

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 164

This is to certify that:

WALTERS READY MIX
PO BOX 390
REXBURG, ID 83440

RECEIVED

JUN 09 2017

DEPARTMENT OF
WATER RESOURCES

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)
37-20833	11/15/2002	GROUND WATER	0.02	3.5	1.0	0.02	3.5
Combined Rental Totals			0.02	3.5	1.0	0.02	3.5

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2017.

Annual Rental Fee:

2017: \$59.50

The full fee for the rental of the above-described right(s) is \$59.50 for 2017. The rental fee includes an administrative fee of \$5.95 for 2017.

Total Water Use Authorized Under Rental Agreement Click here to enter text.

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
MITIGATION	0.02	2.5	NA		
Combined Total	0.02	2.5	NA		

*** The authorized water usage reflects a reduction from the water right elements rented, to account for a change in the nature of use.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 164

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:


Signature of Renter

6-6-17
Date

James Walters
Printed Name

Manager
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, Acting Administrator
Idaho Water Resource Board

Date 6/9/2017

Rental approved by IDWR 

Date 6-9-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 164

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec. 13, Twp 01N, Rge 18E, BLAINE County

Beneficial Use Diversion Rate Volume
MITIGATION BY NON-USE 0.02 CFS 2.5 AF

BENEFICIAL USE & SEASON OF USE

Water Right No. From To
37-20833 4/15 10/31

RENTERS PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13									X		X	X					

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This rental agreement does not authorize the construction of a well.
9. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. 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. 37.
13. The following rights are also diverted through point of diversion described above: Water Right Permit 37-8856.
14. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
16. This rental for mitigation by non-use is associated with industrial use authorized by Permit 37-8856 and is effective for 2017 only.
17. This rental agreement does not authorize the described mitigation effort to be used as affirmation or recognition of any other purpose.



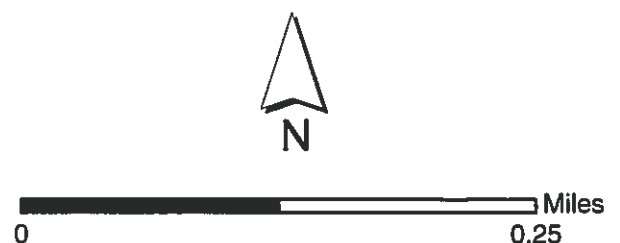
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement #164

Effective until December 31, 2017

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



- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Townships
- PLS Sections
- Quarter Quarters



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

MAY 22 2017

DEPARTMENT OF
WATER RESOURCESApplicant Name: Walters Ready Mix

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)

37-20833

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Walters Ready Mix

Mailing Address PO Box 390 Rexburg ID 83440
Street City State Zip Code
 Email Address _____ Phone Number 208-356-5491

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 Kristin Moore Professional Title Senior Water Right Analyst
 Organization Rocky Mountain Environmental Assoc. Relationship to Applicant consultant
 Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402
 Email Address kristin.rmea@gmail.com Phone Number 208-524-2353

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:

For mitigation of Industrial use at an asphalt and concrete plant. The quantity proposed to be rented was
determined through consumptive use evaluations of the industrial plants, requiring 2.5 AFA of mitigation. This
rental should mitigate for 1 year of consumption by non-use of the rented water right.

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)
CFS	3.5 AF	0.01 CFS	2.5 AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2017	7/15/2017	☒ 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 diverts water into pipelines that deliver to washing and mixing locations.

- 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
1N 18E S13 SESW	Ground water	37-8856

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Industrial from: 4/15 (mm/dd) to: 10/31 (mm/dd)
- ☒ Other: Mitigation from: 4/15 (mm/dd) to: 10/31 (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:

Industrial water right 37-8856, which requires mitigation. This rental is proposed to acquire mitigation water temporarily.

**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)
37-20833	Irrigation	0.48	84.4	24.1		0.02	3.5	1
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	0.02	3.5	1
						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**:

The rental will convert an irrigation right to industrial use. A historical consumptive use of 2.5 AFA per acre is assumed for the conversion, providing the required mitigation obligation through rental of 1.0 acre.

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

DECLARATION

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

Signature of Applicant

Printed Name of Applicant

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

RECEIVED

MAR 27 2017

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

MAR 22 2017

Department of Water Resources
Eastern RegionApplicant Name: Walters Ready Mix

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

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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)

37-20833

819

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Walters Ready Mix

Mailing Address Po Box 390 Rexburg ID 83440
Street City State Zip Code
 Email Address _____ Phone Number 208-356-5491

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 Kristin Moore Professional Title Senior Water Right Analyst
 Organization Rocky Mountain Environmental Assoc. Relationship to Applicant consultant
 Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402
 Email Address kristin.rmea@gmail.com Phone Number 208-524-2353

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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**:

For mitigation of Industrial use at an asphalt and concrete plant. The quantity proposed to be rented was
determined through consumptive use evaluations.

