

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 600

This is to certify that:

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

RECEIVED

JAN 31 2022

DEPARTMENT OF
WATER RESOURCES

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)
36-4179	8/9/1959	GROUND WATER	0.18	72.5
Combined Rental Totals			0.18	72.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2026. 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 2022, whichever occurs last.

Annual Rental Fee:

2022: \$145.00 annually
2023 - 2026: \$166.75 annually

The full fee for the rental of the above-described right(s) is \$145.00 per year for years 2022 - 2022 and \$166.75 per year for years 2023 - 2026. The rental fee includes an administrative fee of \$145.00 per year for years 2022 - 2022 and \$166.75 per year for years 2023 - 2026. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 36-4179.

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)
COMMERCIAL	0.18	9.0
Combined Total	0.18	9.0

*** The authorized water usage reflects a reduction from the water right elements rented, to account for the beneficial use proposed on the application.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 600

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

1-27-22

Date

James B. Alderman

Printed Name

Senior Vice President and Secretary

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 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 2/2/22

Rental approved by IDWR 

Date 2/2/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 600

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec. 14, Twp 08S, Rge 16E, JEROME County

BENEFICIAL USE
COMMERCIAL

DIVERSION RATE
0.18 CFS

VOLUME
9.0 AF

SEASON OF USE

From **To**
1/1 12/31

RENTERS PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
08S	16E	14									X			X		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. Use of water under this right may 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. 130.
10. Prior to the diversion and use of water under this rental agreement the renter shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 600

11. 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.
12. This rental agreement does not authorize the construction of a well.
13. 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.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 600

Effective until December 31, 2026

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



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



0 500 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

OCT 12 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant 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)

36-4179

2165

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. R. Simplot Company

Mailing Address 1099 West 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 James B. Alderman Professional Title Sr. Vice President and Secretary
 Organization J. R. Simplot Company Relationship to Applicant Officer of Applicant
 Mailing Address Same as Applicant
 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 an office, blending fertilizer and crop protection products and washing equipment.

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)
0.18 CFS	9 AF	0.18 CFS	9 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?	
May 13, 2020	May 13, 2020	☐ 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):
Well pump motor, underground pipelines

- 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
Well	Groundwater	36-8471

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: 1/1 (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)
36-4179	Industrial	4.27	1,723.11	NA		0.18	9	
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	0.18	9	
						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**:

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**:

Water Right 36-4179 is an industrial water right and is available for full consumption.

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:

The water use described in this application was approved in 2020 pursuant to Water Supply Bank Rental Agreement No. 453

- 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

Water will be rented to cover the curtailment of water right no. 36-8471 in accordance with the delivery of water right nos. 36-2551 and 36-7694 (Rangen Call).

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

October 7, 2021

Date

Senior Vice President and Secretary

Printed Name of Representative

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

- A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
- B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
- C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit <https://idwr.maps.arcgis.com/home/> to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

- A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
- B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

Point of Diversion and Place of Use: T.8S R.16E B.M. Sec. 14 SW¼SE¼.



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

February 2, 2022

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). 36-4179 AGREEMENTS 599 & 600**

Dear Renter:

Please find enclosed a receipt in the amount of **\$539.00** and a copy of a fully executed Water Supply Bank Rental Agreements in connection with the rental of 197 acre-feet of water for industrial and irrigation of 14.0 acres and 72.5 acre-feet of water for commercial use during 2022. 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 \$2,672.68.**

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. C111830
Rental Agreement (copy)

c: Sascha Marston – Fiscal



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

January 18, 2022

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

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 36-4179, AGREEMENTS 599 & 600**

*****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 **\$394.00 & \$145.00** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 179 & 72.5 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 \$539.00.** 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 \$539.00 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

MEMORANDUM

TO: Water Right 36-4179
FROM: Cody Parker
RE: Evaluation of WSB Rental Application 2165
DATE: January 11, 2022

Application 2165 was submitted on October 12, 2021 proposing to rent 0.18 cfs and 9 afa from water right 36-4179 for industrial use. This rental is meant to be used in place of water right 36-8471 which is curtailed to deliver rights 36-2551 and 36-7694 (the Rangen Call) according to the application. This rental is a renewal of WSB rental agreement 453, which was active for the years 2020 and 2021.

Authority to File

The applicant is JR Simplot Company. James B Alderman signed the application. MR. Alderman is listed as the Registered Agent for the JR Simplot Company Foundation Inc. The place of use and point of diversion associated with the application are owned by JR Simplot Co according to the available tax parcel information.

Water Right Validity

Validity of the leased water right, 36-4179, was confirmed separately during the review of WSB lease application 2164. No concerns.

Injury to Other Water Rights

The scenario proposed by the application was modeled using the latest version of the ESPA ETRAN model (3.4). Results indicate that the full volume can be diverted at the proposed rental POD without any mitigation required. This seems to conflict with the previous evaluation for Rental Agreement 453, which showed that, of the 9.0 afa rented, only 3.6 afa could be diverted at the rental location without causing injury to the Snake River. The amount of authorized water use will not be reduced from the rentable quantities for this new rental agreement.

Enlargement of Use

The rental application proposes industrial use of water. However, the water right that was curtailed was for commercial use. Since this rental is meant to authorize the same beneficial use it will be labeled as commercial on the new rental agreement, which is consistent with rental agreement 453. This constitutes a change in the nature of use for 36-4179 (the right being rented), which authorized industrial use. However, the industrial use of water under 36-4179 was shown to have been fully consumptive historically. Therefore, there is no reduction in volume resulting from the change in nature of use. No enlargement concerns.

