

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 453

RECEIVED

JUL 22 2020

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)
36-4179	8/9/1959	GROUND WATER	0.18	9.0	-
<b>Combined Rental Totals</b>			<b>0.18</b>	<b>9.0</b>	<b>-</b>

**Term of Rental:** This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2021. 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 2020, whichever occurs last.

**Annual Rental Fee:**

2020 - 2021: \$18.00 annually

The full fee for the rental of the above-described right(s) is \$18.00 per year for years 2020 - 2021. The rental fee includes an administrative fee of \$18.00 per year for years 2020 - 2021. 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)	Acres (AC)
COMMERCIAL	0.18	3.6	-
<b>Combined Total</b>	<b>0.18</b>	<b>3.6</b>	<b>-</b>

**\* The authorized water usage reflects a reduction from the water right elements rented, to account for ESPA modeling requirements**

Detailed water right conditions are attached.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 453**

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

7-20-2020  
\_\_\_\_\_  
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 07/29/20  
\_\_\_\_\_

Rental approved by IDWR   
\_\_\_\_\_

Date 07/29/20  
\_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER SUPPLY BANK RENTAL AGREEMENT No. 453**

**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**

3.6 AF

**SEASON OF USE**

**From              To**  
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	
08S	16E	14									X			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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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.

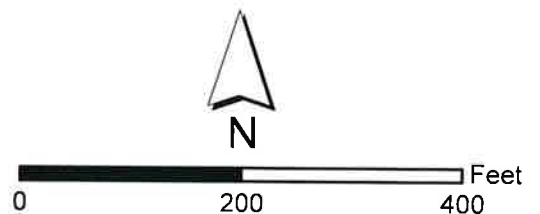
Idaho Water Resource Board  
**Attachment to Water Supply Bank Rental Agreement No. 453**

Effective until December 31, 2021

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 BOARD**

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

**Applicant 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](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**

- |           |                                     |  |
|-----------|-------------------------------------|--|
| <b>2</b>  | <input checked="" type="checkbox"/> | 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 |
| <b>3A</b> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> Detailed information on a proposed use of rental water   |
| <b>3F</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the rental point(s) of diversion   |
| <b>3H</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Water modeling to account for the impacts of the rental request   |
| <b>3J</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Documents justifying a rate of flow greater than 0.02 cfs/acre  |
| <b>3K</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Authorization from the owner/operator of the property at the proposed rental place(s) of use  |
| <b>4B</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of how the rental water will sufficiently accomplish your rental purposes   |
| <b>4C</b> | <input checked="" type="checkbox"/> | <input type="checkbox"/> Explanation of consumptive use amounts for water rights experiencing a change in nature of use                                      |

**Department Use Only – Proposed Water Right(s)**

36-4179

**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	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> Process application as soon as possible	<input type="checkbox"/> 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	
<b>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</b>					<b>TOTAL</b>	0.18	9	
						<b>CFS</b>	<b>AF</b>	<b>AC</b>

*\*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:

This water right was rented from the water supply bank for the same purpose in 2016.

- 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

5-12-2020  
\_\_\_\_\_  
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 with Application to Rent Water Right 36-4179 to Cover Use Under 36-8471 Due to Rangen Curtailment**

