STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

# WATER SUPPLY BANK RENTAL AGREEMENT No. 739

This is to certify that:

EDSTROM CONSTRUCTION
PROPERTIES LLP
1305 S 12TH W
REXBURG, ID 83440

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

**Summary of Water Rights or Portions Rented from the Bank**

| Water Right No. | Priority Date | Source | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC) | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|---|---|---|---|---|---|---|---|
| 22-2175B | 2/23/1960 | GROUND WATER | 0.04 | 11.2 | 3.2 | 0.013 | 3.5 |
| **Combined Rental Totals** | | | **0.04** | **11.2** | **3.2** | **0.013** | **3.5** |

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

**Annual Rental Fee:**

2023 - 2024: $257.60 annually

The full fee for the rental of the above-described right(s) is $257.60 per year for years 2023 - 2024. The rental fee includes an administrative fee of $25.76 per year for years 2023 - 2024.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

**Total Water Use Authorized Under Rental Agreement**

| Beneficial Use | Diversion Rate (CFS) | Diversion Volume (AF) |
|---|---|---|
| INDUSTRIAL | 0.04 | 5.5 |
| **Combined Total** | 0.04 | 5.5 |

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

Detailed water right conditions are attached.

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**WATER SUPPLY BANK RENTAL AGREEMENT No. 739**

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Signature of Renter — Date: April 6. 2023

Printed Name: Brian Edstrom — Title: Treasurer

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By _____ Date 4/12/23
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 4/12/23

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 739**

## WATER USE DETAILS

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENE Sec. 14, Twp 05N, Rge 39E, MADISON County

| BENEFICIAL USE | DIVERSION RATE | VOLUME |
|---|---|---|
| INDUSTRIAL | 0.04 CFS | 5.5 AF |

**SEASON OF USE**

| Water Right No. | From | To |
|---|---|---|
| 22-2175B | 3/1 | 11/30 |

**RENTERS PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 39E | 13 | | | | | | | X | | | | | | | | | | X |
| 05N | 39E | 14 | | | | X | | | | | | | | | | | | | X |

**RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE**

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. This rental agreement does not authorize the construction of a well.
11. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental

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agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

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## Idaho Water Resource Board

# Attachment to Water Supply Bank Rental Agreement No. 739

Effective until December 31, 2024

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




## Legend

- Authorized Rental Point of Diversion
- Authorized Rental Place of Use
- Township/Range
- Sections
- QQ

N

0 0.125 0.25 0.5 Miles

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Form 42-1761-2 10/15

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WATER RESOURCE BOARD

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# APPLICATION TO RENT WATER FROM THE BOARD'S WATER SUPPLY BANK

**Applicant Name:** Edstrom Construction Properties LLP

**Is this application being submitted with a lease application as a lease/rental package?** Yes ☐ No ☑
**If yes, specify companion water rights in Section 4**

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

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

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

| MINIMUM REQUIREMENT CHECKLIST | | | |
|---|---|---|---|
| **Check All Items as Either Attached (Yes) or Not Applicable (N/A)** | | | |
| | | **Yes** | |
| | | ☑ | Completed *Application to Rent Water from the Board's Water Supply Bank* |
| | | ☑ | Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank |
| **Attachment** | **N/A** | **Yes** | |
| **2** | | ☑ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| **3A** | ☑ | ☐ | Detailed information on a proposed use of rental water |
| **3F** | ☑ | ☐ | Authorization from the owner/operator of the rental point(s) of diversion |
| **3H** | ☐ | ☑ | Water modeling to account for the impacts of the rental request |
| **3J** | ☑ | ☐ | Documents justifying a rate of flow greater than 0.02 cfs/acre |
| **3K** | ☑ | ☐ | Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| **4B** | ☑ | ☐ | Explanation of how the rental water will sufficiently accomplish your rental purposes |
| **4C** | ☑ | ☐ | Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

| **Department Use Only – Proposed Water Right(s)** |
|---|
| 22-2175B |
| 2564 |

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WATER RESOURCE BOARD

## Application to Rent Water (Continued)

### 1. CONTACT INFORMATION

A. Applicant Edstrom Construction Properties LLP

Mailing Address 1305 S 12th W (Street) | Rexburg (City) | ID (State) | 83440 (Zip Code)

Email Address joe@edstromconstruction.net Phone Number

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☐

**If yes**, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Kristin Moore Professional Title Sen. Water Rights Analyst

Organization Rocky Mountain Environmental Assoc., Inc. Relationship to Applicant consultant

Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402

Email Address kristin.rmea@gmail.com Phone Number 208-524-2353

### 2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to irrigate. Attach the map to this application and label it **Attachment 2**.

### 3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Applicant needs temporary water to use for dust abatement at gravel facility. Quantities are based upon volume of water for 3 x 3,000 gallon water trucks per day, 5 days per week, 40 weeks per year totaling 1.8 million gallons per year.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

| Desired Rate (Cubic Feet/Second) | Desired Volume (Acre-Foot) | Minimum Rate* (Cubic Feet/Second) | Minimum Volume* (Acre-Foot) | Desired Acres (if applicable) |
|---|---|---|---|---|
| CFS | 5.5 AF | 0.02 CFS | 5.5 AF | AC |

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

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

| Desired Start Date (month/day/year) | Latest Possible Start Date (month/day/year) | *Mark Desired Rental Duration (Calendar Years) | | | | | **Applicant's preference if rental application cannot be processed prior to the latest possible start? | |
|---|---|---|---|---|---|---|---|---|
| | | ☐ 1 | ☑ 2 | ☐ 3 | ☐ 4 | ☐ 5 | ☑ Process application as soon as possible | ☐ Return application to applicant |
| 6/1 | 7/1 | | | | | | | |

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

** ***Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.***

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## Application to Rent Water (Continued)

D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):
Water will be pumped from the on-site pond that results from gravel excavation. Pond fills with ground water as water table rises in the spring/summer. A small pump will be used to divert water into water trucks.

E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

| POD Description | Water Source | Other Water Rights Diverted from this POD |
|---|---|---|
| SENE S14 T5N R39E | Ground water | None |
| Pump in Pond | | |
| | | |
| | | |

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

F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☑
**If yes,** include documented consent as **Attachment 3F**.

G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☑ No ☐
***Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.***

H. Has water modeling been provided with your rental request? Yes ☑ N/A ☐
**If yes,** label modeling Attachment 3 H.
***Rental applications that require modeling will be returned if modeling is not provided.***

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

☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
☑ Industrial from: 3/01 (mm/dd) to: 11/30 (mm/dd)
☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☑ Yes ☐ No ☐
**If yes,** justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

K. Do you own the land at the proposed rental place of use (POU)? Yes ☑ No ☐
**If no,** attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
No other existing water rights. However, applicant has pending applications for Permit and Transfer to provide water rights for the maintenance of the incidental ponds.

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## Application to Rent Water (Continued)

### 4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights? Yes ☑ No ☐

**If yes**, specify below the elements of the water rights you are requesting to rent. **If no,** continue to Question 4B.

**Important Information:** Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via IDWR's website.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request**. For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

| Water Right Elements Leased to Water Supply Bank | | | | | Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent | Water Supply Bank Rental Request | | |
|---|---|---|---|---|---|---|---|---|
| Water Right Number (leave blank if sub-total of combined limits) | Nature of Use | Diversion Rate (CFS) | Volume (AF) | Acres (AC) | | Diversion Rate (CFS) | Volume (AF) | Acres (AC) |
| 22-2175B | Irrigation | 0.63 | 136.5 | 39 | | 0.03 | 7.7 | 2.2 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
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| | | | | | | | | |
| | | | | | | | | |
| ***Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank*** | | | | | **TOTAL** | 0.03 | 7.7 | 2.2 |
| | | | | | | **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**:

NA

C. Does your rental request propose to change the nature of use for any water right(s) being rented? Yes ☑ No ☐

**If yes**, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

Conversion based on standard consumptive use amounts of 2.5 af/acre of 22-2175B. 2.2 acres x 2.5 afa/acre = 5.5 afa of consumptive use volume, which is the amount required by applicant for industrial use.

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## Application to Rent Water (Continued)

### 5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☑ No ☐
**If no**, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☑
**If yes**, describe:

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☑
**If yes**, describe the date and location of the NOV.

D. Additional Information
Applicant has pending Permit and Transfer applications, but they are for a different beneficial use at the same location. This rental request is not a duplicate of the other applications.

