

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 596

RECEIVED

MAY 05 2022

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)
36-17173	5/10/1955	GROUND WATER	0.14	21.7
36-17172	5/1/1982	GROUND WATER	0.03	4.8
Combined Limit Totals			0.14	26.5
Combined Rental Totals			0.14	26.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2022, whichever occurs last.

Annual Rental Fee:

2022: \$53.00

The full fee for the rental of the above-described right(s) is \$53.00 for 2022. The rental fee includes an administrative fee of \$53.00 for 2022. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 36-17173, 36-17172.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
INDUSTRIAL	0.14	26.5
Combined Total	0.14	26.5

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 596

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

 5/5/22
Signature of Renter Date
Kim Stuart Authorized Agent
Printed Name Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By  Date 5/5/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR  Date 5/5/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 596

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec. 12, Twp 08S, Rge 17E, JEROME County

BENEFICIAL USE
INDUSTRIAL

DIVERSION RATE
0.14 CFS

VOLUME
26.5 AF

SEASON OF USE

Water Right No.	From	To
36-17172	1/1	12/31
36-17173	1/1	12/31

RENTERS PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	11									X			X	X	X	X	X	X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
11. This rental does not authorize the construction of a well.

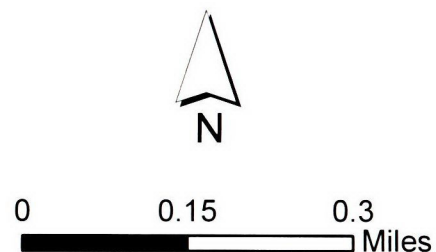
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 596

Effective until December 31, 2022

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
OCT 04 2021
DEPARTMENT OF
WATER RESOURCESApplicant Name: True West Beef LLC

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

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A Yes

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

Department Use Only – Proposed Water Right(s)

36-17172

36-17173

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

RECEIVED
OCT 04 2021
DEPARTMENT OF
WATER RESOURCES

1. CONTACT INFORMATION

A. Applicant True West Beef LLC

Mailing Address 1555 Shoreline Drive, Suite 320 Boise ID 83702
Street City State Zip Code
 Email Address Kim.Stuart@agrib Beef.com Phone Number 208-338-2500

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

Representative Lori Graves Professional Title Sr. Water Rights Specialist
 Organization SPF Water Engineering Relationship to Applicant Consultant
 Mailing Address 300 E Mallard Dr, Ste 350, Boise, ID 83706
 Email Address lgraves@spfwater.com Phone Number 208-383-4140

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

This application seeks renewal of rental agreement 523 set to expire 12/31/2021. Applicants wish to continue to divert a portion of their industrial water from an existing irrigation well for dust control and compaction uses needed during facility construction. See 5.A. below for additional information.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.14 CFS	26.5 AF	0.14 CFS	26.5 AF	AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/1/2021	4/1/2021	☒ 1	☐ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

Well, 350-hp vertical turbine pump, storage pond, booster pump and pipeline to construction site with temporary tanks and water troughs.

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

POD Description	Water Source	Other Water Rights Diverted from this POD
T8S R17E S12, NESWSW	Ground Water	36-2283, 36-2386, 36-2608, 36-14617, 36-16951

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

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

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

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

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Industrial from: 3/15 (mm/dd) to: 12/31 (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

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

Water rights 36-17172 & 36-17173 for industrial use

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
36-17172	Industrial	0.03	4.8			0.03	4.8	
36-17173	Industrial	0.14	21.7			0.14	21.7	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.14	26.5	
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

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

Yes ☐ No ☒

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

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

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

Rental agreement 523 and associated lease contract 1390 set to expire 12/31/2021. Construction of the industrial wells is underway, but they are not projected to be on-line by 12/31/2021. This lease/rental package is being submitted to allow continued use of ground water for construction purposes after 12/31/2021.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

If yes, describe:

Yes ☐ No ☒

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒

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

- D. Additional Information

Applicant obtained a temporary authorization (TP-36-21) for construction water use from well described in item 3E above through March 2021. The approval notes that additional water for the construction purpose must be obtained through another method such as the water bank.

