



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

January 6, 2017

JR SIMPLOT
PO BOX 27
BOISE ID 83707

RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER RIGHTS: 2-10472, 24-4017, 35-2553A, 35-2713, 35-4189, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260, 35-14262, 36-4179, 45-2746, 61-2165, 61-7170, 61-12039, 61-12291 & 63-9961

Dear Lessor:

Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right(s) were leased to the Water Supply Bank (Bank) through December 31, 2016. **This letter is notice that the right(s) are now considered released from the Bank.**

If you would like to renew the lease of these right(s) to the Bank, please complete a new Application to Sell or Lease a Water Right to the Water Supply Bank and remit the applicable filing fee. You can find new applications at the Department's website at www.idwr.idaho.gov.

A water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. The five-year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have any questions regarding this matter, please contact me at (208) 287-4918.

Sincerely,

A handwritten signature in black ink, appearing to read 'RB' with a long horizontal stroke extending to the right.

Remington Buyer
Water Supply Bank Coordinator

Enclosures:

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED
JAN 27 2016
DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83702-0027
(208) 336-2110

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On November 15, 2015, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
35-14258	1/18/1974	Ground Water	NA	0.41 cfs	159.7 af	43.4 ac
35-14260	10/1/1953	Ground Water	NA	0.39 cfs	87.9 af	43.4 ac
35-14262	1/8/1959	Ground Water	NA	0.07 cfs	13.9 af	43.4 ac
Total annual combined limits of these water rights				0.87 cfs	173.6 af	43.4 ac

SUPPORT DATA

Lease Totals **IN FILE # 35-14258** 0.87 cfs 173.6 af 43.4 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2016. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT

5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83702-0027

By 
Printed Name David Spurling

Date 25 JAN 2016
Title Senior Vice President, Secretary and General Counsel

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 1/27/2016

Lease approved by IDWR 

Date 1-27-2016

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 35-14258, 35-14260, and 35-14262

The water right or portion thereof leased to the bank is described as follows:

Lessor: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83702-0027
(208) 336-2110

Location of Point(s) of Diversion for Water Rights 35-14258, 35-14260, and 35-14262

GROUND WATER	NWNENW	Sec. 8, Twp 05S, Rge 31E, BINGHAM County
GROUND WATER	SESWSE	Sec. 6, Twp 05S, Rge 31E, BINGHAM County
GROUND WATER	SWSESW	Sec. 6, Twp 05S, Rge 31E, BINGHAM County
GROUND WATER	NWNENE	Sec. 7, Twp 05S, Rge 31E, BINGHAM County
GROUND WATER	NENWSW	Sec. 7, Twp 05S, Rge 31E, BINGHAM County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
35-14258	IRRIGATION	4/1	to 11/1	0.41 cfs	159.7 af
35-14260	IRRIGATION	4/1	to 10/31	0.39 cfs	87.9 af
35-14262	IRRIGATION	4/1	to 11/1	0.07 cfs	13.9 af
Total:				0.87 cfs	173.6 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	5									2.6	2.0	0.2	1.5					6.3
		8					10.4	8.8	8.1	9.8									37.1

Total Acres: 43.4

Conditions Applicable to All Leased Water Rights

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water right leased to the bank are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Unleased portions of Rights 35-14258, 35-14260, and 35-14262 when combined shall not exceed a maximum diversion of 6.3 cfs, a total annual maximum diversion volume of 1262.4 af at the field headgate, and the irrigation of 315.6 acres.
13. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
14. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 10 2015
DEPARTMENT OF
WATER RESOURCES

WATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant J.R. Simplot Company

Water Right No. 35-14258
One water right per application

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|---|
| 1A | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | | <input checked="" type="checkbox"/> | An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant. |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Written consent from irrigation district or water delivery company. |
| 1E | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank. |
| 3D | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. |
| 4 | | <input checked="" type="checkbox"/> | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$ <u>2250</u>	Received By: <u>di</u>	Date Received: <u>11-10-15</u>	Receipt # <u>C101199</u>
W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9:	

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

1. CONTACT INFORMATION

A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant J.R. Simplot Company Email Address vic.conrad@simplot.com
Mailing Address P.O. Box 27, Boise, ID 83707 Phone Number 208-336-2110

The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes No

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes No
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes No
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

E. Is this application being completed by an authorized representative of the Designated Applicant? Yes No
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1E).