### DECLARATION

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

| Signature of Applicant | Printed Name of Applicant | Date |
|---|---|---|
| Signature of Representative | Printed Name of Representative | Date |

**Mail to**:

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

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STATE OF IDAHO
WATER RESOURCE BOARD

## Application to Rent Water (Continued)

### 5. ADDITIONAL INFORMATION

A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☑ No ☐

**If no**, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☑

**If yes**, describe:

C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☑

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

D. Additional Information

Applicant has pending Permit and Transfer applications, but they are for a different beneficial use at the same location. This rental request is not a duplicate of the other applications.

### DECLARATION

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

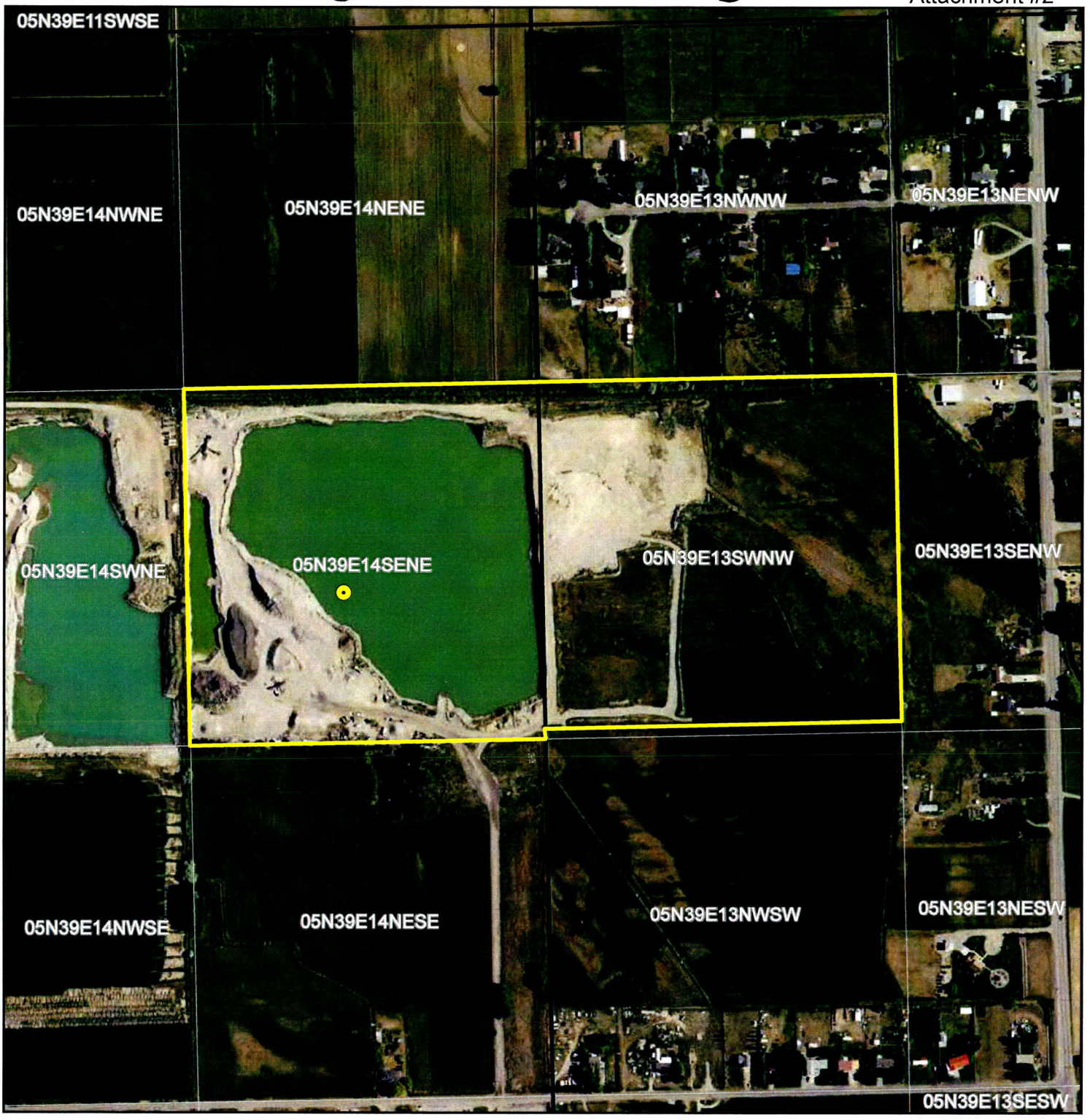
| Signature of Applicant | Printed Name of Applicant | Date |
|---|---|---|
| | Brian Eastrom | 1-10-23 |
| Signature of Representative | Printed Name of Representative | Date |
| | | |

**Mail to**:

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

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Attachment #2




0 500 1,000 2,000 Feet

2021 NAIP

**Legend**

- Proposed POD
- Proposed POU
- Twp & Rng
- Section

QQ

N W E S

# WSB Rental Location

*Edstrom Construction Properties LLP*

| | |
|---|---|
| RMEA # 19-0198 | |
| by: KM | |
| Date: 1/9/2023 | |

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Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

## Eastern Snake Plain Aquifer Modeling Analysis and Narrative

*WSB Rental Application for WR#22-2175B*

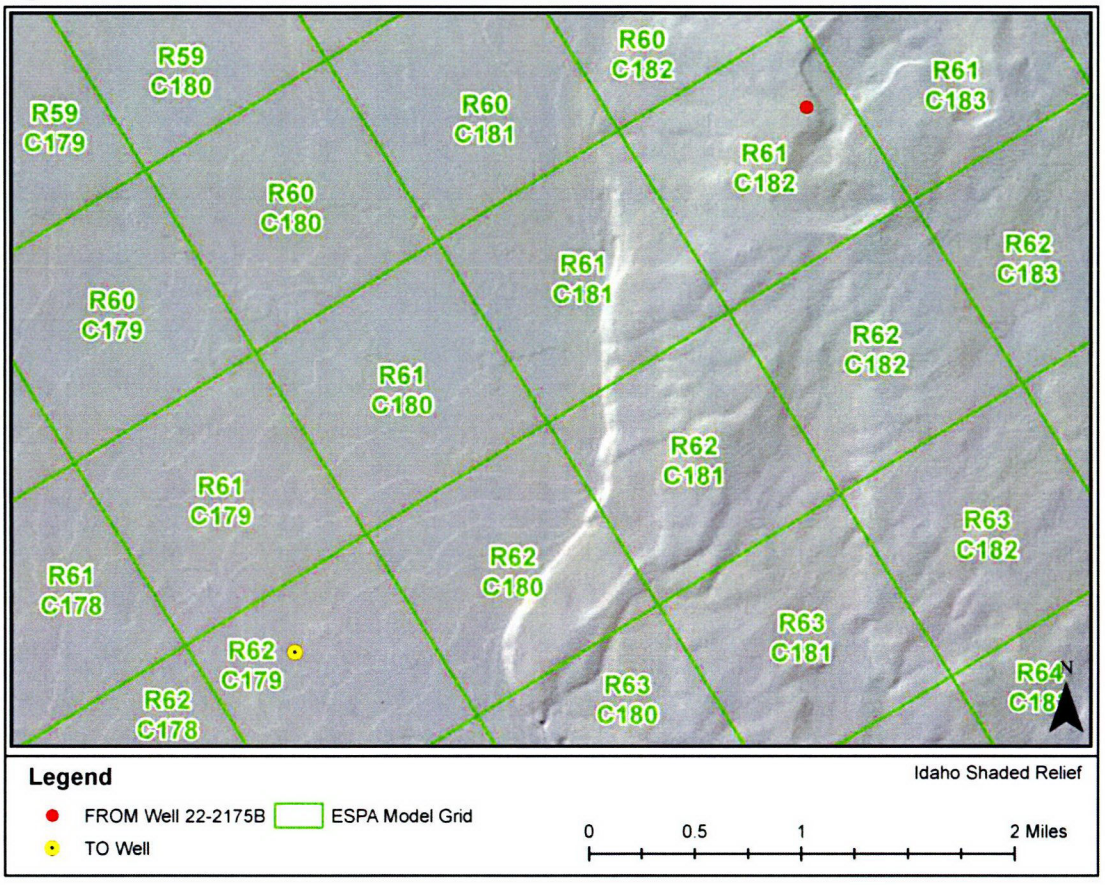
The Applicant requires 5.5 afa at the proposed place of use to for dust abatement at the industrial facility. This application proposes to rent water from water right no. 22-2175B for 2023-2024 to provide the required consumptive use volume.

