

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 584

RECEIVED
NOV 15 2021
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

J R SIMPLOT CO
1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

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)
35-4189	11/14/1960	GROUND WATER	0.04	4.0			
Combined Rental Totals			0.04	4.0			

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2022. 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 2021, whichever occurs last.

Annual Rental Fee:
2021 - 2022: \$8.00 annually

The full fee for the rental of the above-described right(s) is \$8.00 per year for years 2021 - 2022. The rental fee includes an administrative fee of \$8.00 per year for years 2021 - 2022. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-4189.

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)
DOMESTIC	0.020	4.0
INDUSTRIAL	0.020	4.0
Combined Total	0.040	4.0

Detailed water right conditions are attached.

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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:

J. R. Simplot Company

By: [Signature]
Signature of Renter

11-5-2021
Date

James B. Alderman
Senior Vice President and Secretary

Printed Name

Title

*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 [Signature]
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 11/30/21

Rental approved by IDWR [Signature]

Date 11/30/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 584

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER 4NENW Sec. 2, Twp 03N, Rge 37E, BONNEVILLE County

BENEFICIAL USE

DOMESTIC
INDUSTRIAL

DIVERSION RATE

0.02 CFS
0.02 CFS

VOLUME

4.0 AF
4.0 AF

SEASON OF USE

Water Right No. **From** **To**
35-4189 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	
03N	37E	2					I L4												

RENTERS PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	2					D L4												

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. This rental does not authorize the construction of a well.

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DEPARTMENT OF WATER RESOURCES

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10. Use of water under this right 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. Prior to the diversion and use of water under this approval, the renter shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
12. The renter shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. The renter shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
14. 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 agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.
15. Rights 35-4189 and 35-8162 when combined shall not exceed a total diversion rate of 0.04 cfs and a total annual maximum diversion volume of 4.0 af.

Idaho Water Resource Board

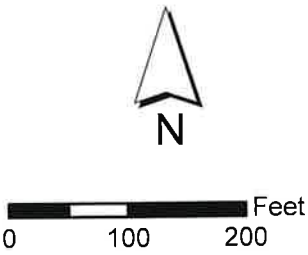
Attachment to Water Supply Bank Rental Agreement No. 584

Effective until December 31, 2022

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



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



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK

RECEIVED

AUG 26 2021
DEPARTMENT OF
WATER RESOURCESApplicant Name: J. R. Simplot Company

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)

35-4189

2141

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. R. Simplot Company

Mailing Address	1099 W. Front Street	Boise	ID	83702
	Street	City	State	Zip Code
Email Address	vic.conrad@simplot.com		Phone Number	208-780-7359

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 _____	Professional Title _____
Organization _____	Relationship to Applicant _____
Mailing Address _____	
Email Address _____	Phone Number _____

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**:

Water will be used for blending, storage and distribution of crop nutrient and crop protection products and for office purposes.

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)
0.4 CFS	4 AF	0.4 CFS	4 AF	NA 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?	
Aug-4-2021		☐ 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):

Water is diverted with a well and distributed with underground pipelines to office.

- 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
T.3N R.37E Lot 4 Sec. 26	groundwater	35-8114

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: Jan. 1 (mm/dd) to: Dec. 31 (mm/dd)
- ☒ Other: Domestic from: 12/31 (mm/dd) to: 01-01 (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:

35-8162

**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)
35-4189	Commerical	0.84	609.2			0.04	4	N/A
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	0.16	15	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**:

Not Applicable

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**:

The proposed use is industrial and domestic. The leased water right was decreed from Commercial Use.

