

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1691

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

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

RECEIVED
JUN 30 2023
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 08, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

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

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

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
43-13448	3/2/1950	GROUND WATER	1.18	271	67.8
Lease Totals			1.18	271	67.8

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

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT No. 1691

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1691

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

LESSOR: EAST VALLEY CATTLE LLC

471 N 300 W

JEROME, ID 83338-5078

By Bill Miller

Title Manager

Date June 27, 2023

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By Brian Patton

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 7/6/23

Lease approved by IDWR [Signature]

Date 7/6/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1691

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 43-13448

GROUND WATER	SWNE	Sec. 2	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	SWNW	Sec. 1	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	L 4NWNW	Sec. 1	Twp 12S	Rge 26E	CASSIA County
GROUND WATER	SENE	Sec. 35	Twp 11S	Rge 26E	CASSIA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
43-13448	IRRIGATION	03/15	to	11/15	1.18	271
Totals:					1.18	271

PLACES OF USE TO BE IDLED UNDER THIS LEASE: 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	
12S	26E	1	3.2 L1	2.2 L2	4.5	4.5	3.5 L3	3.7 L4	3.3	3.5					2.7	3.0	1.8		36
12S	26E	35	3.1	3.0	2.4	2.6									3.4	2.7	0.7	1.4	19
12S	26E	36					3.5	2.8	2.5	3.3									12
12S	26E	2	0.1 L1			0.1													0.2
12S	26E	12		0.3															0.3

Total Acres: 67.8

ADDITIONAL CONDITIONS OF ACCEPTANCE

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

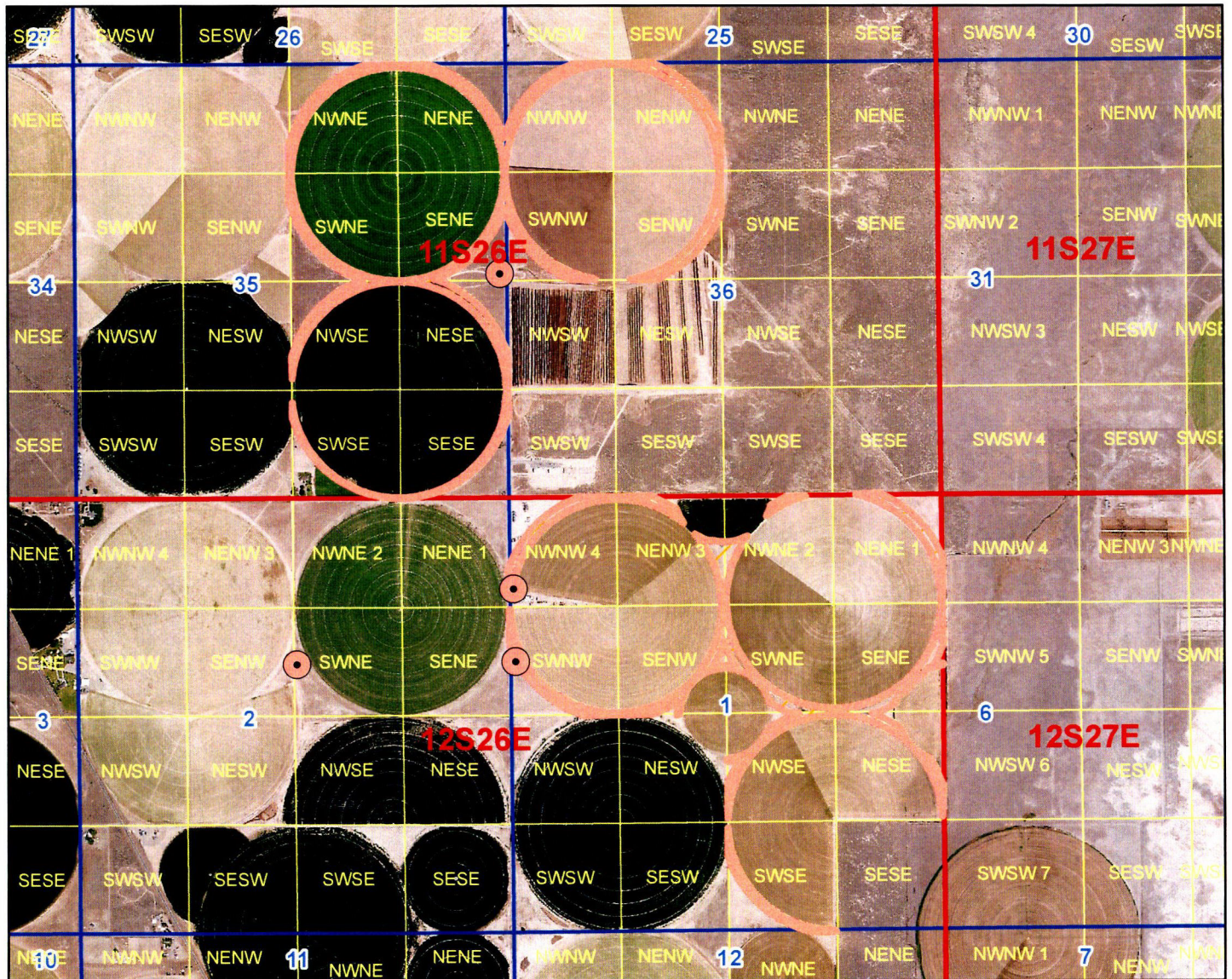
WATER SUPPLY BANK LEASE CONTRACT No. 1691