Data Input Values

The TO Well location is a proposed pump location in a ground water-fed pond. The model cell is identified as R62 C179.

The FROM Well location is the sole diversion for the proposed rented ground water right. The model cell is identified as R61 C182. Figure 1 shows the locations of the points of diversion used in the modeling scenario.

Figure 1. ESPA Model Grid




The standard consumptive use volume of 2.5 afa/acre was used to calculate a volume for modeling. Both the TO and the FROM wells share the same standard volume. For 2.2



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acres of rental, a total annual volume of 5.5 af, or 1.83 af/trimester was used in the modeling simulation.

Results

Using ESPAM 2.1 to simulate the depletions of transferring 2.2 acres to the proposed place of use, the affects do not exceed the threshold of 2.0 af/trimester. No mitigation is required. Figures 2-5 include excerpts from the model simulation and mitigation analysis tool (MAT).

Figure 2. Data Entry

**ENHANCED GROUND-WATER RIGHTS TRANS**

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPA

Cells this color are set up for user entries

UPDATE DATES | RUN MODEL | GET OUTPUT

CALCULATE EFFECTS

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTO

YEAR 1959

SEASON WINTER

TRANSFER NO: 22-2175B

TRANSFER NAME: Edstrom Constru

ENTER CELL LOCATIONS:

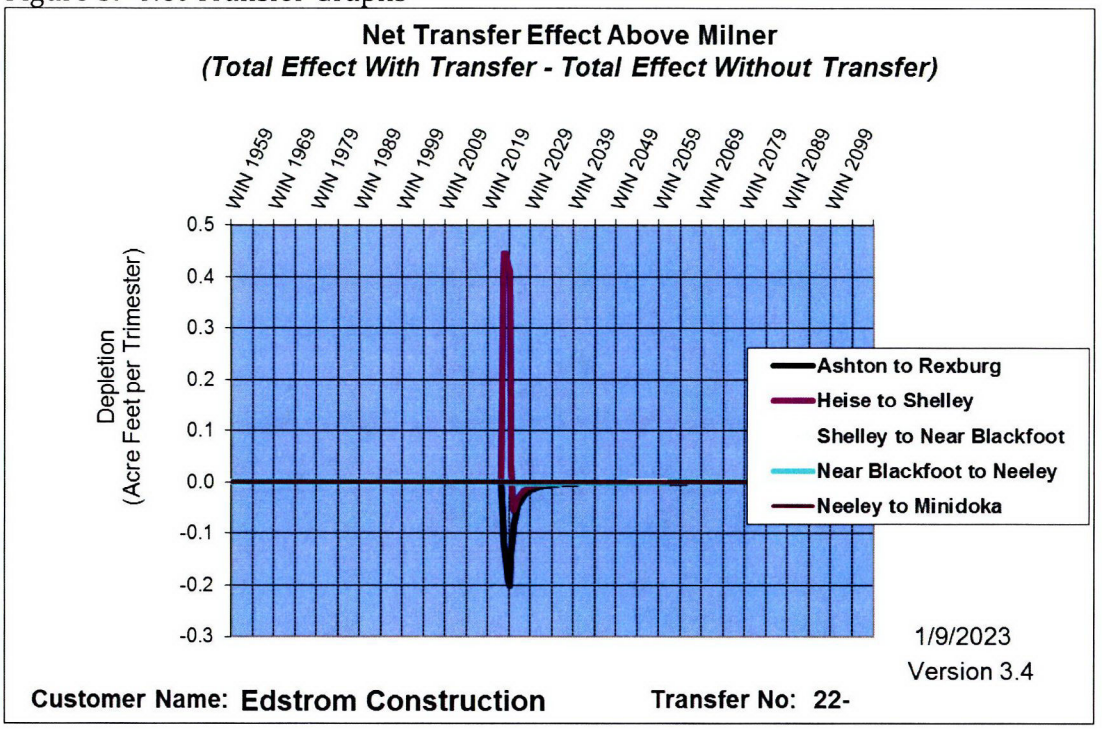
| | 'TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
|---|---|---|---|---|
| ROW | 62 | 61 | 0 | 0 |
| COLUMN | 179 | 182 | 0 | 0 |

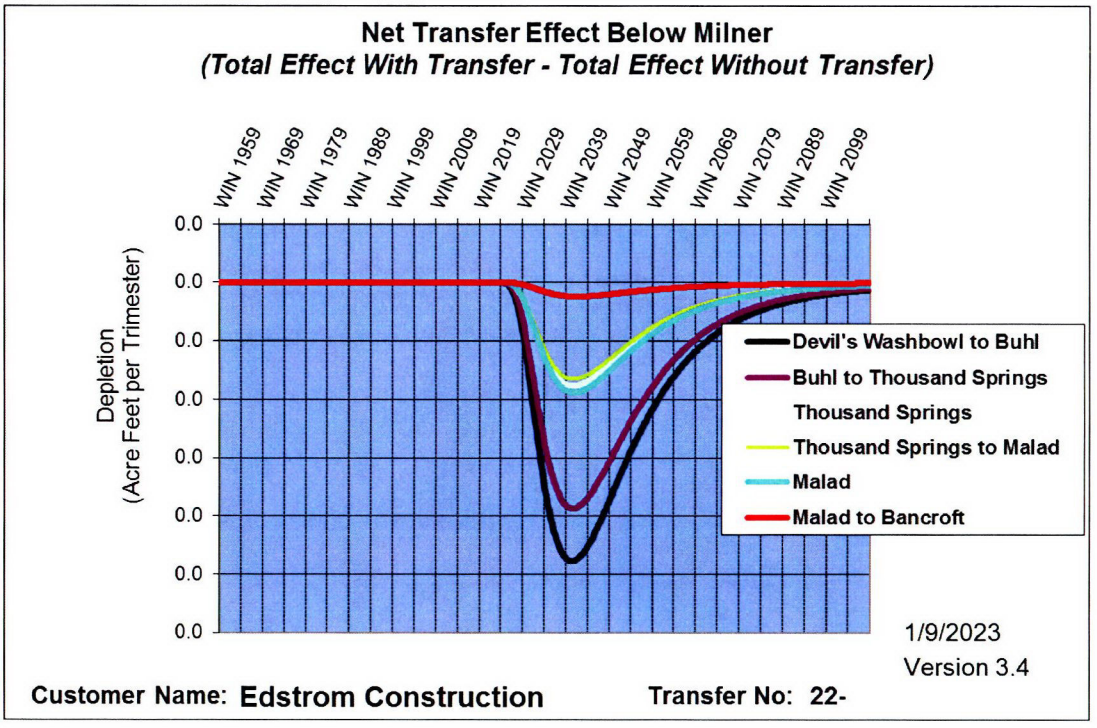
| TRIMESTER OF ACTIVITY | TO WELL | FROM1 WELL | | FROM2 WELL | | FROM3 WELL | |
|---|---|---|---|---|---|---|---|
| | Projected Use | With Transfer | Without Transfer | With Transfer | Without Transfer | With Transfer | Without Transfer |
| | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER |
| WIN 1959 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 1960 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1960 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1960 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2022 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2022 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2022 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2023 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2023 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2023 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2024 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2024 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2024 | 1.83 | 0.00 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2025 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2025 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2025 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2026 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2026 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2026 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2107 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2107 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2108 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2108 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2108 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2109 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2109 | 0.00 | 1.83 | 1.83 | 0.00 | 0.00 | 0.00 | 0.00 |



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Figure 3. Net Transfer Graphs






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Figure 4. Calculated Affects

| | Net Transfer Effect (AF/four months) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Ashton to Rexburg | Heise to Shelley | Shelley to Nr Blckft | Nr Blckft T Neeley | Neeley to Minidoka | Dev. Wbl. Buhl | Buhl to Kspr | Kspr | Kspr to Malad | Malad | Malad to Bancroft |
| WIN 1959 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 1960 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 1960 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 1960 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 1961 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 1961 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 1961 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 1962 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 1962 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 1962 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2022 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 2022 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 2022 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2023 | -0.1 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 2023 | -0.1 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 2023 | -0.1 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2024 | -0.2 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 2024 | -0.2 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 2024 | -0.2 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2025 | -0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 2025 | -0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 2025 | -0.1 | -0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2026 | -0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUM 2026 | -0.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| WIN 2026 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SPR 2027 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