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)
CFS	47.5 AF	CFS	47.5 AF	AC

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

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

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
4/15/2017	7/15/2017	☒ 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 diverts water into pipelines that deliver to washing and mixing locations.

- 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
1N 18E S13 SESW	Ground water	37-8856

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

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as Attachment 3F.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

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

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Other: Mitigation from: 4/15 (mm/dd) to: 10/31 (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:

Industrial water right 37-8856, which requires mitigation. This rental is proposed to acquire mitigation water temporarily.

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](#).

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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)
37-20833	Irrigation	0.48	84.4	24.1		0.38	66.5	19
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	0.38	66.5	19
						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**:

The rental will convert an irrigation right to industrial use. A historical consumptive use of 2.5 AFA per acre is assumed for the conversion, providing 47.5 AFA through rental of 19 acres.

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

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

James Walters-Manager
Printed Name of Applicant

3-21-17
Date

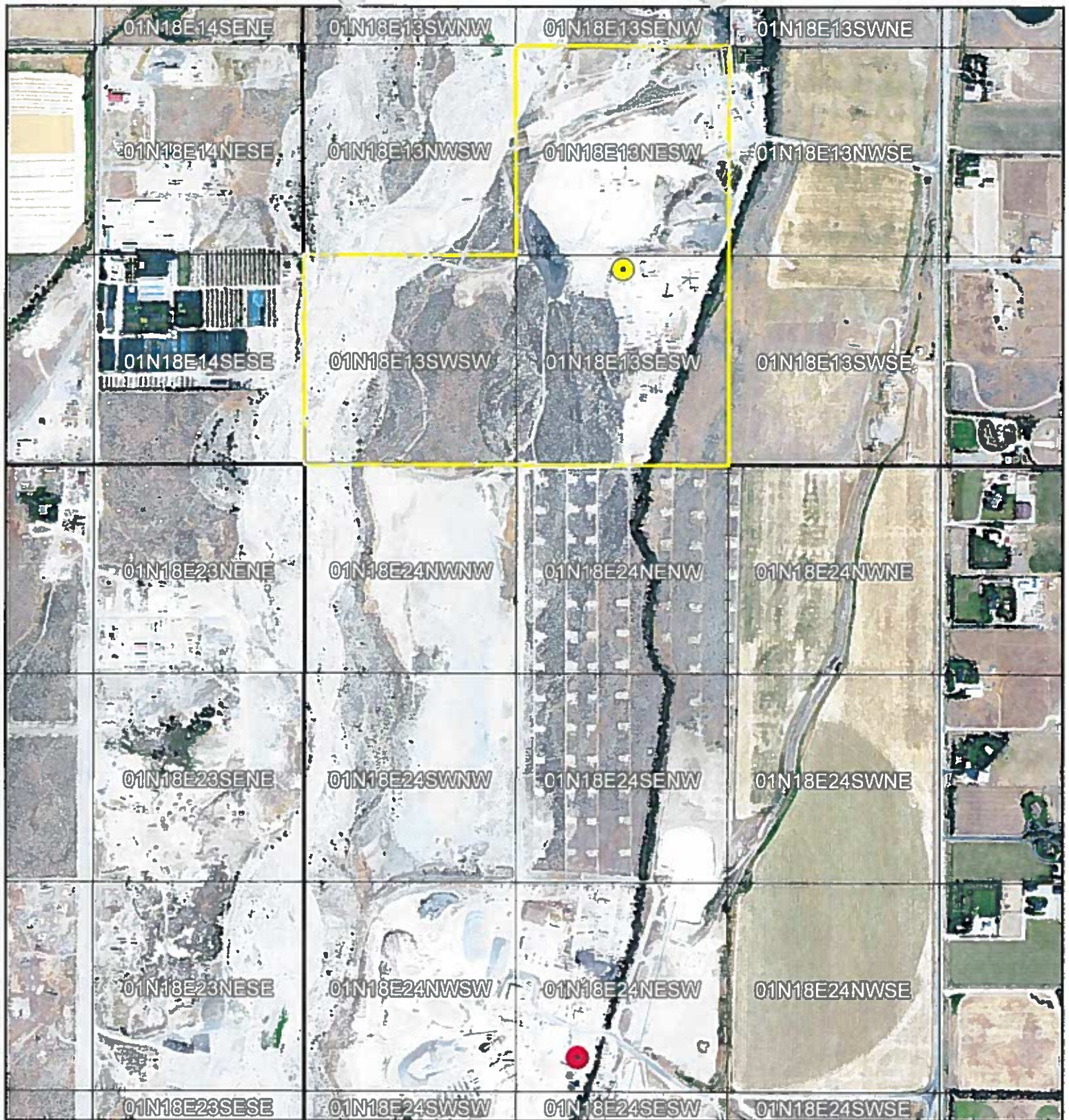
Signature of Representative

Printed Name of Representative

Date

Mail to:

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

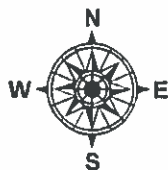


0 500 1,000 2,000 Feet

2015 Aerial Photography

Legend

- Proposed POD
- WR POD 37-20833
- Permit POU 37-8856
- Twp & Rng
- Section
- QQ



Application to Rent Water

Walters Ready Mix

RMEA #16-0171

by: KM

March 22, 2017





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 12, 2017

WALTERS READY MIX
PO BOX 390
REXBURG ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-20833**

Dear Renter:

Please find enclosed a receipt in the amount of **\$59.50** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 2.5 acre-feet of water for mitigation by non-use during 2017. 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 \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 will be retained by the Department to offset administrative costs.

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

Sincerely,

 Water Supply Bank

Enclosures: Receipt No. C103694
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Kevin Lakey – State Water District No. 37
Kristin Moore – Rocky Mountain Environmental



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2017

WALTERS READY MIX
PO BOX 390
REXBURG ID 83440

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 37-20833

*****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 \$59.50 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 3.5 acre-feet.

Please send a check for \$59.50 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 \$53.55 of the rental fee will be paid to the lessor(s) and 10% or \$5.95 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
Kristin Moore – Rocky Mountain Environmental

MEMORANDUM

To: Right(s) 37-20833
From: Michele Edl
Date: May 30, 2017
Re: Review & Analysis of Walter's Ready Mix Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On March 22, 2017, Kristin Moore (senior water rights analyst, Rocky Mountain Environmental) submitted a water supply bank rental application on behalf of Walters Ready-Mix. The application proposes to rent a portion of Water Right 37-20833 for the 2017 season. The water will be rented but not used; an instance of mitigation by non-use. Mitigation is required by a condition of Permit #37-8856, which otherwise authorizes a cascading industrial water use and reuse; in an asphalt plant and then a cement plant.

The original rental proposal requested quantities of water which were essence 19 years-worth of mitigation. The Water Supply Bank coordinator was not in favor of using WSB processes to bring applicants into compliance after the fact. As the result of a phone conference between Roger Warner, Rocky Mountain Environmental, and Shelley Keen and Remington Buyer both of IDWR, the consulting firm agreed to amend the application. On May 22, 2017, IDWR received the amended application. Kristin Moore had drafted it based on instructions from Roger Warner. The amended rental requested only one years-worth or 3.5 ac-ft of water from 37-20833 and added industrial use to existing mitigation use for the rental water.

AUTHORITY TO FILE: According to available Blaine County taxlot information, the proposed place-of-use for the rental is the authorized but generic place-of-use for Permit #37-8856. That property is not entirely owned by the applicant. Change of ownership documents have been provided to IDWR. It is anticipated that they will be processed in conjunction with the licensing the permit (expected July 2017).

The proposed POD is a well located within the permit POU property. It is one of the two authorized PODs for permit #37-8856.

Walters Ready-Mix, Inc. is listed with IDSOS as #C 61583. Mr. James Walters signed the application but he is not listed as representative for the corporation. On May 9, 2017, I requested confirmation of authority to file from the consultant. Kristin Moore stated that James Walters is the manager and signs all necessary paperwork for the Walters Ready-Mix, Inc.

WATER RIGHT VALIDITY: The lease of Right 37-20833 is valid for 2016-2020. A sufficient quantity of the right is available to satisfy the rental request.

INJURY TO OTHER WATER RIGHTS: No injury is anticipated.

The right rented for the industrial-mitigation use and the permit which needs the mitigation are have adjacent POUs. The rental well and the lease well are located less than 1 mile and almost due north-south from each other. Both well are in the Triangle West zone.

ENLARGEMENT OF USE: The leased water and the rental water use do not have the same NOU but no enlargement is anticipated. Water Right 37-20833 is for irrigation use and was leased into the bank at the standard rate per acre and volume per acre for the area. Elements of the rental have been made proportional to the lease.

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 rental use is subject to Water District 37. The watermaster and Southern Region are not opposed to the rental.