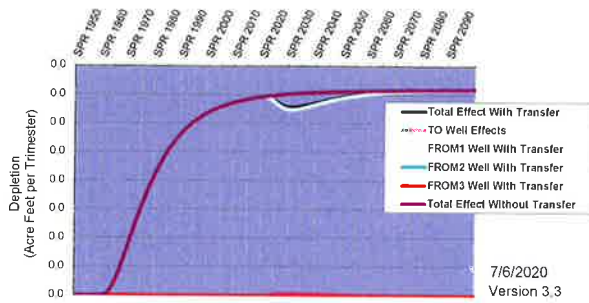


**Point of Diversion and Place of Use:** T.8S R.16E B.M. Sec. 14 SW¼SE¼.

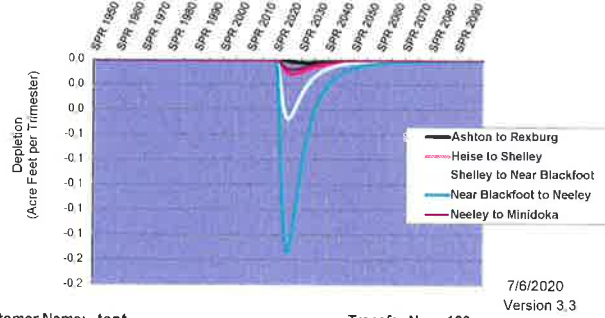
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SPR 2008	0	3	3	0	0	0	0
SUM 2008	0	3	3	0	0	0	0
WIN 2008	0	3	3	0	0	0	0
SPR 2009	0	3	3	0	0	0	0
SUM 2009	0	3	3	0	0	0	0
WIN 2009	0	3	3	0	0	0	0
SPR 2010	0	3	3	0	0	0	0
SUM 2010	0	3	3	0	0	0	0
WIN 2010	0	3	3	0	0	0	0
SPR 2011	0	3	3	0	0	0	0
SUM 2011	0	3	3	0	0	0	0
WIN 2011	0	3	3	0	0	0	0
SPR 2012	0	3	3	0	0	0	0
SUM 2012	0	3	3	0	0	0	0
WIN 2012	0	3	3	0	0	0	0
SPR 2013	0	3	3	0	0	0	0
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WIN 2013	0	3	3	0	0	0	0
SPR 2014	0	3	3	0	0	0	0
SUM 2014	0	3	3	0	0	0	0
WIN 2014	0	3	3	0	0	0	0
SPR 2015	0	3	3	0	0	0	0
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SPR 2016	0	3	3	0	0	0	0
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WIN 2016	0	3	3	0	0	0	0
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WIN 2018	0	3	3	0	0	0	0
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WIN 2019	0	3	3	0	0	0	0
SPR 2020	1	0	3	0	0	0	0
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WIN 2020	1	0	3	0	0	0	0
SPR 2021	1	0	3	0	0	0	0
SUM 2021	1	0	3	0	0	0	0
WIN 2021	1	0	3	0	0	0	0
SPR 2022	0	3	3	0	0	0	0
SUM 2022	0	3	3	0	0	0	0
WIN 2022	0	3	3	0	0	0	0
SPR 2023	0	3	3	0	0	0	0
SUM 2023	0	3	3	0	0	0	0
WIN 2023	0	3	3	0	0	0	0
SPR 2024	0	3	3	0	0	0	0
SUM 2024	0	3	3	0	0	0	0
WIN 2024	0	3	3	0	0	0	0



Hydrologic Response--Ashton to Rexburg  
Customer Name: test Transfer No: 123

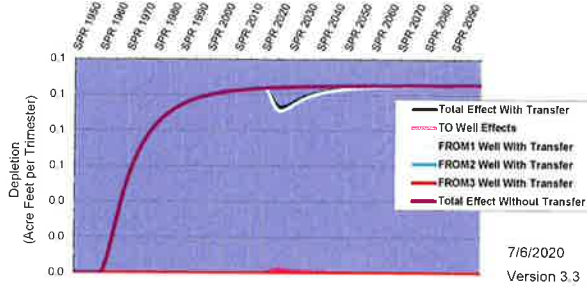


Net Transfer Effect Above Milner  
(Total Effect With Transfer - Total Effect Without Transfer)

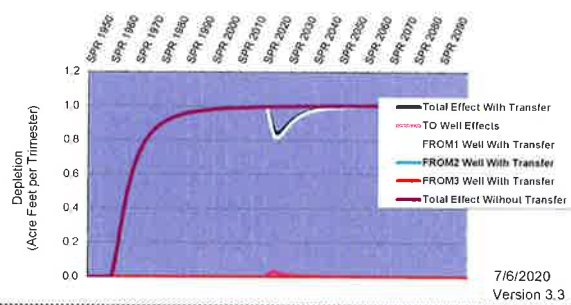


Customer Name: test Transfer No: 123

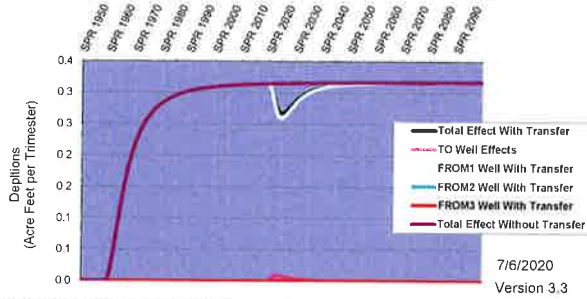
Hydrologic Response--Heise to Shelley  
Customer Name: test Transfer No: 123



