



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

January 3, 2017

PERFORMIX NUTRITION SYSTEMS
1555 SHORELINE DR STE 320
BOISE ID 83702

RESPONSE DEADLINE
2/1/2017

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2015	2018	36-2550	27.6	\$469.20	\$422.28	\$46.92	12/15/2016
1	2015	2018	36-8212	7	\$120.70	\$108.63	\$12.07	12/15/2016
			Total		\$589.90	\$530.91	\$58.99	12/15/2016

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$589.90** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

RECEIVED

AUG 07 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **PERFORMIX NUTRITION SYSTEMS**
1555 SHORLINE DR STE 320
BOISE ID 83702
(509) 865-0626

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
36-2550	8/27/1962	Ground Water	NA	0.13 cfs	27.6 af	NA	NA
36-8212	6/22/1983	Ground Water	NA	0.04 cfs	7.0 af	NA	NA
Total Annual Combined Limit				0.15 cfs	34.7 af	NA	NA

Annual Combined Rental Totals	0.15 cfs*	34.7 af*	NA	NA
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***This rental is limited to 17.0 af and 0.11 cfs for a change in the nature of use**

Term of Rental:	July 31, 2015 thru December 31, 2018		
Rental Fee:	Years	2015-2017	\$589.90 annually
	Year	2018	\$694.00 annually

The fee for rental of the above-described water is \$589.90 annually for years 2015-2017 and \$694.00 annually for years 2018-2019. Ten percent (\$58.99/\$69.40) will be retained by the Department to cover administrative costs and the remainder will be paid to the lessor(s). An annual payment shall be received by the Department prior to December 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 36-2550

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

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 Kirk Bowman 8-7-15
Signature of Renter Printed Name and Title* Date
Director of Operations

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory 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.

Brian Patton Date August 11, 2015
By Date
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25 Twp 09S Rge 23E MINIDOKA County

BENEFICIAL USE

COMMERCIAL

SEASON OF USE

01/01 TO 12/31

RENTER'S PLACE OF USE: COMMERCIAL

Twp	Rge	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			

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. Upon specific notification of the Department, the renter shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. The water rented under this agreement is appurtenant to irrigation of 8.7 acres. 6.9 acres from 36-2550 and 1.8 acres from 36-8212.
12. This rental agreement does not authorize the construction of a well.

13. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
14. 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.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUN 12 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Performix Nutrition Systems, LLCIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

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

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

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

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☐ | ☒ Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☐ | ☒ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a need to rent water for irrigation at 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 - 2550

36 - 8212

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Performix Nutrition Systems, LLC

Mailing Address 1555 Shoreline Drive, Suite 320, Boise, ID 83702

Email Address dave.stiner@abfoodsusa.com

Phone Number 509-865-0626

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 Chris M. Bromley

Professional Title Attorney at Law

Organization McHugh Bromley, PLLC

Relationship to Applicant Attorney

Mailing Address 380 S. 4th Street, Suite 103, Boise, ID 83702

Email Address cbromley@mchughbromley.com

Phone Number 208-287-0991

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 place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it **Attachment 3A**:
Water will be used for a commercial facility that uses water to produce liquid feed supplements for animal feed.

The requested volume (17 acre-feet) is the amount necessary for commercial production at the facility.

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
CFS	17 AF	CFS	AF	AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
10/01/2015	10/01/2015	12/31/2018	☐ Yes, approve rental for all remaining future years.	☒ No, return rental request if first year is unapprovable.

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

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Ground Water	9S	23E	25	NE	SE		Minidoka	None

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.

- F. Do any POD(s) identified in Question 3D 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.

- G. Has water modeling been provided with your rental request? Yes ☒ No ☐

If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

Water modeling is being completed by SPF Water Engineering, and will be provided as soon as it is completed, which should be during the week of June 15, 2015.

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

- H. Specify the proposed beneficial use: ☐ Irrigation ☒ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____

- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	23E	25													C	C			
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)
																			NA

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Well, pump, and pipes into commercial facility.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:
None.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☒ No ☐
If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
36	2550	GW	1.20	260.8	65.2	2013	2018			260.8	
36	8212	GW	0.35	67.9	17.4	2013	2018			67.9	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL	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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

Water will be used for a year-round commercial facility, with an annual volume requirement of 17 acre-feet.

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: A permanent supply of water will eventually be needed for the facility, and is being investigated.

- 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.

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.

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

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JUL 22 2015

DEPARTMENT OF
WATER RESOURCES

SENW

SWNE

SENE

L2

NESW

NWSE

NESE

L3

25

113°42'35.724"W 42°36'33.667"N

30

9S 23E

9S 24E

SESW

SWSE

SESE

L4

NENW

NWNE

36

Performix Well Location

0 250 500
Feet



09S23E25SENE

09S23E25SWNE

09S23E25SW

09S23E25NESE

09S23E25NWSE

09S23E25SW

09S23E25SESE

09S23E25SWSE

09S23E25SW



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JUL 22 2015

DEPARTMENT OF
WATER RESOURCES



Instrument # 531625

MINIDOKA COUNTY, RUPERT, IDAHO
06-20-2016 11:36:57 AM No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - BURLEY
PATTY TEMPLE Fee: \$22.00
Ex-Officio Recorder Deputy Diana Wheeler
Electronically Recorded by Simplicat

RECEIVED

JUL 22 2015

DEPARTMENT OF
WATER RESOURCES

ELECTRONICALLY RECORDED
DO NOT REMOVE THE COUNTY
STAMPED FIRST PAGE AS IT IS
NOW INCORPORATED AS PART
OF THE ORIGINAL DOCUMENT

When recorded, please return to:

PERFORMIX NUTRITION SYSTEMS, LLC
1811 E. Karcher Rd.
Nampa, Idaho, 83687

#545070RD

Space Above Line for Recorder's Use Only

01604-63

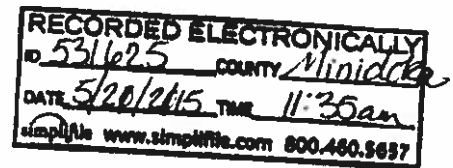
QUITCLAIM DEED

MISSOURI IMPROVEMENT COMPANY, a Missouri corporation ("Grantor"), in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto PERFORMIX NUTRITION SYSTEMS, LLC, an Idaho limited liability company ("Grantee"), whose address is 1811 E. Karcher Rd., Nampa, Idaho, 83687, and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in Minidoka County, State of Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

The Property is quitclaimed by Grantor subject to the following covenant, condition and restriction which Grantee by the acceptance of this Deed covenants for itself, its successors and assigns, faithfully to keep, observe and perform:

Restriction on Use. The Property must not be used for (i) residential, (ii) lodgings or accommodations (including, without limitation, hotels, motels, boarding houses, dormitories, hospitals, nursing homes, or retirement centers), or (iii) educational or child-care facilities (including, without limitation, schools, kindergartens or day-care centers).



When recorded, please return to:

PERFORMIX NUTRITION SYSTEMS, LLC
1811 E. Karcher Rd.
Nampa, Idaho, 83687
#54567DRD

Space Above Line for Recorder's Use Only

01604-63

QUITCLAIM DEED

MISSOURI IMPROVEMENT COMPANY, a Missouri corporation ("Grantor"), in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto **PERFORMIX NUTRITION SYSTEMS, LLC**, an Idaho limited liability company ("Grantee"), whose address is 1811 E. Karcher Rd., Nampa, Idaho, 83687, and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in Minidoka County, State of Idaho, as more particularly described in **Exhibit A**, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

The Property is quitclaimed by Grantor subject to the following covenant, condition and restriction which Grantee by the acceptance of this Deed covenants for itself, its successors and assigns, faithfully to keep, observe and perform:

Restriction on Use. The Property must not be used for (i) residential, (ii) lodgings or accommodations (including, without limitation, hotels, motels, boarding houses, dormitories, hospitals, nursing homes, or retirement centers), or (iii) educational or child-care facilities (including, without limitation, schools, kindergartens or day-care centers).

The foregoing covenant, condition and restriction shall run with the Property, and a breach of the foregoing covenant, condition and restriction, or the continuance thereof, may, at the option of Grantor, its successors or assigns, be enjoined, abated or remedied by appropriate proceedings.

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 18th day of May, 2015.

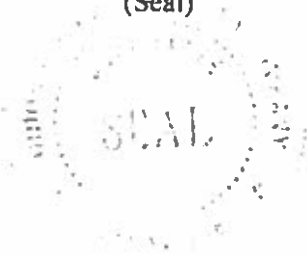
Attest:

MISSOURI IMPROVEMENT COMPANY,
a Missouri corporation

BQ Kubat
Assistant Secretary

By: Tony K. Love
Title: President

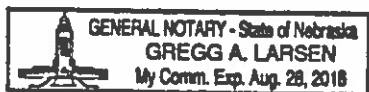
(Seal)



COUNTY OF DOUGLAS)

On this 18th day of MAY, 2015, before me, Gregg A. Larsen, Notary Public in and for said County and State, personally appeared Tony K. Love and B.J. Kubat who are the President and the Assistant Secretary, respectively, of Missouri Improvement Company, a Missouri corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.




Notary Public

(Seal)

Grantee hereby accepts this Deed and agrees for itself, its successors and assigns, to be bound by the covenants set forth herein.

Dated this 19 day of MAY, 2015.

PERFORMIX NUTRITION SYSTEMS, LLC,
an Idaho limited liability company

By: [Signature]

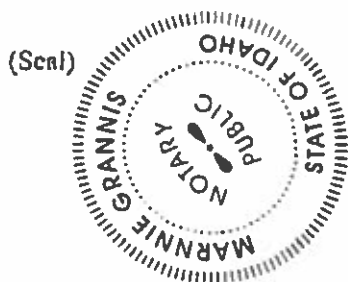
Title: President

STATE OF IDAHO)
COUNTY OF Ada) ss.

On this 19 day of May, 2015, before me, Marnie Grannis,
Notary Public in and for said County and State, personally appeared Jim Keppen
who is the President of Performix Nutrition Systems, LLC, an
Idaho limited liability company, and who is personally known to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is subscribed to in the within
instrument, and acknowledged to me that he/she executed the same in his/her authorized
capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of
which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public



Marnie Grannis
Residing: Boise, ID
Commission Expires
12/02/2017

Date: May 14, 2015

File No.: 545670RU (mkk)

EXHIBIT 'A'

LEGAL DESCRIPTION:

A parcel of land being all of Lots 3, 4, 5 and 6 of the Rupert Industrial Site, identified as such on a plat dedicated by Rupert Development Corporation on March 29, 1965, which plat was approved and accepted by the County Board of Commissioners of Minidoka County, Idaho, on April 12, 1965, and is recorded in the office of the County Recorder of Minidoka County, said real property being in the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 9 South, Range 23 East, Boise Meridian.

EXCEPTING THEREFROM all that portion of said Lot 3 lying easterly of a line that is parallel with and 327.8 feet, normally distant westerly from the east line of said Lot 3.

RECEIVED

JUL 23 2015

TOP
OF
SOURCES**ENHANCED GROUND-WATER****UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH**Cells this color are
set up for user entriesENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

Water Bank

YEAR

1962

TRANSFER NAME

SEASON

SUMMER

Performix

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	82	72	72	74
COLUMN	56	70	68	70

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 W
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER
SUM 1962	0	2	2	2
WIN 1962	0	2	2	2
SPR 1963	0	2	2	2
SUM 1963	0	2	2	2
WIN 1963	0	2	2	2
SPR 1964	0	2	2	2
SUM 1964	0	2	2	2
WIN 1964	0	2	2	2
SPR 1965	0	2	2	2
SUM 1965	0	2	2	2
WIN 1965	0	2	2	2
SPR 1966	0	2	2	2
SUM 1966	0	2	2	2
WIN 1966	0	2	2	2
SPR 1967	0	2	2	2
SUM 1967	0	2	2	2
WIN 1967	0	2	2	2
SPR 1968	0	2	2	2
SUM 1968	0	2	2	2

WIN 1968	0	2	2	2
SPR 1969	0	2	2	2
SUM 1969	0	2	2	2
WIN 1969	0	2	2	2
SPR 1970	0	2	2	2
SUM 1970	0	2	2	2
WIN 1970	0	2	2	2
SPR 1971	0	2	2	2
SUM 1971	0	2	2	2
WIN 1971	0	2	2	2
SPR 1972	0	2	2	2
SUM 1972	0	2	2	2
WIN 1972	0	2	2	2
SPR 1973	0	2	2	2
SUM 1973	0	2	2	2
WIN 1973	0	2	2	2
SPR 1974	0	2	2	2
SUM 1974	0	2	2	2
WIN 1974	0	2	2	2
SPR 1975	0	2	2	2
SUM 1975	0	2	2	2
WIN 1975	0	2	2	2
SPR 1976	0	2	2	2
SUM 1976	0	2	2	2
WIN 1976	0	2	2	2
SPR 1977	0	2	2	2
SUM 1977	0	2	2	2
WIN 1977	0	2	2	2
SPR 1978	0	2	2	2
SUM 1978	0	2	2	2
WIN 1978	0	2	2	2
SPR 1979	0	2	2	2
SUM 1979	0	2	2	2
WIN 1979	0	2	2	2
SPR 1980	0	2	2	2
SUM 1980	0	2	2	2
WIN 1980	0	2	2	2
SPR 1981	0	2	2	2
SUM 1981	0	2	2	2
WIN 1981	0	2	2	2
SPR 1982	0	2	2	2
SUM 1982	0	2	2	2
WIN 1982	0	2	2	2
SPR 1983	0	2	2	2
SUM 1983	0	2	2	2

WIN 1983	0	2	2	2
SPR 1984	0	2	2	2
SUM 1984	0	2	2	2
WIN 1984	0	2	2	2
SPR 1985	0	2	2	2
SUM 1985	0	2	2	2
WIN 1985	0	2	2	2
SPR 1986	0	2	2	2
SUM 1986	0	2	2	2
WIN 1986	0	2	2	2
SPR 1987	0	2	2	2
SUM 1987	0	2	2	2
WIN 1987	0	2	2	2
SPR 1988	0	2	2	2
SUM 1988	0	2	2	2
WIN 1988	0	2	2	2
SPR 1989	0	2	2	2
SUM 1989	0	2	2	2
WIN 1989	0	2	2	2
SPR 1990	0	2	2	2
SUM 1990	0	2	2	2
WIN 1990	0	2	2	2
SPR 1991	0	2	2	2
SUM 1991	0	2	2	2
WIN 1991	0	2	2	2
SPR 1992	0	2	2	2
SUM 1992	0	2	2	2
WIN 1992	0	2	2	2
SPR 1993	0	2	2	2
SUM 1993	0	2	2	2
WIN 1993	0	2	2	2
SPR 1994	0	2	2	2
SUM 1994	0	2	2	2
WIN 1994	0	2	2	2
SPR 1995	0	2	2	2
SUM 1995	0	2	2	2
WIN 1995	0	2	2	2
SPR 1996	0	2	2	2
SUM 1996	0	2	2	2
WIN 1996	0	2	2	2
SPR 1997	0	2	2	2
SUM 1997	0	2	2	2
WIN 1997	0	2	2	2
SPR 1998	0	2	2	2
SUM 1998	0	2	2	2
WIN 1998	0	2	2	2
SPR 1999	0	2	2	2
SUM 1999	0	2	2	2
WIN 1999	0	2	2	2

SPR 2000	0	2	2	2
SUM 2000	0	2	2	2
WIN 2000	0	2	2	2
SPR 2001	0	2	2	2
SUM 2001	0	2	2	2
WIN 2001	0	2	2	2
SPR 2002	0	2	2	2
SUM 2002	0	2	2	2
WIN 2002	0	2	2	2
SPR 2003	0	2	2	2
SUM 2003	0	2	2	2
WIN 2003	0	2	2	2
SPR 2004	0	2	2	2
SUM 2004	0	2	2	2
WIN 2004	0	2	2	2
SPR 2005	0	2	2	2
SUM 2005	0	2	2	2
WIN 2005	0	2	2	2
SPR 2006	0	2	2	2
SUM 2006	0	2	2	2
WIN 2006	0	2	2	2
SPR 2007	0	2	2	2
SUM 2007	0	2	2	2
WIN 2007	0	2	2	2
SPR 2008	0	2	2	2
SUM 2008	0	2	2	2
WIN 2008	0	2	2	2
SPR 2009	0	2	2	2
SUM 2009	0	2	2	2
WIN 2009	0	2	2	2
SPR 2010	0	2	2	2
SUM 2010	0	2	2	2
WIN 2010	0	2	2	2
SPR 2011	0	2	2	2
SUM 2011	0	2	2	2
WIN 2011	0	2	2	2
SPR 2012	0	2	2	2
SUM 2012	0	2	2	2
WIN 2012	0	2	2	2
SPR 2013	0	2	2	2
SUM 2013	0	0	0	0
WIN 2013	0	0	0	0
SPR 2014	0	0	0	0
SUM 2014	0	0	0	0
WIN 2014	0	0	0	0
SPR 2015	0	0	0	0
SUM 2015	6	0	0	0
WIN 2015	6	0	0	0
SPR 2016	6	0	0	0

SUM 2016	6	0	0	0
WIN 2016	6	0	0	0
SPR 2017	6	0	0	0
SUM 2017	6	0	0	0
WIN 2017	6	0	0	0
SPR 2018	6	0	0	0
SUM 2018	6	0	0	0
WIN 2018	6	0	0	0
SPR 2019	0	2	2	2
SUM 2019	0	2	2	2
WIN 2019	0	2	2	2
SPR 2020	0	2	2	2
SUM 2020	0	2	2	2
WIN 2020	0	2	2	2
SPR 2021	0	2	2	2
SUM 2021	0	2	2	2
WIN 2021	0	2	2	2
SPR 2022	0	2	2	2
SUM 2022	0	2	2	2
WIN 2022	0	2	2	2
SPR 2023	0	2	2	2
SUM 2023	0	2	2	2
WIN 2023	0	2	2	2
SPR 2024	0	2	2	2
SUM 2024	0	2	2	2
WIN 2024	0	2	2	2
SPR 2025	0	2	2	2
SUM 2025	0	2	2	2
WIN 2025	0	2	2	2
SPR 2026	0	2	2	2
SUM 2026	0	2	2	2
WIN 2026	0	2	2	2
SPR 2027	0	2	2	2
SUM 2027	0	2	2	2
WIN 2027	0	2	2	2
SPR 2028	0	2	2	2
SUM 2028	0	2	2	2
WIN 2028	0	2	2	2
SPR 2029	0	2	2	2
SUM 2029	0	2	2	2
WIN 2029	0	2	2	2
SPR 2030	0	2	2	2
SUM 2030	0	2	2	2
WIN 2030	0	2	2	2
SPR 2031	0	2	2	2
SUM 2031	0	2	2	2
WIN 2031	0	2	2	2
SPR 2032	0	2	2	2
SUM 2032	0	2	2	2

WIN 2032	0	2	2	2
SPR 2033	0	2	2	2
SUM 2033	0	2	2	2
WIN 2033	0	2	2	2
SPR 2034	0	2	2	2
SUM 2034	0	2	2	2
WIN 2034	0	2	2	2
SPR 2035	0	2	2	2
SUM 2035	0	2	2	2
WIN 2035	0	2	2	2
SPR 2036	0	2	2	2
SUM 2036	0	2	2	2
WIN 2036	0	2	2	2
SPR 2037	0	2	2	2
SUM 2037	0	2	2	2
WIN 2037	0	2	2	2
SPR 2038	0	2	2	2
SUM 2038	0	2	2	2
WIN 2038	0	2	2	2
SPR 2039	0	2	2	2
SUM 2039	0	2	2	2
WIN 2039	0	2	2	2
SPR 2040	0	2	2	2
SUM 2040	0	2	2	2
WIN 2040	0	2	2	2
SPR 2041	0	2	2	2
SUM 2041	0	2	2	2
WIN 2041	0	2	2	2
SPR 2042	0	2	2	2
SUM 2042	0	2	2	2
WIN 2042	0	2	2	2
SPR 2043	0	2	2	2
SUM 2043	0	2	2	2
WIN 2043	0	2	2	2
SPR 2044	0	2	2	2
SUM 2044	0	2	2	2
WIN 2044	0	2	2	2
SPR 2045	0	2	2	2
SUM 2045	0	2	2	2
WIN 2045	0	2	2	2
SPR 2046	0	2	2	2
SUM 2046	0	2	2	2
WIN 2046	0	2	2	2
SPR 2047	0	2	2	2
SUM 2047	0	2	2	2
WIN 2047	0	2	2	2
SPR 2048	0	2	2	2
SUM 2048	0	2	2	2
WIN 2048	0	2	2	2

SPR 2049	0	2	2	2
SUM 2049	0	2	2	2
WIN 2049	0	2	2	2
SPR 2050	0	2	2	2
SUM 2050	0	2	2	2
WIN 2050	0	2	2	2
SPR 2051	0	2	2	2
SUM 2051	0	2	2	2
WIN 2051	0	2	2	2
SPR 2052	0	2	2	2
SUM 2052	0	2	2	2
WIN 2052	0	2	2	2
SPR 2053	0	2	2	2
SUM 2053	0	2	2	2
WIN 2053	0	2	2	2
SPR 2054	0	2	2	2
SUM 2054	0	2	2	2
WIN 2054	0	2	2	2
SPR 2055	0	2	2	2
SUM 2055	0	2	2	2
WIN 2055	0	2	2	2
SPR 2056	0	2	2	2
SUM 2056	0	2	2	2
WIN 2056	0	2	2	2
SPR 2057	0	2	2	2
SUM 2057	0	2	2	2
WIN 2057	0	2	2	2
SPR 2058	0	2	2	2
SUM 2058	0	2	2	2
WIN 2058	0	2	2	2
SPR 2059	0	2	2	2
SUM 2059	0	2	2	2
WIN 2059	0	2	2	2
SPR 2060	0	2	2	2
SUM 2060	0	2	2	2
WIN 2060	0	2	2	2
SPR 2061	0	2	2	2
SUM 2061	0	2	2	2
WIN 2061	0	2	2	2
SPR 2062	0	2	2	2
SUM 2062	0	2	2	2
WIN 2062	0	2	2	2
SPR 2063	0	2	2	2
SUM 2063	0	2	2	2
WIN 2063	0	2	2	2
SPR 2064	0	2	2	2
SUM 2064	0	2	2	2
WIN 2064	0	2	2	2
SPR 2065	0	2	2	2

SUM 2065	0	2	2	2
WIN 2065	0	2	2	2
SPR 2066	0	2	2	2
SUM 2066	0	2	2	2
WIN 2066	0	2	2	2
SPR 2067	0	2	2	2
SUM 2067	0	2	2	2
WIN 2067	0	2	2	2
SPR 2068	0	2	2	2
SUM 2068	0	2	2	2
WIN 2068	0	2	2	2
SPR 2069	0	2	2	2
SUM 2069	0	2	2	2
WIN 2069	0	2	2	2
SPR 2070	0	2	2	2
SUM 2070	0	2	2	2
WIN 2070	0	2	2	2
SPR 2071	0	2	2	2
SUM 2071	0	2	2	2
WIN 2071	0	2	2	2
SPR 2072	0	2	2	2
SUM 2072	0	2	2	2
WIN 2072	0	2	2	2
SPR 2073	0	2	2	2
SUM 2073	0	2	2	2
WIN 2073	0	2	2	2
SPR 2074	0	2	2	2
SUM 2074	0	2	2	2
WIN 2074	0	2	2	2
SPR 2075	0	2	2	2
SUM 2075	0	2	2	2
WIN 2075	0	2	2	2
SPR 2076	0	2	2	2
SUM 2076	0	2	2	2
WIN 2076	0	2	2	2
SPR 2077	0	2	2	2
SUM 2077	0	2	2	2
WIN 2077	0	2	2	2
SPR 2078	0	2	2	2
SUM 2078	0	2	2	2
WIN 2078	0	2	2	2
SPR 2079	0	2	2	2
SUM 2079	0	2	2	2
WIN 2079	0	2	2	2
SPR 2080	0	2	2	2
SUM 2080	0	2	2	2
WIN 2080	0	2	2	2
SPR 2081	0	2	2	2
SUM 2081	0	2	2	2

WIN 2081	0	2	2	2
SPR 2082	0	2	2	2
SUM 2082	0	2	2	2
WIN 2082	0	2	2	2
SPR 2083	0	2	2	2
SUM 2083	0	2	2	2
WIN 2083	0	2	2	2
SPR 2084	0	2	2	2
SUM 2084	0	2	2	2
WIN 2084	0	2	2	2
SPR 2085	0	2	2	2
SUM 2085	0	2	2	2
WIN 2085	0	2	2	2
SPR 2086	0	2	2	2
SUM 2086	0	2	2	2
WIN 2086	0	2	2	2
SPR 2087	0	2	2	2
SUM 2087	0	2	2	2
WIN 2087	0	2	2	2
SPR 2088	0	2	2	2
SUM 2088	0	2	2	2
WIN 2088	0	2	2	2
SPR 2089	0	2	2	2
SUM 2089	0	2	2	2
WIN 2089	0	2	2	2
SPR 2090	0	2	2	2
SUM 2090	0	2	2	2
WIN 2090	0	2	2	2
SPR 2091	0	2	2	2
SUM 2091	0	2	2	2
WIN 2091	0	2	2	2
SPR 2092	0	2	2	2
SUM 2092	0	2	2	2
WIN 2092	0	2	2	2
SPR 2093	0	2	2	2
SUM 2093	0	2	2	2
WIN 2093	0	2	2	2
SPR 2094	0	2	2	2
SUM 2094	0	2	2	2
WIN 2094	0	2	2	2
SPR 2095	0	2	2	2
SUM 2095	0	2	2	2
WIN 2095	0	2	2	2
SPR 2096	0	2	2	2
SUM 2096	0	2	2	2
WIN 2096	0	2	2	2
SPR 2097	0	2	2	2
SUM 2097	0	2	2	2
WIN 2097	0	2	2	2

SPR 2098	0	2	2	2
SUM 2098	0	2	2	2
WIN 2098	0	2	2	2
SPR 2099	0	2	2	2
SUM 2099	0	2	2	2
WIN 2099	0	2	2	2
SPR 2100	0	2	2	2
SUM 2100	0	2	2	2
WIN 2100	0	2	2	2
SPR 2101	0	2	2	2
SUM 2101	0	2	2	2
WIN 2101	0	2	2	2
SPR 2102	0	2	2	2
SUM 2102	0	2	2	2
WIN 2102	0	2	2	2
SPR 2103	0	2	2	2
SUM 2103	0	2	2	2
WIN 2103	0	2	2	2
SPR 2104	0	2	2	2
SUM 2104	0	2	2	2
WIN 2104	0	2	2	2
SPR 2105	0	2	2	2
SUM 2105	0	2	2	2
WIN 2105	0	2	2	2
SPR 2106	0	2	2	2
SUM 2106	0	2	2	2
WIN 2106	0	2	2	2
SPR 2107	0	2	2	2
SUM 2107	0	2	2	2
WIN 2107	0	2	2	2
SPR 2108	0	2	2	2
SUM 2108	0	2	2	2
WIN 2108	0	2	2	2
SPR 2109	0	2	2	2
SUM 2109	0	2	2	2
WIN 2109	0	2	2	2
SPR 2110	0	2	2	2
SUM 2110	0	2	2	2
WIN 2110	0	2	2	2
SPR 2111	0	2	2	2
SUM 2111	0	2	2	2
WIN 2111	0	2	2	2
SPR 2112	0	2	2	2

IDAHO DEPA



[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

RECEIVED

JUN 25 2015

DEPARTMENT OF
WATER RESOURCES**ENHANCED GROUND-WATER RIGHTS TRANSFER**

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF WATER RESOURCES

Cells this color are
set up for user entriesENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

Water Bank

YEAR

2015

TRANSFER NAME

SEASON

SUMMER

Performix

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	82	72	72	74
COLUMN	56	70	68	70

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 2015	6	0	2	0	2	0	2
WIN 2015	6	0	2	0	2	0	2
SPR 2016	6	0	2	0	2	0	2
SUM 2016	6	0	2	0	2	0	2
WIN 2016	6	0	2	0	2	0	2
SPR 2017	6	0	2	0	2	0	2
SUM 2017	6	0	2	0	2	0	2
WIN 2017	6	0	2	0	2	0	2
SPR 2018	6	0	2	0	2	0	2
SUM 2018	6	0	2	0	2	0	2
WIN 2018	6	0	2	0	2	0	2
SPR 2019	6	0	2	0	2	0	2
SUM 2019	6	0	2	0	2	0	2
WIN 2019	6	0	2	0	2	0	2
SPR 2020	6	0	2	0	2	0	2
SUM 2020	6	0	2	0	2	0	2
WIN 2020	6	0	2	0	2	0	2
SPR 2021	6	0	2	0	2	0	2
SUM 2021	6	0	2	0	2	0	2
WIN 2021	6	0	2	0	2	0	2
SPR 2022	6	0	2	0	2	0	2
SUM 2022	6	0	2	0	2	0	2
WIN 2022	6	0	2	0	2	0	2
SPR 2023	6	0	2	0	2	0	2
SUM 2023	6	0	2	0	2	0	2
WIN 2023	6	0	2	0	2	0	2
SPR 2024	6	0	2	0	2	0	2
SUM 2024	6	0	2	0	2	0	2
WIN 2024	6	0	2	0	2	0	2
SPR 2025	6	0	2	0	2	0	2
SUM 2025	6	0	2	0	2	0	2
WIN 2025	6	0	2	0	2	0	2
SPR 2026	6	0	2	0	2	0	2
SUM 2026	6	0	2	0	2	0	2
WIN 2026	6	0	2	0	2	0	2
SPR 2027	6	0	2	0	2	0	2
SUM 2027	6	0	2	0	2	0	2
WIN 2027	6	0	2	0	2	0	2
SPR 2028	6	0	2	0	2	0	2
SUM 2028	6	0	2	0	2	0	2
WIN 2028	6	0	2	0	2	0	2

SPR 2029	6	0	2	0	2	0	2
SUM 2029	6	0	2	0	2	0	2
WIN 2029	6	0	2	0	2	0	2
SPR 2030	6	0	2	0	2	0	2
SUM 2030	6	0	2	0	2	0	2
WIN 2030	6	0	2	0	2	0	2
SPR 2031	6	0	2	0	2	0	2
SUM 2031	6	0	2	0	2	0	2
WIN 2031	6	0	2	0	2	0	2
SPR 2032	6	0	2	0	2	0	2
SUM 2032	6	0	2	0	2	0	2
WIN 2032	6	0	2	0	2	0	2
SPR 2033	6	0	2	0	2	0	2
SUM 2033	6	0	2	0	2	0	2
WIN 2033	6	0	2	0	2	0	2
SPR 2034	6	0	2	0	2	0	2
SUM 2034	6	0	2	0	2	0	2
WIN 2034	6	0	2	0	2	0	2
SPR 2035	6	0	2	0	2	0	2
SUM 2035	6	0	2	0	2	0	2
WIN 2035	6	0	2	0	2	0	2
SPR 2036	6	0	2	0	2	0	2
SUM 2036	6	0	2	0	2	0	2
WIN 2036	6	0	2	0	2	0	2
SPR 2037	6	0	2	0	2	0	2
SUM 2037	6	0	2	0	2	0	2
WIN 2037	6	0	2	0	2	0	2
SPR 2038	6	0	2	0	2	0	2
SUM 2038	6	0	2	0	2	0	2
WIN 2038	6	0	2	0	2	0	2
SPR 2039	6	0	2	0	2	0	2
SUM 2039	6	0	2	0	2	0	2
WIN 2039	6	0	2	0	2	0	2
SPR 2040	6	0	2	0	2	0	2
SUM 2040	6	0	2	0	2	0	2
WIN 2040	6	0	2	0	2	0	2
SPR 2041	6	0	2	0	2	0	2
SUM 2041	6	0	2	0	2	0	2
WIN 2041	6	0	2	0	2	0	2
SPR 2042	6	0	2	0	2	0	2
SUM 2042	6	0	2	0	2	0	2
WIN 2042	6	0	2	0	2	0	2
SPR 2043	6	0	2	0	2	0	2
SUM 2043	6	0	2	0	2	0	2
WIN 2043	6	0	2	0	2	0	2
SPR 2044	6	0	2	0	2	0	2
SUM 2044	6	0	2	0	2	0	2
WIN 2044	6	0	2	0	2	0	2
SPR 2045	6	0	2	0	2	0	2
SUM 2045	6	0	2	0	2	0	2
WIN 2045	6	0	2	0	2	0	2
SPR 2046	6	0	2	0	2	0	2
SUM 2046	6	0	2	0	2	0	2
WIN 2046	6	0	2	0	2	0	2
SPR 2047	6	0	2	0	2	0	2
SUM 2047	6	0	2	0	2	0	2
WIN 2047	6	0	2	0	2	0	2
SPR 2048	6	0	2	0	2	0	2
SUM 2048	6	0	2	0	2	0	2
WIN 2048	6	0	2	0	2	0	2
SPR 2049	6	0	2	0	2	0	2
SUM 2049	6	0	2	0	2	0	2
WIN 2049	6	0	2	0	2	0	2
SPR 2050	6	0	2	0	2	0	2
SUM 2050	6	0	2	0	2	0	2
WIN 2050	6	0	2	0	2	0	2
SPR 2051	6	0	2	0	2	0	2
SUM 2051	6	0	2	0	2	0	2
WIN 2051	6	0	2	0	2	0	2
SPR 2052	6	0	2	0	2	0	2
SUM 2052	6	0	2	0	2	0	2
WIN 2052	6	0	2	0	2	0	2
SPR 2053	6	0	2	0	2	0	2
SUM 2053	6	0	2	0	2	0	2

WIN 2053	6	0	2	0	2	0	2
SPR 2054	6	0	2	0	2	0	2
SUM 2054	6	0	2	0	2	0	2
WIN 2054	6	0	2	0	2	0	2
SPR 2055	6	0	2	0	2	0	2
SUM 2055	6	0	2	0	2	0	2
WIN 2055	6	0	2	0	2	0	2
SPR 2056	6	0	2	0	2	0	2
SUM 2056	6	0	2	0	2	0	2
WIN 2056	6	0	2	0	2	0	2
SPR 2057	6	0	2	0	2	0	2
SUM 2057	6	0	2	0	2	0	2
WIN 2057	6	0	2	0	2	0	2
SPR 2058	6	0	2	0	2	0	2
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SPR 2059	6	0	2	0	2	0	2
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WIN 2059	6	0	2	0	2	0	2
SPR 2060	6	0	2	0	2	0	2
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WIN 2060	6	0	2	0	2	0	2
SPR 2061	6	0	2	0	2	0	2
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WIN 2061	6	0	2	0	2	0	2
SPR 2062	6	0	2	0	2	0	2
SUM 2062	6	0	2	0	2	0	2
WIN 2062	6	0	2	0	2	0	2
SPR 2063	6	0	2	0	2	0	2
SUM 2063	6	0	2	0	2	0	2
WIN 2063	6	0	2	0	2	0	2
SPR 2064	6	0	2	0	2	0	2
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WIN 2064	6	0	2	0	2	0	2
SPR 2065	6	0	2	0	2	0	2
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WIN 2065	6	0	2	0	2	0	2
SPR 2066	6	0	2	0	2	0	2
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WIN 2066	6	0	2	0	2	0	2
SPR 2067	6	0	2	0	2	0	2
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WIN 2067	6	0	2	0	2	0	2
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WIN 2068	6	0	2	0	2	0	2
SPR 2069	6	0	2	0	2	0	2
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WIN 2069	6	0	2	0	2	0	2
SPR 2070	6	0	2	0	2	0	2
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WIN 2070	6	0	2	0	2	0	2
SPR 2071	6	0	2	0	2	0	2
SUM 2071	6	0	2	0	2	0	2
WIN 2071	6	0	2	0	2	0	2
SPR 2072	6	0	2	0	2	0	2
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WIN 2072	6	0	2	0	2	0	2
SPR 2073	6	0	2	0	2	0	2
SUM 2073	6	0	2	0	2	0	2
WIN 2073	6	0	2	0	2	0	2
SPR 2074	6	0	2	0	2	0	2
SUM 2074	6	0	2	0	2	0	2
WIN 2074	6	0	2	0	2	0	2
SPR 2075	6	0	2	0	2	0	2
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WIN 2077	6	0	2	0	2	0	2
SPR 2078	6	0	2	0	2	0	2

SUM 2078	6	0	2	0	2	0	2
WIN 2078	6	0	2	0	2	0	2
SPR 2079	6	0	2	0	2	0	2
SUM 2079	6	0	2	0	2	0	2
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SPR 2080	6	0	2	0	2	0	2
SUM 2080	6	0	2	0	2	0	2
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SPR 2081	6	0	2	0	2	0	2
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SUM 2082	6	0	2	0	2	0	2
WIN 2082	6	0	2	0	2	0	2
SPR 2083	6	0	2	0	2	0	2
SUM 2083	6	0	2	0	2	0	2
WIN 2083	6	0	2	0	2	0	2
SPR 2084	6	0	2	0	2	0	2
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SPR 2085	6	0	2	0	2	0	2
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SPR 2088	6	0	2	0	2	0	2
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WIN 2088	6	0	2	0	2	0	2
SPR 2089	6	0	2	0	2	0	2
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WIN 2089	6	0	2	0	2	0	2
SPR 2090	6	0	2	0	2	0	2
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WIN 2090	6	0	2	0	2	0	2
SPR 2091	6	0	2	0	2	0	2
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WIN 2091	6	0	2	0	2	0	2
SPR 2092	6	0	2	0	2	0	2
SUM 2092	6	0	2	0	2	0	2
WIN 2092	6	0	2	0	2	0	2
SPR 2093	6	0	2	0	2	0	2
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SPR 2097	6	0	2	0	2	0	2
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WIN 2097	6	0	2	0	2	0	2
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WIN 2098	6	0	2	0	2	0	2
SPR 2099	6	0	2	0	2	0	2
SUM 2099	6	0	2	0	2	0	2
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WIN 2101	6	0	2	0	2	0	2
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SPR 2108	6	0	2	0	2	0	2
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WIN 2108	6	0	2	0	2	0	2
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WIN 2110	6	0	2	0	2	0	2
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WIN 2111	6	0	2	0	2	0	2
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WIN 2113	6	0	2	0	2	0	2
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SPR 2117	6	0	2	0	2	0	2
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WIN 2127	6	0	2	0	2	0	2
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WIN 2129	6	0	2	0	2	0	2
SPR 2130	6	0	2	0	2	0	2
SUM 2130	6	0	2	0	2	0	2
WIN 2130	6	0	2	0	2	0	2
SPR 2131	6	0	2	0	2	0	2
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SPR 2134	6	0	2	0	2	0	2
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WIN 2134	6	0	2	0	2	0	2
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SPR 2136	6	0	2	0	2	0	2
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SPR 2139	6	0	2	0	2	0	2
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WIN 2139	6	0	2	0	2	0	2
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WIN 2140	6	0	2	0	2	0	2
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WIN 2147	6	0	2	0	2	0	2
SPR 2148	6	0	2	0	2	0	2
SUM 2148	6	0	2	0	2	0	2
WIN 2148	6	0	2	0	2	0	2
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WIN 2151	6	0	2	0	2	0	2
SPR 2152	6	0	2	0	2	0	2

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SPR 2153	6	0	2	0	2	0	2
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SPR 2155	6	0	2	0	2	0	2
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WIN 2155	6	0	2	0	2	0	2
SPR 2156	6	0	2	0	2	0	2
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SPR 2157	6	0	2	0	2	0	2
SUM 2157	6	0	2	0	2	0	2
WIN 2157	6	0	2	0	2	0	2
SPR 2158	6	0	2	0	2	0	2
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SPR 2159	6	0	2	0	2	0	2
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SPR 2160	6	0	2	0	2	0	2
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SPR 2161	6	0	2	0	2	0	2
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SPR 2162	6	0	2	0	2	0	2
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WIN 2162	6	0	2	0	2	0	2
SPR 2163	6	0	2	0	2	0	2
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WIN 2163	6	0	2	0	2	0	2
SPR 2164	6	0	2	0	2	0	2
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WIN 2164	6	0	2	0	2	0	2
SPR 2165	6	0	2	0	2	0	2



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 13, 2015

PERFORMIX NUTRITION SYSTEMS
1555 W SHORELINE DR STE 320
BOISE ID 83702-9109

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-2550 AND 36-8212**

Dear Renter:

Please find enclosed a receipt in the amount of **\$589.90** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 34.7 acre-feet of water for commercial use during 2015. 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 \$530.91 of the rental fee will be paid to the lessor(s) and 10% or \$58.99 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

FoIA- Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100852
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 130
Scott King – SPF Water Engineering LLC
Chris Bromley – McHugh Bromley PLLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

July 30, 2015

PERFORMIX NUTRITION SYSTEMS
1555 W SHORELINE DR STE 320
BOISE ID 83702-9109

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-2550 AND 36-8212**

*****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 \$589.90 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 34.7 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to February 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$589.90 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 \$530.91 of the rental fee will be paid to the lessor(s) and 10% or \$58.99 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

For - [Signature]

Clay Webster
Water Resource Agent
WSB Process Point of Contact
Enclosure(s): Rental Agreement

c: IDWR Front Desk
Scott King – SPF Water Engineering LLC
Chris Bromley – McHugh Bromley PLLC

MEMORANDUM

To: Water Rights 36-2550 and 36-8212
From: Clay Webster
Date: 7/24/2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The department received an application to rent 17 af of water from the WSB for commercial use from Chris Bromley for Performix Nutrition Systems LLC on Jun 12, 2015. Modeling was received from Scott King from SPF Engineering. The data entry for the modeling was incorrect. There was no POD identified on the Map. I have requested the POD be indicated on the map as well as a new modeling run be submitted. I received the map of the POD as well as a picture of the well and property deed for Performix on July 22, 2015. I also received new modeling from Scott King at SPF Water Engineering.

AUTHORITY TO FILE: This application was signed by Chris Bromley, the Attorney for Performix Nutrition Systems LLC.

WATER RIGHT VALIDITY: 36-2550 was decreed in 1998. 36-8212 was licensed in 1994. These rights were transferred in 2010. Portions of these rights were leased into the water supply bank in 2013. Satellite imagery shows that the leased portions are being idled. Forfeiture is not a concern at this time.

INJURY TO OTHER WATER RIGHTS: ESPA modeling was received. I have verified that mitigation is not needed.

ENLARGEMENT OF USE: This application changes the nature of use from irrigation to commercial use. The consumptive volume will be used to calculate this rental.
 $17 \text{ af (requested for rental)} / 3 \text{ (consumptive volume)} = 5.7 \times 4 \text{ (headgate requirement)} = 22.7 \text{ af. (needed to fulfill this rental).}$ They will need to rent 5.7 acres worth of water. However, they requested an additional rate. This will require additional water be rented. (see below)

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

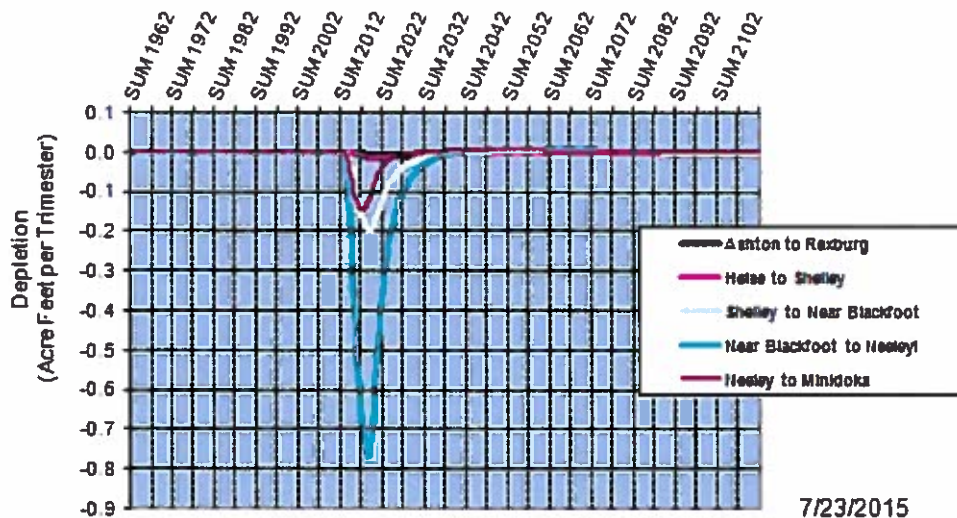
BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented rights are subject to Water District # 130. Comments have been requested from the watermaster. After Cindy Yenter contacted the Attorney about this rental, Chris Bromely contacted me via phone on 7/24/2015. He informed me that the rate they would need for this rental is .11 cfs. This will require a rental of 8.7 acres worth of these rights to give them the rate that they need after the consumptive use trim.

	A	B	C	D	E	F	G	H	
1	ENHANCED GROUND-WATER RIGHTS TRANSFER								
2	UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE						IDAHO DEPT OF AGRICULTURE		
3									
4	Cells this color are set up for user entries			UPDATE DATES		RUN MODEL		GET OUTPUT	
5									
6									
7	ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON			TRANSFER NO:		CALCULATE EFFECTS			
8									
9	YEAR 1962			TRANSFER NAME:					
10	SEASON SUMMER			Modelo					
11									
12									
13	ENTER CELL LOCATIONS:								
14		TO' CELL	FROM1' CELL	FROM2' CELL	FROM3' CELL				
15	ROW	82	72	72	74				
16	COLUMN	56	70	68	70				
17									
18	TRIMESTER OF ACTIVITY	TO WELL Protected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	
19									
20									
21	SUM 1962	0	2	2	2	2	2	2	
22	WIN 1962	0	2	2	2	2	2	2	
23	SPR 1963	0	2	2	2	2	2	2	
24	SUM 1963	0	2	2	2	2	2	2	
25	WIN 1963	0	2	2	2	2	2	2	
26	SPR 1964	0	2	2	2	2	2	2	
27	SUM 1964	0	2	2	2	2	2	2	
28	WIN 1964	0	2	2	2	2	2	2	
29	SPR 1965	0	2	2	2	2	2	2	
30	SUM 1965	0	2	2	2	2	2	2	
31	WIN 1965	0	2	2	2	2	2	2	
32	SPR 1966	0	2	2	2	2	2	2	
33	SUM 1966	0	2	2	2	2	2	2	
34	WIN 1966	0	2	2	2	2	2	2	
35	SPR 1967	0	2	2	2	2	2	2	
36	SUM 1967	0	2	2	2	2	2	2	
37	WIN 1967	0	2	2	2	2	2	2	
38	SPR 1968	0	2	2	2	2	2	2	
39	SUM 1968	0	2	2	2	2	2	2	
40	WIN 1968	0	2	2	2	2	2	2	
41	SPR 1969	0	2	2	2	2	2	2	
42	SUM 1969	0	2	2	2	2	2	2	
43	WIN 1969	0	2	2	2	2	2	2	
44	SPR 1970	0	2	2	2	2	2	2	
45	SUM 1970	0	2	2	2	2	2	2	
46	WIN 1970	0	2	2	2	2	2	2	
47	SPR 1971	0	2	2	2	2	2	2	
48	SUM 1971	0	2	2	2	2	2	2	
49	WIN 1971	0	2	2	2	2	2	2	
50	SPR 1972	0	2	2	2	2	2	2	

171	SUM 2012	0	2	2	2	2	2	2	2
172	WIN 2012	0	2	2	2	2	2	2	2
173	SPR 2013	0	2	2	2	2	2	2	2
174	SUM 2013	0	0	2	0	2	0	0	2
175	WIN 2013	0	0	2	0	2	0	0	2
176	SPR 2014	0	0	2	0	2	0	0	2
177	SUM 2014	0	0	2	0	2	0	0	2
178	WIN 2014	0	0	2	0	2	0	0	2
179	SPR 2015	0	0	2	0	2	0	0	2
180	SUM 2015	6	0	2	0	2	0	0	2
181	WIN 2015	6	0	2	0	2	0	0	2
182	SPR 2016	6	0	2	0	2	0	0	2
183	SUM 2016	6	0	2	0	2	0	0	2
184	WIN 2016	6	0	2	0	2	0	0	2
185	SPR 2017	6	0	2	0	2	0	0	2
186	SUM 2017	6	0	2	0	2	0	0	2
187	WIN 2017	6	0	2	0	2	0	0	2
188	SPR 2018	6	0	2	0	2	0	0	2
189	SUM 2018	6	0	2	0	2	0	0	2
190	WIN 2018	6	0	2	0	2	0	0	2
191	SPR 2019	0	2	2	2	2	2	2	2
192	SUM 2019	0	2	2	2	2	2	2	2
193	WIN 2019	0	2	2	2	2	2	2	2
194	SPR 2020	0	2	2	2	2	2	2	2
195	SUM 2020	0	2	2	2	2	2	2	2
196	WIN 2020	0	2	2	2	2	2	2	2
197	SPR 2021	0	2	2	2	2	2	2	2
198	SUM 2021	0	2	2	2	2	2	2	2
199	WIN 2021	0	2	2	2	2	2	2	2
200	SPR 2022	0	2	2	2	2	2	2	2
201	SUM 2022	0	2	2	2	2	2	2	2
202	WIN 2022	0	2	2	2	2	2	2	2
203	SPR 2023	0	2	2	2	2	2	2	2
204	SUM 2023	0	2	2	2	2	2	2	2
205	WIN 2023	0	2	2	2	2	2	2	2

Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)

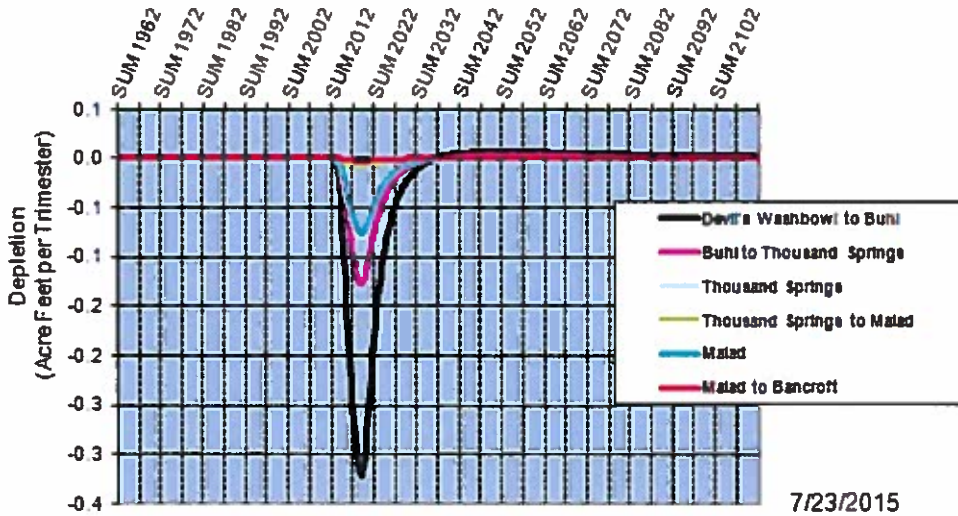


7/23/2015
Version 3.1

Customer Name: Modelo

Transfer No:

Net Transfer Effect Below Milner (Total Effect With Transfer - Total Effect Without Transfer)

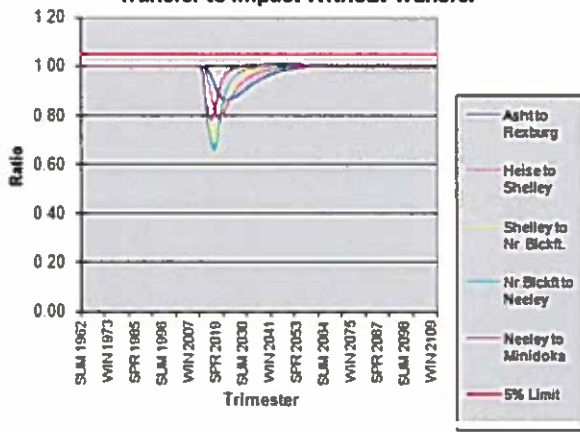


7/23/2015
Version 3.1

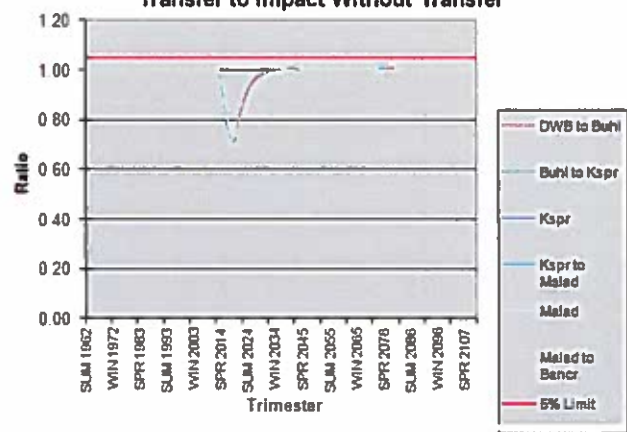
Customer Name: **Modelo**

Transfer No:

Change Above Milner as Ratio of Impact With Transfer to Impact Without Transfer



Change Below Milner as Ratio of Impact With Transfer to Impact Without Transfer



WR No	Dr Rate (CFS)	Con Vol (AF)	No after Acres	Priority Dgty	POD Location	Dedicated Vol AFA/AFT	Model Name
Transfer: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							
0	0	0	0	10/1/200	0	0.0	0
0	0	0	0	10/1/200	0	0.0	0

Steady State Analysis

Mitigation Check 1 - >10% of Historical	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total	1.3%	1.5%	11.0%	38.5%	11.8%	19.1%	7.3%	4.7%	0.5%	4.4%	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

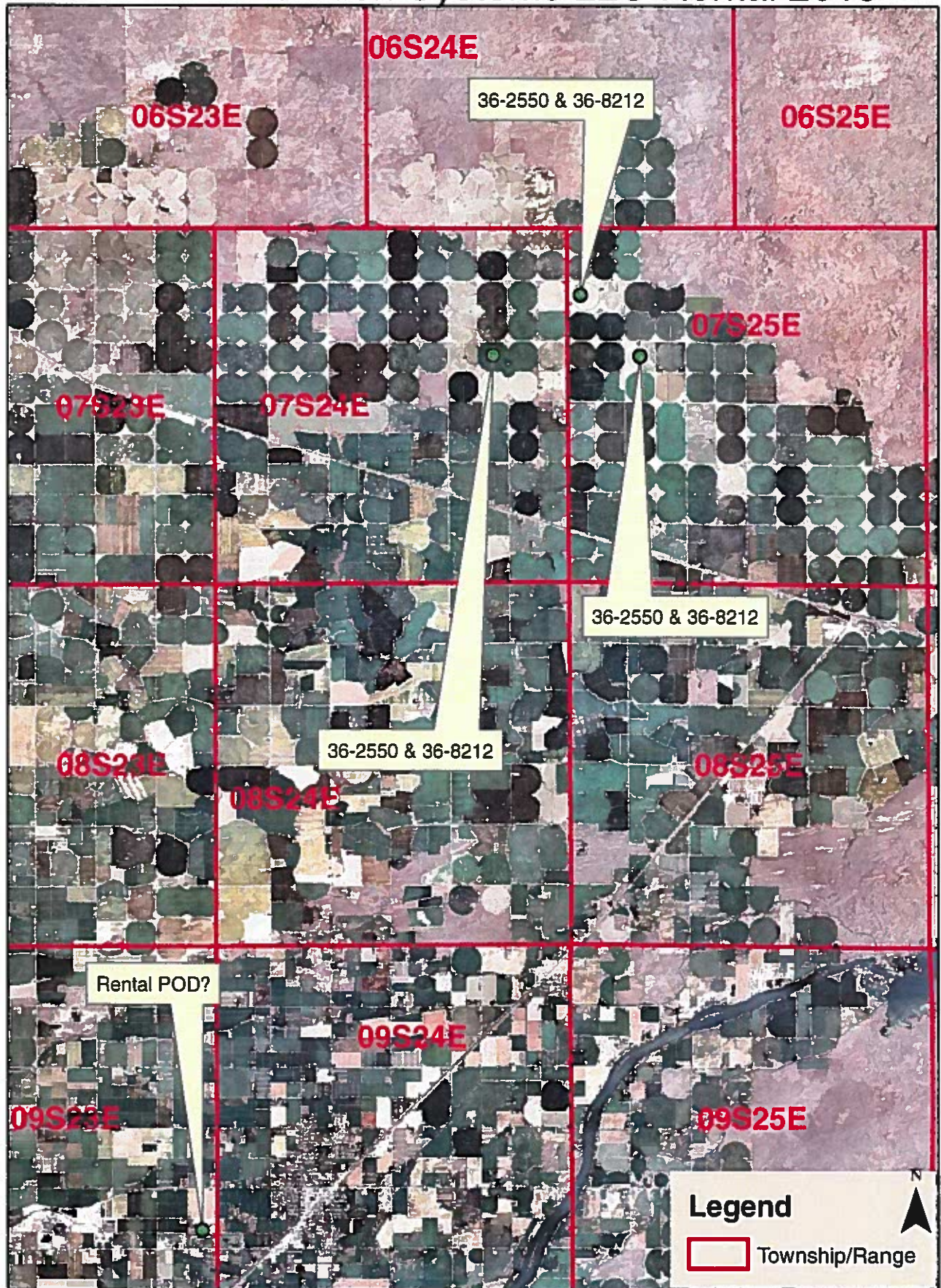
Transient State Analysis

Mitigation Check 1 - >10% of Historical	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%
Mitigation Check 2 - >2 AFT	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Impact by Reach (AFT Trimester)

Asht to Rexburg	Heise to Shelley	Shelley to Hr Bickit	Hr Bickit to Neeley	Neeley to Minidoka	Dev Wbl to Buhl	Buhl to Kspr	Kspr	Kspr to Maled	Maled	Maled to Bancroft
0.1	0.1	0.7	2.3	0.7	1.1	0.4	0.3	0.0	0.3	0.0
0.1	0.1	0.7	2.3	0.7	1.1	0.4	0.3	0.0	0.3	0.0
0.1	0.1	0.7	2.3	0.7	1.1	0.4	0.3	0.0	0.3	0.0
0.1	0.1	0.7	2.3	0.7	1.1	0.4	0.3	0.0	0.3	0.0

Performix Nutrition Systems LLC Rental 2015



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JUL 24 2015

DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: WSB Rental
Water Right No: 36-2550, 36-8212
Applicant Name: Performix Nutrition Systems LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: July 24, 2015

Water District 130

sent electronically
Nathan Erickson, Assistant Watermaster

Webster, Clay

From: Erickson, Nathan
Sent: Friday, July 24, 2015 11:40 AM
To: Webster, Clay
Subject: RE: Watermaster Comments on Performix Nutrition Systems LLC Rental 36-2550 and 36-8212
Attachments: Watermaster comment_electronic.pdf

Clay,
Not a problem. Based on Cindy's communication with Chris Bromely and understanding you will increase the rental amount to cover the 0.11 cfs I am sending you the watermaster comments for WD 130. Let me know if you need anything else.
Nathan

From: Webster, Clay
Sent: Friday, July 24, 2015 11:33 AM
To: Erickson, Nathan
Subject: FW: Watermaster Comments on Performix Nutrition Systems LLC Rental 36-2550 and 36-8212

Nathan,

Sorry I typed the acres it would be 5.7 acres that would have provided the .10 cfs

Clay

From: Webster, Clay
Sent: Friday, July 24, 2015 11:29 AM
To: Erickson, Nathan
Subject: RE: Watermaster Comments on Performix Nutrition Systems LLC Rental 36-2550 and 36-8212

Nathan,

The 4.7 acres would provide .10 cfs. However, I just received a call from Chris Bromely letting me know that they will need a minimum of .11 cfs. I told him that I would crunch the numbers and we will rent them the appropriate amount to reach that requirement.

Clay

From: Erickson, Nathan
Sent: Friday, July 24, 2015 8:53 AM
To: Webster, Clay
Subject: RE: Watermaster Comments on Performix Nutrition Systems LLC Rental 36-2550 and 36-8212

Clay,
Could you tell me what flow rate you are planning on recommending for this rental.
Thanks,
Nathan

From: Webster, Clay
Sent: Thursday, July 23, 2015 8:57 AM

To: Erickson, Nathan

Subject: Watermaster Comments on Performix Nutrition Systems LLC Rental 36-2550 and 36-8212

Nathan,

We are processing this rental. Do you have any concerns? Thanks

Sincerely,

Clay Webster

Water Resource Agent

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

322 E. Front Street

P.O. Box 83720

Boise, ID 83720-0098

208-287-4800

www.idwr.idaho.gov

Webster, Clay

From: Yenter, Cindy
Sent: Friday, July 24, 2015 11:00 AM
To: Chris Bromley; 'Scott King'
Cc: Erickson, Nathan; Webster, Clay
Subject: RE: Rental application, Performix Nutrition Systems

Chris – honestly, this is pretty vague and not exactly what I requested. However, WD130 will not require the installation of a flow meter as a condition of this water supply bank rental.

Your client should be advised, however, that WD130 will likely require the installation of a flow meter as a condition of any subsequent rentals, or with the approval of a permanent transfer.

There could be certain advantages to installing an approved flow meter at this time, even though it is not mandatory. Once water is secured for a permanent filing, Performix will already have established a record of water use at this facility, and this will take much of the speculation out of the water use calculations for the transfer. If an approved meter is already in place, Performix would already be in compliance with the transfer measurement condition and may avoid costly re-plumbing of the water distribution system to accommodate a meter.

Thank you for your reply and please contact me if you have any questions regarding approved flow meters.

*Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033
208-731-0901 cell*

From: Chris Bromley [<mailto:cbromley@mchughbromley.com>]
Sent: Thursday, July 23, 2015 3:20 PM
To: 'Scott King'; Yenter, Cindy
Cc: Erickson, Nathan; Webster, Clay
Subject: RE: Rental application, Performix Nutrition Systems

Cindy,

In response to your questions.

1. What is the nature of the commercial use.
 - a. Performix produces liquid feed supplements for livestock.
2. What is the flow capacity of the existing well.
 - a. See attached. The well has a higher capacity than 50 gpm. While the well has a higher capacity, the anticipated pump will have a 50 gpm capacity.
3. Do you have a copy of the analysis used to derive the 17 AFA necessary for the commercial purposes?
 - a. The analysis is based on the amount of water Performix uses in their feed supplement formulas, and is required in order to meet their production needs.
4. Are you seeking a permanent approval down the road?
 - a. Performix is currently looking for a permanent water right at the facility.
5. Were you planning on installing a meter?

a. No.

Please let me know if you have other questions.

Thanks,

Chris

From: Scott King [<mailto:SKing@spfwater.com>]
Sent: Thursday, July 23, 2015 10:37 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Cc: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Webster, Clay <Clay.Webster@idwr.idaho.gov>; cbromley@mchughbromley.com
Subject: RE: Rental application, Performix Nutrition Systems

Hello Cindy,

I passed your questions along.
Chris Bromley will be providing a response.

Thanks,
Scott

From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]
Sent: Thursday, July 23, 2015 9:54 AM
To: Scott King
Cc: Erickson, Nathan; Webster, Clay
Subject: Rental application, Performix Nutrition Systems

Hi Scott – Nathan and I are providing watermaster review of the rental application for your client. We have a few questions:

1. What is the nature of the commercial use?
2. What is the flow capacity of the existing well?
3. Do you have a copy of the analysis used to derive the 17 AFA necessary for the commercial processes?

Quite honestly, this amount of water is borderline for requiring measurement. In lieu of just placing a measurement requirement on the approval, we are willing to look at some of the details of the operation to see if we agree that annual diversions will stay within the amount rented.

Are you seeking a permanent approval down the road? Were you planning on installing a meter anyway?

Thanks for your information.

Cindy



Walker

WATER SYSTEMS

624 Pierce Street
Twin Falls, ID 83301
208-733-4744
208-726-5145
208-736-0795

Customer #

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Location ID

JUL 23 2015

Page 1 of 2

Pump Test / Well Test

DEPARTMENT OF
WATER RESOURCES

Customer / Project

Date:

Location

Employee

Well #

Static Water Level

Time	10:05	Pumping Level	36.5	P-Tube		Flow (GPM)		Comments	Finish hookup
Time	10:25	Pumping Level	112	P-Tube		Flow (GPM)	150	Comments	On
Time	10:30	Pumping Level	101	P-Tube		Flow (GPM)	100	Comments	Close valve
Time	10:45	Pumping Level	106	P-Tube		Flow (GPM)	80	Comments	Close valve
Time	11:00	Pumping Level	89	P-Tube		Flow (GPM)	60	Comments	Close valve
Time	11:15	Pumping Level	92	P-Tube		Flow (GPM)	70	Comments	Open valve little
Time	11:30	Pumping Level	92	P-Tube		Flow (GPM)	60-70	Comments	
Time	11:45	Pumping Level	94	P-Tube		Flow (GPM)	60-70	Comments	Close valve little
Time	12:00	Pumping Level	90	P-Tube		Flow (GPM)	50-60	Comments	
Time	12:15	Pumping Level	89	P-Tube		Flow (GPM)	50	Comments	
Time	12:30	Pumping Level	88.5	P-Tube		Flow (GPM)	50	Comments	
Time	1:00	Pumping Level	88.25	P-Tube		Flow (GPM)	50	Comments	
Time	1:30	Pumping Level	88	P-Tube		Flow (GPM)	50	Comments	
Time	2:00	Pumping Level	88	P-Tube		Flow (GPM)	50	Comments	
Time	2:30	Pumping Level	88	P-Tube		Flow (GPM)	50	Comments	OFF
Time		Pumping Level		P-Tube		Flow (GPM)		Comments	
Time		Pumping Level		P-Tube		Flow (GPM)		Comments	
Time		Pumping Level		P-Tube		Flow (GPM)		Comments	

Additional
Comments

Employee Signature _____ Date _____



Walker

WATER SYSTEMS

624 Pierce Street
Twin Falls, ID 83301
208-733-4744
208-726-5145
208-736-0795

Customer #

RECEIVED Location ID

JUL 23 2015

Page 2 of 2

Pump Test / Well Test

DEPARTMENT OF
WATER RESOURCES

Customer / Project

Date:

Location

Employee

Well #

Static Water Level

Time	2:31	Pumping Level	72	P-Tube		Flow (GPM)		Comments	
Time	2:32	Pumping Level	56	P-Tube		Flow (GPM)		Comments	
Time	2:33	Pumping Level	50	P-Tube		Flow (GPM)		Comments	
Time	2:34	Pumping Level	46	P-Tube		Flow (GPM)		Comments	
Time	2:35	Pumping Level	42	P-Tube		Flow (GPM)		Comments	
Time	2:36	Pumping Level	40	P-Tube		Flow (GPM)		Comments	
Time	2:37	Pumping Level	39.25	P-Tube		Flow (GPM)		Comments	
Time	2:38	Pumping Level	38.75	P-Tube		Flow (GPM)		Comments	
Time	2:39	Pumping Level	38.5	P-Tube		Flow (GPM)		Comments	
Time	2:40	Pumping Level	38	P-Tube		Flow (GPM)		Comments	
Time	2:42	Pumping Level	37.75	P-Tube		Flow (GPM)		Comments	
Time	2:44	Pumping Level	37.50	P-Tube		Flow (GPM)		Comments	
Time	2:46	Pumping Level	37.25	P-Tube		Flow (GPM)		Comments	
Time	2:50	Pumping Level	37.1	P-Tube		Flow (GPM)		Comments	
Time	2:55	Pumping Level	37.0	P-Tube		Flow (GPM)		Comments	
Time	3:00	Pumping Level	36.9	P-Tube		Flow (GPM)		Comments	
Time	3:05	Pumping Level	36.8	P-Tube		Flow (GPM)		Comments	
Time		Pumping Level		P-Tube		Flow (GPM)		Comments	

Additional
Comments

Employee Signature _____ Date _____

Webster, Clay

From: sking@spfwater.com [noreply@mailbigfile.com]
Sent: Wednesday, July 22, 2015 3:32 PM
To: Webster, Clay
Subject: File Notification from sking@spfwater.com: ETRAN 3.1 Performix_v2.zip

Your file is ready to download from SPF Water Engineering, LLC

This is a revised Performix Water Bank Rental ETRAN model run. Please let me know if you have any question. Thank you.

Scott King
SPF Water Engineering
208-383-4140

The files sent were as follows:

ETRAN 3.1 Performix_v2.zip

The file will be available for 30 days

Please use this link to retrieve the file:

Please use this link to retrieve the file:

https://www.mailbigfile.com/f98ce1f91e741e7dc07e7563e48686fc/listFiles.php?repro_id=3103

Thank you from the team at SPF Water Engineering, LLC

Webster, Clay

From: Chris Bromley [cbromley@mchughbromley.com]
Sent: Wednesday, July 22, 2015 3:52 PM
To: Webster, Clay; Buyer, Remington
Cc: 'Scott King'
Subject: Performix WSB Application
Attachments: 20150722 Letter to IDWR re WSB App with Encls.pdf

Clay and Remington,

Please find attached a letter in response to your July 15, 2015 letter regarding additional information. If you have any questions, please don't hesitate to contact me.

Thanks,

Chris M. Bromley

MCHUGH 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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M^cHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

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JUL 22 2015

**DEPARTMENT OF
WATER RESOURCES**

cbromley@mchughbromley.com
208-287-0991

380 S. 4th St., Ste. 103
Boise, ID 83702

July 22, 2015

Clay Webster
Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Via electronic mail: clay.webster@idwr.idaho.gov; remington.buyer@idwr.idaho.gov

Re: Performix Nutrition Systems, LLC Water Supply Bank Application

Dear Clay:

On July 15, 2015, you sent a letter to me regarding the water supply bank application ("Application") I submitted on behalf of my client, Performix Nutrition Systems, LLC ("Performix"). In your letter, you asked for two pieces of information. First, you asked that the modeling done for the Performix application be redone, "the input for this rental was entered incorrectly. The modeling was submitted without the start dates entered reflecting the priority dates of the water rights requested." Second, you stated there "was no indication of the location of the point of diversion on the map submitted (Attachment 2). Please note that a Water Supply Bank Rental does not authorize the drilling of a new well."

As to your first question, SPF Water Engineering ran the model simulations for the Application. Per your instructions, SPF is running the model simulations with the start dates. Scott King informed me today that those results were shared with you.

As to your second question, there is a well on the property that was drilled in 1976, located in NESE, Section 25. Performix owns the property and owns the well. Enclosed is a photo of the well, looking east. In the photo of the well, you can see the fence line of the adjacent property in the background. Also enclosed is a map, with the precise location of the well. In comparing the map with the photo, you can see that the well is wholly within the property owned by Performix. Also enclosed is the deed for the property, showing that Performix owns the place of use and the point of diversion.

If you have any questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.



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

July 15, 2015

CHRIS M BROMLEY
MCHUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE ID 83702

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Bromley:

On June 12, 2015, the Department of Water Resources (Department) received your Application to Rent Water from the Water Supply Bank (Bank) on behalf of Performix Nutrition Systems LLC to rent water within the Eastern Snake Plain Aquifer (ESPA). The ESPA modeling was received. However, the data input for this rental was entered incorrectly. The modeling was submitted without the start dates entered reflecting the priority dates of the water rights requested. There was also no indication of the location of the point of diversion on the map submitted (Attachment 2). Please note that a Water Supply Bank Rental does not authorize the drilling of a new well. If this point of diversion is not on the renter's property we will need a written agreement that authorizes use of that well (Attachment 3E). I have included a copy of the map submitted for your convenience.

If the department does not receive the required information within 14 days of this letter, this application for rental of water will be **returned unprocessed**.

If you have any questions regarding this matter, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent

Enclosure: Rental Application

c: Performix Nutrition Systems LLC
1555 SHORELINE DR STE 320
BOISE ID 83702

No. W 45720	Due no later than Dec 31, 2014 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			KIM STUART 1555 SHORELINE DR SUITE 320 BOISE 83702			
	1. Mailing Address: Correct in this box if needed. PERFORMIX NUTRITION SYSTEMS, LLC KIM STUART 1555 SHORELINE DR SUITE 320 BOISE ID 83702		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	AGRI BEEF CO.	1555 SHORELINE DRIVE SUITE 320	BOISE	ID	USA	83702
5. Organized Under the Laws of: ID W 45720		6. Annual Report must be signed.* Signature: Kim Stuart Name (type or print): Kim Stuart Date: 12/17/2014 Title: Officer				
Processed 12/17/2014		* Electronically provided signatures are accepted as original signatures.				