

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 139

This is to certify that:

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

RECEIVED

APR 24 2017

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)	Acres (AC)
36-4179	8/9/1959	GROUND WATER	0.18	72.6	NA
45-2746	5/9/1966	GROUND WATER	0.04	17.1	NA
Combined Rental Totals			0.22	89.7	NA

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

Annual Rental Fee:

2017: \$152.49
2018: \$179.40
2019: \$179.40
2020: \$179.40
2021: \$179.40

The full fee for the rental of the above-described right(s) is \$1,524.90 for 2017 and \$1,794.00 per year for years 2018 - 2021. The rental fee includes an administrative fee of \$152.49 for 2017 and \$179.40 per year for years 2018 - 2021. Note that the renter is obligated to pay only the administrative fees associated with the water right(s) 36-4179 and 45-2746.

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 No. 139

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
INDUSTRIAL	0.18	72.6	NA
Total	0.18	72.6	NA

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

SUPPORT DATA

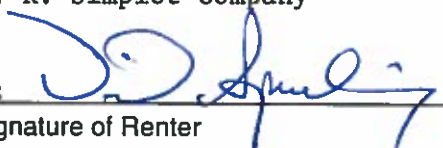
Detailed water right conditions are attached.

IN FILE # 36-4179

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT NO. 139

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 of Renter

19 April 2017

Date

David Spurling

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 4/25/2017

Rental approved by IDWR 

Date 4-25-2017

WATER SUPPLY BANK RENTAL AGREEMENT NO. 139

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

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

Beneficial Use	Diversion Rate	Volume
INDUSTRIAL	0.18 CFS	72.6 AF
MITIGATION BY NON-USE	0.04 CFS	17.1 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To
36-4179 INDUSTRIAL	1/1	12/31
45-2746 MITIGATION BY NON-USE	3/15	11/15

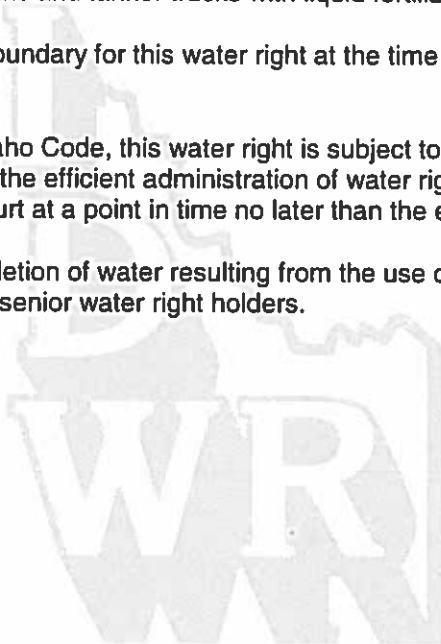
RENTERS PLACE OF USE: INDUSTRIAL

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

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 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.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This rental agreement does not authorize the construction of a well.
9. Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
13. 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. 130.
14. The following rights are also diverted through the point of diversion described above: 36-8471.
15. Industrial use is for filling mixing tanks and tanker trucks with liquid fertilizer mix.
16. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
17. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
18. Mitigation by non-use is for the depletion of water resulting from the use of water under this rental agreement and to prevent injury to senior water right holders.



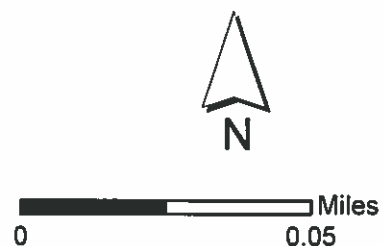
Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 139

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
-  Townships
-  PLS Sections
-  Quarter Quarters



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

RECEIVED

JAN 23 2017

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 <i>Application to Rent Water from the Board's Water Supply Bank</i>
		☒	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

7060

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. R. Simplot Company

Mailing Address P. O. Box 27, Boise, Idaho 83707

Street City State Zip Code

Email Address vic.conrad@simplot.com Phone Number 208-336-2110

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 David Spurling Professional Title Senior V. P. and Secretary

Organization J. R. Simplot Company Relationship to Applicant Applicant

Mailing Address Same as Applicant

Email Address Same as Applicant Phone Number Same as Applicant

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 to substitute for withdrawals under water right no. 36-8471, which was curtailed due to Rangen water call. The amount of water to be rented was determined under a groundwater model run that established the rate and volume required for rental to substitute of water formerly withdrawn under 36-8471.