DECLARATION

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



Signature of Applicant



Printed Name of Applicant



Date

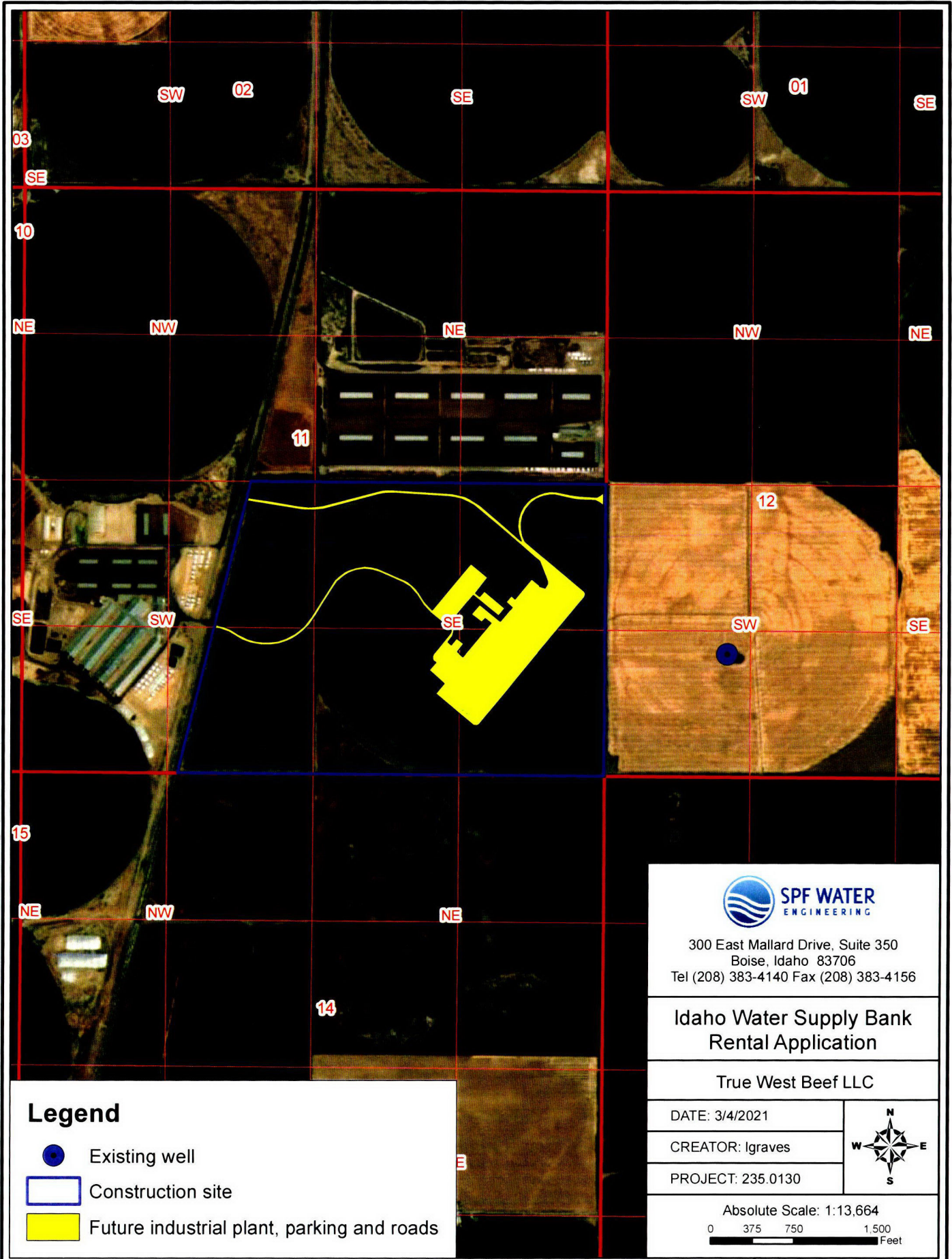
Signature of Representative

Printed Name of Representative

Date

Mail to:

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



WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

REVIEWER:

Received Date:

Latest Start Date:

Renter:

Rental Expiration Date

Lease/Rental Package

Application #

Agreement #

Water Right	Lease Contract ID
# 36-17172	
# 36-17173	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?

