STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 743

RECEIVED
JUN 30 2023
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME, ID 83338-5078

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

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
43-13448	3/2/1950	GROUND WATER	0.78	179	44.7	0.02	4.0
Rental Totals			**0.78**	**179**	**44.7**	**0.02**	**4.0**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. 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 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: $411.24 annually

The full fee for the rental of the above-described right(s) is $411.24 per year for years 2023 - 2027. The rental fee includes an administrative fee of $411.24 per year for years 2023 - 2027. The administrative fee required for this rental is calculated using more decimals than the rounded amounts recorded on this agreement. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 43-13448.

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)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.78	179	44.7	0.02	4.0
Combined Total	0.78	179	44.7	0.02	4.0

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 743

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:

X _____ June 27, 2023
Signature of Renter — Date

William J. Millenkamp — Manager
Printed Name — Title

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

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

By _____ Date 7/6/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 7/6/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 743

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec. 15, Twp 11S, Rge 27E, CASSIA County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.78 CFS	179 AF

SEASON OF USE

Water Right No.	From	To	
43-13448	3/15	11/15	1.18 CFS

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	10													2.5		4.8	36	43.3
11S	27E	15	1.4																1.4

Total Acres: 44.7

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 renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER SUPPLY BANK RENTAL AGREEMENT No. 743

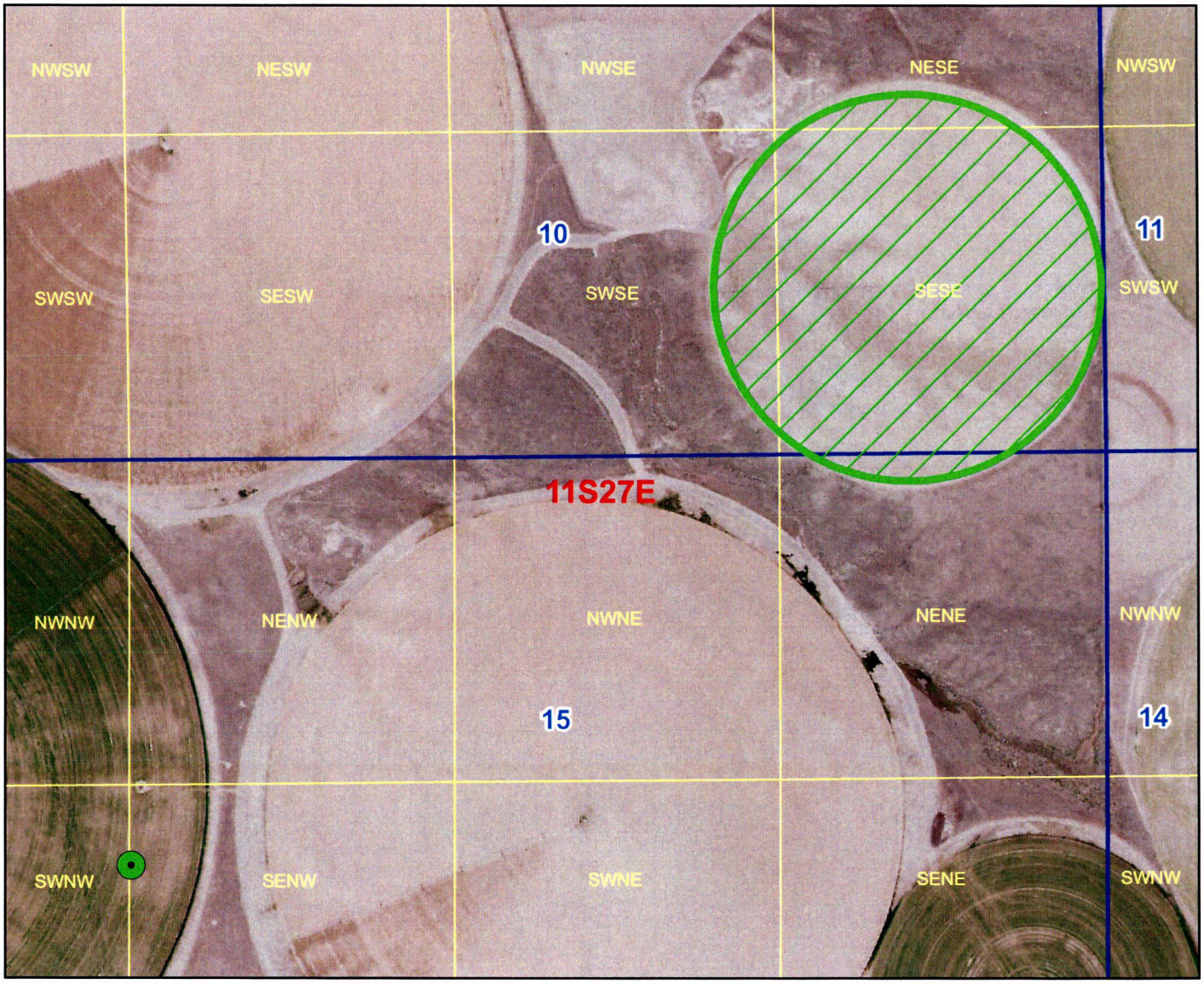
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation at the rental place of use.
12. This rental does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 743