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)
0.23 CFS	92.8 AF	0.23 CFS	92.8 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?	
January 1, 2017	April 1, 2017	☐ 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 pipeline.

- 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
Jerome SGS	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: 01/01 (mm/dd) to: 12/31 (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, justify the rate of flow and attach any supporting documents as Attachment 3J. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

36-8471

**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		0.23	92.8	NA
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.23	92.8	
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B:**

NA

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C:**

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☐ No ☒

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

Water rental was previously approved for same purpose in January 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

Rental from the Water Supply Bank under 36-4179 was previously approved.

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

David Spurling
Printed Name of Applicant

16 JAN 2017
Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Water Bank Lease of 36-4179 to Cover Rental for 36-8471



January 16, 2017

Image courtesy of USGS Earthstar Geographics SIO © 2017 HERE © AND I Coauthors DataGlobe Inc. | JRS GIS | Simple GIS Corporation © 2010 NAVTEQ © AND

Simple GIS

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 26, 2017

J R SIMPLOT
PO BOX 27
BOISE ID 83707

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 36-4179 and 45-2746**

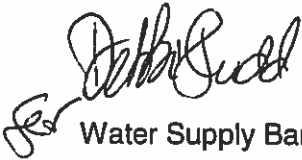
Dear Renter:

Please find enclosed a receipt in the amount of **\$275.91** and one copy each of two (2) fully executed Water Supply Bank Rental Agreements in connection with the rental of 89.7 acre-feet of water and 72.6 acre-feet of water for industrial use during 2017. Upon receipt of these fully executed agreements, you are authorized to divert water in compliance with the conditions of water use described in the agreements.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,



Water Supply Bank

Enclosures: Receipt No. C103425
Rental Agreements (copies)

c: Sascha Marston – Fiscal
Corey Skinner – IDWR Southern Regional Office
Nathan Erickson – State Water District No. 130
Brian Higgs – State Water District No. 140



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 11, 2017

J R SIMPLOT
PO BOX 27
BOISE ID 83707

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NOS. 36-4179 and 45-2746**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$1,524.90** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 89.7 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 \$152.49.** 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 \$152.49 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 (208) 287-4800.

Sincerely,



Water Supply Bank

Enclosure

c: IDWR Front Desk

MEMORANDUM

To: Right(s) 36-4179

From: Michele Edl

Date: April 6, 2017

Re: Review & Analysis of J R Simplot Co's Application to Rent Water from the State Water Supply Bank (Jerome)

PURPOSE/NARRATIVE: On January 23, 2017, J R Simplot Co submitted a WSB lease-rental application package. The application requested to lease the full amount of WR 36-4179 into the WSB for 5 years and to rent out a portion of that same right for 5 years onto two J R Simplot Co properties: one near Rupert; one near Jerome. The purpose of the rentals is to provide water when the appurtenant but junior water rights to those properties are curtailed.

AUTHORITY TO FILE: According to available Jerome County taxlot information, the proposed place-of-use near Jerome ID is property owned by J R Simplot. David Spurling, Senior VP and Secretary for JR Simplot Co, signed the application.

The proposed rental point-of-diversion is proposed to be an existing well located within the POU property. No well shape exists at the location shown in the application map. The POD-well for native right 36-8471 appears as a nominal shape located outside Simplot property. WR #36-8471 is the right which will be curtailed. I created the POD shape based on the location shown on the application map.

WATER RIGHT VALIDITY: A companion leases of 36-4179 and 45-2746 for 2017-2021 have been processed. Sufficient water is available to fill the rental request and the mitigation.

INJURY TO OTHER WATER RIGHTS: No injury is apparent. Although nominally within the Trust Water Right area, no mitigation is required for this rental. The rented right is not subordinated by the Swan Falls agreement.

No ESPA modeling was provided with the application but the lease POD and the rental POD are more than 1 grid cell apart and so modeling is required.

On 4/4/2017, I coached Mr. Vic Conrad (Director of Land Water and Asset Recovery, J R Simplot Co) through the two modeling runs required by the two rental applications. He provided the essential information demonstrating his modeling runs via email. I agree that this rental does require additional water for mitigation. The additional water was provided by another water right (45-2746) which is also leased by J R Simplot to the WSB for 5 years.

ENLARGEMENT OF USE: No enlargement is anticipated. The application did not itemize or provide justification for the rental amounts requested. However, when I asked Mr. Vic Conrad (Director, Land, Water and Asset Recovery, J R Simplot

Company) he stated that the rate and volume submitted for 2017 and beyond, were the amounts that the WSB had put on the 2016 rental for the same lease-rental scenario. I found that the 2016 rental rate was 30% of the curtailed industrial rights and that the rental volume was made proportionate to the leased right.