Map of POU and POD

POD consent?

ESPA Modeling?

Application Complete?

Minimum Checklist in database?

Request for additional information letter sent:

WSB Action Request for deficiencies

Comments:

Mailings (per application)

Renter: True West Beef

Attorney:

Consultants Name: Lori Graves

Conveyance Entity: Ex. Irrigation Dist. of Canal Co.

(Ground) Water Dist: 130

Other: WD Snake 01, Boise, Payette, and Bear River

Region:

Watermaster:

Compliance:

Original

CC

Email or Address

☐
☐
☐

(final only)

(final only)

(final only)

(final only)

(final only)

(final only)

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confirm rental dates.
3C & 5A contradict themselves

Resolving NOV? Y / N

#

Call up Date:

DO NOT SCAN



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 5, 2022

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-17173 & 36-17172 AGREEMENT 596**

Dear Renter:

Please find enclosed a receipt in the amount of **\$53.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 26.5 acre-feet of water for industrial use during 2022. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you are both the lessor and the renter of the right(s), you are only obligated to pay the 10% administrative fee or 53.00

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C112694
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Lori Graves
Water District 130

Veibell, Amanda

From: Veibell, Amanda
Sent: Friday, April 29, 2022 2:45 PM
To: Lori Graves
Cc: Bank
Subject: RE: True West Beef water supply bank rental
Attachments: True West Beef rental 596.pdf

Good Afternoon.

See the attached letter and corrected rental agreement being mailed to your client for signature. Please note, that there has been a change to the original page 1 due to an administrative error affecting the combined rate. If you have questions regarding the rental itself, please contact a representative in the bank at bank@idwr.idaho.gov.

If you would like to submit the signed rental agreement electronically, it must be emailed to file@idwr.idaho.gov per IDAPA 37.01.01.053. Please note, that the rental agreement will not be considered complete until the required payment is received. The Department is not able to process payments over the phone or via the internet at this time.

Amanda Johnson-Veibell



From: Veibell, Amanda
Sent: Tuesday, January 11, 2022 12:09 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: True West Beef water supply bank rental

Good Afternoon.

Please see the attached rental being mailed to your client for signature. If you have questions regarding the rental itself, please contact a representative in the bank at bank@idwr.idaho.gov. Please note if a rental agreement is returned to the Department electronically; the agreement will not be executed until the rental payment is received.

Amanda Johnson-Veibell

Technical Records Specialist I





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 29, 2022

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 350
BOISE, ID 83702-9109

**RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENT 596 AND PAYMENT
FOR WATER RIGHT(S) 36-17172 & 36-17173**

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

Dear Applicant:

The Department of Water Resources ("Department") mailed a **Water Supply Bank Rental Agreement ("Agreement")** for your review and signature on January 11, 2022. The signed agreement and annual rental fee has not been returned to the Department.

Please sign the rental agreement and return it with the rental payment in the amount of \$53.00 within ten (10) days of this letter to complete processing. Diversion and use of the water right(s) is not authorized under the proposed agreement until it has been signed by both the renter and the Department. Any use associated with your proposed rental request before it has been executed is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If the signed rental agreement and fee is not received by the department within the 10-day period, the rental application will be returned, and the proposed rental right(s) made available for other rental applicants. You can reapply to rent water from the Bank again in the future by submitting a new rental application form that will be processed in turn with other pending applications.

