold my water. I was unable to water my garden, yard or trees because they pumped water 24-hours a day, seven days a week. I was required to dig a deeper hole to put my foot valve. I find this unacceptable. If you want to sell you water from the Snake River, fine...just make sure the water comes from the river and not from my right. I believe that you infringed on my right and this is not acceptable. If Rocky Mountain Land and Cattle want you water, I believe they should be required to pump the mile and one-half or so to the river.

My husband and I have worked very hard to make a yard and fruit trees and I don't believe you have the right to ruin this because you want the money for water that is not yours. I will not sell my water right and don't believe you have the right to do so either.

Next time, please let me know in advance so I can take action at that time.

Sincerely,

Debbie Bross

Debbie Bross

p.s. They have created an artificial pond by building a dam in the creek with their backhoe. To all I hope you can make water.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 4, 2002

Billie Wolfe
P.O. Box 398
Grandview, ID 83624

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Wolfe:

Enclosed is a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, together with the rental fee described below, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorizes the diversion and use of water as provided in the agreement.

The rental fee is **\$1,336.50** and was calculated as \$11.00 per acre foot times 121.5 acre feet of water. A check made payable to the Idaho Department of Water Resources should accompany the signed and returned rental agreement.

Also enclosed is a listing of water rights presently in the water supply bank that have the Snake River as their source.

Please return the signed agreement and fee to my attention so I can complete the processing. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 2

c: W. Region
02-02267

MICROFILMED

JUN 18 2002

Graves, Lori

From: Saxton, Glen
Sent: Thursday, January 31, 2002 3:03 PM
To: Graves, Lori
Cc: Spackman, Gary
Subject: RE: Rocky Mountain Land & Cattle Rental Water

Lori,

We rented Snake River water to Rocky Mountain Land & Cattle Co. allowing the actual diversion from the existing pump station on Clover Creek because we were under the impression that there would be no objection to that arrangement. If there now are objections to that arrangement, I think Rocky Mountain either needs to work through the problems to the satisfaction of F&G and other water users or divert the water directly from the Snake River. I appreciate your keeping track of this proposed rental. lgs

-----Original Message-----

From: Graves, Lori
Sent: Thursday, January 31, 2002 2:37 PM
To: Saxton, Glen
Cc: Spackman, Gary
Subject: Rocky Mountain Land & Cattle Rental Water

Hi Glen, I assume Rocky Mountain Land & Cattle (RMLC) is going to apply for rental water from the Snake River again this irrigation season. Last season, they were allowed to divert their rented Snake River water from an existing pump station located on Clover Creek near King Hill. The Dept. allowed this since there were no other Clover Creek water users between RMLC's pump station and the Snake River.

Last week, Debbie Bross called to complain that Clover Creek was pumped too low last year and that she and her neighbor were unable to divert their water rights from the creek using their existing systems. She and Paul Flood (neighbor) live upstream about 30 yards from RMLC's Clover Creek pump station. I asked if it was a problem to lower her pump in the Creek and she stated that it would require backhoe work. Debbie also stated that Kurt Stieglitz, with Fish & Game, expressed concern that RMLC was pumping the Creek to a level that was dangerous for fish survival.

I asked Debbie to write us a letter and have been playing telephone tag with Kurt Stieglitz. I'll be sure to send any information regarding this matter your way. Thank you. lg