STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 23 2024
Department of Water Resources

WATER SUPPLY BANK RENTAL AGREEMENT No. 893

This is to certify that:

IDAHO MATERIALS & CONSTRUCTION
10200 N BATISTE RD
POCATELLO, ID 83202-5356

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)
29-14013	8/19/1952	GROUND WATER	0.22	63.8	16.0	0.014	3.99
Combined Rental Totals			**0.22**	**63.8**	**16.0**	**0.014**	**3.99**

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 2024, whichever occurs last.

Annual Rental Fee:

2024: $1,467.40

The full fee for the rental of the above-described right(s) is $1,467.40 for 2024. The rental fee includes an administrative fee of $146.74 for 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	0.22	29.0
Combined Total	0.22	29.0

**** The authorized water usage reflects a reduction from the water right elements rented, to account for the requested volume.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 893

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: 12/16/24

Printed Name: John Wollen — Title: General Manager

*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 12/30/24
BRIAN PATTON, Executive Manager
Idaho Water Resource Board

Rental approved by IDWR _____ Date 12/30/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 893

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec. 8, Twp 06S, Rge 34E, BANNOCK County

BENEFICIAL USE	DIVERSION RATE	VOLUME
INDUSTRIAL	0.22 CFS	29.0 AF

SEASON OF USE

Water Right No.	From	To
29-14013	1/1	12/31

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	
06S	34E	8					X L3 X L4	X L3 X L4	X L3 X L4 X L6 X L5	X L3 X L4 X L6									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. Upon specific notification of the Department, the renter shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

WATER SUPPLY BANK RENTAL AGREEMENT No. 893

10. Use of water under this rental will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. Prior to diversion and use of water under this rental, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
13. This rental does not grant any right-of-way or easement across the land of another.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 893

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

- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ

N

0 500 1,000 Feet

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
APR 24 2024
DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: Idaho Materials & Construction

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)
29-14012
29-14013

2978

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Idaho Materials & Construction

Mailing Address c/o John Wilkes, 10200 N. Batiste, Pocatello, ID 83205
Street City State Zip Code

Email Address John.wilkes@idahomaterials.com Phone Number (208) 232-5796

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 T.J. Budge Professional Title Attorney

Organization Racine Olson, PLLP Relationship to Applicant Attorney

Mailing Address PO Box 1391, Pocatello, Idaho 83204-1391

Email Address tj@racineolson.com Phone Number 208-232-6101 x 327

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**:

Non-consumptive industrial use for washing gravel. The washing process will be shielded to prevent evaporation

Groundwater diverted to wash gravel will be returned to the aquifer through infiltration.

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

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.22 CFS	28.7 AF	0.22 CFS	28.7 AF	N/A AC

* ***Sometimes water rights provide an exceptionally low rate per acr… n is meant to establish an acceptable range of water sufficient for your proposed water use. …necessary.***

C. This section must be completed in full. Enter the proposed star… …or using rental water as well as the number of years you would like to rent water. The … …ible date by which you would be willing to pay for a rental and be able to benefit from u…

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years					…erence if rental t be processed possible start?	
04/01/2024	07/01/2024	☐ 1	☐ 2	☐ 3	☐ 4	☑ 5	☑ Process application as soon as possible	☐ Return application to applicant

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

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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):
Applicant will pump water from a groundwater well, utilize water in a mobile washing facility, and return water to an on-site infiltration pond.

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

POD Description	Water Source	Other Water Rights Diverted from this POD
pump	groundwater	NA

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: 01/01 (mm/dd) to: 12/31 (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:

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

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

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

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

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

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
29-14012	Municipal	1.83	488.80	NA		0.22	28.7	NA
29-14013	Municipal	2.25	651.20	NA		0.22	28.7	NA
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**	0.22	28.7	NA
						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**:

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:
Water was rented in 2021 under Rental Agreement #537

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

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
Application is for non-consumptive industrial use of water for a temporary water use. The point of diversion of the proposed rental rights is in the adjacent ESPAM model cell; therefore, modeling is not provided

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	John Wilkes Printed Name of Applicant	4/22/24 Date
Signature of Representative	TJ Budge, Attorney Printed Name of Representative	4/22/2024 Date

Mail to:

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

Attachment 2
WSB POU & POD



WSB Mailing Checklist for Rentals

(for use on all new rental applications)

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

Received Date: 04-24-2024
Latest Start Date: 07/01/2024
Renter: Idaho materials & construction
Rental Expiration Date 12/31/2024
Lease/Rental Package Y (N)

Application # 2978 Agreement # 893

Water Right	Lease Contract ID
# ~~29-14012~~	
# 29-14013	1814
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

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:
emailed TJ for authority to sign 12/5/24 am.