**er First Time Step of Transfer:** SPR 2023

Match: 191 Match: 456

| | AtR | HtS | StNB | NBtN | NtM | DWtB | BtTS | TS | TStM | M | MtB | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Effects @ SS (Last Time Step): | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.83 | Total Effec |
| Value of Dep. @ Last Time Step: | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.83 | Total Effec |
| ient State (Max Value Timestep): | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1.83 | Total Effec |
| Max. Value of Dep. After Transfer: | 0.93 | 1.24 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2.27 | Total Effec |
| Steady State Change: | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| Transient State Change: | 0.00 | 0.44 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |

Figure 5. Mitigation Analysis Tool

| POD Location | Dedicated Vol. AFA/ AFT | | Model Node | Impact by Reach (AF/Trimester) Ashton to Rexburg | Heise to Shelley | Shelley to Nr Blckft | Nr Blckft To Neeley | Neeley to Minidoka | Dev. Wbl. To Buhl | Buhl to Kspr | Kspr | Kspr to Malad | Malad | Malad to Bancroft |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ts following Transfer** | | | | | | | | | | | | | | |
| 8S26E-3 | 275.6 | 91.9 | SP082075 | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 8S26E-3 | 275.6 | 91.9 | SP068066 | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **npacts following Transfer** | | | | | | | | | | | | | | |
| 8S26E-3 | 275.6 | 91.9 | SP082075 | 0.93 | 0.79 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 8S26E-3 | 275.6 | 91.9 | SP068066 | 0.93 | 1.24 | 0.03 | 0.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Steady State Analysis: Mitigation Check 1 - >10% of Historical: | | | | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| Mitigation Check 2: > 2 AF/T: | | | | 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: | | | | 50.6% | 43.2% | 1.8% | 4.1% | 0.1% | 0.1% | 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 |
| ansient State Analysis: Mitigation Check 1 - >10% of Historical: | | | | 0.0% | 56.2% | 0.0% | 0.0% | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| Mitigation Check 2: > 2.01 AF/T: | | | | 0.0 | 0.4 | 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 | 0.4 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |



Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.
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# WSB Mailing Checklist for Rentals

(For use on all new rental applications)

ESPA

**Key:** Who Completes What?
CLERICAL STAFF: MK
REVIEWER: MK

Received Date: 1/17/2023
Latest Start Date: 7/1/2023
Renter: Edstrom Construction Properties LLP
Rental Expiration Date _____
Lease/Rental Package Y (N)

Application # 25564
Agreement # 739

| Water Right | Lease Contract ID |
|---|---|
| # 22-2175B | 1420 |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |
| # | |

| | |
|---|---|
| Applicant Authorized? | (Y) / N |
| Map of POU and POD | (Y) / N |
| POD consent? | (Y) / N |
| ESPA Modeling? | (Y) / N NA |
| Application Complete? | (Y) / N |
| Minimum Checklist in database? | ☑ |
| Request for additional information letter sent: | (Y) NA |
| WSB Action Request for deficiencies | ☐ |

Comments:
Dust abatement (CNOU → Irrigation to Industrial)

| Mailings (per application) | Original | CC | Email or Address |
|---|---|---|---|
| Renter: Edstrom Construction Properties LLP | ☒ | ☐ | joe@edstromconstruction.net |
| Attorney: _____ | ☐ | ☐ | _____ |
| Consultants Name: Kristin Moore- RMEA | ☐ | ☒ | |
| Conveyence Entity: _____ Ex. Irrigation Dist. of Canal Co. | (final only) | ☐ | |
| (Ground) Water Dist: WD 100, Henry's Fork GWD | (final only) | ☐ | |
| Other: _____ WD Snake 01, Boise, Payette, and Bear River | (final only) | ☐ | _____ |
| Region: Eastern | (final only) | ☒ | |
| Watermaster: Blake Jordan | (final only) | ☒ | → Not NOV, but E2019-1464 |
| Compliance: Jared Adamson | (final only) | ☒ | Resolving NOV? Y / N # |

Call up Date: _____

**DO NOT SCAN**

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 23, 2023

EDSTROM CONSTRUCTION PROPERTIES LLP
1305 S 12TH W
REXBURG, ID 83440

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK**
**WATER RIGHT NO(S). 22-2175B AGREEMENT 739**

Dear Renter:

Please find enclosed receipts in the amount of **$257.60** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 11.2 acre-feet of water for industrial use in 2023. 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 $231.84 of the rental fees will be paid to the lessor(s) and 10% or $25.76 will be retained by the Department to offset administrative costs.

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

Sincerely,

*Amanda Johnson-Veibell*

for
Water Supply Bank

Enclosures: Receipt No. C115846
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Kristin Moore – Rocky Mountain Environmental
Water District 100

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IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 28, 2023

EDSTROM CONSTRUCTION PROPERTIES LLP
1305 S 12TH W
REXBURG ID 83440

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK**
**WATER RIGHT NO. 22-2175B AGREEMENT 739**

*****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 $257.60 per year was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 11.2 acre-feet.

**Please send a check for $257.60 for 2023** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 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.

Pursuant to the Water Supply Bank Rules, 90% or $231.84 of the rental fee will be paid to the lessor(s) and 10% or $25.76 will be retained by the Department to offset administrative costs for **2023**.

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

Sincerely,

*Amanda Johnson-Veibell*

for
Water Supply Bank

Enclosure

c: IDWR Front Desk
Rocky Mountain Environmental Assoc – *via email*

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**MEMORANDUM FOR AGREEMENT #739**

**To:** Water Right(s) 22-2175B

**From:** Mackenzie Kienholz

**Date:** 3/15/2023

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

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**PURPOSE/NARRATIVE:** Rental application #2564 was submitted by Kristin Moore (Rocky Mountain Environmental Assoc.) on behalf of Edstrom Construction Properties LLP and was received by the Department on 1/17/2023. The application requests to rent 0.03 cfs, 2.2 acres, 7.7 af of irrigation right 22-2175B for the use of 0.02 cfs and 5.5 af as industrial water for dust abatement at a gravel facility for 2023-2024. The proposed rental POD is an on-site pond which is a result of the gravel excavation. This is considered to be groundwater sourced.

Because this rental proposes a change in nature of use, review staff talked on the phone with the owner/lessor of 22-2175B to determine historic use of the water. The owner stated that the right has historically been used for the irrigation of wheat and potatoes. This was taken into consideration when calculating amounts authorized for use under the rental (see enlargement section for more information).

This rental is within the ESPA GWMA, Henrys Fork GWD, and WD 100. This rental is also at the same location and for the same purpose as Enforcement Action E2019-1464, and confirmation from Jared Adamson, whom the case was assigned to, confirmed that this rental should help resolve the enforcement action.

**AUTHORITY TO FILE:** Rental application #2564 was signed by Brian Edstrom. The IDSOS annual filing from 12/05/2022 for Edstrom Construction Properties LLP lists Linda and Delbert Edstrom as authorized members. Authorization for Brian Edstrom to sign on behalf of the LLP was requested. Copies of General Durable Power of Attorney of both Linda and Delbert Edstrom were submitted by the representative but were requested to be kept out of the public file due to private information within the documents that is unrelated to the Water Supply Bank application. Both documents list Brian Edstrom as a successor agent. The property at the rental POU and excavated pond POD is owned by Edstrom Construction Properties LLP.

**WATER RIGHT VALIDITY:** Water right 22-2175B was decreed on 11/24/2008. A review of the validity of the right was completed in 2015 when the right was first leased to the Bank and in 2019 & 2021 when the lease was renewed. The lease reviews found that irrigation occurred in the years leading up to 2015. Part of 22-2175B's POU became a subdivision, but water rights were withheld from the sale of land. Acres at the lease POU will continue to be irrigated using water from the City of Rexburg. No concerns with water right validity.

**INJURY TO OTHER WATER RIGHTS:** The proposed POD is a pond that is the result of gravel excavation. Due to the nature of this type of diversion as well as the fact that the rental POD is closer to the Snake River than the lease POD, injury to surface water was considered. The rental POD is shallower than the lease POD which may impact the river differently than this water right historically has. The timing of this rental may also affect SW users, however there are several canals and ditches near the rental location which may contribute to the pond directly or indirectly. The rental use, dust abatement, is also likely less consumptive than the right's decreed use of irrigation.