Name of Representative David Spurling Organization J.R. Simplot Company
Professional Title Sr. VP, Secretary, & General Counsel Email Address vic.conrad@simplot.com
Mailing Address P.O. Box 27, Boise, ID 83707 Phone Number 208-336-2110

Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 35-14258 The full water right is being offered to the Bank.

OR

A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

A. Please provide a description of the current water diversion system.

Wells, pipelines, pumps, motors

B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

35-14260; 35-14262

C. Will the present place of use continue to receive water from any other source? Yes No

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes No

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes No

If yes, describe. _____

4. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale or lease ?

If lease, for a period from 1/1/2016 to 12/31/2016 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Market rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the ank does not, in itself, confirm the validity of the water right or any elements of the water right.

By David Spurling
Signature of Designated Applicant

J.R. Simplot Company
David Spurling
Printed Name
Senior Vice President, Secretary
and General Counsel

5 NOV 2015
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:

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

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

Water Right No. 35-14258

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
35-14258	.40	Irrigation	4/01	to 11/01
				to
				to
				to
				to

Total Amount: _____

2. Source of water Groundwater tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
5S	31E	6		SE	SW	SE	BINGHAM
		6		SW	SE	SW	BINGHAM
		7		NW	NE	NE	BINGHAM
		7		NE	NW	SW	BINGHAM
		8		NW	NE	NW	BINGHAM

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	5									2.6	2.0	.2	1.5					6.3
		8					10.	8.8	8.1	9.8									37.1

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 43.4

43.4 acres under 35-14260, 35-14262, and 35-14258 available for Bank





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

January 28, 2016

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 35-14258, 35-14260, and 35-14262

Dear Lessor:

Water rights 35-14258, 35-14260, and 35-14262 were leased into the Water Supply Bank (Bank) as of November 15, 2015, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2016**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact me at 287-4881.

Sincerely,

for Sandra Thiel
Sr. Water Resource Agent

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region / Water District 120



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

January 21, 2016

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: APPLICATION TO LEASE WATER RIGHTS 35-14258, 35-14260, and 35-10462 TO THE WATER SUPPLY BANK

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water rights to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **December 31, 2016**, unless the rights are released earlier by the Board, or upon your request. To release the rights from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says: "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact me at 287-4881.

Sincerely,

for
Sandra Thiel
Sr. Water Resource Agent

Enclosures: Proposed Lease Contracts
Receipt # C101199



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

January 26, 2016

Sandra Thiel
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

**Re: Water Supply Lease Contracts for 35-14258, 35-14260, 35-10462, 35-7169, 35-10422,
35-7373, 35-2713 and 35-2553A.**

Dear Sandra:

Enclosed are the partially executed duplicate originals of the Water Supply Lease Contracts for each of the above referenced water rights. Please arrange for each be signed by Mr. Patton, on behalf of the Water Resource Board; then return one fully executed original of each contract to me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

MEMORANDUM

To: Water Rights: 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260, and 35-14262

From: Sandra Thiel

Date: January 14, 2016

Re: Review & Analysis of Application to Lease and Rent Water to the State Water Supply Bank

PURPOSE/NARRATIVE: On November 10, 2015 the Department received a lease/rental application package from JR Simplot to lease portions of rights 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260, and 35-14262 into the Bank. Behrend Behrend and Knittel Farms LLP intends to rent all eight rights. There are four individual lease contracts based on place of use overlaps for the rights. Each of the leased rights are for ground water. They are all limited to the lease period of 2016.

35-2553A: The applicants intend to lease 38.1 acres primarily of pivot corners. Essentially, the applicant is reenlisting for the 2015 season, those portions of the right which had been accepted into the WSB for the 2014 season. A review of the 2015 imagery shows the leased place of use idled through the season.

35-2713: The lease will include 43.6 out of 287 acres. The land to be idled is primarily pivot corners. There is a place of use overlap with commercial right 35-4189 which authorizes irrigation through the application of spent processing water. According to the lease application, the lease place of use will not receive water from any other source. A review of the 2015 imagery shows the leased place of use idled through the season.