The 2016 rate was more than is needed at each facility. In response to my questions, Mr. Conrad provided justification for a lower rate; a maximum rate of 80 gpm (0.18 cfs) per facility. (See email dated 3/17/2017)

The lease and rental locations have the same SOU and NOU. The rental rate and volume have been made proportionate to the leased elements of the right.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased-rented right is subject to Water District #130. Southern Region and the watermaster are not opposed to the rentals.

I underestimated the quantity of water needed to supply the Jerome plant in my initial review. When ESPA modeling was completed Mr. Conrad and I both found that additional water would be needed to mitigate but WR #36-4179 had been fully committed for other renters. Luckily, JR Simplot had just returned the executed lease contract for 2017-2021 acting on WR #45-2746. A portion of that right was used to provide the mitigation. 17.1 AF must be rented and not used for the duration of this rental.

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2017)	Rental Amounts		Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$20 (2016-2022)
Simplot self serve Jerome					Rate	Acres			
36-4179	72.6	\$1,110.78	\$123.42	\$1,234.20	0.18		\$1,306.80	\$145.20	\$1,452.00
45-2746	17.1	\$261.63	\$29.07	\$290.70	0.04		\$307.80	\$34.20	\$342.00
		\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	\$0.00
Total	89.7	\$1,372.41	\$152.49	\$1,524.90	0.22	0.00	\$1,614.60	\$179.40	\$1,794.00
calculated by Michele Edl									
36-4179	rate	volume	acre	af/ac	cfs/ac	trimester vol	CP lists 430.8 ac in 2014 note to my memo		
leased	4.27	1723.11		430.8	4.00	0.010	HG = 4.0 in this location		
available	4.27	1723.11		430.8					
each Simplot self serve request	0.23	92.8		18.2			WSB rented Simplot 0.23 cfs & 92.8 AF for 2016 rental based on 30% of the total industrial flowrates.		
Simplot self serve Rupert	0.18	72.64		18.2	3.99	24.21	volume based on % rate calculation		
0.0422	0.18	72.64		18.2					
Simplot self serve Jerome	0.18	72.64		18.2					
available	3.91	1577.83		394.40					
right has been fully appropriated									
45-2746	rate	volume	acre	af/ac	cfs/ac	trimester vol			
decreed	2	798.5		214.3	3.73	0.009			
leased	2	798.5		214.3	3.73	0.009			
available	2	798.5		214.3	3.73	0.009			
Simplot self serve Jerome mitigation	0.04	17.1				5.7	volume is based on ESPA modelling rate is based on %vol		
nominally available	1.96	781.4		209.5	3.73	0.009	0.042830307		

ENHANCED GROUND-WATER RIGHTS TRANSFER S

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF

Cells this color are
set up for user entries

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

TRANSFER NO:

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1959

TRANSFER NAME:

SEASON

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WSB Jerome

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	53	84	84	0
COLUMN	24	52	50	0

exerpts from M Edl's modeling run
for rental #139

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL		Running I
		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	0	0	0	0	0	0	0
SUM 1959	0	24	24	0	0	0	0	0
WIN 1959	0	24	24	0	0	0	0	0
SPR 1960	0	24	24	0	0	0	0	0
SUM 1960	0	24	24	0	0	0	0	0
WIN 1960	0	24	24	0	0	0	0	0
SPR 1961	0	24	24	0	0	0	0	0
SUM 1961	0	24	24	0	0	0	0	0
WIN 1961	0	24	24	0	0	0	0	0
SPR 1962	0	24	24	0	0	0	0	0
SUM 1962	0	24	24	0	0	0	0	0
WIN 1962	0	24	24	0	0	0	0	0
SPR 1963	0	24	24	0	0	0	0	0

SPR 1966	0	24	24	6	6	0	0	0
SUM 1966	0	24	24	6	6	0	0	0
WIN 1966	0	24	24	6	6	0	0	0
SPR 1967	0	24	24	6	6	0	0	0
SUM 1967	0	24	24	6	6	0	0	0
WIN 1967	0	24	24	6	6	0	0	0
SPR 1968	0	24	24	6	6	0	0	0