The rental agreement is for a percentage of the total leased water right. The percentage is based on the rate in this case. The rental application requested 0.18 cfs which is 4% of the leased portion of water right 36-4179. The same percent of the volume is 72.5 afa. The rental agreement will reduce the usable amount to 9.0 afa per the application.

Local Public Interest

Review staff have no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources

This rental proposes the same use of water which was permitted and licensed under right 36-8471. Since, the use was found to be consistent with the conservation of water resources per §42-203A(5)(f) during the permit evaluation for 36-8471, we can assume that it is also consistent now.

Department Staff and Watermaster Comments

Comments were requested from IDWR's southern region and water district 130.

MEMORANDUM

TO Water Right 36-4179

FROM Cody Parker

RE ESPA Model Analysis for WSB Rental Application 2165

DATE January 11, 2022

Model Parameters

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

YEAR 1959

SEASON SPRING

TRANSFER NO: 0

TRANSFER NAME: test

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	53	84	0	0
COLUMN	24	52	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL		R
	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	
SPR 1959	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1959	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1959	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1960	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1960	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1960	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1961	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1961	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1961	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1962	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1962	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1962	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1963	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1963	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1963	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1964	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1964	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1964	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SPR 1965	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
SUM 1965	0.00	3.00	3.00	0.00	0.00	0.00	0.00	
WIN 1965	0.00	3.00	3.00	0.00	0.00	0.00	0.00	

Figure 1 Grid cells, starting year, 9.0 afa modeled

SPR 2021	0.00	3.00	3.00	0.00
SUM 2021	0.00	3.00	3.00	0.00
WIN 2021	0.00	3.00	3.00	0.00
SPR 2022	3.00	0.00	3.00	0.00
SUM 2022	3.00	0.00	3.00	0.00
WIN 2022	3.00	0.00	3.00	0.00
SPR 2023	3.00	0.00	3.00	0.00
SUM 2023	3.00	0.00	3.00	0.00
WIN 2023	3.00	0.00	3.00	0.00
SPR 2024	3.00	0.00	3.00	0.00
SUM 2024	3.00	0.00	3.00	0.00
WIN 2024	3.00	0.00	3.00	0.00
SPR 2025	3.00	0.00	3.00	0.00
SUM 2025	3.00	0.00	3.00	0.00
WIN 2025	3.00	0.00	3.00	0.00
SPR 2026	3.00	0.00	3.00	0.00
SUM 2026	3.00	0.00	3.00	0.00
WIN 2026	3.00	0.00	3.00	0.00
SPR 2027	0.00	3.00	3.00	0.00
SUM 2027	0.00	3.00	3.00	0.00
WIN 2027	0.00	3.00	3.00	0.00
SPR 2028	0.00	3.00	3.00	0.00
SUM 2028	0.00	3.00	3.00	0.00

Figure 2 Rental from 2022 – 2026

Model Results

	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB
Preexisting Effects @ SS (Last Time Step):	0.03	0.05	0.28	1.25	0.12	0.43	0.34	0.15	0.14	0.15	0.02
Steady State - Value of Dep. @ Last Time Step:	0.03	0.05	0.28	1.25	0.12	0.43	0.34	0.15	0.14	0.15	0.02
Preexisting Effects @ Transient State (Max Value Timestep):	0.03	0.05	0.28	1.25	0.12	0.43	0.34	0.15	0.14	0.15	0.02
Transient State - Max. Value of Dep. After Transfer:	0.03	0.05	0.28	1.25	0.12	1.07	1.01	0.43	0.34	0.27	0.03

Mitigation Analysis – Transient State Analysis

Transient State Analysis	Mitigation Check 1 - > 10% of Historical	-0.3%	-0.2%	-0.1%	-0.1%	-0.1%	147.3%	192.0%	174.5%	142.8%	78.8%	68.4%
Mitigation Check 2: > 6 AF/A:	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.7	0.3	0.2	0.1	0.0
Mitigation Required?:	NO	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	0.6	0.7	0.3	0.2	0.1	0.0

Conclusion

Analysis reveals that 9.0 afa may be diverted at the rental location without having to provide mitigation. This is in contrast to the previous rental evaluation which determined only 3.6 of the 9.0 afa rented may be diverted from the rental location. The rental agreement is for a percentage of the total leased water right, which means the renter will be renting more water than they plan to use. This will only serve to lessen the impact on the Snake River.

Parker, Cody

From: Parker, Cody
Sent: Tuesday, January 11, 2022 2:34 PM
To: Erickson, Nathan; Skinner, Corey
Subject: Simplot Lease-Rentals
Attachments: Lease Contract.docx; Lease Map.pdf; Review Memo.docx; Rental Agreement.docx; Memo_Review.docx; Move Map.pdf; Rental Agreement.docx; Memo_Review.docx; Move Map.pdf

Corey and Nathan

Attached are some WSB docs for a Simplot lease-rental. These are all renewals of previous WSB transactions.

Lease contract 1480 will lease the full extent of water right 36-4179 into the water supply bank for a period of 5 years (until 2026).

Rental 600 will rent some water from lease 1480 for Commercial use at a Simplot location in Jerome county. This rental is the result of curtailing water right 36-8471 in the Rangen call.

Rental 599 will also rent water from lease 1480 for Industrial and Irrigation use (14 acres) at a location in Minidoka county. This rental is the result of curtailment of water rights 36-7636 and 36-8469 in the Rangen call.

Please let me know if you have any comments.

Thanks

Cody Parker