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James Cefalo (IDWR Eastern Region), Blake Jordan (WD 100 watermaster), Tony Olenichak (WD 01 watermaster), and Aaron Dalling (Henrys Fork GWD manager) were contacted on 313/2023 and were asked if they had any concerns with injury for this rental. All except Tony Olenichak replied on the same day that they had no concerns. No response has been received from Mr. Olenichak as of the time of the completion of this review.

ESPA modeling was completed using ETRAN V3.4. The standard consumptive use at the rental location is 2.5 af/acre, so the 3.2 acres being rented translates to an input of 2.67 af/trimester as shown in the data entry below. No mitigation is required for this rental.

| | | | | |
|---|---|---|---|---|
| "UPDATE DATES" BUTTON | 0 | | | |
| YEAR | 1959 | TRANSFER NAME: | CALCULATE EFFECTS | |
| SEASON | SPRING | Edstrom | | |
| ENTER CELL LOCATIONS: | | | | |
| | 'TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
| ROW | 62 | 61 | 0 | 0 |
| COLUMN | 179 | 182 | 0 | 0 |

| TRIMESTER | TO WELL | FROM1 WELL | | FROM2 WELL | | FROM3 WELL | |
|---|---|---|---|---|---|---|---|
| OF | Projected Use | With Transfer | Without Transfer | With Transfer | Without Transfer | With Transfer | Without Transfer |
| ACTIVITY | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER | AF/TRIMESTER |
| SPR 1959 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1959 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1959 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |

**ENLARGEMENT OF USE:** This rental application proposed to use irrigation right 22-2175B for industrial use. Information provided on the application stated that three trucks, each able to transport 3,000 gallons per day, would be used five days a week for 40 weeks of the year. This calculates to 1,800,000 gallons/year, or 5.5 af (rounded). The season of use for the rental will be extended from the irrigation season of 4/1 to 10/31 to 3/1 to 11/30 for the industrial use. This longer season correlates to the 40 weeks used in volume calculations, and is not expected to cause injury or enlargement because the source is groundwater.

A phone call with the water right owner/lessor Richard Smith on 3/6/2023 found that 22-2175B was historically used for the irrigation of wheat and potatoes. Historic consumptive use values were found using the University of Idaho Kimberly Research and Extension Center's ETIdaho tool. The lease POD falls within the bounds of the Rexburg – Ricks College station. Values calculated using this station for both wheat and potatoes were averaged to determine the historic use for the water right, which was 1.71 af/acre. The requested 5.5 af corresponds to 3.2 acres based on this average historic consumptive use value. To prevent enlargement, the amounts authorized for use under the rental were reduced from the amounts to be rented as is shown in the table below (rounded):

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| | Rate (cfs) | Acres | Volume (af) | cfs/acre | af/acre |
|---|---|---|---|---|---|
| Amounts Rented | 0.04 | 3.2 | 11.2 | 0.013 | 3.5 |
| Authorized for Use | 0.04 | 3.2 | 5.5 | 0.013 | 1.72 |

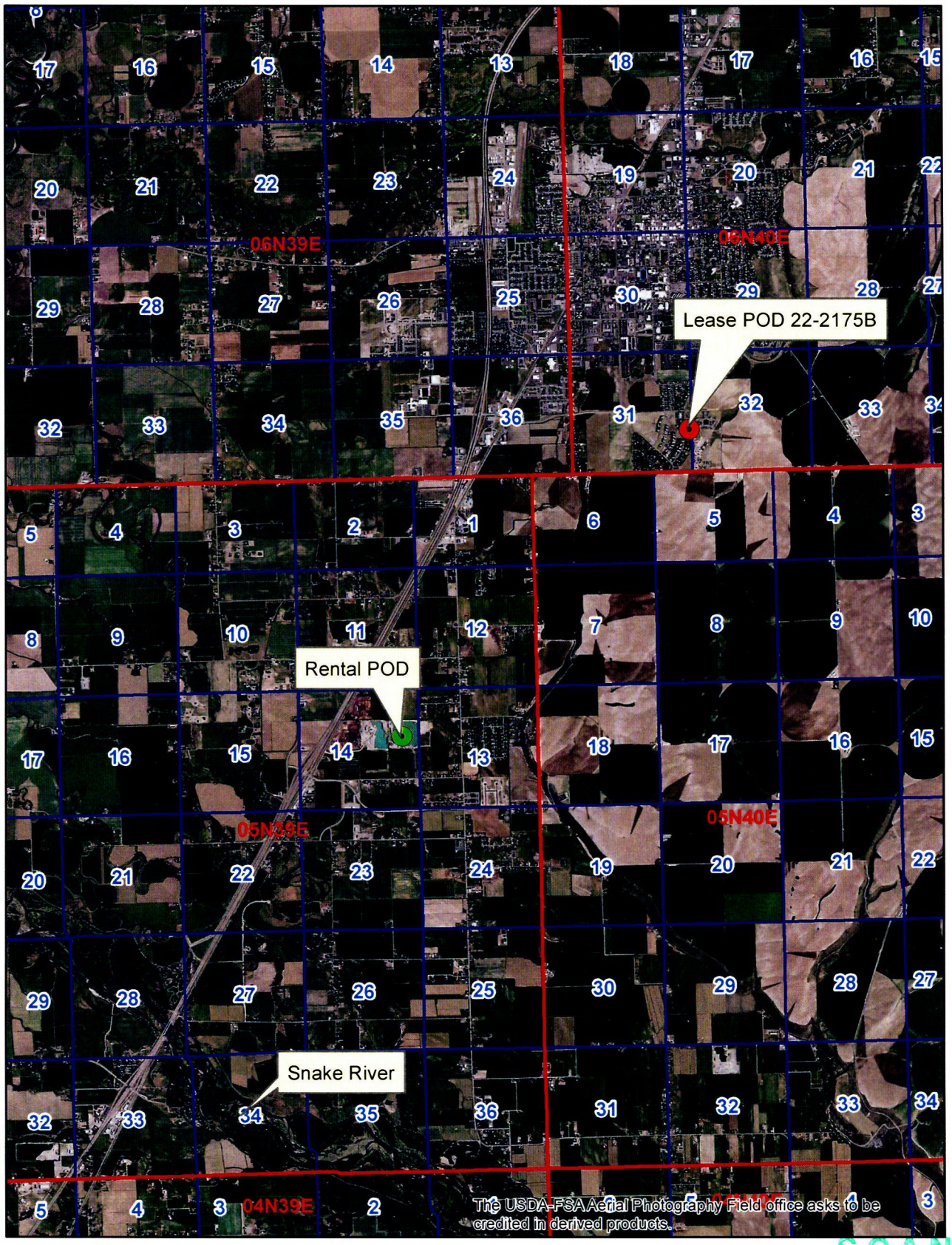
**LOCAL PUBLIC INTEREST**: Review staff has no information to suggest this application is inconsistent with the local public interest.

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

**DEPARTMENT STAFF OR WATERMASTER COMMENTS:** The location for the rental POD is subject to Water District #100. A request for comments was sent to the watermaster and Eastern Region on 3/15/2023.

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# WSB Rental Agreement #739
# Edstrom Construction Properties LLP 2023




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# WSB Rental Agreement #739
# Edstrom Construction Properties LLP 2023




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MAY 23 2023

Etran V3.4 Modeling Run for WSP Rental Application #2564 – Edstrom Construction Properties LLP

Industrial Use 5.5 af equivalent to 3.2 acres, 2.5 standard Cu = 2.67 af/trimester

| | | | |
|---|---|---|---|
| "UPDATE DATES" BUTTON | 0 | | |
| YEAR | 1959 | TRANSFER NAME: | |
| SEASON | SPRING | Edstrom | |

**CALCULATE EFFECTS**

| ENTER CELL LOCATIONS: | 'TO' CELL | 'FROM1' CELL | 'FROM2' CELL | 'FROM3' CELL |
|---|---|---|---|---|
| ROW | 62 | 61 | 0 | 0 |
| COLUMN | 179 | 182 | 0 | 0 |

| TRIMESTER OF ACTIVITY | TO WELL Projected Use AF/TRIMESTER | FROM1 WELL With Transfer AF/TRIMESTER | FROM1 WELL Without Transfer AF/TRIMESTER | FROM2 WELL With Transfer AF/TRIMESTER | FROM2 WELL Without Transfer AF/TRIMESTER | FROM3 WELL With Transfer AF/TRIMESTER | FROM3 WELL Without Transfer AF/TRIMESTER |
|---|---|---|---|---|---|---|---|
| SPR 1959 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1959 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1959 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1960 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 1961 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2022 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2023 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2024 | 2.67 | 0.00 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SPR 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| SUM 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |
| WIN 2025 | 0.00 | 2.67 | 2.67 | 0.00 | 0.00 | 0.00 | 0.00 |

Enter First Time Step of Transfer: SPR 2023

Match 193 Match 456

| | AtR | HtS | StNB | NBtN | NtM | DWtB | BtTS | TS | TStM | M | MtB | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| isting Effects @ SS (Last Time Step) | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2.67 | Total Effects without Trar |
| ate - Value of Dep. @ Last Time Step | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2.67 | Total Effects with Transfe |
| Transient State (Max Value Timestep) | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2.67 | Total Effects without Trar |
| te - Max. Value of Dep. After Transfer | 1.35 | 1.80 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3.32 | Total Effects with Transfe |
| Steady State Change | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |
| Transient State Change | 0.00 | 0.65 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | |

Mitigation Analysis Period: Trimester

**One-Way Analysis of Independent Transfers**

**New Water Right (GModelo):**

| WR No | Div. Rate (CFS) | Con. Vol. (AFA) | No. of Irr. Acres | Priority Date | POD Location | Dedicated Vol. AFA/ AFT | | Model Node |
|---|---|---|---|---|---|---|---|---|
| **Transfer 1: Proposed Steady State Impacts following Transfer** | | | | | | | | |
| ??? | ??? | 275.6 | 68.9 | 1/1/1960 | 8S26E-3 | 275.6 | 91.9 | SP082075 |
| ??? | ??? | 275.6 | 68.9 | 1/1/1960 | 8S26E-3 | 275.6 | 91.9 | SP068066 |
| **Transfer 1: Worst Case Transient State Impacts following Transfer** | | | | | | | | |
| ??? | ??? | 275.6 | 68.9 | 1/1/1960 | 8S26E-3 | 275.6 | 91.9 | SP082075 |
| ??? | ??? | 275.6 | 68.9 | 1/1/1960 | 8S26E-3 | 275.6 | 91.9 | SP068066 |

Impact by Reach (AF/Trimester):

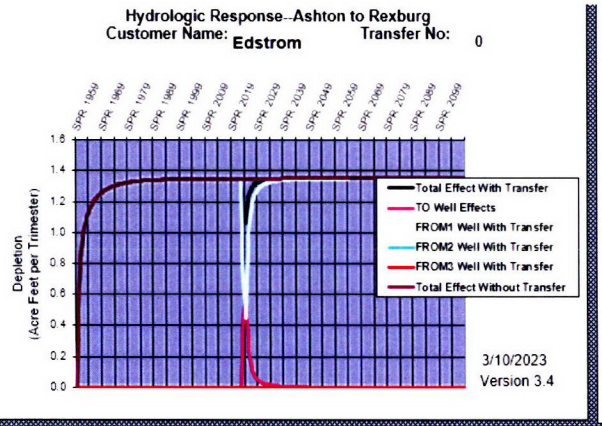
| | Ashton to Rexburg | Heise to Shelley | Shelley to Nr Blckft | Nr Blckft To Neeley | Neeley to Minidoka | Dev. Wbl. To Buhl | Buhl to Kspr | Kspr | Kspr to Malad | Malad | Malad to Bancroft |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | 1.35 | 1.15 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | 1.35 | 1.80 | 0.05 | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

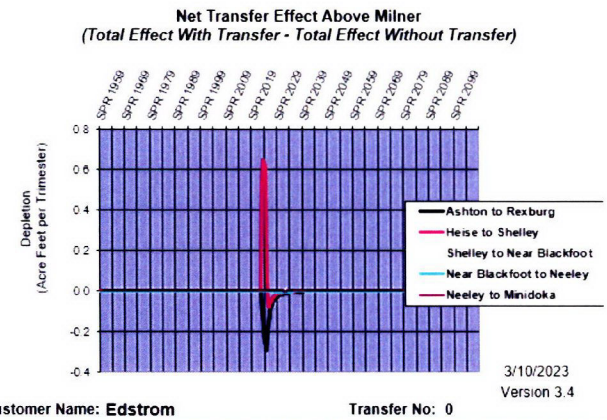
| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Steady State Analysis | Mitigation Check 1 - >10% of Historical | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| | Mitigation Check 2 - > 2 AF/T | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| | Mitigation Check 3 - >10% of Total | 50.6% | 43.2% | 1.8% | 4.1% | 0.1% | 0.1% | 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. Reqd (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 | 0.0% | 56.2% | 0.0% | 0.0% | 0.0% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% | -0.1% |
| | Mitigation Check 2 - > 2.01 AF/T | 0.0 | 0.6 | 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. Reqd (ac-ft) | 0.0 | 0.6 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Read Me

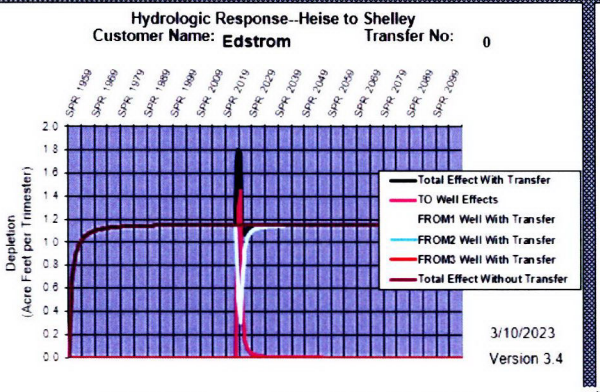
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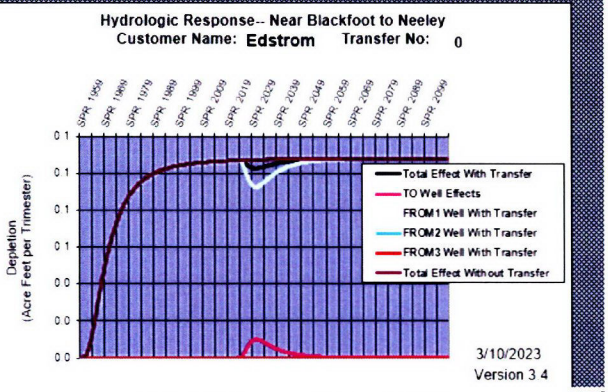
## Graphs Above Milner

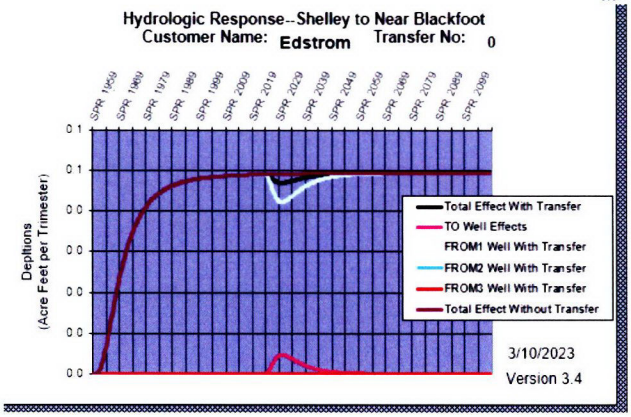


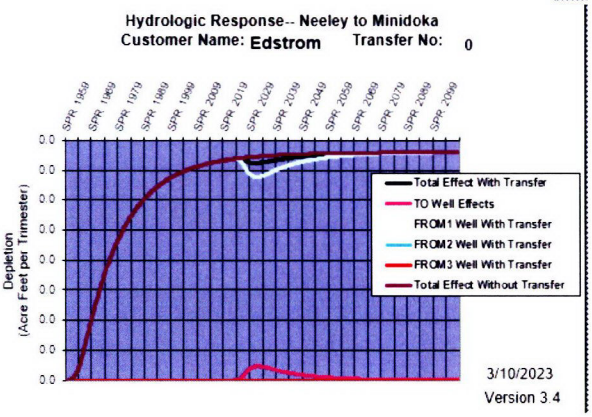




Customer Name: **Edstrom** Transfer No: **0**



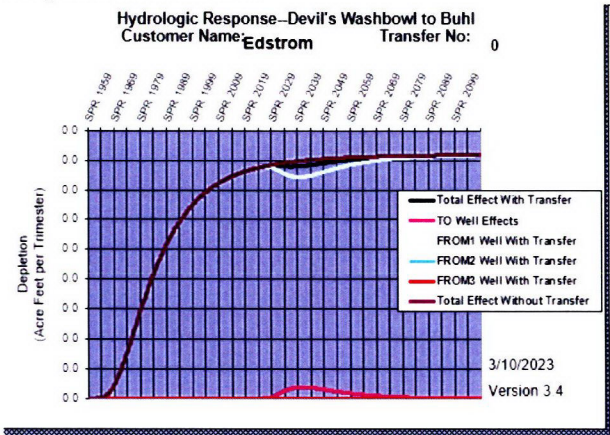



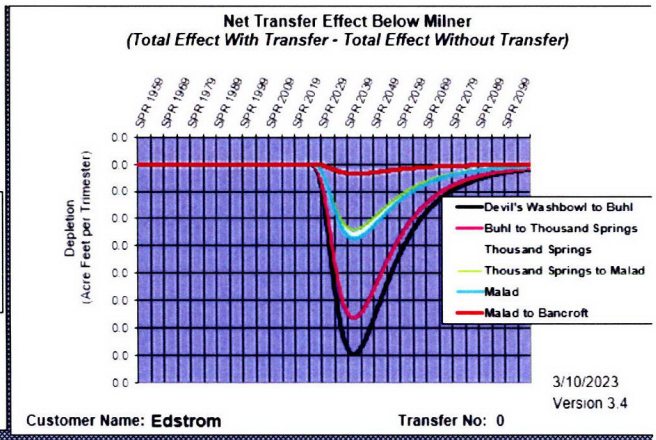



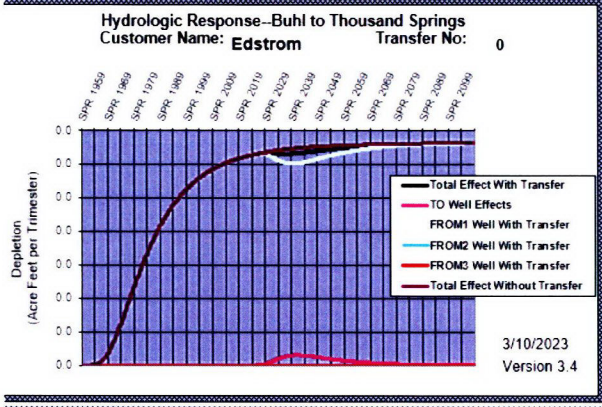



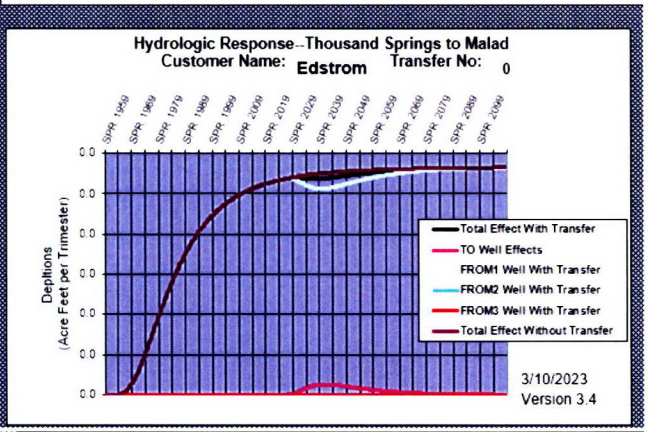

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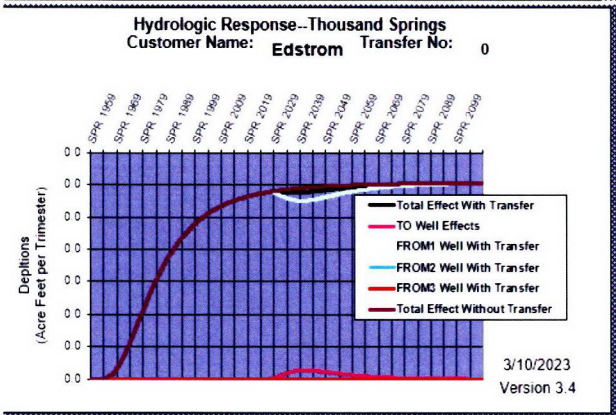
## Graphs Below Milner

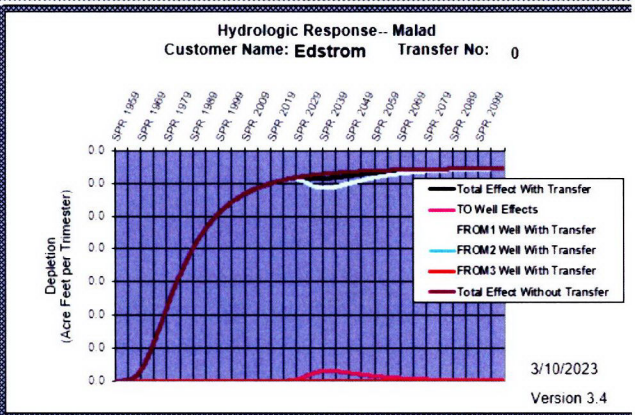


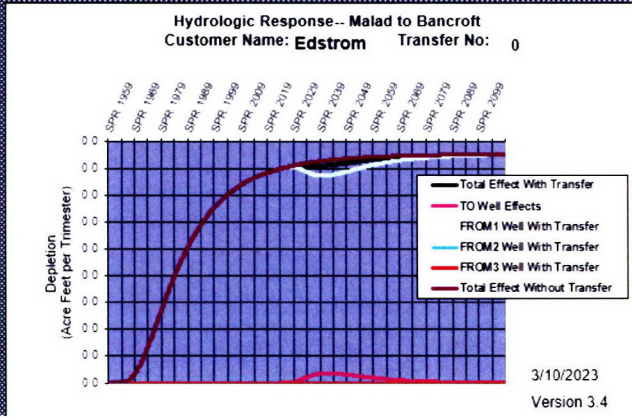




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MAY 23 2023

## Kienholz, Mackenzie

**From:** Adamson, Jared
**Sent:** Tuesday, March 14, 2023 3:47 PM
**To:** Kienholz, Mackenzie
**Subject:** RE: Enforcement Action Related to WSB Rental Application for Edstrom Construction

Hi Mackenzie,

I'm happy to see that Edstrom Construction has pursued a WSB rental. Lately, I've had to prioritize other cases over this one. To answer your question, the rental would in fact help solve part of the enforcement issue and will not create more issues. The WSB rental for the dust abatement will be a good temporary solution to the enforcement case until a permanent water right can be obtained. No permit is necessary for the pond itself if the pond will be filled in or otherwise reclaimed after project completion or within a reasonable time. I'm not sure what a reasonable time would be, however. If the pond is going to remain, Edstrom Construction should be working toward a water right solution to that end.

I hope these insights help.
Let me know if you need any thing else.

Jared

**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
**Sent:** Tuesday, March 14, 2023 1:50 PM
**To:** Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
**Subject:** Enforcement Action Related to WSB Rental Application for Edstrom Construction

Hi Jared,

I am finishing up the review for Water Supply Bank rental application #2564 for Edstrom Construction Properties LLP (see attached application). There is an enforcement action (E2019-1464) from 2019 for this location, and I want to verify that the WSB rental would help solve any issues, not create more. The WSB application is proposing to pump water from the pond for dust abatement. I know that permits are not needed for ponds that are a result of gravel excavation if they will be filled in, but would Edstrom need a permit in this case because of the dust abatement beneficial use? If not, this application should be about ready for approval. Any insight you have would be appreciated.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

Snip from Application Processing Memo No. 67



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2023

Incidental Ponds

An excavation made for another purpose (e.g. gravel or mineral extraction) that fills naturally with water does not require a permit if the excavation will be filled in or otherwise reclaimed to obliterate the pond within a reasonable time. A permit is required if the resulting pond will be retained for aesthetics, recreation or other beneficial uses. For gravel or mineral extractions, a reclamation plan filed with the Department of Lands can provide information on the intended disposition of the excavation.