**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

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

James B. Alderman

Printed Name of Applicant
Senior Vice President and
Secretary

8-24-2021

Date

Signature of Representative

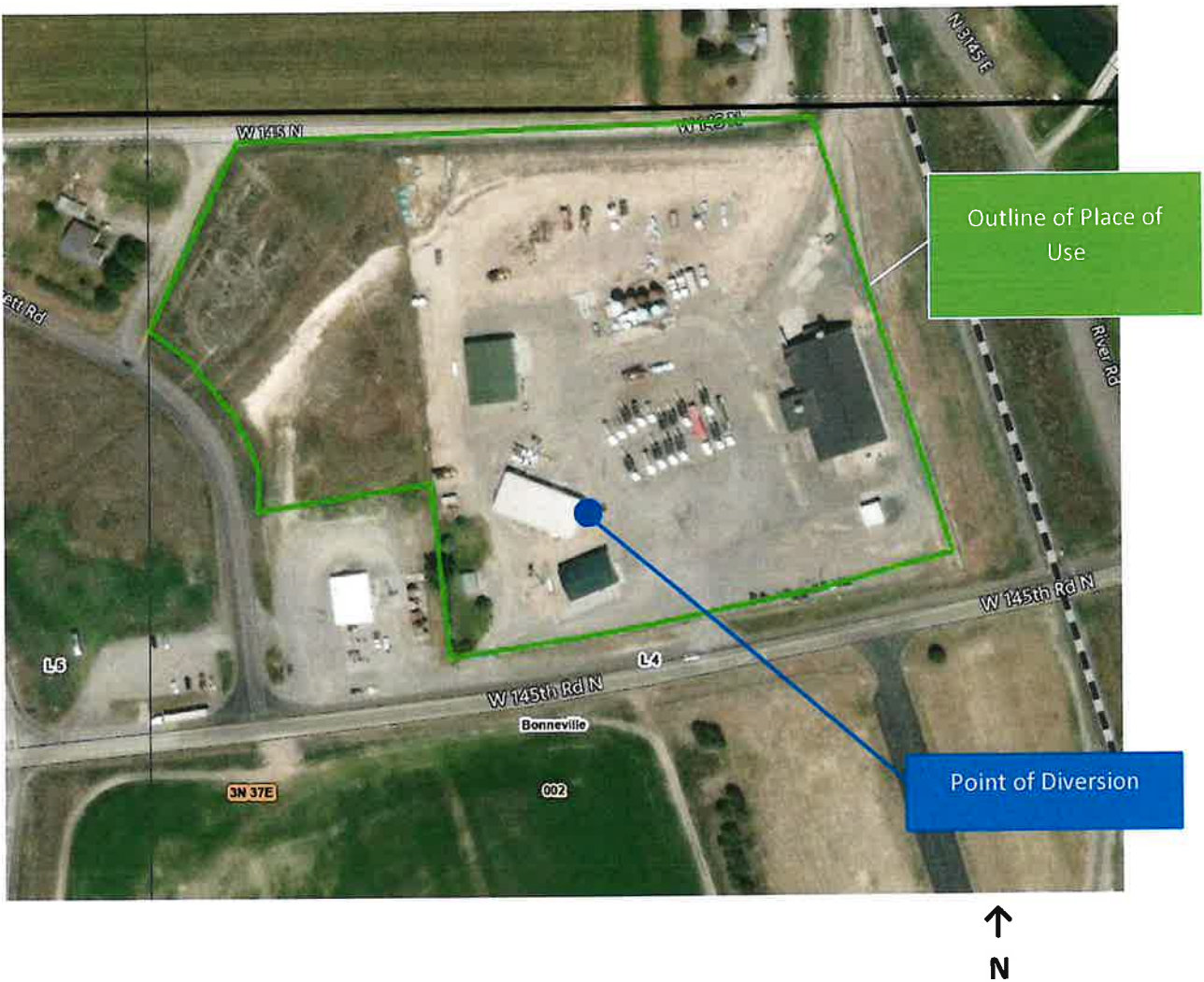
Printed Name of Representative

Date

Mail to:

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

Map for 4 Acre Foot Water Bank Rental Application near Osgood, Idaho





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

December 2, 2021

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-4189 AGREEMENTS 583 & 584**

Dear Renter:

Please find enclosed a receipt in the amount of **\$38.00 & \$8.00 as well as** a copy of a fully executed Water Supply Bank Rental Agreements in connection with the rental of 15 acre-feet of water for commercial use during 2021 and rental of 4 acre-feet of water for domestic and industrial use during 2021. 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.

Since you are both the lessor and the renter of the right(s), you are only obligated to pay the 10% administrative fee or \$30.00 and \$8.00.

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. C111303 & C111304
Rental Agreement (copy)

c: Sascha Marston – Fiscal



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

October 27, 2021

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 35-4189, AGREEMENT 583 & 584**

*****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 **\$30.00 & \$8.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 15 & 4 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$38.00.** 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.

Please send a check for \$38.00 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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(s)

c: IDWR Front Desk

From: Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Sent: Tuesday, September 14, 2021 1:01 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: WSB Lease/Rental Applications 2130, 2131 and 2141 for JR Simplot

Hi Remington,
I have no issues with lease and rentals

Blake

Blake Jordan || Water Rights Supervisor



IDAHO DEPARTMENT OF
WATER RESOURCES

900 N Skyline Dr. Ste A
Idaho Falls, ID 83402
208-497-3777

From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Tuesday, September 14, 2021 11:52 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: WSB Lease/Rental Applications 2130, 2131 and 2141 for JR Simplot

I don't have any concerns or comments about the proposed WSB lease and rental.

James

From: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Sent: Tuesday, September 14, 2021 11:47 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Jordan, Blake <Blake.Jordan@idwr.idaho.gov>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: WSB Lease/Rental Applications 2130, 2131 and 2141 for JR Simplot

James, Blake,

The Bank recently received a lease proposal (application 2130) for a portion of water right 35-4189, so that the leased portions could be rented through rental applications 2131 and 2141, to offset curtailment orders for Simplot's water rights 35-8114 and 35-8162.

The lease and rental review memos, maps and draft approvals are attached to this email. On behalf of WD 120 and Eastern Region, please advise if you have any questions, comments or concerns about these WSB transactions.

Thank you,

Remington

MEMORANDUM FOR AGREEMENT # 584

To: Water Supply Bank Rental Application 2141
From: Remington Buyer
Date: September 14, 2021
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

On August 26th, 2021, IDWR received from the JR Simplot Company (Simplot) lease/rental applications for Eastern Snake River Plain Aquifer (ESPA) ground water right 35-4189, a portion of which is proposed to be leased to the Bank, to supplement (replace/mitigate for) commercial and industrial water uses authorized under water rights 35-8114 and 35-8162, which were recently curtailed under an August 4th, 2021 order of the Director, per the Surface Water Coalition (SWC) Delivery Call (Docket #CM-DC-2010-001). Because Simplot is not a member of a local ground water district, and because water rights 35-8114 and 35-8162 are junior the June 14th, 1977 priority date described in the curtailment order, they do not have safe harbor from the SWC delivery call, and they must curtail diversions and uses of ground water under the rights. The rentals effectively mitigate for the curtailment order. This review memo pertains to rental application 2141 which supplements/mitigates for the curtailment of water right 35-8162 through a rental of portions of water right 35-4189.

Water right 35-8162 authorizes diversions of ESPA ground water for domestic and industrial uses, specifically, for the mixing of fertilizer. The diversion rate and volume for water right 35-8162 is 0.04 cfs and 3.4 af, of which 0.02 cfs is diverted for domestic purposes and 0.02 cfs is diverted for industrial purposes. The domestic and industrial uses both authorize a diversion of up to 3.4 afa, however, the right is limited to 3.4 afa overall. Rental application 2141 requests a year-round authorization to divert 0.04 cfs and 4 af for industrial and domestic purposes. (Note: the applicant stated they desired a rental of 0.4 cfs in question 3B of the application, however they also stated they desired a rental of 0.04 cfs in question 4B.) The applicant has stated that diverted water will be used for “blending, storage and distribution of crop nutrient and fire suppression products and office purposes”. Effectively, this rental will completely offset the curtailment of water right 35-8162

AUTHORITY TO FILE: The property where water right 35-4189 will be diverted and used is owned by Simplot and the rental application has been signed by James Alderman, Senior Vice President of the Simplot Company. No concerns about authority to file.

WATER RIGHT VALIDITY: Water right 35-4189 is valid and available for rental. No Water Management Information System (WMIS) data appears to be available for water right 35-8162, however it is presumed that water has been diverted and used for commercial purposes under 35-8162 during recent years, and that water right 35-8162 is valid.

INJURY TO OTHER WATER RIGHTS: ESPA transfer tool (ETRAN) modeling suggests that no injury is apparent to the Snake River through the relocation of 4 af annually from the leased location of 35-4189 to the rental location.

ENLARGEMENT OF USE: This application proposes the rental of a fully consumptive commercial water right for fully consumptive industrial and domestic purposes. No enlargement is apparent under the rental.

LOCAL PUBLIC INTEREST: staff are not aware of any information that indicates this rental is contrary to or inconsistent with any local public interests.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: Industrial and domestic uses are beneficial uses and staff are unaware of any information that would suggest this rental is inconsistent with water conservation practices.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Review comments were requested from IDWR's Eastern Region and Water District 120 on September 14th, 2021.

WATER SUPPLY BANK RECOMMENDATION: Staff recommend this rental be approved.