Effective until December 31, 2027

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



Legend

- Water Supply Bank Rental POD
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ

N

0 750 1,500 Feet

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
MAR 15 2023
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: East Valley Cattle

Is this application being submitted with a lease application as a lease/rental package? Yes ☑ No ☐
If yes, specify companion water rights in Section 4

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

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

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

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

MINIMUM REQUIREMENT CHECKLIST

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

Attachment	N/A	Yes	
		Yes	
		☑	Completed *Application to Rent Water from the Board's Water Supply Bank*
		☑	Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank
Attachment	**N/A**	**Yes**	
2		☑	A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
3A	☐	☑	Detailed information on a proposed use of rental water
3F	☑	☐	Authorization from the owner/operator of the rental point(s) of diversion
3H	☑	☐	Water modeling to account for the impacts of the rental request
3J	☑	☐	Documents justifying a rate of flow greater than 0.02 cfs/acre
3K	☑	☐	Authorization from the owner/operator of the property at the proposed rental place(s) of use
4B	☐	☑	Explanation of how the rental water will sufficiently accomplish your rental purposes
4C	☐	☑	Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

43-13448

2634

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant East Valley Cattle LLC

Mailing Address 471 N 300 W Jerome, Idaho 83338
Street City State Zip Code

Email Address _____ Phone Number 208-324-2350

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

Representative Greg Sullivan Professional Title Engineer

Organization Brockway Engineering Relationship to Applicant Consultant

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

Email Address greg.sullivan@brockwayeng.com Phone Number 208-736-8543

2. MAP

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

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

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

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)
0.78 CFS	179.2 AF	0.78 CFS	179.2 AF	44.8 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?	
		☐ 1	☐ 2	☐ 3	☐ 4	☑ 5	☑ Process application as soon as possible	☐ Return application to applicant
4/15/2023	7/30/2023							

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

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

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

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

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

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

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

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

☑ Irrigation 44.8 (number of acres) Duration: Subject to IDWR standard seasons of use

☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)

☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)

☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)

☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

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

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☑ No ☐

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	**Nature of Use**	**Diversion Rate (CFS)**	**Volume (AF)**	**Acres (AC)**		**Diversion Rate (CFS)**	**Volume (AF)**	**Acres (AC)**
43-13448	Irrigation	1.18	271.2	67.8		0.78	179.2	44.8
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**	0.78	179.2	44.8
						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**:

N/A

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:

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:

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☑
If yes, describe the date and location of the NOV.