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, 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.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right 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. 143.
13. The unleased portion of this right is limited to 2.75 cfs and 635 af per year, and the irrigation of 158.4 acres within the authorized place of use in a single irrigation season.
14. This right when combined with all other rights shall provide no more than 0.02cfs per acre nor more than 4.0afa per acre at the field headgate for irrigation of the lands above.
15. 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 diversion(s).

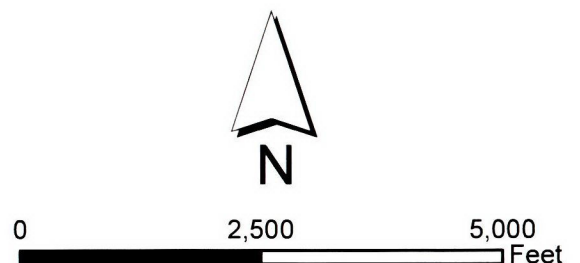
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1691

42-13448
Effective until December 31, 2027

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



- Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



STATE OF IDAHO
WATER RESOURCE BOARD

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

RECEIVED
FEB 08 2023
DEPARTMENT OF
WATER RESOURCES

Designated Applicant EAST VALLEY CATTLE LLC

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

Water Right No. 43-13448

(One water right per application)

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

Yes ☒ No ☐

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

MIMUMUM REQUIREMENT CHECKLIST

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

Yes

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

Attachment N/A

Yes

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

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>Ku</u>	Date Received: <u>2.8.23</u>	Receipt # <u>C115258</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>East Valley Cattle LLC</u>	

2590

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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

Designated Applicant EAST VALLEY CATTLE LLC

Mailing Address 471 N 300 W JEROME, ID 83338-5078

Street

City

State

Zip Code

Email Address _____

Phone Number 2083242350

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

OR

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

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

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

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

Name of Representative Greg Sullivan

Organization Brockway Engineering

Professional Title Engineer

Email Address greg.sullivan@brockwayeng.com

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

Phone Number 208-736-8543

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

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

OR

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

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

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Existing wells, mainlines and pivot.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13807

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. See attached METRIC ET data for 2016.

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

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2023 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current Rental Rate

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

The Designated Applicant acknowledges the following:

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

William J. Milenkamp
Signature of Designated Applicant

William J. Milenkamp
Printed Name

2-1-23
Date

Signature of Authorized Representative

Printed Name

Date

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

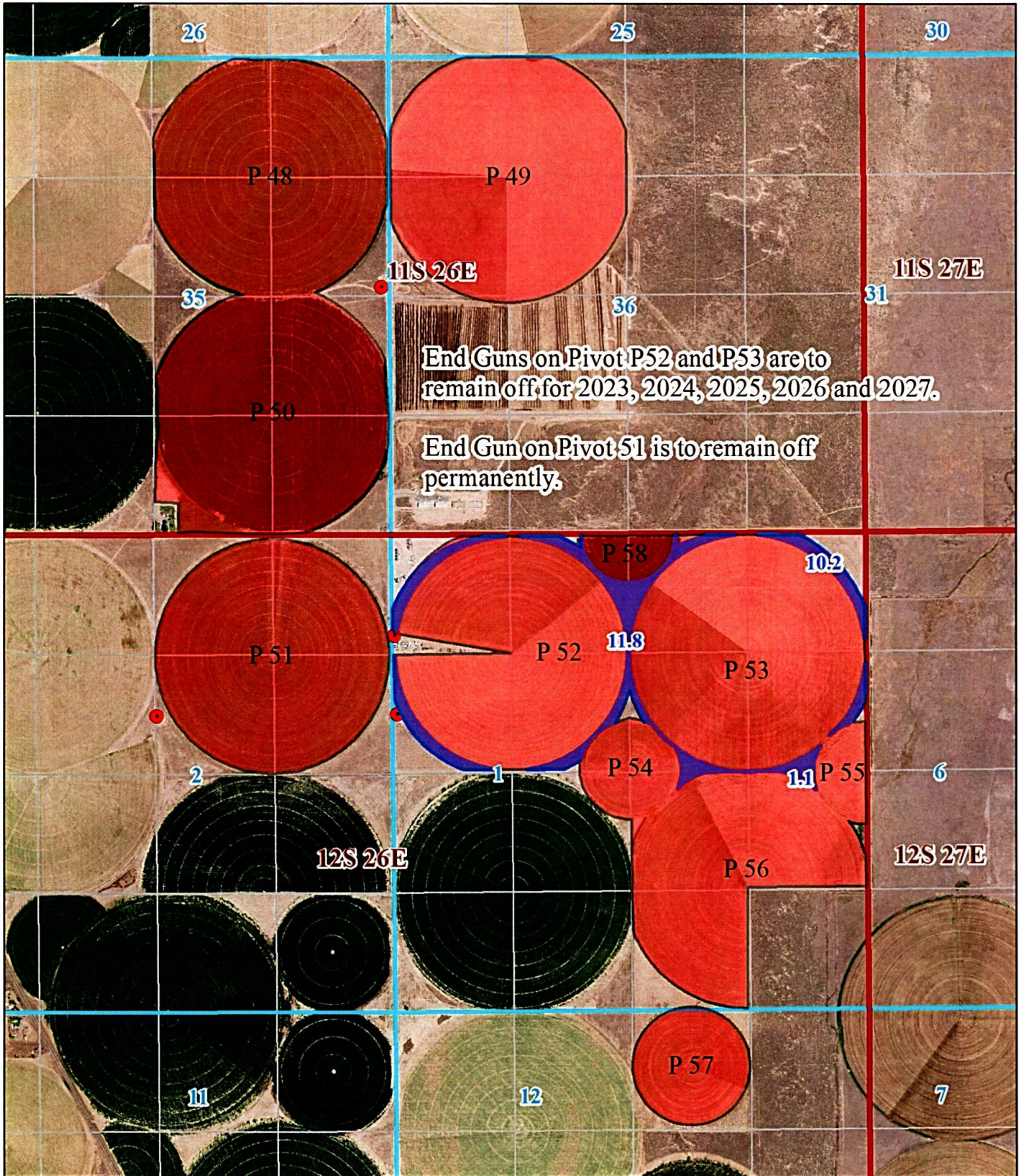
DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

<u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
43-13448	Irrigation	0.40	92.4	23.1
	Total Amounts:	0.40	92.4	23.1

2. Source of water _____ Ground Water _____ tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
26E	11S	35			SE	NE	Cassia
26E	12S	1			NW	NW	Cassia
26E	12S	1			SW	NW	Cassia
26E	12S	2			SW	NE	Cassia



0 0.25 0.5 Miles

**EAST VALLEY CATTLE
BUCK FARM**

NAIP 2021 AERIAL

Legend

- 2020_Buck_WRs
- Buck_Farm_Lease
- Points_of_Diversion



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: WATER SUPPLY BANK LEASE CONTRACT 1691, FOR WATER RIGHTS 43-13448

Dear Lessor:

Water right(s) **43-13448** are leased into the Water Supply Bank (Bank) as of January 1, 2023, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Condon", written over a horizontal line.