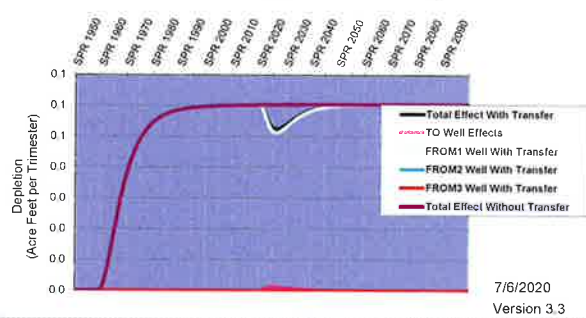
Hydrologic Response-- Near Blackfoot to Neeley  
Customer Name: test Transfer No: 123



Hydrologic Response--Shelley to Near Blackfoot  
Customer Name: test Transfer No: 123



Hydrologic Response-- Neeley to Minidoka  
Customer Name: test Transfer No: 123





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 30, 2020

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

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 36-4179, AGREEMENTS 451 & 453**

Dear Renter:

Please find enclosed a receipt in the amount of \$149.60 and a copy of a fully executed Water Supply Bank Rental Agreement 451 for 65.8 acre-feet of water for irrigation of 14 acres and Rental Agreement 453 for 9.0 acre-feet of water for commercial use. 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.


For Agreement 451, a rental fee of **\$131.60** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of **65.8** 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 \$131.60.**

For Agreement 453, a rental fee of **\$18.00** was calculated based on the current rental rate of \$20.00 per acre-foot time a diversion volume of **9.0** acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$18.00.**

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you have a private agreement with the lessor of the right(s).

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

Sincerely,

 Water Supply Bank

Enclosures: Receipt No. C109046  
Rental Agreement (copy)

c: Sascha Marston – Fiscal  
IDWR Southern Regional Office  
State Water District No. 130





**J.R. Simplot Company**  
P.O. Box 27, Boise, Idaho  
83707 0027

1099 West Front Street  
Boise, Idaho 83702

Vic.conrad@simplot.com  
208 780 7359 Business  
208 780 7333 Fax

**RECEIVED**

**JUL 22 2020**

**DEPARTMENT OF  
WATER RESOURCES**

**July 20, 2020**

Amanda Johnson-Vabell  
Water Supply Bank  
State of Idaho  
Department of Water Resources  
322 E. Front Street, Suite 648  
Boise, ID 83720-0098

**Re: Water Supply Bank Rental Agreements 451 and 453.**

Dear Amanda:

Enclosed are the above referenced partially executed rental agreements together with a check in the amount of \$149.60 to cover the rental fee for 2020. Please arrange for the signature of the Idaho Water Resource Board and IDWR, then return fully executed copies of each Agreement to me.

Sincerely,

Vic Conrad  
Land, Water & Asset Recovery

Enclosure





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 9, 2020

JR SIMPLOT CO  
PO BOX 27  
BOISE ID 83707-0027

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK  
WATER RIGHT NO(S). 36-4179, AGREEMENTS 451 & 453**

**\*\*\*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 two 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.

For Agreement 451, a rental fee of **\$131.60** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of **65.8** 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 \$131.60.**

For Agreement 453, a rental fee of **\$18.00** was calculated based on the current rental rate of \$20.00 per acre-foot time a diversion volume of **9.0** acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$18.00.**

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 \$149.60 for both agreements** made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so the Department can complete processing.

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

Sincerely,

  
for Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

## Memorandum

**To:** Water Right 36-4179

**From:** Justin Ferguson

**Date:** May 21, 2020

**Re:** Water Supply Bank Rental Application 1726

**Purpose/Narrative:** This application was prepared and submitted electronically to the Department on May 12, 2020 on behalf of J R Simplot (Simplot). The applicant has requested to use their existing water right to provide water for rights being curtailed, in this case water right 45-2746, through the most recent Rangen ground water call.