This rental is a good-faith effort on behalf of the current holders of Permit #37-8856. They now recognize that condition 11 of the permit required that their use be mitigated. Until recently, the permit holder had overlooked or had not understood that condition.

Expected rates and volumes of water use were provided in the June 20, 1996 mitigation plan which was submitted with Application for Permit 37-8856. The plan states that two companion industrial plants require a disproportionally high rate compared to the total volume of water used because the water is cascaded from one plant to the other and reused. The first use occurs in an asphalt hot mix plant through a process which generates additional water. Then the spent water is cascaded to the concrete production plant. A note on the mitigation plan states that 100 gpm (~0.22 cfs) of the 400 gpm reused in concrete production is for use in a crushed rock washing plant and that that water use is non-consumptive.

The rental right is sufficient for the mitigation requirement. However, it is insufficient to be a substitute supply of water if the permit fails to be perfected to a license.

Edl, Michele

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, May 30, 2017 11:29 AM
To: Edl, Michele
Subject: RE: Walters Ready-Mix

Michele,

The rental proposes to rent the amount needed for the mitigation portion of the water right 37-8856, which amounts to 2.5 afa. To get this consumptive volume, we need to rent 1.0 acre and 3.5 afa. I am unclear why we were instructed to put industrial on the rental application, because we do not need to rent water for the entire facility's water diversion. Much of their use is non-consumptive and they do not need additional water. My understanding is that the rental is strictly for the consumptive component, which is 2.5 afa, accomplished by non-use, whether that is defined by "mitigation" or "industrial."

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, May 30, 2017 9:52 AM
To: kristin.rmea@gmail.com
Subject: Walters Ready-Mix

Kristin Moore,

Please confirm my understanding of the requirements for this rental. Walters Ready-Mix is now requesting to rent WR #37-20833 for mitigation of permit 37-8856 and industrial use for one year. The mitigation by non-use portion requested is 0.02 cfs, and 84.4 af attributable to 1.0 ac of irrigation.

The industrial use portion is not as well defined. If Walters Ready-Mix needs to rent sufficient water to replace permit 37-8856, then the rental of the remainder of right #37-20833 will not be sufficient. It will not provide enough rate. Permit 37-8856 authorized diversion of more than 1 cfs and based on the file contents, the two combined industrial processes need that rate. After subtracting out the mitigation use, rental of WR #37-20833 can only provide 0.46 cfs.

I am in a catch 22 situation. I don't know if together the asphalt and cement plants are diverting and using more than 0.46 cfs because I don't have a completed field exam. But to keep the permit in good faith, the applicant needs the WSB rental that I am trying to process.

The recent amended WSB application is silent about the rate needed for industrial use. So at your earliest convenience, please confirm required rate and volume that Waters Ready-Mix needs to rent for the industrial use.

Sincerely,

Michele Edl

208-287-4946

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2017)	Rental Amounts	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2018-2022)
Walters Ready Mix					Rate Acres			
37-20833 mitigation-Industrial	3.50	\$53.55	\$5.95	\$59.50	0.020 1.00	\$63.00	\$7.00	\$70.00
Total	3.50	\$ 53.55	\$ 5.95	\$ 59.50	0.020 1.00	\$63.00	\$7.00	\$70.00
calculated by Michele Edl								
37-20833	rate	volume	acre	af/ac	cf/ac	trimester vol		
decreed	0.48	84.4	24.1	3.50	0.020			
leased	0.48	84.4	24.1	3.50	0.020	HG = 3.5		
available	0.48	84.4	24.1	3.50	0.020			
requested	0.02	3.5	1					
mitigation by non-use	0.02	2.5	1	2.50	0.020	CU = 2.5		
Industrial	0.0002	0.92	0.263	3.50	0.001	from mitigation plan. 1.11 cfs (300gpm+100gpm) and 0.92 af/a		
	0.0202				0.0109005 =	This rental does not supply the high short-term rate		
						0.92/84.4 = % of volume		

Edl, Michele

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Monday, May 22, 2017 2:03 PM
To: Edl, Michele
Subject: Walters Ready Mix
Attachments: WSB_Rental_App 2017v3_1yronly_p.pdf

Michele,

I have amended the Rental application (attached) for Walters Ready Mix in Bellevue. Do you need a new signature on it? Or can you substitute the pages?

Thanks,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353 ||| FAX: 208-524-1795



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Edl, Michele

From: Skinner, Corey
Sent: Wednesday, May 10, 2017 4:01 PM
To: Edl, Michele
Cc: Kevin Lakey
Subject: RE: mitigation by non-use rental

Michelle,

I have no objections to the rental of 37-20833 for a "mitigation by non-use" use. I suppose any questions will relate to the possible licensing of 37-8856 as a result of the rental. Just out of curiosity, how much is the rental for?