Mailings (per application)	Original	CC	Email or Address
Renter: Idaho Materials & Construction	☒	☐	John.Wilkes@idahomaterials.com
Attorney: T.J. Budge - Racine Olson, PLLP	☐	☒	tj@racineolson.com
~~Consultants~~ Name:	☐	☐	
Conveyence Entity: Ex. Irrigation Dist. of Canal Co.	(final only)	☐	
(Ground) Water Dist: WD120	(final only)	☒	
Other: WD Snake 01, Boise, Payette, and Bear River	(final only)	☐	
Region: Eastern	(final only)	☒	
Watermaster: Blake Jordan	(final only)	☒	
Compliance:	(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 Mathew Weaver

January 07, 2025

IDAHO MATERIALS & CONSTRUCTION
10200 N BATISTE RD
POCATELLO, ID 83202-5356

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14013, AGREEMENT 893

Dear Renter:

Please find enclosed a receipt in the amount of **$1,467.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 63.8 acre-feet of water for Industrial of 16.0 acres during 2024. 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 $1,320.66 of the rental fee will be paid to the lessor(s) and 10% or $146.74 will be retained by the Department to offset administrative costs.

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

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosures: Receipt No. E050538
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Representative
Water District 120

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 Mathew Weaver

RECEIVED
DEC 23 2024
Department of Water Resources

December 16, 2024

RECEIVED
DEC 17 2024
DEPT. OF WATER RESOURCES
EASTERN REGION

IDAHO MATERIALS & CONSTRUCTION
10200 N BATISTE RD
POCATELLO ID 83202-5356

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK WATER RIGHT NO(S). 29-14013 AGREEMENT 893

*****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 $1,467.40 **per year** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 63.8 acre-feet.

Please send a check in the amount of $1,467.40 for **2024** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement**, **within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, 90% or $1,320.66 of the rental fee will be paid to the lessor(s) and 10% or $146.74 will be retained by the Department to offset administrative costs for **2024**.

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

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Representative (via email)

$1,467.40 – CK# - 12/17/24 - E0505538

Mansfield, Debra

From: Mansfield, Debra
Sent: Monday, December 16, 2024 9:15 AM
To: john.wilkes@idahomaterials.com; TJ Budge
Cc: Bank
Subject: Proposed WSB Rental Agreement 893, Idaho Materials & Construction
Attachments: Proposed Rental Agreement 893, Idaho Materials & Construction 2024.pdf

Hello,

Please see the attached Proposed WSB Rental Agreement 893, for Idaho Materials & construction.

If you have any questions regarding your proposed agreement please contact the Water Supply Bank at (208)487-4800.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

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 Mathew Weaver

December 16, 2024

IDAHO MATERIALS & CONSTRUCTION
10200 N BATISTE RD
POCATELLO ID 83202-5356

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 29-14013 AGREEMENT 893**

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

Sincerely,

Debra Mansfield

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Representative (via email)

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, December 12, 2024 2:58 PM
To: Cefalo, James; Jordan, Blake
Subject: Request for Comment - WSB Rental Application #2978
Attachments: WM Copy Rental App 2978 Review Memo IMCO.pdf; Rental Agreement #893 Map.pdf; Rental Agreement #893 Move Map.pdf

Good afternoon,

Please see the attached review documents for Water Supply Bank rental application #2978 in the name of Idaho Materials & Construction, and kindly respond with any questions or comments within 10 days.

Thank you,
Mackenzie

Mackenzie Kienholz
Recharge Program
Phone (208) 287-4822
Email mackenzie.kienholz@idwr.idaho.gov
Web www.idwr.idaho.gov
IDAHO DEPARTMENT OF WATER RESOURCES
322 E Front Street, Boise, ID 83702

Condon, Mary

From: TJ Budge <tj@racineolson.com>
Sent: Friday, November 22, 2024 5:59 PM
To: Condon, Mary
Cc: john.wilkes@idahomaterials.com
Subject: Idaho Materials & Construction
Attachments: 20240422 WSB Application to Rent (signed).pdf

Follow Up Flag: Follow up
Due By: Monday, November 25, 2024 4:00 PM
Flag Status: Flagged

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.