D. Additional Information
None

DECLARATION

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

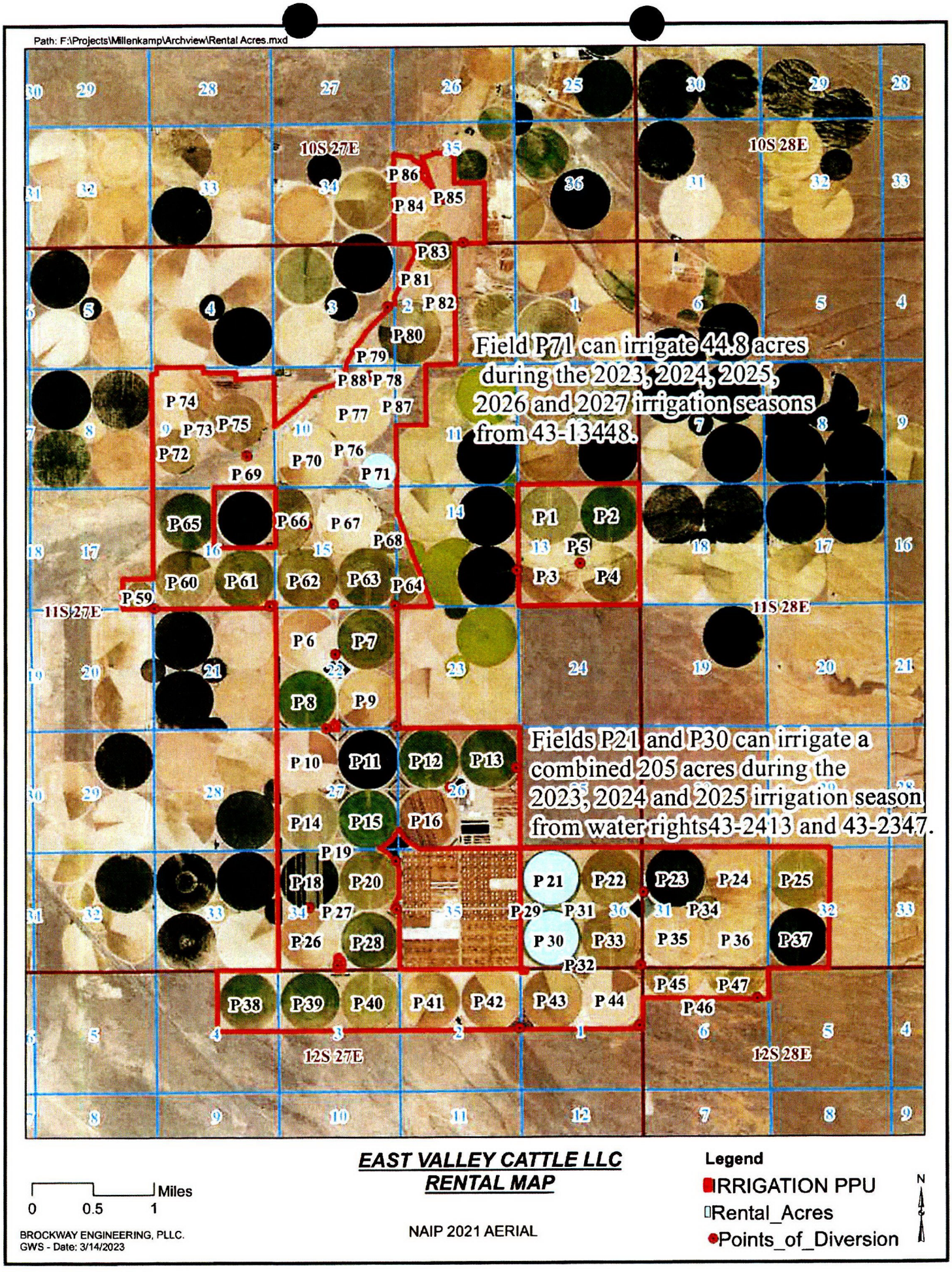
Signature of Applicant	Bill Millenkamp Printed Name of Applicant	3-15-2023 Date
Signature of Representative	Printed Name of Representative	Date

Mail to:

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

Exhibit A
Points of Diversion

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



EAST VALLEY CATTLE LLC
RENTAL MAP

Miles
0 0.5 1

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 3/14/2023

NAIP 2021 AERIAL

Legend
- IRRIGATION PPU
- Rental_Acres
- Points_of_Diversion

N

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: BH

Received Date: 3/15/2023
Latest Start Date: 7/30/2023
Renter: East Valley Cattle LLC
Rental Expiration Date 2027
Lease/Rental Package (Y) N

executed 7/6/23

Application # 26634
Agreement # 743

Water Right	Lease Contract ID
# 43-13448	1691
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?	(Y) / N
Map of POU and POD	(Y) / N
POD consent?	(Y) / N
ESPA Modeling?	Y / N (NA)
Application Complete?	(Y) / N
Minimum Checklist in database?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Comments:

Mailings (per application)	Original	CC	Email or Address
Renter: East Valley Cattle LLC	☐	☐	
Attorney:	☐	☐	
Consultants Name: Greg Sullivan - Brockway Engineering	☐	☐	
Conveyence Entity: (final only) Ex. Irrigation Dist. of Canal Co.		☐	
(Ground) Water Dist: (final only)		☐	
Other: (final only) WD Snake 01, Boise, Payette, and Bear River		☐	
Region: (final only)		☐	
Watermaster: (final only)		☐	
Compliance: (final only)		☐	

Resolving NOV? Y / N
#

Call up Date:

DO NOT SCAN

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

July 7, 2023

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME ID 83338-5078

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK, AGREEMENTS 730, 737, 738, & 743 FROM WATER RIGHT NO(S). 43-2347, 43-2413 & 43-13448

Dear Renter:

Please find enclosed a receipt in the amount of **$19,425.76** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of a total of 1,088.4 acre-feet of water during years 2023. Upon receipt of these fully executed agreements, you are authorized to divert water in compliance with the conditions of water use described in the agreement. There was an error in the total requested for payment, which should have been $19,414.76. The overage of $11.00 will be applied to Rental Agreement 743 for year 2024. Please see the breakdown in payments, below.

For rental agreement 730, a rental fee of **$18,791.00** per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 817 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or $16,911.90 of the rental fee will be paid to the lessor(s) and 10% or $1,879.10 will be retained by the Department to offset administrative costs for **2023**.

For rental agreement 737, A rental fee of **$103.96** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 45.2 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $103.96 for **2023.**

For rental agreement 738, A rental fee of **$108.56** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 47.2 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $108.56 for **2023.**

For rental agreement 743, A rental fee of **$411.24** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 178.8 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $411.24 for **2023. The overage paid of $11.00 will be applied to 2024 administrative fee for this agreement.**

If you have questions regarding this matter, please contact me at 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

Enclosures: Receipt No. C116670
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Southern Regional Office
Watermaster – Water District 143

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

June 26, 2023

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME, ID 83338-5078

RE: REQUEST FOR RETURN OF SIGNED RENTAL AGREEMENTS 730, 737, 738 & 743 AND PAYMENT FOR WATER RIGHT NO(S). 43-2347, 43-2413 & 43-13448

*****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 **April 20, 2023**. The signed agreements and annual rental fee has not been returned to 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.

For rental agreement 730, a rental fee of **$18,791.00** per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 817 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or $16,911.90 of the rental fee will be paid to the lessor(s) and 10% or $1,879.10 will be retained by the Department to offset administrative costs for **2023**.

For rental agreement 737, A rental fee of **$103.96** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 45.2 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $103.96 for **2023**

For rental agreement 738, A rental fee of **$108.56** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 47.2 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $108.56 for **2023**

For rental agreement 743, A rental fee of **$411.24** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 179 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $411.24 for **2023**

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 $19,425.76 for 2023 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,

Mary Condon
Water Supply Bank Coordinator

Enclosure(s)

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

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 20, 2023

EAST VALLEY CATTLE LLC
471 N 300 W
JEROME, ID 83338-5078

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 43-2347, 43-2413 & 43-13448, AGREEMENTS 730, 737, 738 & 743

*****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.

For rental agreement 730, a rental fee of **$18,791.00** per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 817 acre-feet. Pursuant to the Water Supply Bank Rules, 90% or $16,911.90 of the rental fee will be paid to the lessor(s) and 10% or $1,879.10 will be retained by the Department to offset administrative costs for **2023**.

