

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 286

RECEIVED

FEB 26 2019

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

PERFORMIX NUTRITION SYSTEMS
2201 N 20TH ST
NAMPA, ID 83687
208-465-1724

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)
36-4179	8/9/1959	GROUND WATER	0.11	44.38
Rental Totals			0.11	44.38

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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 2019, whichever occurs last.

Annual Rental Fee:

2019 - 2021: \$887.60 annually

The full fee for the rental of the above-described right(s) is \$887.60 per year for years 2019 - 2021. The rental fee includes an administrative fee of \$88.76 per year for years 2019 - 2021.

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)
COMMERCIAL	0.110	33.3
Total	0.110	33.3

** The authorized water usage reflects a reduction from the water right elements rented, to account for Change in Nature of Use from Industrial to Commercial.*

Detailed water right conditions are attached.

STATE OF IDAHO
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WATER SUPPLY BANK RENTAL AGREEMENT No. 286

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:

Kirk Bowman 2-25-19
Signature of Renter Date

Kirk Bowman Director of Operations
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 Brian Patton 2/27/2019
BRIAN PATTON, Acting Administrator Date
Idaho Water Resource Board

Rental approved by IDWR Cheryl White 2-27-2019
Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 286

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec. 25, Twp 09S, Rge 23E, MINIDOKA County

BENEFICIAL USE
COMMERCIAL

DIVERSION RATE
0.11 CFS

VOLUME
33.3 AF

SEASON OF USE

Water Right No. **From** **To**
36-4179 1/1 12/31

RENTERS PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	25													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. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
10. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.

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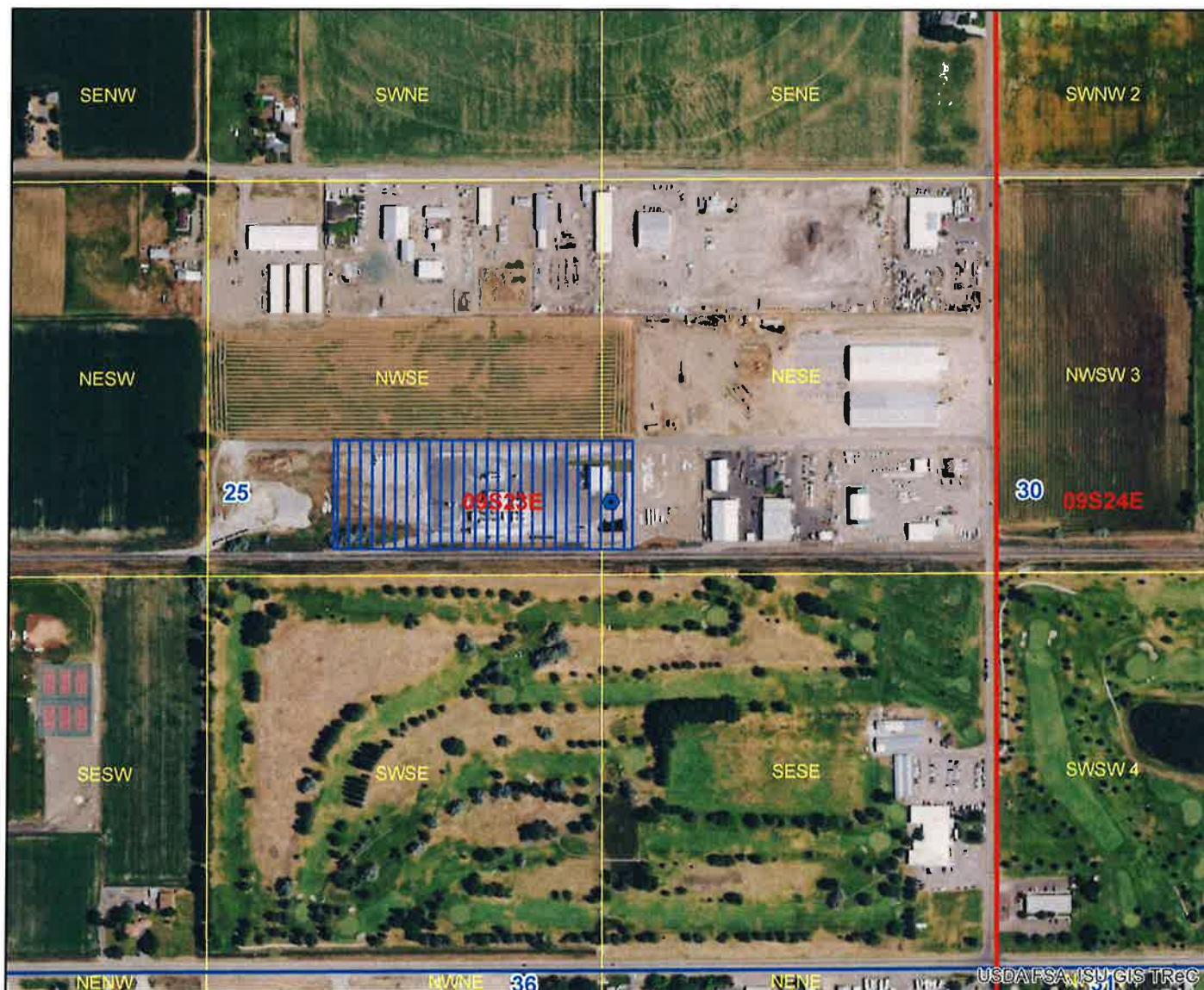
11. Use of water under this agreement will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
12. This rental agreement does not authorize the construction of a well.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 286