35-7169, 35-7373, and 35-10422: These three rights irrigate the same place of use. Of the rights, 53.1 acres (primarily pivot corners) have been idled and offered to the bank. Simplot has leased portions of these rights into the bank since 2009. Essentially, this is a renewal of the 2015 season lease. A review of the 2015 imagery shows the leased place of use idled through the season.

35-14258, 35-14260, and 35-14262: 43.4 acres of these three overlapping rights and 0.40 cfs are being offered into the Bank. As with the above rights the lease portion primarily covers pivot corners. Simplot has leased portions of these rights into the bank since 2009. A review of the 2015 imagery shows the leased place of use idled through the season.

AUTHORITY TO FILE: The Secretary of State lists David Spurling as an officer of the J.R. Simplot Company. Mr. Spurling signed the applications.

WATER RIGHT VALIDITY:

Right 35-2553A, was decreed in the SRBA on 2/15/2002. Portions of the right were accepted into the bank in 2009 and have been leased to the Bank since then. Forfeiture is not an issue at this time

Right 35-2713 was decreed in February 2002. Portions of the right were accepted into the bank and have remained leased since 2009. Forfeiture is not an issue.

Water rights 35-7169, 35-7373 and 35-10422 were decreed in the SRBA on 2/15/2002. Right 35-10422 is an expansion right of the other two rights. Portions of the right were accepted into the bank in 2009 and have been leased since then. Forfeiture is not an issue at this time.

Right 35-14258 was decreed on 2/15/2002, 35-14260 on 11/17/2000 and 35-14262 on 2/15/2002. . Portions of the right were accepted into the bank in 2009 and have been leased since then. Forfeiture is not an issue at this time.

INJURY TO OTHER WATER RIGHTS: No apparent injury with proper rental.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone.

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 lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The right is subject to Water District 120.



CORPORATE HEADQUARTERS

November 9, 2015

RECEIVED
NOV 10 2015
DEPARTMENT OF
WATER RESOURCES

Clay Webster
Water Resource Agent
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Re: Applications to Lease Water Right Nos. 2-10472, 61-12291, 35-14262, 35-14258, 35-14260, 35-10422, 35-7373, 35-7169, 35-2713, 35-2553A, 24-4017 to the Water Supply Bank, and Application to Rent Water Right Nos. 61-12291 and 24-4017 from the Water Supply Bank.

Dear Clay:

Attached are the above referenced applications for filing. The following table is a listing of the enclosed water rights that will be rented from the water supply bank.

Table 1:

Water Right Number	Renter	Amount and Use
24-4017	J. R. Simplot Company (application to rent enclosed)	Dust Abatement for Mine Haul Road
61-12291	J. R. Simplot Company (application to rent enclosed)	7.3 acre feet per year of the amount leased to the Bank for stockwater
35-14262	Behrend, Behrend, Knittle Farms, LLP ("BBK"); rental application forthcoming	Irrigation or Mitigation
35-14258	BBK; rental application forthcoming	Irrigation or Mitigation
35-14260	BBK; rental application forthcoming	Irrigation or Mitigation
35-10422	BBK; rental application forthcoming	Irrigation or Mitigation
35-7373	BBK; rental application forthcoming	Irrigation or Mitigation
35-7169	BBK; rental application forthcoming	Irrigation or Mitigation
35-2713	BBK; rental application forthcoming	Irrigation or Mitigation
35-2553A	BBK; rental application forthcoming	Irrigation or Mitigation
2-10472	None Identified	

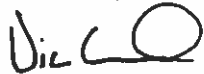
Also enclosed is check no. 01466781 in the amount of \$2,250.00 to cover your fees for filing the enclosed lease applications. The following is a summary of my calculation of this fee:

Table 2

Water Right(s)	Application Fee
2-10472	\$250
61-12291	\$250
35-14258, 35-14260 and 35-14262 (share a common place of use)	\$500
35-7169, 35-7373 and 35-10422 (share a common place of use)	\$500
35-2713	\$250
35-2553A	\$250
24-4017	\$250
Total	\$2,250

Please file the enclosed applications and let me know if you have any questions about the renters identified in Table 1 or the fee calculations summarized in Table 2.

Sincerely,



Vic Conrad

Land, Water & Asset Recovery

Enclosure