Per the order, water right holders are required to either become members of their relevant groundwater district or provide mitigation to the district to avoid curtailment. The order applies to “users of ground water holding consumptive water rights bearing priority dates junior to July 13, 1962” and specifically, “shall apply to all consumptive ground water rights, including agricultural, commercial, industrial, and municipal uses, but excluding ground water rights used for de minimis [...] purposes”. In this situation the applicants have decided not to become members and will idle water right 45-2746 as mitigation.

This application is seeking to replace an existing agreement, number 139, to offset the curtailment of water right 45-2746.

**Authority to File:** The applications were signed and submitted on behalf of Simplot by Vic Conrad, no concerns at this time.

**Water Right Validity/Forfeiture Evaluation:** The leased water right is in the Bank and available to be rented. No concerns about its validity.

**Injury Evaluation:** No injury is apparent as the applicant intends to comply with the ground water call while using a more senior water right to continue commercial practices. The applicant also provided Eastern Snake River Plane (ESPA) modeling for the movement of the water right to the rental place of use. The information was verified using the most current version of the ETRAN program and, with the excess being rented, no further mitigation is required. No concerns at this time.

**Enlargement of Use:** None anticipated. Water allocated for fully-consumptive industrial use will continue to be used for the same purpose.

**Local Public Interest:** Staff are unaware of any local public interests that are averse to the rental.

**Beneficial Use/Conservation of Water Resources:** The rental appears consistent with the conservation of water resources in Idaho.

**Department/Watermaster Comments:** Watermaster and IDWR Southern Region comments were requested May 21, 2020

**Water Supply Bank Evaluation:** Bank staff recommend the approval of this rental for Simplot through 2021.

## Parker, Cody

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**From:** Skinner, Corey  
**Sent:** Thursday, May 21, 2020 4:40 PM  
**To:** Ferguson, Justin  
**Cc:** Erickson, Nathan  
**Subject:** RE: WSB Rentals - Simplot

I'm good if Nathan is good.

**From:** Ferguson, Justin  
**Sent:** Thursday, May 21, 2020 4:14 PM  
**To:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>  
**Subject:** RE: WSB Rentals - Simplot

Not a problem! I just heard back from Vic, he's outlined the 14 acres they intend to irrigate. I am adjusting down the rate and volume being rented to match so there isn't any overuse/enlargement

**From:** Erickson, Nathan  
**Sent:** Thursday, May 21, 2020 4:12 PM  
**To:** Ferguson, Justin <[Justin.Ferguson@idwr.idaho.gov](mailto:Justin.Ferguson@idwr.idaho.gov)>; Skinner, Corey <[Corey.Skinner@idwr.idaho.gov](mailto:Corey.Skinner@idwr.idaho.gov)>  
**Subject:** RE: WSB Rentals - Simplot

Looks good. Thanks!

**From:** Ferguson, Justin  
**Sent:** Thursday, May 21, 2020 3:31 PM  
**To:** Skinner, Corey <[Corey.Skinner@idwr.idaho.gov](mailto:Corey.Skinner@idwr.idaho.gov)>; Erickson, Nathan <[Nathan.Erickson@idwr.idaho.gov](mailto:Nathan.Erickson@idwr.idaho.gov)>  
**Subject:** WSB Rentals - Simplot

Corey, Nathan,

Attached are the draft lease, memo, and map for the two Simplot rentals offsetting their curtailed water right. Please let me know if you have any comments or concerns. We did receive the concerns that they had requested 14 acres instead of the 16 and have adjusted the agreement up to 16. Vic has been contacted to verify that 16 is correct or provide further information.

Thanks!

Justin

[Warning: External Email]

Vic,

I am working on the review for the two Simplot rentals and wanted to touch base, on the application for the Rupert Facility it looks like you requested 14 acres rather than the 16 previously covered by 36-8469. We can move forward with the rental using the 16 acres or, if you can provide a map outlining the specific acreage, can adjust it down to 14. Please let me know as soon as possible, once I hear back we should be able to complete the processing.