Effective until December 31, 2021

This map depicts the COMMERCIAL 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



0 500 1,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARDRECEIVED *DL*

OCT 09 2018

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: PerforMix Nutrition Systems, 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)

36-4179

1193

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant PerforMix Nutrition Systems, LLC (Kirk Bowman, Director of Operations)

Mailing Address <u>2201 N. 20th St.</u>	Nampa	ID	83687
Street	City	State	Zip Code
Email Address <u>kbowman@performixnutrition.com</u>		Phone Number <u>208-465-1724</u>	

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 <u>Chris M. Bromley</u>	Professional Title <u>Attorney</u>
Organization <u>McHugh Bromley, PLLC</u>	Relationship to Applicant <u>Attorney</u>
Mailing Address <u>380 S. 4th St., Ste. 103, Boise, ID 83702</u>	
Email Address <u>cbromley@mchughbromley.com</u>	Phone Number <u>208-287-0991</u>

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**:

The requested volume of 17 acre-feet and diversion rate of 0.11 cfs is the amount of water rented previously by PerforMix Nutrition Systems, LLC ("PerforMix") and is the amount of water necessary for commercial production based on use at the facility. Commercial use is for liquid feed supplements for livestock. The well pumps 50 gpm.

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)
0.11 CFS	17 AF	0.11 CFS	17 AF	N/A 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?	
1/1/2019	12/31/2021	☐ 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 and pump located on PerforMix property for use within the facility.

- 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
Pump	Ground Water	None

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: 1/1 (mm/dd) to: 12/31 (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:
None.

**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)
36-4179	Industrial	4.27				0.11	17	N/A
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	0.11	17	N/A
						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**:

Yes, from year-round industrial to year-round commercial, which should not alter the historic consumptive use.

**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:

The previous rental request was for 17 acre-feet through water right nos. 36-2550 and 36-8212. A permanent supply has not been obtained due to flux with settlement agreements with cities, IGWA, and SWC. Now that settlement agreements will be entered, a permanent supply will be acquired by the time this rental expires.

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental?

If yes, describe:

Yes ☒ No ☐

A permanent supply will be obtained via a transfer of existing water right(s). As stated, with settlements being entered between cities, IGWA, and SWC, a permanent water solution will be obtained through a transfer by the time this rental expires.

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV?

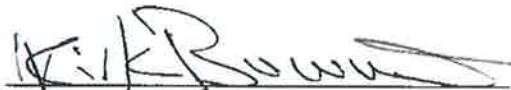
Yes ☐ No ☒

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

- D. Additional Information

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

Kirk Bowman, PerforMix Nutrition Systems

Printed Name of Applicant

10-3-18
Date



Signature of Representative

Chris M. Bromley

Printed Name of Representative

10/3/2018
Date

Mail to:

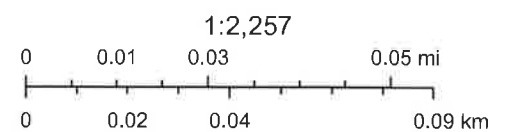
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

ArcGIS Web Map



10/3/2018 2:45:20 PM

- Quarter Quarter
- Section
- Township/Range



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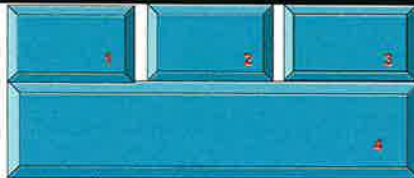
ENHANCED GROUND-WATER RIGHTS TRANSFER SPREADSHEET

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF WATER RESOURCES

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON.
 YEAR: 2019
 SEASON: SPRING
 TRANSFER NAME: Performix
 FROM: 35-4179



ENTER CELL LOCATIONS:
 ROW: 82
 COLUMN: 56
 'TO' CELL: 84
 'FROM1' CELL: 52
 'FROM2' CELL: 105
 'FROM3' CELL: 45

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 2019	15	0	15	0	0	0	0
SUM 2019	15	0	15	0	0	0	0
WIN 2019	15	0	15	0	0	0	0
SPR 2020	15	0	15	0	0	0	0
SUM 2020	15	0	15	0	0	0	0
WIN 2020	15	0	15	0	0	0	0
SPR 2021	15	0	15	0	0	0	0
SUM 2021	15	0	15	0	0	0	0
WIN 2021	15	0	15	0	0	0	0
SPR 2022	15	0	15	0	0	0	0
SUM 2022	15	0	15	0	0	0	0
WIN 2022	15	0	15	0	0	0	0
SPR 2023	15	0	15	0	0	0	0
SUM 2023	15	0	15	0	0	0	0
WIN 2023	15	0	15	0	0	0	0
SPR 2024	15	0	15	0	0	0	0
SUM 2024	15	0	15	0	0	0	0
WIN 2024	15	0	15	0	0	0	0
SPR 2025	15	0	15	0	0	0	0
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WIN 2025	15	0	15	0	0	0	0
SPR 2026	15	0	15	0	0	0	0
SUM 2026	15	0	15	0	0	0	0
WIN 2026	15	0	15	0	0	0	0
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SUM 2027	15	0	15	0	0	0	0
WIN 2027	15	0	15	0	0	0	0
SPR 2028	15	0	15	0	0	0	0
SUM 2028	15	0	15	0	0	0	0
WIN 2028	15	0	15	0	0	0	0
SPR 2029	15	0	15	0	0	0	0
SUM 2029	15	0	15	0	0	0	0
WIN 2029	15	0	15	0	0	0	0
SPR 2030	15	0	15	0	0	0	0
SUM 2030	15	0	15	0	0	0	0
WIN 2030	15	0	15	0	0	0	0
SPR 2031	15	0	15	0	0	0	0
SUM 2031	15	0	15	0	0	0	0
WIN 2031	15	0	15	0	0	0	0
SPR 2032	15	0	15	0	0	0	0
SUM 2032	15	0	15	0	0	0	0
WIN 2032	15	0	15	0	0	0	0
SPR 2033	15	0	15	0	0	0	0
SUM 2033	15	0	15	0	0	0	0
WIN 2033	15	0	15	0	0	0	0
SPR 2034	15	0	15	0	0	0	0

Entering Dates

Enter the starting year and season for your simulation. The starting date represents the beginning of the analysis period. (Spring is Mar, Apr, May and Jun.

Summer is Jul, Aug, Sep and Oct. Winter is Nov, Dec, Jan and Feb.)

Once you have entered the starting date, push the "UPDATE DATE" Button.

The date only needs to be updated once, unless the desired timeframe of the simulation is changed.

Modifying the date does not automatically adjust the location of the rates entered in the table.

Entering Well Locations

Enter the row and column location for the 'TO' well in spreadsheet cell B15 and B16, respectively.

Enter the row and column location for the 'FROM1' well in spreadsheet cell C15 and C16, respectively.

Enter the row and column location for the 'FROM2' well in spreadsheet cell D15 and D16, respectively.

Enter the row and column location for the 'FROM3' well in spreadsheet cell E15 and E16, respectively.

If the 'FROM2' well is not to be modeled, the entered row and column should be 0 or blank.

If the 'FROM3' well is not to be modeled, the entered row and column should be 0 (zero).

The 'FROM3' well cannot be used if the 'FROM2' well is not being used.

Running the Model

Once the model cells have been specified for the 'FROM' and 'TO' wells, push

the 'RUN MODEL' button to generate the response functions. The model only

needs to be re-run if the locations of the 'FROM' and 'TO' wells are changed.

Getting the Model Output

Once the model has been run, push the 'GET OUTPUT' button to retrieve the

model output. This prepares the model output for use for calculating effects,

Entering water use data

All water use should be entered in units of acre-feet per four month period. See the user's manual for instructions on multiple water rights with different priority dates and/or different wells.

Entering 'TO' Well Projected Water Use

Enter the projected water use for the 'TO' Well in Column B. 'TO' Well water use

should start in the trimester (4-month period) in which the transfer will be effective.

Entering 'FROM' Well 'With Transfer' Use

Enter the 'With Transfer' water use for the first 'FROM' Well in Column C, for

the second 'FROM' well in Column E, and for the third 'FROM' Well in Column G.

'With Transfer' water use should reflect historical and projected after transfer use for this well and

should cease or be reduced at the time of the water right transfer.

Entering 'FROM' Well 'Without Transfer' Use

The 'Without Transfer' Use for the 'FROM' wells should include historical and projected use for each well.

The projected use should reflect expected pumpage from that well if the transfer were not to take effect.

Enter the 'Without Transfer' water use for the first 'FROM' Well in Column D,

for the second 'FROM' well in Column F, and for the third 'FROM' well in Column H.

Prior to the expected date of transfer, the 'With Transfer' use should be the same as the 'Without Transfer' use.

If only one 'FROM' well is to be represented, pumpage in columns E, F, G and H should be 0.

If only two 'FROM' wells are being represented, pumpage in Columns G and H should be 0.

Projected water use in the 'TO' well and the 'FROM' wells will be used to estimate the change in

effect to the river reaches caused by the water right transfer. (See user's manual.)

Calculating Effect of the Transfer on River Gains and Losses

After all of the above steps have been completed, the effects of the proposed transfer on gains and losses

of the eleven hydraulically connected reaches of the Snake River can be estimated by clicking the

CALCULATE EFFECTS' button. This will result in a multiplication of the response function matrix (determined in

the model runs) times the water use rates entered in the table provided in columns B through H.

After the multiplication has been performed, the spreadsheet will automatically advance to the GRAPHS

worksheet. Here one graph is provided showing the effect for each of the 11 reaches, and a 12th graph

illustrates the net effects on all 11 reaches. Results are also presented in tabular form in the CALCULATED

EFFECTS worksheet. See the Users Manual for more information.

Mitigation Analysis Period

Trimester



One-Way Analysis of Independent Transfers

Water Bank Rental (Performix / City of Rupert): 44.4 afa to R82 / C56

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Proposed Steady State Impacts following Transfer							
36-4179	0.11	44.4	0	8/9/1959	10S23E-15	44.4 14.8	R87 / C52
36-4179	0.11	44.4	0	8/9/1959	10S23E-15	44.4 14.8	R87 / C52
Transfer 1: Worst Case Transient State Impacts following Transfer							
36-4179	0.11	44.4	0	8/9/1959	10S23E-15	44.4 14.8	R87 / C52
36-4179	0.11	44.4	0	8/9/1959	10S23E-15	44.4 14.8	R87 / C52

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bicklt	Nr Bicklt To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
0.18	0.52	1.57	4.98	0.30	2.36	2.23	0.99	0.62	0.57	0.04
0.19	0.57	1.70	5.40	0.32	2.05	2.08	0.92	0.58	0.53	0.03
0.18	0.52	1.57	4.98	0.30	2.36	2.23	0.99	0.62	0.57	0.04
0.19	0.57	1.70	5.40	0.32	2.05	2.08	0.92	0.58	0.53	0.03

Steady State Analysis

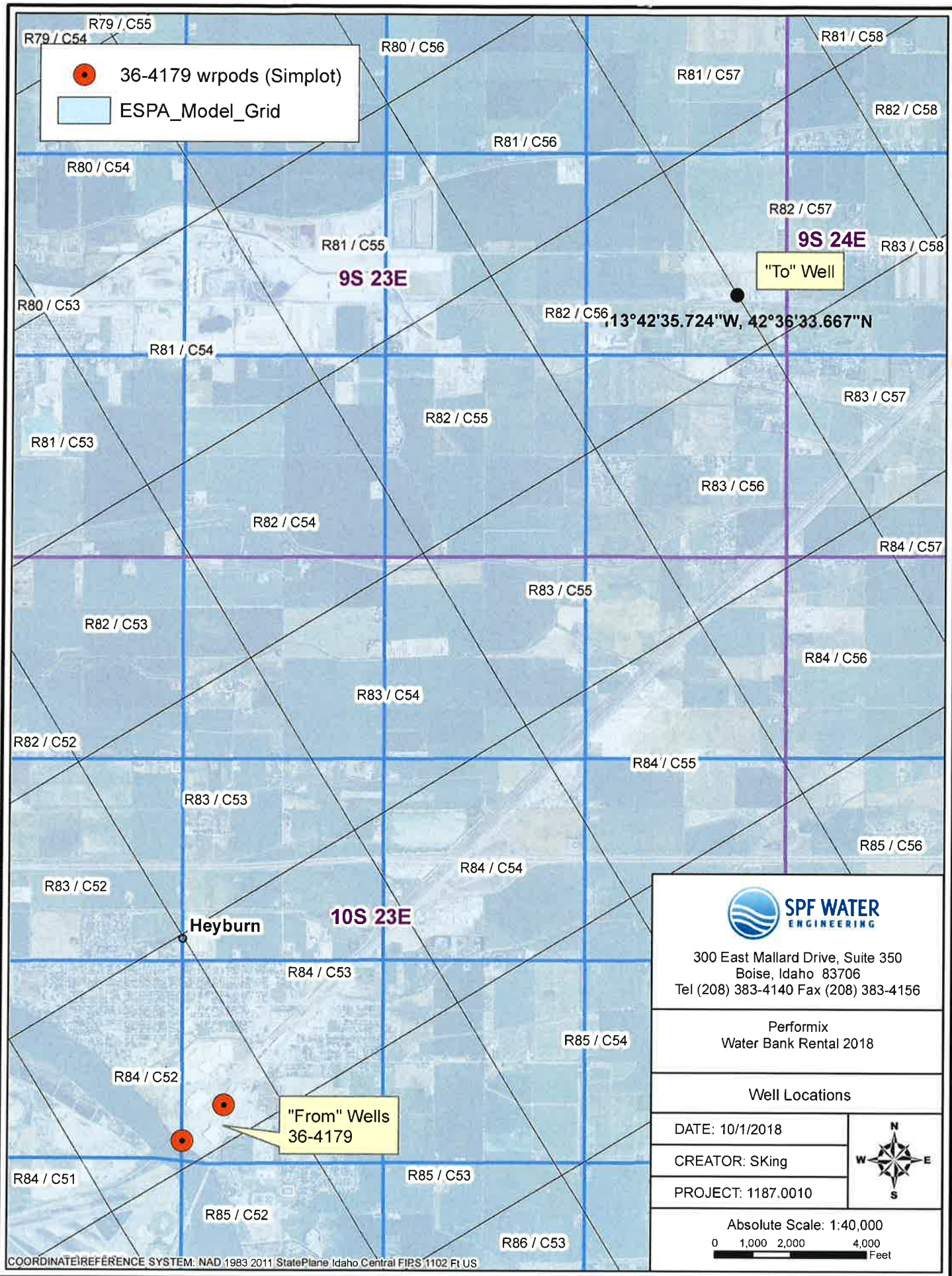
Mitigation Check 1 - >10% of Historical:	8.9%	8.9%	8.9%	8.9%	6.4%	-12.8%	-6.8%	-6.7%	-6.7%	-6.5%	-6.3%
Mitigation Check 2: > 2 AF/T:	0.0	0.0	0.1	0.4	0.0	-0.3	-0.2	-0.1	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	1.3%	3.9%	11.8%	37.5%	2.2%	14.3%	14.5%	6.4%	4.0%	3.7%	0.2%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.1	0.4	0.0	-0.3	-0.2	-0.1	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	8.9%	8.9%	8.9%	8.9%	6.4%	-12.8%	-6.8%	-6.7%	-6.7%	-6.5%	-6.3%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	0.1	0.4	0.0	-0.3	-0.2	-0.1	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.1	0.4	0.0	-0.3	-0.2	-0.1	0.0	0.0	0.0

Read Me

Path: S:\PROJECTS\IA thru D Projects\IC Projects\City of Rupert_11870010_Performix Water Bank Rental 2018\Perforimix 2018 Rental.mxd





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

March 1, 2019

PERFORMIX NUTRITION SYSTEMS
2201 N 20TH ST
NAMPID 83687

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 36-4179, AGREEMENT 286**

Dear Renter:

Please find enclosed a receipt in the amount of **\$887.60** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 44.38 acre-feet of water for commercial use during 2019. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$798.84 of the rental fee will be paid to the lessor(s) and 10% or \$88.76 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


Abby Sudd
Water Supply Bank

Enclosures: Receipt No. C106293
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 130
Chris Bromley – McHugh Bromley
Magic Valley GWD

M^cHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

RECEIVED

FEB 26 2019

DEPARTMENT OF
WATER RESOURCES

February 26, 2019

Brian Patton
Idaho Water Resource Board
322 E. Front Street
Boise, ID 83702

Hand Delivered

Re: Application to Rent Water Agreement No. 286

Dear Brian:

Please find enclosed an agreement signed by my client, PerforMix Nutrition Systems, in regards to *Water Supply Bank Rental Agreement No. 286*. A check in the amount of \$887.60 is also enclosed. When you execute the agreement, please send the copy back to me.

Sincerely,



Chris M. Bromley

Encl.



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

February 19, 2019

PERFORMIX NUTRITION SYSTEMS
2201 N 20TH ST
NAMPA ID 83687

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 36-4179, AGREEMENT 286**

*****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 \$887.60 was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 44.38 acre-feet.

Please send a check for \$887.60 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or \$798.84 of the rental fee will be paid to the lessor(s) and 10% or \$88.76 will be retained by the Department to offset administrative costs.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,


For Water Supply Bank

Enclosure

c: IDWR Front Desk
Chris Bromley – McHugh Bromley

Webster, Clay

From: Condon, Mary
Sent: Thursday, January 24, 2019 9:00 AM
To: Webster, Clay
Subject: FW: WSB Rental - PerforMix Nutrition Systems, LLC - 36-4179

fyi

From: Erickson, Nathan
Sent: Wednesday, January 23, 2019 2:16 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: WSB Rental - PerforMix Nutrition Systems, LLC - 36-4179

Mary,
I don't see any problems with this rental. It appears the diversion rate is going to be 0.11 cfs which falls below the 0.24 cfs cutoff, so no measurement if required.
Thanks,
Nathan

From: Condon, Mary
Sent: Saturday, January 19, 2019 4:03 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: WSB Rental - PerforMix Nutrition Systems, LLC - 36-4179

Corey and Nathan,

Please see the attached review memo and move map for rental of commercial from industrial water right 36-4179, and kindly respond with any comments or concerns within 10 days.