WIN 2004	0	24	24	6	6	0	0	0
SPR 2005	0	0	24	0	6	0	0	0
SUM 2005	0	0	24	0	6	0	0	0
WIN 2005	0	0	24	0	6	0	0	0
SPR 2006	0	0	24	0	6	0	0	0
SUM 2006	0	0	24	0	6	0	0	0
WIN 2006	0	0	24	0	6	0	0	0
SPR 2007	0	0	24	0	6	0	0	0
SUM 2007	0	0	24	0	6	0	0	0
WIN 2007	0	0	24	0	6	0	0	0
SPR 2008	0	0	24	0	6	0	0	0
SUM 2008	0	0	24	0	6	0	0	0
WIN 2008	0	0	24	0	6	0	0	0

SPR 2017	24	0	24	0	6	0	0	0
SUM 2017	24	0	24	0	6	0	0	0
WIN 2017	24	0	24	0	6	0	0	0
SPR 2018	24	0	24	0	6	0	0	0
SUM 2018	24	0	24	0	6	0	0	0
WIN 2018	24	0	24	0	6	0	0	0
SPR 2019	24	0	24	0	6	0	0	0
SUM 2019	24	0	24	0	6	0	0	0
WIN 2019	24	0	24	0	6	0	0	0
SPR 2020	24	0	24	0	6	0	0	0
SUM 2020	24	0	24	0	6	0	0	0
WIN 2020	24	0	24	0	6	0	0	0
SPR 2021	24	0	24	0	6	0	0	0
SUM 2021	24	0	24	0	6	0	0	0
WIN 2021	24	0	24	0	6	0	0	0
SPR 2022	0	24	24	6	6	0	0	0
SUM 2022	0	24	24	6	6	0	0	0
WIN 2022	0	24	24	6	6	0	0	0
SPR 2023	0	24	24	6	6	0	0	0

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One-Way Analysis of Independent Transfers

rented water used at JR Simplot's Rupert plant from 36-4179 and 45-2746

WFR No.	Div.	Rate	Con. Vol.	No. of Irr.	Priority	POD	Dedicated Vol.	Model	Impact by Reach (AF/Trimester)											
	(CFS)	(AF/F)		Acres	Date	Location	AF/A AFT	Node	Astoria to Redding	Hesse to Shelley	Shelley to N. Block	N. Block to Neeley	Neeley to Minidoka	Dev. Wbl. to Bunl	Bunl to Kspr	Kspr to Kspr	Kspr to Malad	Malad to Bancroft		
Transfer 1: Proposed Steady State Impacts following Transfer																				
777	777	275.6	68.9	1/1/1960		8526E-3	275.6	91.9	SP082075	0.36	1.05	3.16	10.02	0.60	4.76	4.52	2.00	1.26	1.15	0.07
777	777	275.6	68.9	1/1/1960		8526E-3	275.6	91.9	SP069066	0.36	1.05	3.15	10.00	0.60	4.76	4.51	2.00	1.26	1.15	0.07
Transfer 1: Worst Case Transient State Impacts following Transfer																				
777	777	275.6	68.9	1/1/1960		8526E-3	275.6	91.9	SP082075	0.36	1.05	3.16	10.02	0.60	4.76	4.52	2.00	1.26	1.15	0.07
777	777	275.6	68.9	1/1/1960		8526E-3	275.6	91.9	SP069066	0.36	1.05	3.15	10.00	0.60	5.73	6.51	2.84	1.77	1.57	0.10

Steady State Analysis																			
Mitigation Check 1 - > 10% of Historical:																			
Mitigation Check 2: > 2 AFT:																			
Mitigation Check 3 - > 10% of Total:																			
Mitigation Required?:																			
Mitigation Vol. Req'd (ac-ft):																			
Transient State Analysis																			
Mitigation Check 1 - > 10% of Historical:																			
Mitigation Check 2: > 2.01 AFT:																			
Mitigation Required?:																			
Mitigation Vol. Req'd (ac-ft):																			

Edl, Michele

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Wednesday, April 05, 2017 7:11 AM
To: Edl, Michele
Subject: RE: Renting From 36-4179 and 45-2746 to cover 36-8471.

Thank you for all you help Michele, much appreciated.

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, April 04, 2017 6:23 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: Renting From 36-4179 and 45-2746 to cover 36-8471.

Thanks to the hint from your successful run, I was also able to model successfully using a combination of 72.6 AF from 36-4179 and another 17.1 AF from 45-2746. If you want to check you will find that the grid cell for the two rights are not far apart, so they modeled similarly.

I will notify my coworkers that a chunk of water from 45-2746 although barely in the door, is already spoken for.

This is not an elegant solution and it will mean purchasing a much higher volume of rental water to balance out 5 AF of actual use.