For rental agreement 737, A rental fee of **$103.96** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 45.2 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $103.96 for **2023**

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For rental agreement 743, A rental fee of **$411.24** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 179 acre-feet. Since you are both lessor and renter, you are only obligated to pay the 10% administrative fee or $108.56 for **2023**

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 $2,502.86 for 2023 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,

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

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Greg Sullivan – Brockway Engineering

MEMORANDUM FOR AGREEMENT # 743

To: 43-13448

From: Bob Howe

Date: 03/27/2023

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

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The completed lease/rental companion applications and lease fee were received on February 8th, 2023, then the lease was increased, and another rental for irrigation was added March 15th, 2023. The purposed lease for a portion of water right (WR) 43-13448 would retire the end guns on 6 pivots to idle the irrigation of 67.8 acres. The idled acres would allow 1.18cfs and 271.2 AF to be leased into the Water Supply Bank (WSB) for a five-year term ending December 31st, 2027. A smaller portion of the same right was previously leased into the WSB from 2020-2022. The purposed rental is for a portion of the leased right for a five-year term to facilitate the irrigation of 44.7 acres . East Valley Cattle, LLC (EVC) is both the lessor and renter and have requested that only administrative fees with apply. The purposed rental will provide 0.78cfs and 178.8 AF for irrigation. The renter requested 0.78cfs and 179.2 AF for the irrigation of 44.8 acres, however the remaining leased portion only provides for 178.8 AF for the irrigation of 44.7 acres.

AUTHORITY TO FILE:

The lease and rental applications were both signed by William J. Millenkamp, authorizing Greg Sullivan or Brockway Engineering as named representative for East Valley Cattle Company. A business search on the Idaho Secretary of State website found William J. Millenkamp listed as the current registered agent for East Valley Cattle LLC. IDWR records name East Valley Cattle LLC as the current owner of WR 43-2423C and all other water rights appurtenant to the rental POU. Parcel data names East Valley Cattle LLC as the owner of the parcel (RP11S27E100001) the rental POU is located within. There are no concerns regarding the authority to file the lease and rental application.

WATER RIGHT VALIDITY:

The current lease application requests for 67.8 acres of WR 43-13448 to be leased into the WSB from 2023-2027. This water right shares a permissible place of use (PPU) and four points of diversion (PODs) with water rights 43-13450, 43-13452, 43-13454, 43-13456, & 43-13807 (all owned by the lessor). The water rights are not stacked, but each have stated elements. The portion of WR 43-13448 purposed for lease is 0.40cfs and 92.4 AF for irrigation. The areas are currently being idled by the retiring of end guns on two pivots, which will be increase to six pivots for the term of the lease. The 23.1 acres of the 67.8 acres to be idled for the purposed current lease are the same locations and total area as in the 2020-2022 lease. Aerial imagery confirms that the leased acres were used prior to lease #1193 (2020-2022). Imagery from the term of lease #1193 confirms the areas leased remained idle during those times. If the lease is approved, the remaining unleased portion of diversion from the shared PODs will be 16.25cfs and 3588.4AF for the irrigation of 899.3 acres. There are no concerns regarding the validity of the water right and portion offered to the bank.

INJURY TO OTHER WATER RIGHTS:

The leased water right 43-13448 and the purposed rental both divert ground water within IDWR administrative basin 43 and the Raft River Critical Ground Water Management Area. As both divert ground water from the same regional aquifer there are no injury concerns regarding a temporary change of the point of diversion (POD), such as is the case in for the purposed five-year rental.

ENLARGEMENT OF USE:

WR 43-13448 is part of a PPU owned by EVC, in which the water rights are not stacked and no water rights other than those owned by the Lessor and appurtenant to the PPU overlaps the idled acres. The leased portion of WR 43-13448 was calculated to be proportionate to the idled acres, to address any enlargement concerns.