Corey

From: Kevin Lakey [mailto:watermanager@cableone.net]
Sent: Wednesday, May 10, 2017 12:46 PM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: mitigation by non-use rental

Michele,

I'm not sure I understand what "mitigation by non-use" means. If 37-20833 is not being used and hasn't for some time, I don't see how that would be anything new that would allow this permit to continue use. I need some help understanding.

Kevin Lakey
Water District 37

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, May 09, 2017 4:10 PM
To: Skinner, Corey; watermanager@cableone.net
Subject: mitigation by non-use rental

Corey and Kevin,

I have completed my review of a proposal to rent water and mitigate by non-use. The right to be mitigated is Permit 37-8856.

This has been unusual and difficult for both the consultant, Rocky Mountain Environmental, and me to describe for IDWR processes.

RME has been hired by the permit holders and is expected to produce a field exam and licensing recommendations for the right in July 2017. Permit 37-8856 was issued in 1997, and required mitigation but mitigation was not accomplished during the development period. Proof was submitted in 1999.

This rental is a demonstration of good faith by the current holders of the permit. You will find a conversation memo dated March 17, 2017 in the backfile of 37-8856 which summarizes IDWRs position on the permit.

I have attached a copy of my review memo and a map of the PODs for the mitigating right and the rental. Because this rental is for non-use, the destination shapes don't have much meaning.

Please let me know if you have concerns about this rental. I have only limited knowledge about the permit.

Michele

Search

Soil Reports

Intro to Soils

Suitabilities and Limitations for Use

Soil Properties and Qualities

Ecological Site Assessment

Soil Reports

AOI Inventory

Building Site Development

Construction Materials

Disaster Recovery Planning

Land Classifications

Management

Recreational Development

Sanitary Facilities

Soil Chemical Properties

Soil Erosion

Soil Health

Soil Physical Properties

Engineering Properties

Options

Include minor soils? ☐

Particle Size and Coarse Fragments

Physical Soil Properties

Open All Close All

Legend

Soil Map

Scale

Not to scale

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	rental # 164
REVIEWER	Michele Edl
DATE	5/9/2017

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1	AC.
-------------------------	---	-----

Pond Surface Area (SQ. FT.)	43560	SQ. FT.
-----------------------------	-------	---------

I used the following method to obtain my Soil Classification Information:	NRCS Web Soil Survey	
My Soil Classification Is	GW	
Suggested Seepage Rate (FT./DAY)	0.2000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
--

Convert to GPD	65166	GPD
----------------	-------	-----

Total Seepage Loss (AFA)	73.0	AFA
--------------------------	------	-----

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

No. C 61583	Due no later than Jul 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)																								
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			1. Mailing Address: Correct in this box if needed. WALTERS READY-MIX, INC. DAVID Z. WALTERS P O BOX 390 REXBURG ID 83440-0390		DAVID Z WALTERS 342 WEST FOURTH NORTH REXBURG ID 83440																						
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional). <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>SECRETARY</td> <td>CHARLENE WALTERS</td> <td>P.O. BOX 390</td> <td>REXBURG</td> <td>ID</td> <td>USA</td> <td>83440</td> </tr> <tr> <td>PRESIDENT</td> <td>DAVID Z WALTERS</td> <td>P.O. BOX 390</td> <td>REXBURG</td> <td>ID</td> <td>USA</td> <td>83440</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	SECRETARY	CHARLENE WALTERS	P.O. BOX 390	REXBURG	ID	USA	83440	PRESIDENT	DAVID Z WALTERS	P.O. BOX 390	REXBURG	ID	USA	83440	3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code																					
SECRETARY	CHARLENE WALTERS	P.O. BOX 390	REXBURG	ID	USA	83440																					
PRESIDENT	DAVID Z WALTERS	P.O. BOX 390	REXBURG	ID	USA	83440																					
5. Organized Under the Laws of: ID C 61583	6. Annual Report must be signed.* <table> <tr> <td>Signature: Shauna Hurd</td> <td>Date: 05/27/2016</td> </tr> <tr> <td>Name (type or print): Shauna Hurd</td> <td>Title: Office Manager</td> </tr> </table>						Signature: Shauna Hurd	Date: 05/27/2016	Name (type or print): Shauna Hurd	Title: Office Manager																	
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Name (type or print): Shauna Hurd	Title: Office Manager																										
Processed 05/27/2016 * Electronically provided signatures are accepted as original signatures.																											