Thanks!

Justin

**From:** Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]

**Sent:** Tuesday, May 12, 2020 4:35 PM

**To:** Bank <[Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)>; Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>

**Subject:** Water Bank Rental Applications; 36-4179; Rangen Water Right Call.

Remington:

**Simplot's Rupert Facility (aka Min-Cassia SGS Unit):**

Attached is an application to rent 0.49 cfs and 65.8 acre feet from the Water Supply Bank under water right 36-4179 each year during 2020 and 2021 to cover the water use at Simplot's Mini-Cassia SGS Unit due to the curtailment of water rights 36-7636 and 36-8469. Also attached are the related results of the ESPA groundwater model to support the amount contained in the attached application for the Mini-Cassia Unit.

**Simplot's Jerome Facility (aka Jerome SGS Unit):**

Attached is an application to rent 0.18 cfs and 9 acre feet from the Water Supply Bank under water right 36-4179 each year during 2020 and 2021 to cover the water use at Simplot's Jerome SGS Unit due to the curtailment of water right 36-8471. Also attached are the results of the ESPA groundwater model to support the amount contained on the application for the Jerome Unit.

Thank you for your help and assistance with this under the urgent circumstances. Please let me know if I can answer any questions and the amount we owe the Water Supply Bank for the rent.

## **Parker, Cody**

---

**From:** Conrad, Vic <Vic.Conrad@simplot.com>  
**Sent:** Tuesday, May 12, 2020 4:35 PM  
**To:** Bank; Buyer, Remington  
**Subject:** Water Bank Rental Applications; 36-4179; Rangen Water Right Call.  
**Attachments:** Application to Rent 36-4179 to cover 36-7636 and 36-8469.pdf; ESPA GW Modeling for the Heyburn Facility.zip; Water Bank Rental Application for 36-4179 to cover 36-8471 May-12-2020.pdf; Jerome Facility Rental GW Modeling.zip

Remington:

**Simplot's Rupert Facility (aka Min-Cassia SGS Unit):**

Attached is an application to rent 0.49 cfs and 65.8 acre feet from the Water Supply Bank under water right 36-4179 each year during 2020 and 2021 to cover the water use at Simplot's Mini-Cassia SGS Unit due to the curtailment of water rights 36-7636 and 36-8469. Also attached are the related results of the ESPA groundwater model to support the amount contained in the attached application for the Mini-Cassia Unit.

**Simplot's Jerome Facility (aka Jerome SGS Unit):**

Attached is an application to rent 0.18 cfs and 9 acre feet from the Water Supply Bank under water right 36-4179 each year during 2020 and 2021 to cover the water use at Simplot's Jerome SGS Unit due to the curtailment of water right 36-8471. Also attached are the results of the ESPA groundwater model to support the amount contained on the application for the Jerome Unit.

Thank you for your help and assistance with this under the urgent circumstances. Please let me know if I can answer any questions and the amount we owe the Water Supply Bank for the rent.



## **Parker, Cody**

---

**From:** Conrad, Vic <Vic.Conrad@simplot.com>  
**Sent:** Friday, May 8, 2020 4:17 PM  
**To:** Buyer, Remington  
**Cc:** Bank  
**Subject:** RE: [EXTERNAL] Rental for 2020

Remington:

Thank you. I was just about to reach out and see if you had an opportunity to check into this. I will do my best to answer your question – and please let m know if I miss anything.

For the Heyburn/Rupert facility 0.49 cfs and 65.8 af will be more than plenty.

For the Jerome facility, 0.23 cfs and 3.6 af will be plenty.

I will prepare and send to your attention the rental applications for each site based on the amounts you show below as necessary for each site using the above rates and volumes.

We received the curtailment notice for 45-2746 and will comply.

Now for a stupid question.....out of curiosity, how is it possible that one would need to mitigate 92.8 acre feet in Jerome with 650 acre feet?

**From:** Buyer, Remington <Remington.Buyer@idwr.idaho.gov>  
**Sent:** Friday, May 8, 2020 3:52 PM  
**To:** Conrad, Vic <Vic.Conrad@simplot.com>  
**Cc:** Bank <Bank@idwr.idaho.gov>  
**Subject:** RE: [EXTERNAL] Rental for 2020

Vic,

I took a look today at these two rentals today and need to get a few answers from you to nail down the particulars.