The rental POU and POD have several overlapping water rights. All water rights sharing the rental POD are owned by EVC and have stated rates and volumes. The leased right and the rental use proposed by this application are both for irrigation use and have similar duty of water. The purposed rental agreement is conditioned to limit the combined use of all rights at the rental POU to 0.02cfs/acre and 4.0 AF/acre in a single season of irrigation. There are no enlargement concerns regarding the purposed 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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:
The location for the lease and rental PODs are subject to Water District # 143-the Raft River Ground Water District, IDWR administrative basin #43, and the Raft River Critical Ground Water Management Area. Comment requests will be emailed to the Watermaster and Regional Manager regarding the purposed lease and rental.

RECEIVED
MAR 15 2023
DEPARTMENT OF
WATER RESOURCES

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

March 15, 2023

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

Re: East Valley Cattle

Dear Ms. Condon:

East Valley Cattle has submitted a lease application for water right 43-13448 and two rental application from water right 43-13448. Attached to this letter are an amended Attachment 2 and an amended aerial map of the acres to be leased into the Idaho Water Supply Bank. The original lease application was for 23.1 acres. It is desired to amend that amount to 67.8 acres. The duration of the lease will remain at 5 years.

Attached to this letter is a third rental application from 43-13448. The attached rental application proposes to rent 44.8 acre of irrigation water to a pivot owned by East Valley Cattle. This pivot has permanent water rights assigned to it but the water rights have been curtailed by the Idaho Department of Water Resources. The 44.8 acre pivot has not been irrigated for several years.

Because East Valley Cattle owns 43-13448 it is expected that only the annual 10% rental processing fee will be paid when the rental contracts are finalized and when annual rental payments are due.

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bill Millenkamp
Enc: Irrigation Rental Application, Aerial Maps, Lease Application Attachment 2

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

2634

Veibell, Amanda

From: Kienholz, Mackenzie
Sent: Wednesday, March 15, 2023 2:26 PM
To: IDWR File
Subject: FW: East Valley Cattle LLC- Gravel Wash
Attachments: East Valley Cattle Lease Amendment and Rental.pdf

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, March 15, 2023 2:13 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>; Bank <Bank@idwr.idaho.gov>
Cc: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: RE: East Valley Cattle LLC- Gravel Wash

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Mackenzie,

I have attached the amended Attachment 2 and aerial map identifying the 67.8 acres of water right 43-13448 to be leased into the Idaho Water Supply Bank for five years. I have also attached the rental application for 44.8 acres of irrigation for five years.

I believe Bob was working on the other two rental applications from 43-13448 for a cement mixing facility and a gravel washing facility.

Let me know if you have any questions.

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

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Howe, Bob [mailto:Bob.Howe@idwr.idaho.gov]
Sent: Friday, March 10, 2023 3:21 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
Subject: RE: East Valley Cattle LLC- Gravel Wash

Hi Greg,

I just discussed the changes to the lease you asked about with my supervisor and if you can send the Water Supply Bank the amended pages and map for the East Valley Cattle LLC lease application we can send out the amended contract.

Sincerely,

Bob Howe
Water Resource Agent
Phone: 208-287-4800
Bob.howe@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Friday, March 10, 2023 3:10 PM
To: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Subject: RE: East Valley Cattle LLC- Gravel Wash

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Bob,

Thanks for your help on this one.

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

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Howe, Bob [mailto:Bob.Howe@idwr.idaho.gov]
Sent: Friday, March 10, 2023 3:07 PM
To: greg.sullivan@brockwayeng.com
Subject: East Valley Cattle LLC- Gravel Wash

Hi Greg,
Thank you for taking the time to discuss the East Valley Cattle LLC rentals this afternoon.
Could you please send me the updated spreadsheet (table) for the gravel wash facility?
Thank you and have a great weekend.
Sincerely,

Bob Howe
Water Resource Agent

Phone: 208-287-4800
Bob.howe@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES