

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.

22-14019

To appropriate the public waters of the State of Idaho

1. Name of Applicant Walters Ready Mix, Inc. c/o David Z Walters Phone (208) 356-5491
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address P.O. Box 390 City Rexburg
 State Idaho Zip 83440-0390 Email _____
 c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.com
 482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion: **NOTE: There is only One Point of Diversion. (See Item 11)**

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local Name or tag #
5N	39E	14			SW	NE	Madison	Ground water	
5N	39E	14			NW	SE	Madison	Ground water	

4. Water will be used for the following purposes:

Amount 4.99 cfs for Industrial purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 67.0 ac-ft for Industrial Storage purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 4.99 cubic feet per second (cfs) and/or (b) _____ Acre-feet per year (af)

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Pump & motor on a float in the pond that develops from the excavation of gravel and a mainline to gravel washing facility

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? _____; drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Gravel washing facility

22-14019

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	39E	14			<i>I</i>											<i>I</i>			

Total Number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

No other water rights

10. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This application is for a non-consumptive diversion rate to operate a gravel and sand washing at the Walters Ready Mix Facility in Thornton. A pond will develop from the excavation of gravel at this facility. A pump and motor on a float will divert water to the gravel washing facility. After washing the gravel and sand, the waste water will be discharge back into the 6.7 acre pond to be recycled and reused again. The consumptive use associated with evaporation from the pond is to be accounted for in a companion transfer of 6.4 acres (25.6 ac-ft) from water right 25-14247. The facility will operate on a 10 hours/day, 6 days/week schedule. The sand & gravel remain on site and any water retained by the sand and gravel will drain back into the pond to be recycled and used again. NOTE: There is only One Point of Diversion, but as the gravel is excavated the pond and the pump will move within the SW¼NE¼ and the NW¼SE¼ Sec 14, T05N, R39E.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Signature of Applicant

Signature of Applicant

David Z. Walters, President
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

RECEIVED

APR 14 2011

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

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 482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax (208) 524-1795

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RECEIVED

SEP 19 2011

Department of Water Resources
Eastern Region

22-14019

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David Z Walters

Signature of Applicant

Signature of Applicant

David Z. Walters, President

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 410.00 Receipted by KIM Receipt No. E037010 Date 10/3/2011

Walters Ready Mix, Inc. Application for Permit:

Item # 11 (Cont.) Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Industrial Use – Ground water

Ground water will be used for Industrial Purposes for sand and gravel washing. To compensate for evaporative losses from a pond associated with the washing of gravel and sand a companion transfer is also being filed.

The applicant has a Purchase Agreement with Kent Merrill for the purchase of a total of 6.4 ac and 25.6 afa of water right 25-14247.

Calculations show that the 6.7 ac pond will have a total pond loss of 15.4 afa. Using the historic consumptive use calculation of 2.4 ac-ft/ac/season [Idaho Falls FAA Arpt (NWS --104457)], requires that 6.4 acres of irrigated ground will be dried up to compensate for evaporative losses.

The diversion rate of the parent water right will provide a total diversion rate associated of 0.13 cfs [Diversion Calculations = 6.4 ac X (0.63 cfs/31.4 ac) = 0.1284 cfs]. A diversion rate of 0.13 cfs will compensate for the 0.22 ac-ft evapotranspiration during the non-irrigation season (October – April) within 0.9 days (24 hr days). (See Calculations Below)

For the first time fill and any subsequent refill of the pond the applicant will rent sufficient water from the Water Supply Bank.

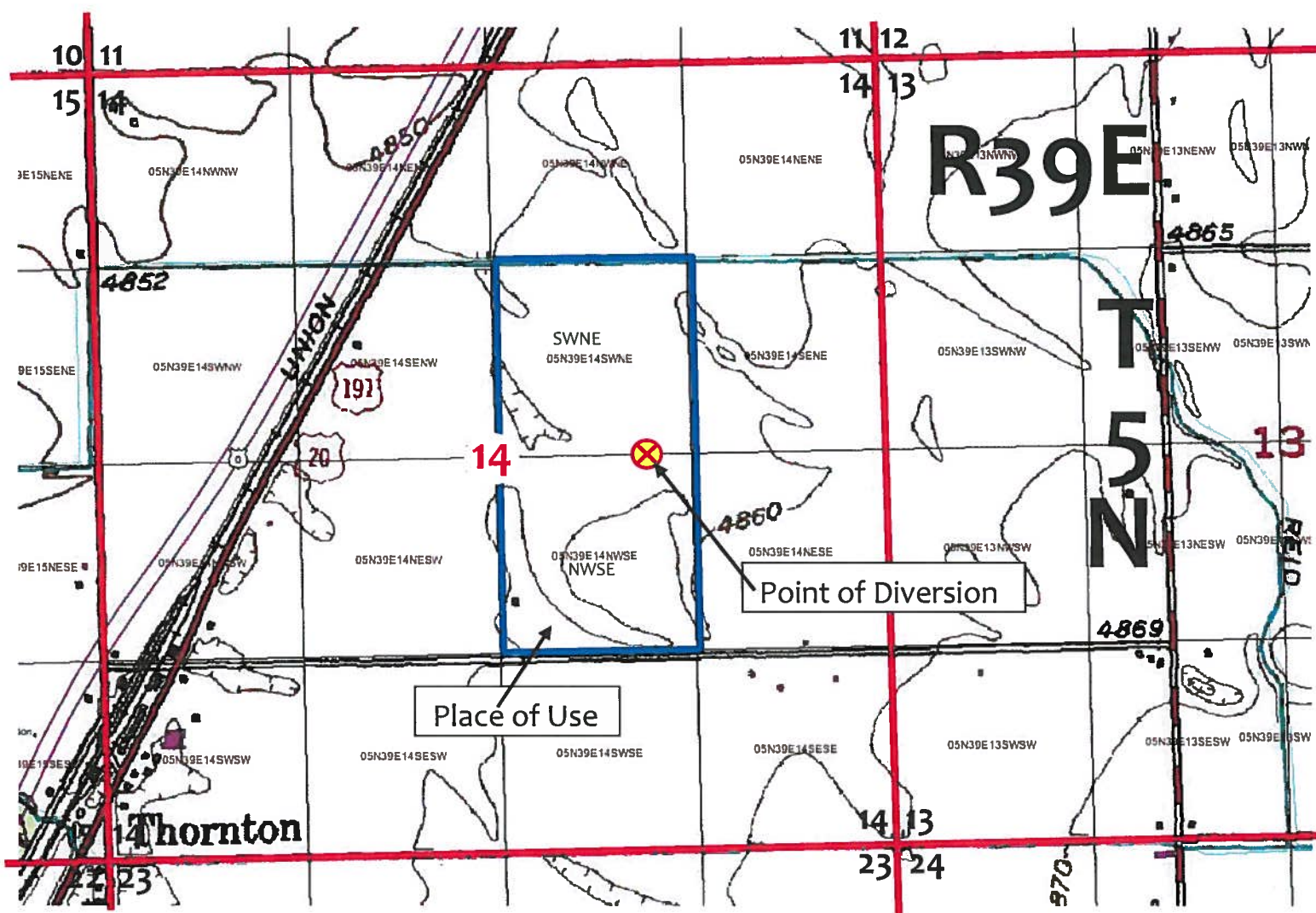
ET_{Idaho} 2009: Evapotranspiration and CONSUMPTIVE Irrigation Water Requirements for Idaho
Idaho Falls FAA Arpt (NWS --104457)

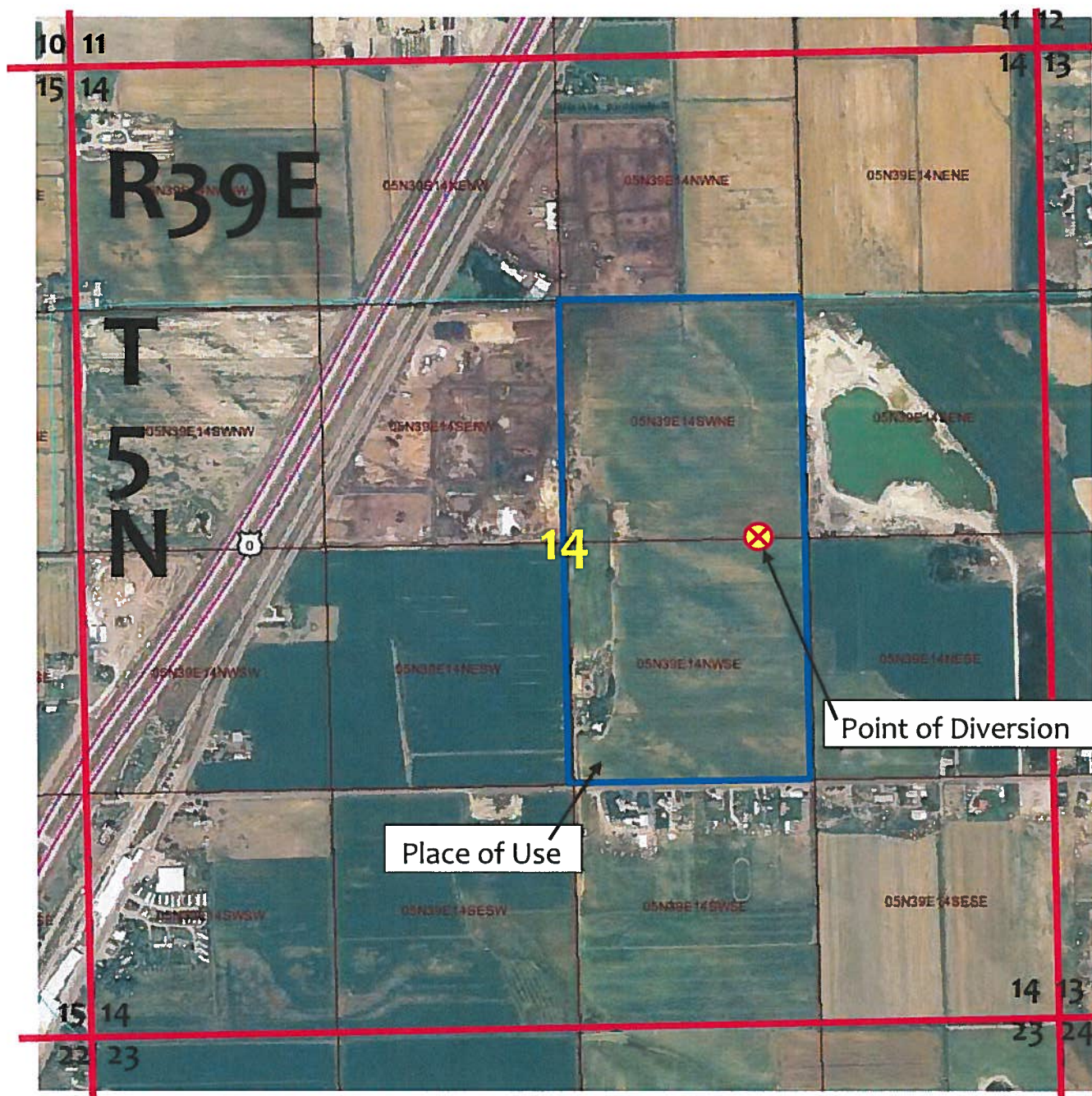
Data as of 03/02/2011

Alfalfa - less frequent cuttings															
Precipitation Deficit															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.23	-0.02	0.19	0.62	3.64	5.77	4.46	5.00	2.81	1.40	-0.34	-0.35	733	-22	711
Days/Month			X31	X30						X31					
Mm/month =			5.89	18.6						43.4					
Ac-ft =			0.019	0.061						0.142				0.22 ac-ft	

$$(0.1284 \text{ cfs})(1.9835)(\text{Days}) = 0.22 \text{ ac-ft}$$

$$\text{Days} = (0.22 \text{ ac-ft}) \div (0.1284 \times 1.9835) = (0.22 \text{ ac-ft}) \div (0.2546) = 0.86 = 0.9 \text{ day (24-hr day)}$$





Pond Calculations - New Place Of Use

Rexburg Ricks College, Idaho (107644) is the closest Coop site to the new Place of Use.

Item #1. Monthly Distribution (%)# 1: Monthly Shallow Lake Evaporation percentages for Idaho

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1	1.0	1.5	3.0	9.0	12.0	14.0	19.0	18.0	11.0	6.0	4.0	1.5	100.0
2	0.5	1.5	3.0	8.0	12.0	15.0	19.0	17.0	11.0	6.0	4.0	3.0	100.0
3	0.5	1.5	4.0	8.0	14.0	15.0	17.0	16.0	10.0	6.0	5.0	3.0	100.0
4	1.0	2.0	4.0	7.0	12.0	15.0	19.0	16.0	11.0	6.0	4.0	3.0	100.0
5	1.0	3.0	5.0	10.0	12.0	14.0	16.0	15.0	10.0	6.0	5.0	3.0	100.0

Item #2. <http://www.wrcc.dri.edu/summary/Climsmsid.html>
REXBURG RICKS COLLEGE, IDAHO (107644)

Period of Record Monthly Climate Summary

Period of Record : 7/ 1/1977 to 4/30/2010

Data As of September 24, 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	29.1	33.2	45.7	56.8	66.0	74.6	84.1	84.2	73.8	59.7	41.7	30.0	56.6
Average Min. Temperature (F)	10.5	14.0	23.4	30.7	38.7	45.1	49.6	47.4	39.0	30.1	20.6	11.6	30.1
Average Total Precipitation (in.)	1.09	0.98	1.02	1.22	1.74	1.49	0.80	0.70	0.88	1.16	1.00	1.08	13.17
Average Total SnowFall (in.)	13.0	10.8	3.5	2.0	0.5	0.0	0.0	0.0	0.1	1.0	6.8	15.4	53.2
Average Snow Depth (in.)	8	8	3	0	0	0	0	0	0	0	1	5	2

Percent of possible observations for period of record.

Max. Temp.: 92.9% Min. Temp.: 93% Precipitation: 91.8% Snowfall: 92.1% Snow Depth: 85.6%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

Pond Calculations - Original Place Of Use

Idaho Falls FAA Arpt (NWS --104457) is the closest station to the original Place of Use.

Item #4. <http://www.kimberly.uidaho.edu/ETIdaho/>

Pond Calculations - Original Place Of Use

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Idaho Falls FAA Arpt (NWS --104457)

Data as of September 24, 2010

Alfalfa - less frequent cuttings Precipitation Deficit															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.23	-0.02	0.19	0.62	3.64	5.77	4.46	5.00	2.81	1.40	-0.34	-0.35	733	-22	711
15-Day Moving Average ^d	-0.23	-0.12	0.18	0.48	3.61	5.95	4.12	4.97	2.84	1.44	-0.35	-0.32			
7-Day Moving Average ^e	-0.24	-0.07	0.19	0.49	3.61	5.85	4.30	5.03	2.81	1.43	-0.37	-0.32			
3-Day Moving Average ^f	-0.23	-0.03	0.19	0.57	3.63	5.80	4.44	5.02	2.81	1.41	-0.36	-0.34			

733 mm Precipitation Deficit $P_{Def} = 2.40 \text{ ac-ft/ac/season}$

Walters Ready Mix, Inc. - Thornton

Permit Application - Pond Calculations (Page 1 of 3)

Pond Consumptive Use Calculations

Climate Station: **Idaho Falls FAA Arpt (NWS --104457)^B**
 Project Name: **Walters Ready Mix, Inc. - Thornton**

March 2, 2011

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWS Evaporation (Inches)	40	40	40	40	40	40	40	40	40	40	40	40	40
Monthly Distribution (%) #1	1.0	2.0	4.0	7.0	12.0	15.0	19.0	16.0	11.0	6.0	4.0	3.0	100.0
Monthly FWS Evaporation (in/mo)	0.40	0.80	1.60	2.80	4.80	6.00	7.60	6.40	4.40	2.40	1.60	1.20	40.00
Avg. Total Precipitation (in/mo) #2	1.09	0.98	1.02	1.22	1.74	1.49	0.80	0.70	0.88	1.16	1.00	1.08	13.17
Pond Loss [(Evap.) - (Precip., in.)] #3	0.00	0.00	0.58	1.58	3.06	4.51	6.80	5.70	3.52	1.24	0.60	0.12	27.71
Pond Surface Area (acres)	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70	6.70
Total Pond Loss (ac-in)	0.00	0.00	3.89	10.59	20.50	30.22	45.56	38.19	23.58	8.31	4.02	0.80	185.66
Total Pond Loss (ac-ft)	0.00	0.00	0.32	0.88	1.71	2.52	3.80	3.18	1.97	0.69	0.34	0.07	15.4714 ^{#7}

Irrigation Consumption Crop = **Alfalfa - Less Frequent Cuttings** **Idaho Falls FAA Arpt, Idaho (104457)^B**Precipitation Deficit P_{def} (mm) = 733 #4 = $\{P_{def} \text{ Growing Season, Site \& Crop Specific (mm)}\}$ Mean Irr. Requirement (ac-in/ac/season) = 28.9 #5 = $\{P_{def} \text{ (mm)}\} \div (25.4) = \text{ac-in/ac/season}\}$ Mean Irr. Requirement (ac-ft/ac/season) = 2.40 #6 = $\{P_{def} \text{ (mm)}\} \div (12) = \text{ac-ft/ac/season}\}$ Acres to dry up for pond use = 6.433 #8 = Acres to dry up for pond use, i.e. Acres Equivalent to Et Use = $\{Pond Loss Total (\#7)\} \div [\text{Mean Irrig. Req. (\#6)}]\}$

Summary

Original Ground Water Right = 25-14247 Merrill	Diversion Rate (cfs)	Place of Use Acres	cfs per acre	AF per acre (#6)
	0.63	31.4	0.0201	2.40
Amount of Water Needed For Evaporation (E _i)	Pond Surface Area (acres)	Acres Equivalent to E _i Use (#8)	Required cfs	AF (#7) Required
	6.7	6.4	0.1291	15.4714
Amount of Water Needed for Pond Fill	Pond Depth (ft)	Acres Equivalent to Pond Fill	Required cfs	AF Required
	25.0	27.8603	0.5590	67.0
Total Water Needed for Transfer	For Evaporation	For Pond Fill	Total	
	0.1291	0.5590	0.6881	
	15.4714	67.0	82.4714	82.5
	6.4	27.8603	34.2937	34.3

A - Rexburg Ricks College,
Idaho (107644)
Closest Coop Site to the
New Place of Use

B - ET Idaho 2009:
Evapotranspiration &
Consumptive Irrigation
Water Requirements for Idaho
- Closest Station to Original
Place of Use - Idaho Falls

#1 - Molhu, Myron, Kporde, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

#2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <https://www.wrcc.dri.edu/summary/Clmsmsid.html> - See attached:#3 - $\{[(\text{Monthly FWS Evap.}) \cdot (\text{Avg. Total Precip.})] \div (\text{Value } < 0 = 0)\}$. Where Avg. Total Precipitation exceeds Monthly FWS Evaporation, the resultant pond loss (Value $< 0 = 0$) is set to zero#4 - <http://www.kimberly.uidaho.edu/ETIdaho/> Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.

#5, 6, 7 & 8 - Computed values based on #1, 2, 3 & 4

No. C 61583	Due no later than Jul 31, 2011 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			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
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.* Signature: Shauna Hurd Name (type or print): Shauna Hurd Date: 05/18/2011 Title: H R Manager				
Processed 05/18/2011		* Electronically provided signatures are accepted as original signatures.				



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 9, 2011

WALTERS READY MIX
PO BOX 390
REXBURG, ID 83440

RE: Transfer No. 77586 and Water Right Application 22-14019

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application and application to appropriate water. Please refer to the transfer number and application referenced above in all future correspondence regarding these applications.

A legal notice of the application has been prepared and is scheduled for publication in the REXBURG STANDARD-JOURNAL on November 17 and 24, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

cc: ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 09, 2011

STATE OF IDAHO
DEPT OF LANDS
SOUTHWEST IDAHO AREA OFFICE
8355 W STATE ST
BOISE, ID 83714

Application to Permit No. 22-14019

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 09, 2011

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

Application to Permit No. 22-14019

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

November 09, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES CEFALO
Water District 100
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Permit No 22-14019

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, November 09, 2011 10:41 AM
To: 'legals@rexburgstandardjournal.com'
Subject: Legal Ad for your paper
Attachments: Rexburg Standard Journal.doc

Contacts: Rexburg Standard Journal

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

November 9, 2011

Legal Notice Department

Rexburg Standard Journal / Herald Chronicle

PO Box 10

Rexburg ID 83440

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 5, 2011. Your cooperation is appreciated.

Sincerely

Sharla Cox

Administrative Assistance

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77586

WALTERS READY MIX, PO BOX 390, REXBURG, ID 83440 has filed Application No. 77586 for changes to the following water rights within MADISON County(s): Right No(s). 25-14360; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the point of diversion, to add a point of diversion, to change the place of use, to change the nature of use and to change the period of use. The points of diversion are in the SWNE and NWSE Sec 14 T5N R39E from groundwater for 0.13 cfs. The place of use is in the SWNE and NWSE Sec 14 T5N R39E for industrial use from 01/01 to 12/31. The industrial use is to mitigate for the evaporation losses of a 6.7 acre pond.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 5, 2011. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-14019

WALTERS READY MIX

PO BOX 390

REXBURG, ID 83440

Point of Diversion

SWNE S14 T05N R39E

NWSE S14 T05N R39E

MADISON County

Source GROUND WATER Tributary

Use: INDUSTRIAL

01/01 to 12/31 4.99 CFS

Use: INDUSTRIAL STORAGE

01/01 to 12/31 67 AF

Total Diversion: 4.99 CFS

67 AF

Date Filed: 9/19/2011

Place Of Use: INDUSTRIAL

T05N R39E S14 SWNE NWSE

Place Of Use: INDUSTRIAL STORAGE

T05N R39E S14 SWNE NWSE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 5, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on November 17 and 24, 2011

Jordan, Blake

From: Keith C. Wilson [kwilson@rockymountainenvironmental.com]
Sent: Friday, October 14, 2011 10:29 AM
To: Jordan, Blake
Subject: RE: Walters Ready Mix permit and transfer applications
Attachments: PermitApp-WRM-Thornton-Correction.pdf; Trans-WRM-Thornton-Correction.pdf; PermitApp-WRM-Roberts-Correction.pdf; Trans-WRM-Roberts-Correction.pdf; ESPA_CRP_Land.pdf

Blake,

I've reviewed the permit applications and transfer applications and made the changes on the forms for Walters Ready Mix - Thornton & Roberts.

To explain the ESPA Analysis where I used "0" from Summer 2006 – Winter 2010, I've attached the email I got from Jeff Peppersack.