It appears that these two rentals are to offset curtailed water use under water rights 36-7636 and 36-8469 (at the Heyburn/Rupert facility) and 36-8471 (at the Jerome Facility).

**What is the required maximum diversion rate and/or volume required at either facility? Is it to mirror the curtailed water rights themselves, or something else?** If the rentals are to mirror what is being curtailed under the junior water rights at the facilities, it would seem that 0.49 cfs and 65.8 af might be required at the Heyburn/Rupert facility, while 0.18 cfs and 3.6 af might be required at the Jerome facility. However, past rental agreements have authorized diversions of 0.23 cfs and 92.8 af under rentals at both facilities. Please confirm what the max diversion rate and volume will be at either facility under a rental during 2020, so we can consider what might suffice for a rental from the Bank to accommodate Simplot's needs.

If Simplot will require a diversion volume of 92.8 af at the Jerome facility, then it will not be possible to rent water right 36-4179 to provide for this volume. Although 598.3 af remains available for rental from this water right, due to the

distance between the lease and rental locations, ESPA modeling indicates a rental of as much as 650 af/year would be required to authorize a rental diversion volume of 92.8 af under 36-4179 at the Jerome facility. Since this is more than what is available for rental under 36-4179, it is advisable that Simplot rent alternative water rights as the basis for such a large rental at the Jerome facility. However, if a diversion volume of 3.6 af is what is desired, similar to water right 36-8471, then it seems a rental of as little as 9 af from 36-4179 may suffice, as this volume would provide sufficient mitigation for depletions to the Snake River. **Please confirm the diversion rate and volume needs for the Jerome facility.**

If Simplot will require a diversion volume of 65.8 af at the Heyburn/Rupert facility, a rental of 65.8 af can come directly from water right 36-4179 without any ground water mitigation. **Please confirm the desired diversion rate and volume needs for the Heyburn/Rupert facility.**

**Will Simplot be obtaining mitigation from a ground water district for diversions under water right 45-2746?** This water right has been identified for curtailment by May 13<sup>th</sup>, 2020, unless mitigation is obtained. There are presently two active rentals of this water right from the Bank (one being to Simplot itself at the Jerome facility). If water right 45-2746 will be curtailed, the Water Supply Bank will need to address Simplot's rental of this water right, along with the other rental against this water right. Your confirmation as to whether this rental will or will not be curtailed during 2020 is appreciated.

Thanks for your responses to the above Vic. Once we hear back from you, we can move forward with getting WSB rental applications prepared.

Remington

**From:** Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]  
**Sent:** Wednesday, May 6, 2020 10:50 AM  
**To:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Cc:** Bank <[Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)>  
**Subject:** RE: [EXTERNAL] Rental for 2020

Remington:

Thank you. Yes, these are the two rental contracts we will be mirroring in the new applications. Please let me know if we will need to re-do the ESPA GW modeling again.

**From:** Buyer, Remington <[Remington.Buyer@idwr.idaho.gov](mailto:Remington.Buyer@idwr.idaho.gov)>  
**Sent:** Tuesday, May 5, 2020 4:10 PM  
**To:** Conrad, Vic <[Vic.Conrad@simplot.com](mailto:Vic.Conrad@simplot.com)>  
**Cc:** Bank <[Bank@idwr.idaho.gov](mailto:Bank@idwr.idaho.gov)>  
**Subject:** [EXTERNAL] Rental for 2020

[Warning: External Email]

Vic,

As we spoke of on the phone today, it appears 1.48 cfs and 598.3 af of water right 36-4179 is available for rental by Simplot during 2020. To which location and for what purposes will Simplot be renting this water right in 2020? You mentioned it might be similar to a rental proposed back in 2016. I've attached the two rentals of this water right by Simplot in 2016. If you can confirm whether the 2020 rental will be similar to either of the these two prior 2016 rentals, I can provide you with a preliminary analysis of any required ESPA GW modeling that might be required for a 2020 rental.

Regards,

Remington