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## Kienholz, Mackenzie

**From:** Aaron Dalling <aaron.fmid@myidahomail.com>
**Sent:** Monday, March 13, 2023 11:15 AM
**To:** Kienholz, Mackenzie
**Subject:** RE: Injury Concern Questions - WSB Rental Application #2564

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Mackenzie,

We are not concerned on this rental. I appreciate having the opportunity to comment!

Thanks,

Aaron

**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
**Sent:** Monday, March 13, 2023 10:07 AM
**To:** Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Aaron Dalling <aaron.fmid@myidahomail.com>
**Subject:** Injury Concern Questions - WSB Rental Application #2564

Good morning,

I am currently reviewing Water Supply Bank Rental Application #2564 for Edstrom Construction Properties (copy of application attached). This rental is proposing to rent groundwater/irrigation right 22-2175B (POD marked by red X) and divert it for 5.5 af of dust abatement from a pond at the rental location (marked with yellow X). Accounting for the change in nature of use, about 11.2 af would be rented for the use of 5.5 af. The pond is in SENE S14 T5N R39E and is the result of gravel excavation. It is also closer to the Snake River than the lease POD. Wells directly around the lease POD had static water levels of about 300-350 ft whereas the surrounding areas including the rental location had SWLs of about 15-35 ft. I completed ETRAN modeling for this rental (attached) which passed in all reaches. I would like to know if you have any concerns or comments regarding injury for this rental. Please let me know if you have any input.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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MAY 23 2023

## Kienholz, Mackenzie

**From:** Jordan, Blake
**Sent:** Monday, March 13, 2023 10:57 AM
**To:** Kienholz, Mackenzie
**Subject:** RE: Injury Concern Questions - WSB Rental Application #2564

Hi Mackenzie,

I have no comments or concerns about rental application.

Blake

**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
**Sent:** Monday, March 13, 2023 10:07 AM
**To:** Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Aaron Dalling <aaron.fmid@myidahomail.com>
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Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

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Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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MAY 23 2023

## Kienholz, Mackenzie

**From:** Cefalo, James
**Sent:** Monday, March 13, 2023 10:12 AM
**To:** Kienholz, Mackenzie
**Subject:** RE: Injury Concern Questions - WSB Rental Application #2564

Mackenzie,

I don't have any concerns about the proposed WSB Rental.

James

**From:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
**Sent:** Monday, March 13, 2023 10:07 AM
**To:** Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Aaron Dalling <aaron.fmid@myidahomail.com>
**Subject:** Injury Concern Questions - WSB Rental Application #2564

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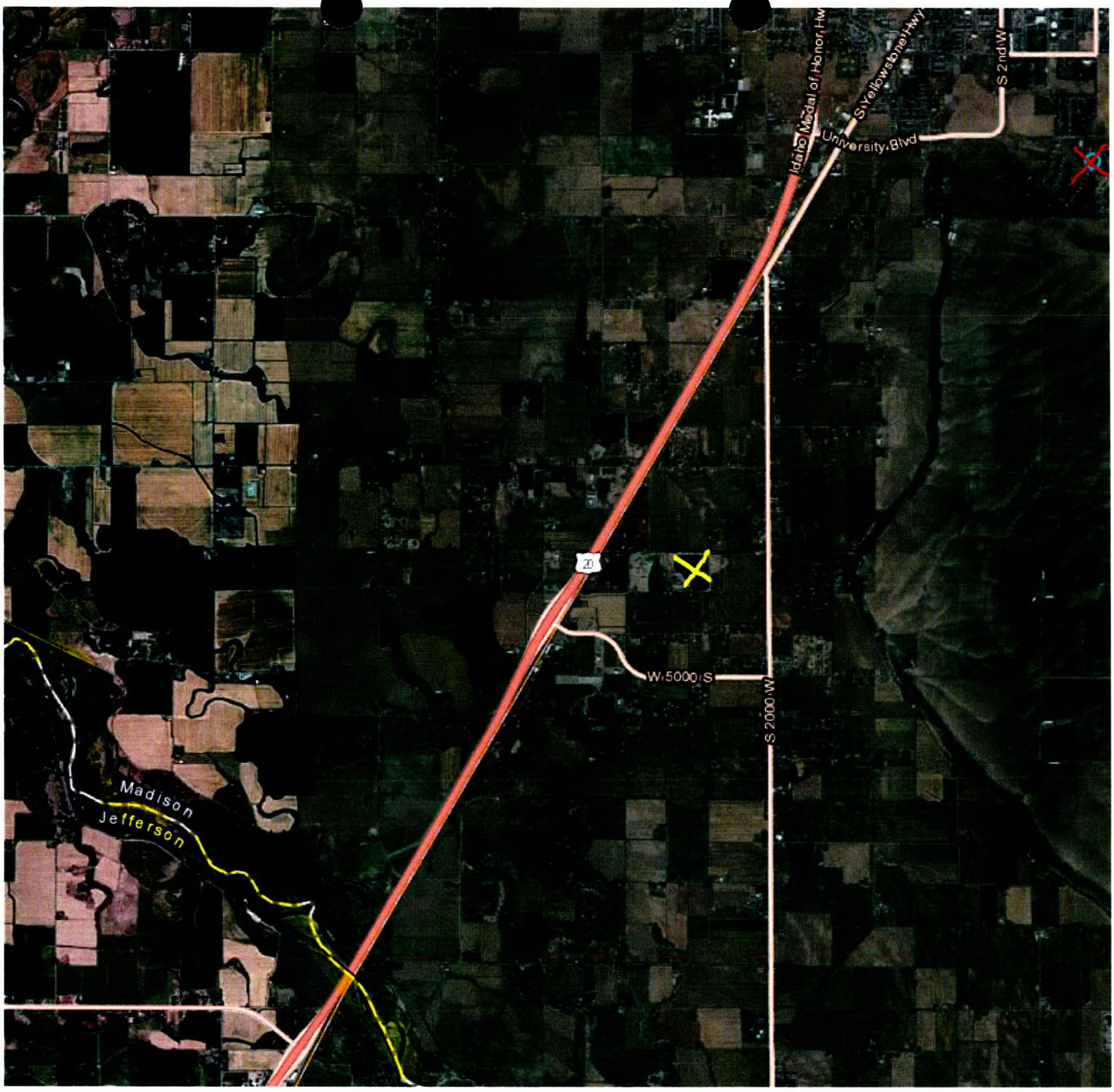
Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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MAY 23 2023




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MAY 23 2023

## Kienholz, Mackenzie

**From:** Kienholz, Mackenzie
**Sent:** Tuesday, January 24, 2023 11:35 AM
**To:** Kristin Moore
**Subject:** RE: Water Supply Bank Rental Application - Edstrom Construction

Hello Kristin,

Thank you for sending these. I will ensure that the agent who reviews the applications is aware of these documents, but that they will not be scanned or added to the public files.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

**From:** Kristin Moore <kristin.rmea@gmail.com>
**Sent:** Tuesday, January 24, 2023 10:55 AM
**To:** Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>
**Cc:** 'Joe Stanislao' <joe@edstromconstruction.net>
**Subject:** RE: Water Supply Bank Rental Application - Edstrom Construction

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Mackenzie,

I left you a message earlier, but you can disregard it. The Edstrom's are hesitant about their power of attorney documents becoming public information since they are not a limited POA, but rather lengthy and complete regarding all of the Edstrom's affairs. I have attached them for your verification of authorization, but please ask that they not be scanned into the online system. See Section 3.07 for the authorizations you need.

Thanks,

**Kristin Moore**
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com

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MAY 23 2023

VOICE: 208-524-2353, Ext #104 FAX: 208-524-1795
Rocky Mountain ENVIRONMENTAL Associates, Inc.

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**From:** Kienholz, Mackenzie [mailto:Mackenzie.Kienholz@idwr.idaho.gov]
**Sent:** Friday, January 20, 2023 12:25 PM
**To:** Kristin Moore <kristin.rmea@gmail.com>
**Subject:** Water Supply Bank Rental Application - Edstrom Construction

Hi Kristin,

Attached is the SOS filing for Edstrom Construction Properties LLP, for whom Water Supply Bank Rental Application #2564 was received on 1/17/2023. Delbert and Linda Edstrom are listed on the SOS filing, but Brian Edstrom signed the application. We will need documentation from Linda or Delbert stating that Brian is authorized to act on behalf of the LLP for this application or a new signature page with Linda or Delbert signing the application before the application can be marked as Ready for Review.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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