Mary Condon
Water Supply Bank Coordinator

Enclosure: Executed Lease Contract

c: IDWR – Southern Regional Office
Watermaster – Water District 143
Greg Sullivan – Brockway Engineering PLLC

Kienholz, Mackenzie

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

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



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





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

**STATE OF IDAHO
WATER RESOURCE BOARD**

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

ATTACHMENT 2

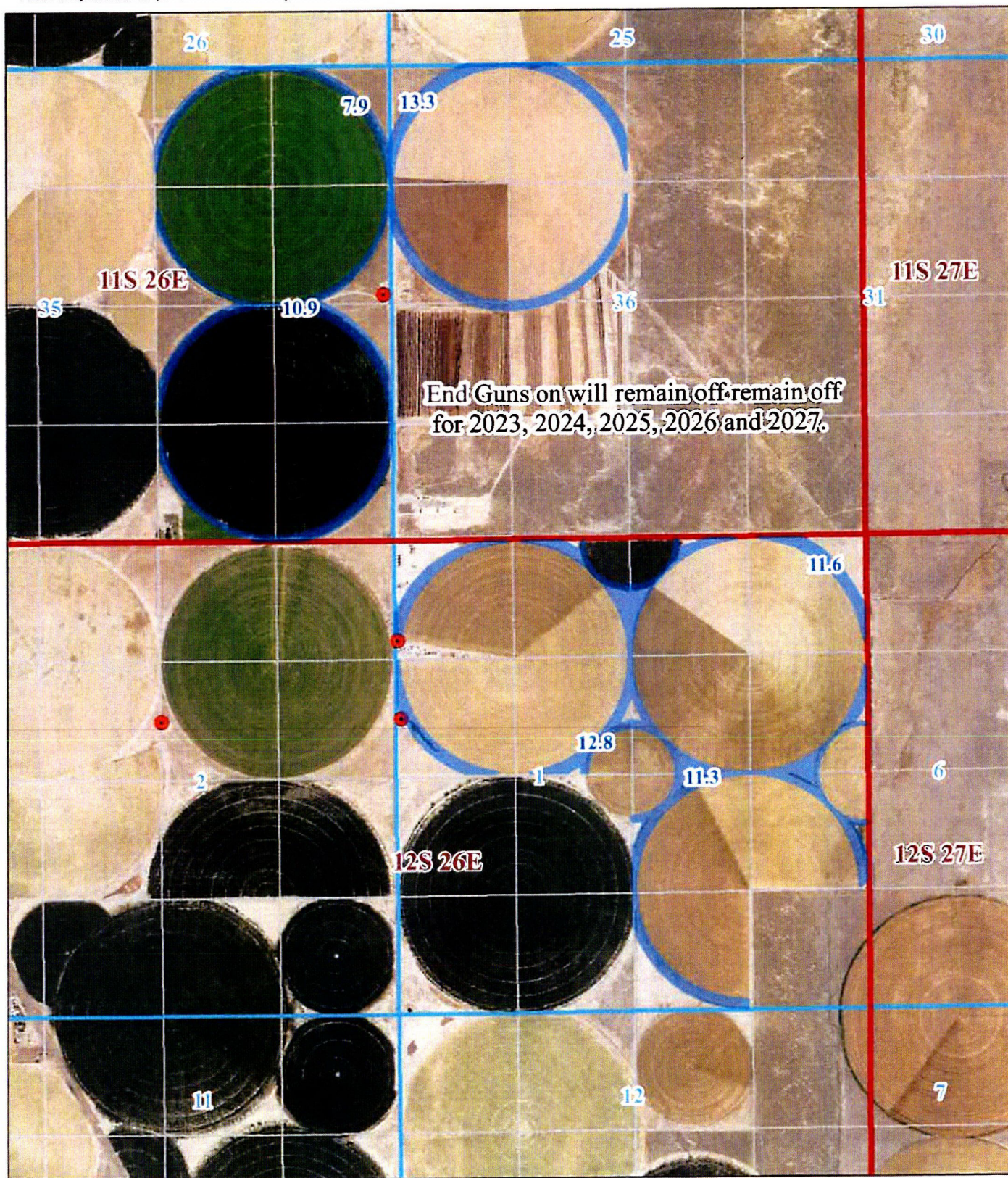
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<u>1. Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> (cfs)	<u>Leased Volume</u> (af)	<u>Leased Acres</u> (ac)
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	Total Amounts:	1.18	271.2	67.8

2. Source of water Ground Water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
26E	11S	35			SE	NE	Cassia
26E	12S	1			NW	NW	Cassia
26E	12S	1			SW	NW	Cassia
26E	12S	2			SW	NE	Cassia



0 0.25 0.5 Miles

**EAST VALLEY CATTLE
BUCK FARM**

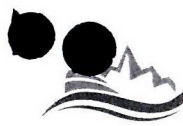
NAIP 2021 AERIAL

Legend

■ Buck_Farm_Lease
Rental_Acres

● Points_of_Diversion





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

March 9, 2023

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

**RE: APPLICATION TO LEASE WATER RIGHTS 43-13448 TO THE WATER SUPPLY BANK
CONTRACT 1691**

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

Dear Applicant:

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

The right will automatically be released from the Bank on **December 31, 2027**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

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

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

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

Sincerely,

Jean Hersley

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

c: Greg Sullivan- Brockway Engineering PLLC

MEMORANDUM FOR APPLICATION # 2590

To: Water Right 43-13448
From: Bob Howe
Date: 02/15/2023
Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

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. The same portion was previously leased into the WSB from 2020-2022. As in the previous lease, the current lease would be rented by the lessor for industrial uses (cement mixing and gravel washing), however an additional rental for 44.7 acres of irrigation was requested over this five-year term. As the lessor is also the renter only administrative fees would apply.

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 43-13448 and all other water rights appurtenant to the lease POU. Parcel data names East Valley Cattle LLC as the owner of the parcel (RP12S26E010001) the idled acres are located within. There are no concerns regarding the authority to file the lease 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.

ENLARGEMENT OF USE:

As the water right portion being leased is part of a PPU, but the rights are not stacked the elements of the WR 43-13448 was used to determine the elements of the water right proportionate to the idled 23.1 acres. No water rights other than those owned by the Lessor and appurtenant to the PPU overlaps the idled acres. There are no enlargement concerns regarding the proposed leased portion of WR 43-13448 into the WSB.

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 leased POD is 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 were emailed to the Watermaster and Regional Manager regarding the purposed lease and rental.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 6, 2023

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

RECEIVED
FEB 08 2023
DEPARTMENT OF
WATER RESOURCES

Re: East Valley Cattle

Dear Ms. Condon:

East Valley Cattle is submitting a lease application and two rental applications to the Idaho Water Supply Bank with this letter. It is requested that these documents be processed simultaneously to help avoid any water use without proper approval by IDWR.

A lease application for water right 43-13448 is attached to this letter for 23.1 acres. The 23.1 acres cover acres that have previously been irrigated by endguns on two pivots. The end guns will be turned off for 2023, 2024, 2025, 2026 and 2027.

A rental application for industrial water at a temporary cement mixing facility is attached to this letter and will replace the previously submitted rental application. The rental proposes a 5 year rental of 30.2 acre feet of consumptive use water. The cement mixing facility is not expected to be operated continuously throughout the proposed rental period.

A rental application for a temporary gravel washing facility is attached to this letter. It is proposed to rent 28.9 acre feet of consumptive water for 5 years. The gravel washing facility will be operated as needed during the 5 year rental period and will not be continuously.

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: Lease Application, Gravel Rental Application, Cement Rental Application, METRIC
ET Data, Aerial Maps, Rental Calculations Spreadsheets, Brockway Engineering Check
17315 for \$250.00

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

2589 + 2590 + 2591