Hopefully this information is sufficient.

Thanks for letting me make these changes.

Keith C. Wilson
Senior Water Rights Analyst
kwilson@rockymountainenvironmental.com

From: Jordan, Blake [<mailto:Blake.Jordan@idwr.idaho.gov>]
Sent: Tuesday, October 11, 2011 1:06 PM
To: Keith C. Wilson
Subject: Walters Ready Mix permit and transfer applications

Keith,

I am reviewing the Walters ready mix applications for the Roberts and Thornton facility locations. There are a few items that need to be addressed before we process these applications.

Thornton:
Permit- the proposed season of use for Industrial Storage is 01/01-12/01. I'm assuming you want a the period of use to be from 01/01-12/31?

Transfer- Since the proposed industrial use for this right will be to mitigate for the evaporative losses of the pond, the season of use should at least cover all months where evaporation is greater than precipitation. To be consistent with the season of use proposed in the permit, I recommend that the season of use for the transfer right be 01/01-12/31.

The filing fee for the application for permit is \$410 and \$450 for the transfer (\$200 for 0.13 cfs, \$250 for nature of use change). The total owned for these apps is \$860, you paid \$910. You are entitled to a \$50 refund.

Roberts:

Permit- the proposed season of use for Industrial Storage is 01/01-12/01. I'm assuming you want a the period of use to be from 01/01-12/31?

Transfer- Since the proposed industrial use for this right will be to mitigate for the evaporative losses of the pond, the season of use should at least cover all months where evaporation is greater than precipitation. To be consistent with the season of use proposed in the permit, I recommend that the season of use for the transfer right be 01/01-12/31.

You might want to review your statement under Part 1 5b of the application.

You used the Hamer 4 NW (NWS—103964) station to compute the evaporation losses for the Roberts pond. Isn't the Idaho Fall Arpt. station closer? It appears to be. If so, this may reduce the number of acres that need to be dried up to cover the evaporative losses from the pond. I also want to remind you, that you can use the Kimberly ET Idaho website to calculate pond evaporation (precip. Def).

The filing fee for the application for permit is \$410 and \$450 for the transfer (\$200 for 0.13 cfs, \$250 for nature of use change). The total owned for these apps is \$860, you paid \$610. You owe \$250.

-For both ESPA analysis, you may want to explain why you ran the model the way you did (no values entered between summer 2006- winter 2001 in the with transfer column).

-Looking at the gift deeds along with the water right purchase agreement, you have the gift deeds going into both Diane and Kent Merrill's name. The purchase agreement is with Kent Merrill and Walters Ready Mix, which would be a ownership conveyance issue. Because Diane Merrill has been involved in dealing with the ownership issue with water right 25-14247, we assume she is on board with the Walters Ready Mix purchase agreement. To save you from rewriting the purchase agreements, we will accept the purchase agreement as is.

For now, I will hold onto these applications.
Let me know if you have any questions

Thanks,
Blake

POV Comparison

Type	WR #	Owner	Source	TRS	SWNE	NWSE	Total
Right	22 10166	NORMAN O ANDERSON, ADA MAY ANDERSON,	GROUND WATER	05N39E14	X		0
Right	22 10166	NORMAN O ANDERSON, ADA MAY ANDERSON,	GROUND WATER	05N39E14		X	0
Claim	1 284A	REID CANAL CO,	SNAKE RIVER	05N39E14	40	40	80
Claim	1 284	UNITED STATES OF AMERICA ACTING THROUGH,	SNAKE RIVER	05N39E14	40	40	80
Right	1 149A	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 150A	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 151A	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 182C	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 187C	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 251A	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
Right	1 323A	REID CANAL CO,	SNAKE RIVER	05N39E14	X		0
App	22 14019	WALTERS READY MIX,	GROUND WATER	05N39E14	X		0
App	22 14019	WALTERS READY MIX,	GROUND WATER	05N39E14	X		0