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 11, 2022

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 350
BOISE, ID 83702-9109

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-17172 & 36-17173, AGREEMENT 596

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$53.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 56.5 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$53.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$53.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Lori Graves – SPF Water Engineering

MEMORANDUM FOR AGREEMENT # 596

To: Water Right(s) 36-17172 & 36-17173
From: Tyler Smith
Date: 1/5/2022
Re: Water Supply Bank Rental Application 2151

Purpose/Narrative: An application was received by the Department on October 4, 2021 from SPF Engineering (Representative) on behalf of their client True West Beef LLC (Applicant), requesting to rent portions of industrial groundwater rights 36-17172 and 36-17173. The rental is intended to use industrial water from an existing irrigation well for dust control and compaction uses during construction of a beef processing facility and is a continuation of rental agreement 523 which expired on 12/31/2021.

This rental was submitted as part of a lease/rental package with lease applications for rights 36-17172 and 36-17173. Both rights are currently leased to the Bank through 2022 under contract 1390. The new lease applications indicated that the rights would be leased through the end of 2023, and would supersede lease contract 1390, even though the rental application would be covered by lease contract 1390 for 2022. When contacted about this, Lori Graves from SPF Engineering stated that the Applicant's believed both the lease and the rental expired 12/31/2021, and therefore asked for a refund and a return of the new lease applications. Therefore, the rental of these rights will be covered by lease contract 1390.

The water rights requested for rent are owned by True West Beef LLC and this lease/rental package is proposed to authorize the Applicant to continue to divert out of their existing well while the facility and new well are being constructed, without changing any other elements of the water rights.

Authority To File: The rental application was signed by Kim Stuart, the CFO for True West Beef, LLC. According to the Secretary of State, Kim is listed as the representative for True West Beef LLC and therefore has the authority to file on behalf of the company. The diversion works and place of use for the rental are owned by the Applicant and the place of use is within the authorized place of use for the water rights being rented, so there are no concerns with authority to file.

Water Right Validity/Forfeiture Evaluation: Water rights 36-17172 and 36-17173 were created in 2020 as a result of Transfer 84383. The Transfer review found the rights to be valid at the time of the transfer, and both rights have been in the Bank for 2021. The construction of the industrial plant is still occurring, so it appears that the Applicant is complying with the terms of the lease. No concerns with validity of the water right and portion offered to the bank.

Injury To Other Water Rights: The POD's for the water rights being rented have not been drilled yet, but will be located in a field directly adjacent to the rental POD. The rental POD is within the ESPA GWMA, but the lease POD is in close enough proximity that it can be assumed it is drawn from the same aquifer, and that no injury will occur as a result of this rental.

Enlargement Of Use: The consumptive use proposed to be rented is equivalent to the consumptive use that is leased. No enlargement is apparent under this rental.

Local Public Interest: Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation Of Water Resources: The rental appears consistent with the conservation of water resources in Idaho.

Department Staff Or Watermaster Comments: Comments were requested from IDWR Southern Region and Water District 130 Watermaster on January 6, 2022. If a comment was not received within 7 days, it is assumed that there are no concerns with the rental.



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DEPARTMENT OF
WATER RESOURCES

October 1, 2021

Jean Hersley
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: True West Beef Water Bank Lease and Rental Applications (Renewals)

Dear Jean,

Enclosed on behalf of True West Beef LLC, is a lease/rental application package consisting of two water bank lease applications and one rental application to allow diversion of ground water for construction purposes from an existing well, which is currently authorized under lease contract 1390 and rental agreement 523 set to expire 12/31/2021. Although completion of the industrial well is underway, they are not projected to be on-line by the 12/31/2021 expiration date. Applicants wish to continue to divert a portion of their industrial water from an existing irrigation well for dust control and compaction uses during facility construction in 2022 until the industrial wells are on-line.

Check No. 026345128 is enclosed for the \$500 filing fee required for the two lease applicants. With regards the rental application, only administrative costs are to be applied. Please let me know if there are any questions. Thanks Jean.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Dave Stiner via email, Kim Stuart via email

Enclosures

SPF file number: 235.0130