I saw a measurement order from 2009. Should I put a measurement device requirement on the rental?

Best,
Mary

Mary Condon
Water Supply Bank Specialist
Planning & Projects Bureau
Idaho Department of Water Resources
Main: (208) 287-4936
Fax: (208) 287-6700

MEMORANDUM FOR AGREEMENT # 286

To: Water Right(s) 36-4179

From: Mary Condon

Date: January 15, 2019

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

PURPOSE/NARRATIVE: Application was received on October 9, 2018, with a November 1st priority for processing for the 2019-2021 rental seasons. Rental will increase water available for a commercial facility, serviced through the city of Rupert municipal water rights. This is a repeat of previous rentals.

AUTHORITY TO FILE: Application is signed by Kirk Bowman, Director of Operations for PerforMix Nutrition Systems, and Chris Bromley as the representative. Place of use taxlot is registered to PerforMix Nutrition Systems. No concerns of authority to file.

WATER RIGHT VALIDITY: Water right 36-4179 is for Industrial use and has been fully in the current lease contract for 2017-2021, and is within the ESPA and WD 130. It was decreed in 1998, and used until 2004 when the land was sold without the water right before being placed in the bank in 2005 where it has been ever since. No concerns of validity.

INJURY TO OTHER WATER RIGHTS: Water right leased POD and rental POD are relatively close, moving NE several sections but within the same township of range of the ESPA and the Thousand Springs WD130. Modeling was provided with a 15 AF/Trimester value. Rental at fully consumptive values are 33.29 af, equal to 11.1 af/trimester. Checked through Etran 3.3 run. No mitigation is required.

ENLARGEMENT OF USE: Rental POU is for commercial while the leased right is Industrial. Rental place of use has municipal water available and a private well without a water right. This rental is for additional water needed for processing livestock nutritional supplements, as a fully consumptive use out of the private well on the property (not found in Arcmap or WMIS). Application to rent states the well pumps 50 gpm, consistent with their request for 0.11 cfs.

Process	cfs	af
WR 36-4179 fully leased amount	4.27	1723.11
Rental Request	0.11	17.0
proportionate 36-4179 non-consumptive	0.11	44.38
Rental at consumptive standard	0.11	33.29

Memo dated 9/11/2014 to the leased water right file for the unstated volume, indicate historic non-consumptive value of 1723.11 af, for 4 af/ac headgate standard. Leased portions are 4.27 cfs and 1723.11 af for 430.8 acres. Rental request is .11 cfs and 17 af, acres not stated, but common for commercial water rights licensed in records. Proportionate off of leased right based on rate would be 0.11cfs and 44.38 af and 11.1 acres. Reduction to fully consumptive for the change of use to Industrial would be for 0.11cfs and 33.29 af. Enlargement should not occur from 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.

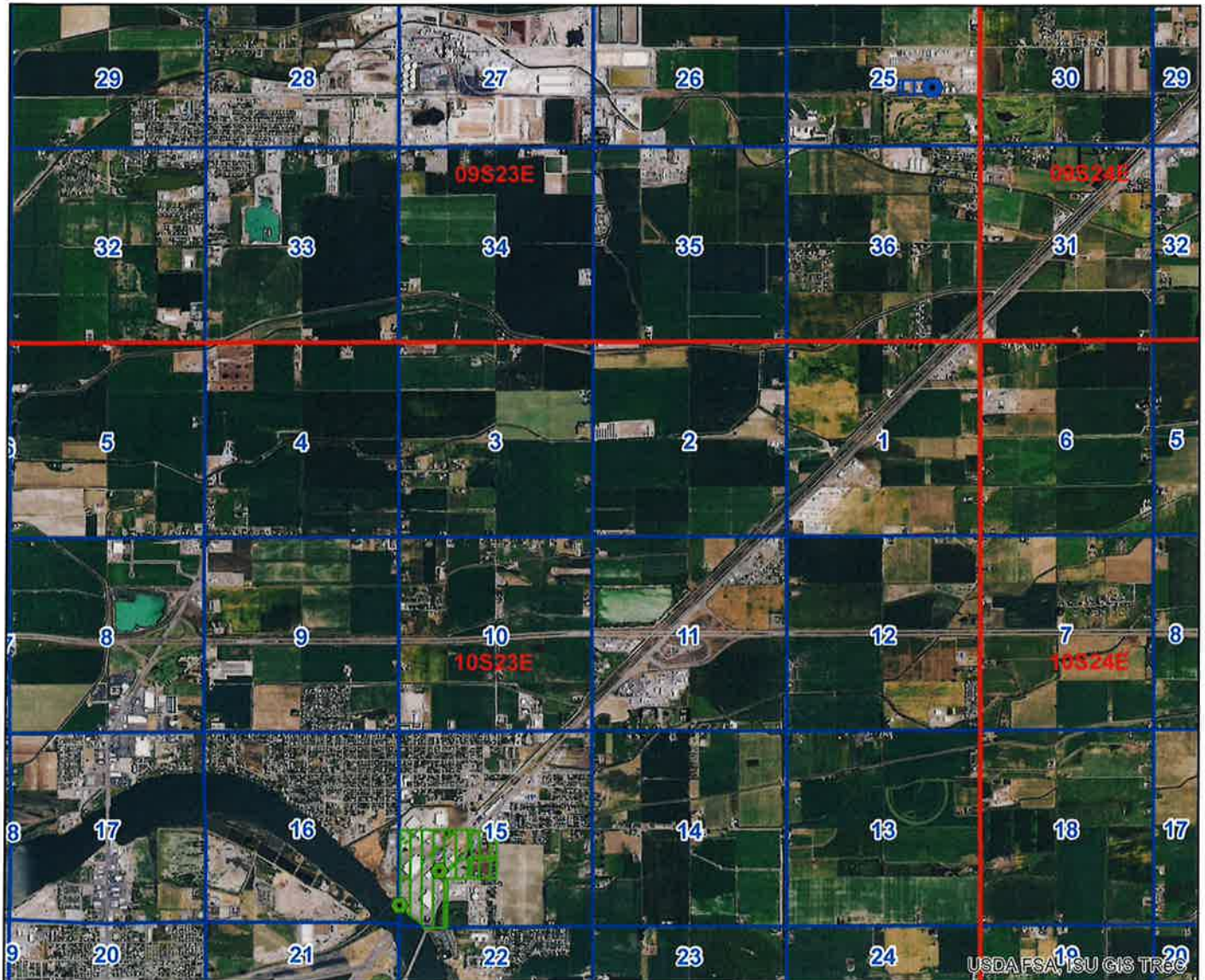
DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the rental PD is subject to Water District # 130 – Thousand Springs, GWMD – Magic Valley and the ESPA.

Request for comment sent 1/19/2019

Move Map

36-4179 to Performix Nutrition Systems, LLC

2019-2021



-  Authorized Rental Point of Diversion
-  Authorized Rental Place of Use
-  Active Water Supply Bank Lease POD
-  Active Water Supply Bank Lease POU
-  Township/Range
-  Sections



Buyer, Remington

From: Chris Bromley <cbromley@mchughbromley.com>
Sent: Wednesday, October 03, 2018 2:50 PM
To: Buyer, Remington
Subject: PerforMix Nutrition Systems, LLC Rental Application
Attachments: 20181003 PerforMix Rental Application.pdf; Etransfer_V3_3_44.4af.pdf; mitigation-analysis-36-4179_44.4afa.pdf; Performix 2018 Rental.pdf; 20181003 Map.pdf

Remington,

Please find attached a rental application in the name of PerforMix Nutrition Systems, LLC, along with associated modeling documents from SPF Water Engineering. If I can answer any questions, please do not hesitate to contact me.

Thanks,

Chris M. Bromley

M^{CHUGH}BROMLEY
ATTORNEYS AT LAW PLLC

380 South 4th Street, Suite 103

Boise, Idaho 83702

(208) 287-0991

cbromley@mchughbromley.com

<http://www.mchughbromley.com>

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