You should expect the rental agreements for these two rentals soon; hopefully by the end of the week.

Michele

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Tuesday, April 04, 2017 3:19 PM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: Renting From 36-4179 to cover 36-8471.

Michele,

When increased the mitigation amount to 30 acre feet and corrected the date when 36-4179 went into the bank in 2005 the model ran without further mitigation. Attached are the screenshots of the model. Sorry we were disconnected, my headset ran out of battery. Please let me know if this is acceptable to cover 36-8471.

Edl, Michele

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Friday, March 17, 2017 2:12 PM
To: Edl, Michele
Subject: RE: Simplot self rental 36-4179

Michele,

Thank you so much for digging into this. We won't use water right 36-8469; so we will conform to the curtailment order on 36-8469.

The use for both 36-7636 and 36-8471 are basically the same and very intermittent. Each site uses no more than 5 acre feet per year (10 acre feet total for both sites total). At both sites, water is used to fill tanks that we mix fertilizer in – and to fill trucks that transport liquid fertilizer to our customers. When we are filling tanks or trucks, the well at each location can pump up to 80 gallons a minute. A flow of 40 to 60 gallons per minute is normal; however the flow can reach up to 80 gallons per minute. Our peak use seasons are spring and fall.

If we assume the highest rate of 80 gallons per minute for each site (160 gallons per minute total for both Rupert and Jerome) this will be more than enough to satisfy our flow requirements.

I realize this is a little bit of an oddball. The higher flow rate is necessary so we aren't spending the entire day filling tanks/trucks. However, the wells are off when filling is not occurring – so the overall annual volume is small.

I hope this is helpful – and please let me know if I can further explain.

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Monday, March 06, 2017 4:17 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: Simplot self rental 36-4179

Mr. Conrad,

I have circled back to the rentals requested from JR Simplot (and others) against leased right 36-4179. When we last spoke, I asked you for the logic behind the rate and volume that were requested by Simplot for the two rentals (one for the Jerome facility, one for the Rupert facility). I understand that IDWR had provided the volume number to you for a previous WSB rental.

Simplots request for 0.23 cfs total would require 92.8 AF be rented as a proportional amount.

$0.23 \text{ cfs}(\text{rate requested for rent}) / 4.27 \text{ cfs}(\text{rate available from 36-4179}) = 0.05$. So the companion rental volume must be $0.05 \times 1723.11 \text{ af}(\text{the available volume})$ or 92.81 af

But I am still confused. The three rights which need coverage from the WSB rentals total 0.95 cfs not 0.23 cfs.

At Rupert Soilbuilders

36-7636 (industrial use) 0.49 cfs and 1.8 AF

36-8469 (irrigation use) 0.28 cfs and 64.0 AF

At Jerome

36-8471 (commercial use) 0.18 cfs and 3.6 AF

Simplot has first dibs on its own right and I want to make sure that Simplot is provided sufficient water. But if Simplot asked for coverage on the total volume of the 3 rights, 69 AF, the companion rate would be 0.17 cfs not 0.23 cfs.

In order to tailor these rentals correctly for the next five years, I would like to understand what element of what uses are to be covered by the rental.

Sincerely,
Michele Edl
287-4946

Edl, Michele

From: Skinner, Corey
Sent: Tuesday, February 07, 2017 12:04 PM
To: Edl, Michele
Cc: Yenter, Cindy; Erickson, Nathan
Subject: RE: request for comment WSB lease rental Simplot

Michele,

I have no objections with the lease and none with the Simplot rental, provided the model analysis does not reveal any issues.

One item of note, Nathan Erickson (here in our office) is the Water District 130 Watermaster.

Corey

From: Edl, Michele
Sent: Tuesday, February 07, 2017 10:06 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: request for comment WSB lease rental Simplot

Corey, Cindy,

I have completed my review of the WSB lease for Simplot's right 37-4179. The right was for industrial use (potato processing, Heyburn) and has been in the bank for many years. This lease is in essence a re-up request for another 5-year term.

The lease has a companion partial rental for Simplot's Rupert plant and two other rentals (for Boise Package & Newsprint and A Wickel) pending its approval. Simplot did not provide modeling of the ESPA but I believe that the water move would pass without additional mitigation. But I have been told to hold the Simplot rental until we get the modeling.

I have attached a copy of my rental review memo and a map showing the relation of Simplot's lease and rental PODs and POU's.

Please let me know if you have any concerns about this lease-rental.

Thank you as always.

Michele