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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

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Governor Brad Little

Director Gary Spackman

October 25, 2022

PERFORMIX NUTRITION SYSTEMS LLC  
2201 N 20TH ST  
NAMPA ID 83687

**RE: TERMINATION OF RENTAL AGREEMENT #594 FOR WATER RIGHT NO (S) 36-7026**

Dear Renter:

Per the email correspondence between your representative and Mary Condon, the Water Supply Bank Coordinator, the Department of Water Resources (Department) acknowledges your intent to end your Rental Agreement for rental of water for Water Right(s) 36-7026 effective immediately.

**The rental agreement is terminated and no longer in effect.** Water Supply Bank records will be closed. Any diversion or use of water associated with this rental agreement is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms from the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). If you have any questions regarding this matter, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz".

Mackenzie Kienholz  
Water Supply Bank Specialist

c: Corey Skinner – IDWR Southern Regional Office  
Chris Bromley – McHugh Bromley, PLLC

## Kienholz, Mackenzie

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**From:** Kienholz, Mackenzie  
**Sent:** Tuesday, October 25, 2022 11:39 AM  
**To:** Kienholz, Mackenzie  
**Subject:** FW: 2023 Rental Fees

**From:** Chris Bromley <[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)>  
**Sent:** Tuesday, October 25, 2022 10:26 AM  
**To:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Cc:** Kirk Bowman <[Kirk.Bowman@performixnutrition.com](mailto:Kirk.Bowman@performixnutrition.com)>  
**Subject:** Re: 2023 Rental Fees

**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.**

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Mary,

Please terminate the rental for 2023.

Thanks,

Chris

On Tue, Oct 25, 2022, 9:57 AM Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)> wrote:

Chris,

2022 fees were already paid and rental fees are not refunded once the season has started.

Mary Condon

Water Supply Bank Coordinator



**From:** Chris Bromley <[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)>  
**Sent:** Tuesday, October 25, 2022 9:55 AM

To: Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
Cc: Kirk Bowman <[Kirk.Bowman@performixnutrition.com](mailto:Kirk.Bowman@performixnutrition.com)>  
Subject: Re: 2023 Rental Fees

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Mary,

If I do this, are fees owed for 2022?

Thanks,

Chris

On Tue, Oct 25, 2022, 9:28 AM Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)> wrote:

Hi Chris,

Performix can just send a request to terminate the rental before the rental season of use for 2023. This can be by formal mailed request at my attention, or via an email to myself.

Best,

Mary

Mary Condon

Water Supply Bank Coordinator

**From:** Chris Bromley <[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)>  
**Sent:** Tuesday, October 25, 2022 9:19 AM  
**To:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Cc:** 'Kirk Bowman' <[Kirk.Bowman@performixnutrition.com](mailto:Kirk.Bowman@performixnutrition.com)>  
**Subject:** RE: 2023 Rental Fees

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Good Morning Mary,

I have a question. Performix was able to secure water rights for the facility earlier this year: 36-17195 and 36-17196. Having these water rights eliminates the need for the rental. The rental was always intended as a stop-gap until water rights could be acquired. What does Performix need to do to terminate the rental for this year and moving forward?

Thanks,

Chris

**From:** Condon, Mary <[Mary.Condon@idwr.idaho.gov](mailto:Mary.Condon@idwr.idaho.gov)>  
**Sent:** Tuesday, October 25, 2022 8:53 AM  
**To:** Chris Bromley <[cbromley@mchughbromley.com](mailto:cbromley@mchughbromley.com)>  
**Subject:** 2023 Rental Fees

Good morning,

Please see the attached 2023 Rental Fee Reminder Letter going out in today's mail.

Best,

Mary

Mary Condon

Water Supply Bank Coordinator

Planning & Projects

[mary.condon@idwr.idaho.gov](mailto:mary.condon@idwr.idaho.gov)

Direct: (208) 287-4936