Hi Mary,

I'm following up on our conversion concerning the attached rental application submitted on behalf of Idaho Materials and Construction. You questioned the accuracy of the 0.22 cfs diversion rate and the 28.7 AF volume, which you indicated would provide water for only 66 days if diverted 24/7. This email confirms that those figures are accurate.

As noted in the application, this rental is for a gravel washing facility. The facility does not operate year-round, the pump does not run 24/7, and water is recycled in the gravel washing facility. Our calculation is based on a diversion rate as follows:

100 GPM = 0.22 CFS
100 GPM x 10 hours per day = 60,000 gallons per day
60,000 gallons per day x 5 days per week x 7 months (30.3 weeks)/year = 9,100,000 gallons per year
9,100,000 gallons = 28 acre-feet

Let me know if you have any questions.

Thanks,

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
Office: (208) 232-6101 | Direct: (208) 478-3467 | Cell: (208) 705-0826 | racineolson.com

Assistant: Tessa Sparrow | Direct: (208) 478-3444 | tessa@racineolson.com

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Kienholz, Mackenzie

From: Beck, Catalina
Sent: Friday, May 10, 2024 8:49 AM
To: TJ Budge
Subject: RE: Rental application from the Water Supply Bank

Good Morning T.J

Thank you for getting back to me so fast that is what I was looking for the map.

I will intake the rental now

Catalina

Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371

From: TJ Budge <tj@racineolson.com>
Sent: Friday, May 10, 2024 8:46 AM
To: Beck, Catalina <Catalina.Beck@idwr.idaho.gov>; johnwilkes@idahomaterials.com
Subject: RE: Rental application from the Water Supply Bank

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Hi Catalina,

I did not receive a copy of your April 25 letter, so thank you for following up by email. Your letter requests a map that outlines irrigated acres. This rental application is not for irrigation purposes, it is for industrial purposes. The map attached to the application shows the POD and POU for industrial use. I've attached the application and map to this email. Let me know if you have any questions or need any additional information.

Thanks,

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
Office: (208) 232-6101 | Direct: (208) 478-3467 | Cell: (208) 705-0826 | racineolson.com

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From: Beck, Catalina <Catalina.Beck@idwr.idaho.gov>
Sent: Friday, May 10, 2024 8:31 AM
To: johnwilkes@idahomaterials.com
Cc: TJ Budge <tj@racineolson.com>
Subject: Rental application from the Water Supply Bank

Good Morning

I sent a notice on the 25th of April 2024 to Idaho Materials and Construction Company needing additional information. It has been 10 days since I have heard from someone at this time if I don't hear back from someone by the end of the day today May 10, 2024, I will return the application to rent water from the Water Supply Bank. Also, If we receive the map for the rental application note your application was received late in the season and the Department may not be able to process it in time for use this year, or at all. The requested use may be approved for subsequent years only or not at all. Filing of the rental application itself does not authorize the diversion and use of water. You are not authorized to divert any water for the purposes described in this application until you have paid the rental fee and you and the Department have both signed a rental agreement.

I have attached the notice I sent last month to reference what is needed to intake the rental application.

Catalina Beck
Technical Records Specialist I
208-287-4920
Catalina.beck@idwr.Idaho.gov

Idaho Dept. of Water Resources
322 E FRONT ST STE 648, BOISE ID 83702-7371

MEMORANDUM FOR AGREEMENT # 893

To: Water Right(s) 29-14013

From: Mackenzie Kienholz

Date: 12/12/2024

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

---

PURPOSE/NARRATIVE: Rental application #2978 was submitted by T.J. Budge (attorney) on behalf of Idaho Materials & Construction and was received by the Department on 4/24/2024. The application requests to rent a total of 0.22 cfs and 28.7 af for gravel washing from groundwater municipal rights 29-14012 and 29-14013 for 2024-2028. Right 29-14012 is already fully rented for 2024, but 29-14013 has sufficient availability to cover the full rental amount. Right 29-14013 is currently only leased to the Bank through 2024, so the term of this rental will be 2024. Water was previously rented for the same purpose and place of use under rental agreement #537 (2021).

Both the lease and rental are within the ESPA GWMA and WD 120.

AUTHORITY TO FILE: The application was signed by John Wilkes who is listed as the manager of the Idaho Materials and Construction Pocatello manager on the Idaho AGC website. Idaho Materials and Construction is a Staker Parson company; the land at the rental POD and POU is owned by Bannock Paving Co. C/O Staker & Parson Companies. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right 29-14013 is currently leased to the Bank and a review of the right's validity was completed as part of the lease application approval process.

ENLARGEMENT OF USE: While right 29-14013 has a municipal beneficial use, it has a condition (No. 228) stating that it is for irrigation. However, the proposed industrial use is non-consumptive. The applicant noted that the gravel washing operation would be covered to prevent evaporation and water would be returned via an on-site infiltration pond. Therefore, it is not necessary to reduce the amounts authorized for use due to a change in nature of use. However, the applicant requested a rate of 0.22 cfs. The proportionate volume for this rate is 63.8 af; the applicant will need to rent 63.8 af even though only 28.7 af was requested. There will be a change in season of use from 4/1-10/31 to 1/1-12/31, however the rental use is non consumptive so this is not anticipated to cause enlargement. Additionally, the rented annual volume will not be greater than the portion of the original right. Right 29-14013 has historically been used as a primary water right and will continue to be used as such under this rental. There are no other water rights owned by the applicant that overlap the POU and no water rights that overlap the POD.

The representative provided additional information via email regarding the calculations for the amounts rented, which review staff verified and which are summarized below:

Rate: 100 gpm = 0.22 cfs

Volume: 100 gpm for 10 hrs/day = 60,000 gal/day
60,000 gal/day * 5 days/week * 7 months/year = 9,124,500 gal/year = 28 af/year

INJURY TO OTHER WATER RIGHTS: Both the lease and rental are within the ESPA GWMA. Modeling was not submitted with the application as one of the lease PODs is in a grid cell adjacent to the rental POD. However, the right has six PODs. The document "Use of the ESPA Model Transfer Spreadsheet (ETRAN) for Water Supply Bank Rentals in the Eastern Snake Plain Aquifer" provides guidance on how to model water rights with more than three "FROM" wells, which is the amount that can be evaluated in a single model run. Right 29-14013's six PODs are within a 3x3 grid of model cells, so a centroid was used. For this analysis, this was represented by cell R96, C122. The rental POD is located in cell R95, C120.

Modeling Calculations:
(Assuming irrigation use under original right ie 'without transfer')

$$Volume \cdot \frac{consumptive\ use}{headgate\ std} \div 3\ trimesters = 63.8\ af \cdot \frac{3\frac{af}{ac}}{4\frac{af}{ac}} \div 3\ trimesters = 15.95\ af/trimester$$

See ETRAN V3.4 data entry and results below.

While the rental use is nonconsumptive, 10 af/trimester was entered in the "TO WELL" column; this would equate to 30 af/year *fully consumptive use*. This is not the case, but it helps show that even a fully consumptive use of slightly more than the rental amount would not require mitigation, therefore this rental does not require mitigation.

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 #120. A request for comments was sent to the WD #120 watermaster and IDWR Eastern Region office on 12/12/2024.

YEAR	1951	TRANSFER NAME:	CALCULATE EFFECTS
SEASON	SUMMER	IMCO 2978	

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	95	96	0	0
COLUMN	120	122	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 1951	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1951	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SPR 1952	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1952	0.00	15.95	15.95	0.00	0.00	0.00	0.00
WIN 1952	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SPR 1953	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SUM 1953	0.00	15.95	15.95	0.00	0.00	0.00	0.00
WIN 1953	0.00	15.95	15.95	0.00	0.00	0.00	0.00
WIN 2022	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SPR 2023	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SUM 2023	0.00	15.95	15.95	0.00	0.00	0.00	0.00
WIN 2023	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SPR 2024	10.00	0.00	15.95	0.00	0.00	0.00	0.00
SUM 2024	10.00	0.00	15.95	0.00	0.00	0.00	0.00
WIN 2024	10.00	0.00	15.95	0.00	0.00	0.00	0.00
SPR 2025	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SUM 2025	0.00	15.95	15.95	0.00	0.00	0.00	0.00
WIN 2025	0.00	15.95	15.95	0.00	0.00	0.00	0.00
SPR 2026	0.00	15.95	15.95	0.00	0.00	0.00	0.00

First Time Step of Transfer: SUM 2024

Match 220 Match 456

	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total	
fects @ SS (Last Time Step)	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00	15 95	Total Effects without Trai
ue of Dep @ Last Time Step	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00	15 95	Total Effects with Transfe
State (Max Value Timestep)	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00	15 95	Total Effects without Trai
Value of Dep After Transfer	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00	15 95	Total Effects with Transfe

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

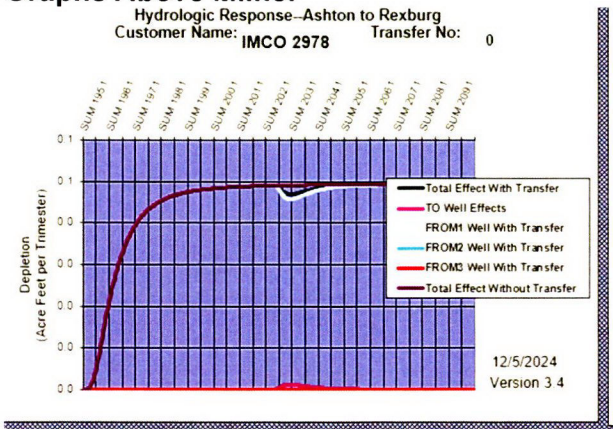
Impact by Reach (AF/Trimester)

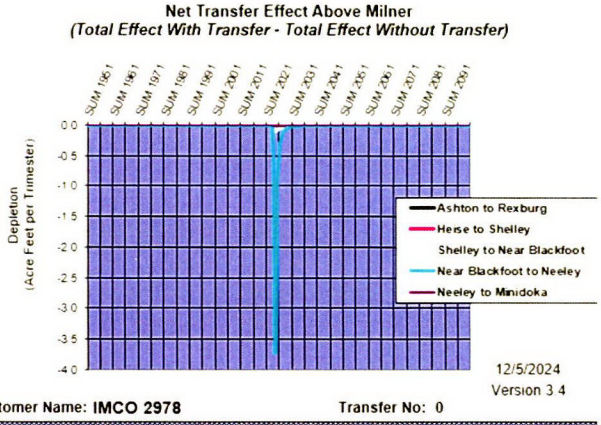
	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev Wbl To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00
	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00
	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00
	0 05	0 08	0 51	15 19	0 03	0 03	0 02	0 01	0 01	0 01	0 00

Steady State Analysis	Mitigation Check 1 - >10% of Historical	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	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	0.3%	0.5%	3.2%	95.2%	0.2%	0.2%	0.2%	0.1%	0.1%	0.1%	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%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Mitigation Check 2 - > 2.01 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 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

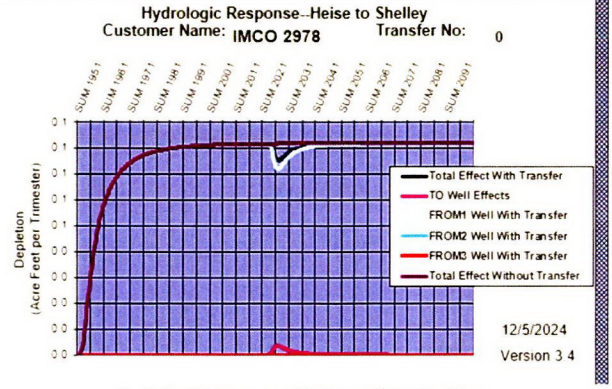
Read Me

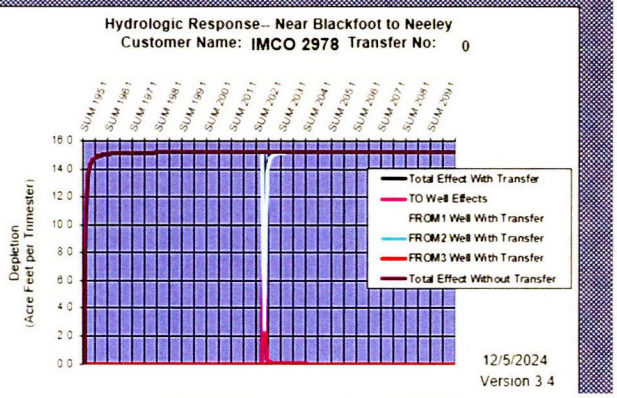
Graphs Above Milner

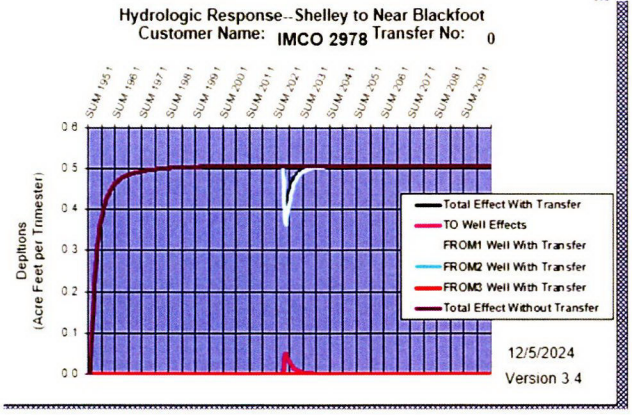


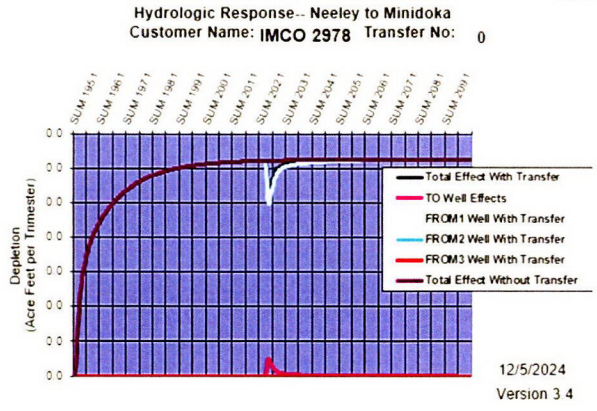


Customer Name: IMCO 2978 Transfer No: 0

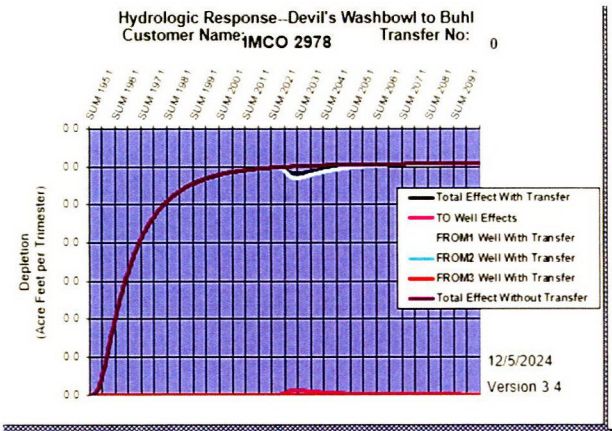


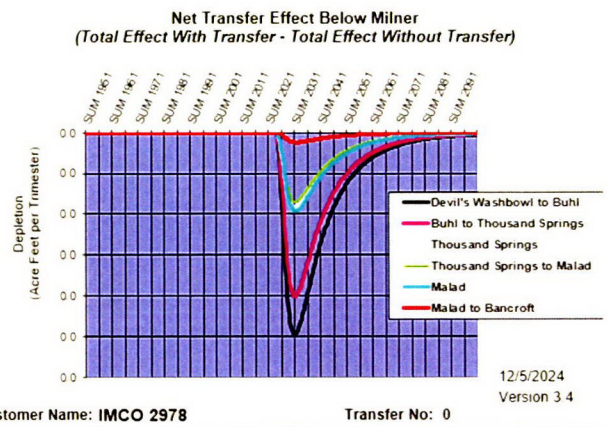


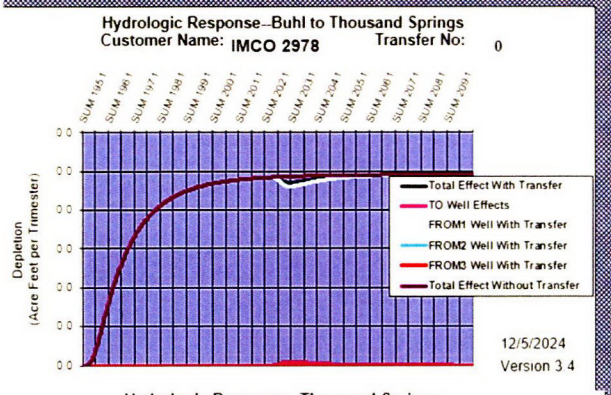


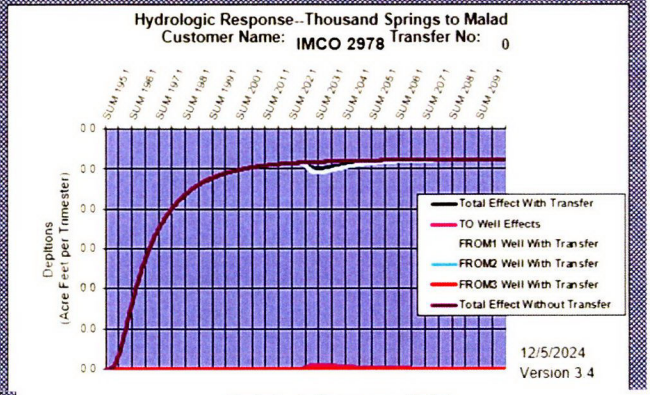


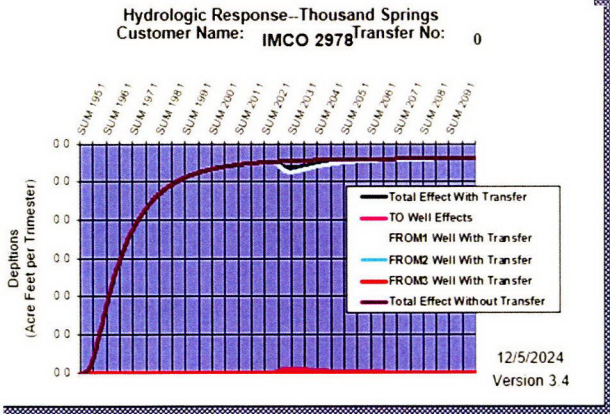
Graphs Below Milner

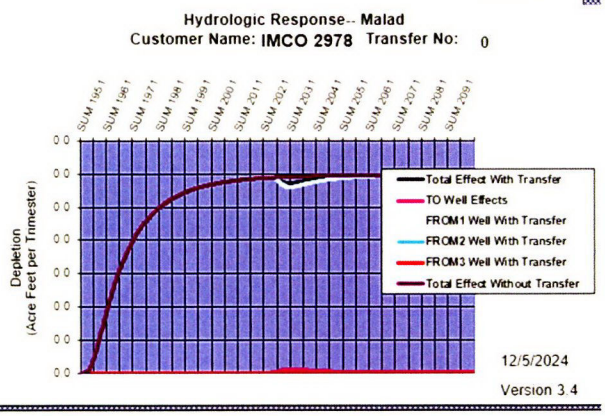


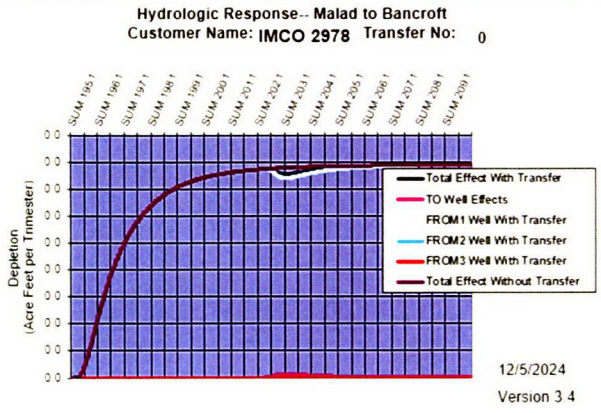








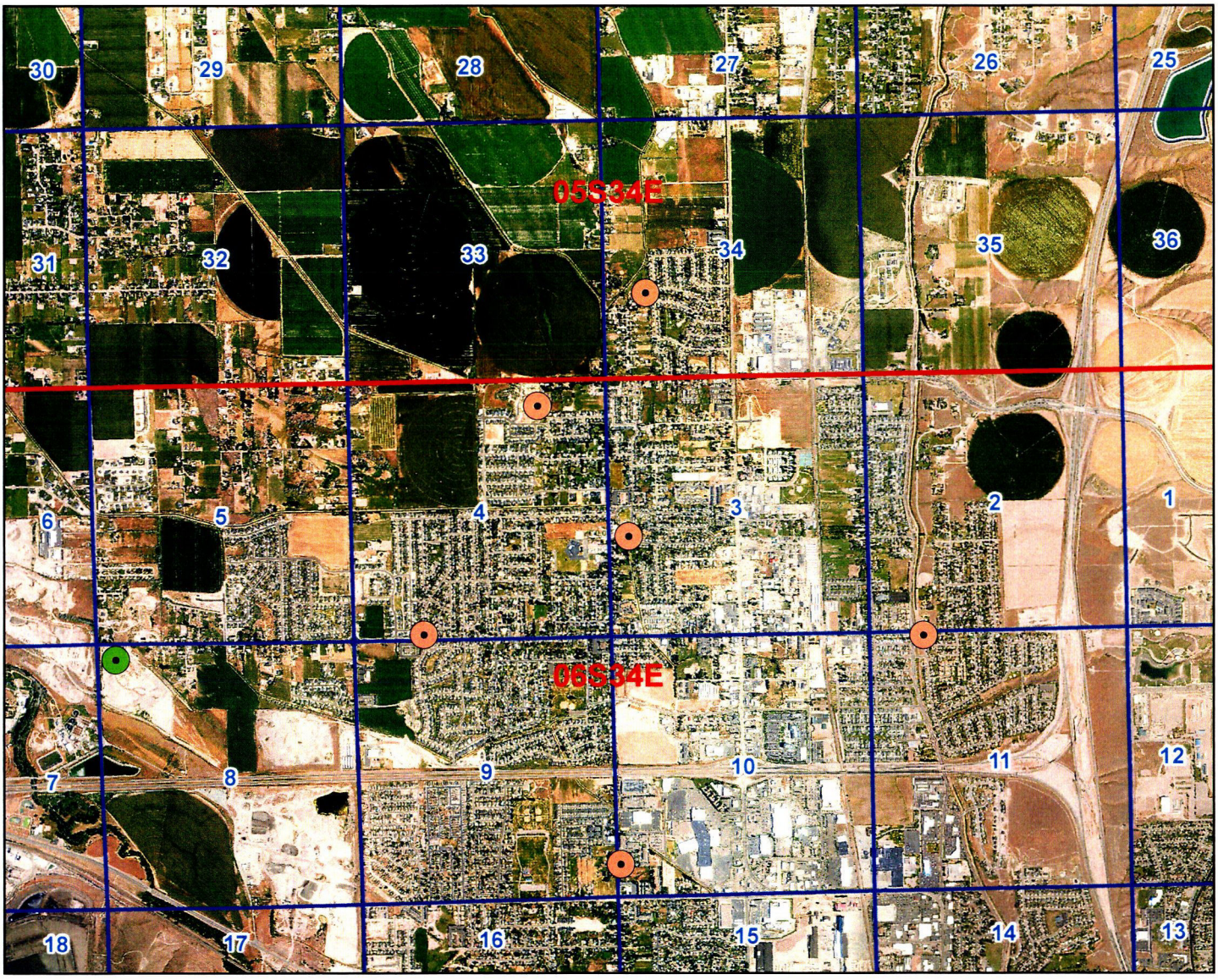




Idaho Water Resource Board

WSB Move Map - Rental Application 893

29-14013
2024



Active Lease POD
Proposed Rental POD
Township/Range
Sections

N

0 1 2 Miles

Date April 25, 2024

APPLICANT NAME IDAHO MATERIALS &
CONSTRUCTION ADDRESS
10200 N BATISTE RD
POCATELLO ID 83202-535

RESPONSE DEADLINE
May 9 2024

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☐ A completed *Application to Rent Water from the Water Supply Bank*
- ☐ If the application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ The place of use described in item #4 of the application does not match your map
- ☐ The signature is missing or we need power of attorney documentation for the signor
- ☐ How will the proposed point of diversion convey water to the place of use
- ☐ Authorization from the individual/entity that owns the land at the place of use
- ☐ Authorization from the individual/entity that owns the land at the proposed point of diversion
- X A map that clearly outlines the location of irrigated acres.
- ☐ Other: _____

I will place your application on hold while you submit your map. Please provide the required information within ten (10) days. While you are making corrections to your application, you will not lose your place in the processing queue.

If sufficient information per this letter is not received within 10 days, your application will not be processed and will be returned to you.

Please contact me if you have questions regarding this matter at (208) 287-4920.

Sincerely,

Catalina Beck

Technical Records Specialist

RACINE OLSON
ATTORNEYS

RECEIVED
APR 24 2024
DEPARTMENT OF
WATER RESOURCES

April 22, 2024

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

Re: Application to Rent Water from the Water Supply Bank

To whom it may concern:

Enclosed please find the original and one copy of an Application to Rent Water from the Water Supply Bank. Please file and process the original and conform stamp and return the copy to me in the enclosed stamped and addressed return envelope.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

T. J. BUDGE

2978

201 E. Center St. | P.O Box 1391 | Pocatello, ID 83204
P: (208) 232-6101 | F: (208) 232-6109 | racineolson.com
Offices in Boise and Pocatello