

MAY 01 2015

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: **J R SIMPLOT COMPANY**
PO BOX 27
BOISE ID 83707
208-389-7359

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
63-31950	4/16/1964	Ground Water	NA	0.08 cfs	18.0 af	NA	NA
63-31952	10/1/1971	Ground Water	NA	0.48 cfs	112.5 af	NA	NA
Total Annual Combined Limit				0.54 cfs	101.0 af	NA	NA
63-32101	6/8/1978	Ground Water	NA	0.05 cfs	13.6 af	NA	NA
63-33073	7/14/2008	Ground Water	NA	0.10 cfs	3.1 af	NA	NA

Annual Combined Rental Totals* **0.69 cfs 147.2 af NA NA**

*Due to change in nature of use, only the following can be diverted: 0.55 cfs; 117.5 AF

Term of Rental: **February 6, 2015 to December 31, 2015**

Rental Fee: **\$2,502.40**

The fee for rental of the above-described water is \$2,502.40 per year. Ten percent (\$250.24) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s).

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

SUPPORT DATA

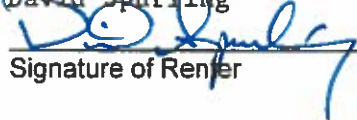
IN FILE # 63-31950

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

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
David Spurling


Signature of Renter

David Spurling, Senior
Vice President, Secretary and
General Counsel
Printed Name and Title*

27 April 2015
Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory 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.


B

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date June 3, 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NW¼SW¼	Sec. 06	Twp 01N	Rge 02E	ADA County
GROUND WATER	SW¼SW¼	Sec. 06	Twp 01N	Rge 02E	ADA County

BENEFICIAL USE

INDUSTRIAL

SEASON OF USE

05/1 to 12/31

RENTER'S PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	12					x	x	x	x	x	x	x	x		x	x	x	
01N	01E	13	x	x	x	x									x				
01N	01E	14	x	x	x	x													
01N	02E	06										x	x						

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

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. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. 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.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. 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.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. This rental agreement does not authorize the construction of a well.
11. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
12. Industrial use is for a meat packing facility.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 06 2015

DEPARTMENT OF
WATER RESOURCES

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

Applicant Name: J. R. Simplot CompanyIs this application being submitted with a lease application as a lease/rental package? Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). 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.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

One rental application per beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources. For multiple beneficial uses of water, individual rental requests should be submitted for each unique beneficial use of water.

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)

YES

☒ Completed *Application to Rent Water from the Board's 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 |
| 3E | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3G | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a need to rent water for irrigation at 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)

63-2597

63-9961

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

Email Address _____ Phone Number 208-389-7359

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative _____ Professional Title _____

Organization _____ Relationship to Applicant _____

Mailing Address _____

Email Address _____ Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:

Water will be used in a meat processing and packing facility. Water discharged from the meat processing and packing facility will be land applied and used to raise crops in connection with water diverted under 63-33296 and 63-32680

B. Enter the desired and/or minimum necessary 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)	Acres (if applicable) (Acre)
1.99 CFS	1,082.68 AF	CFS	AF	AC

Sometimes water rights available for rent 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. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?
May 1, 2015		5	☒ Yes, approve rental for all remaining future years. ☐ No, return rental request if first year is unapprovable.

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Groundwater	1N	2E	6		NW	SW	Ada	2 PODs proposed this ¼¼
					SW	SW	Ada	2 PODs proposed this ¼¼

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it **Attachment 3E**.
- F. Do any POD(s) identified in Question 3D 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.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as **Attachment 3G**. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☐ Irrigation ☐ Commercial ☒ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	12					Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind		Ind	Ind	Ind	
		13	Ind	Ind	Ind	Ind									Ind				
		14	Ind	Ind	Ind	Ind													
1N	2E	6										Ind	Ind						
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☒ Yes ☐ No ☐
If yes, explain the justification for this rate of flow and attach any supporting documents as **Attachment 3J**:

- 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. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Water will be diverted from up to 3 wells and used in the industrial meat processing and packing facility to be located within the W¼SW¼ of Section 6 T.1N R.2E. Water discharged from the meat processing and packing facility will be land applied to the balance of the place of use described above.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

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

A pending application for new water right permit filed with the IDWR describes the same uses as provided in this rental application.

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the 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 with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
63-2597	Industrial	Groundwater	1.0	367.18		2015			1.0	367.1	
63-9961	Industrial	Groundwater	0.99	715.5		2015			0.99	715.5	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL	1.99 CFS	1,083 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

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? 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, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:
- _____
- _____
- _____

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
- _____
- _____
- _____

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe: New application for water right permit filed with the IDWR.
- _____
- _____
- _____

- 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.
- _____
- _____
- _____

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.



Signature of Applicant

David Spurling, Senior Vice President,
Printed Name of Applicant

4 FEB 2015
Date

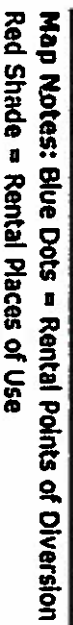
Signature of Representative

Secretary and General Counsel
Printed Name of Representative

Date

Mail to:

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



Confidential - Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



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

June 5, 2015

GARY SPACKMAN

Director

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-31950, 63-31952, 63-32101 AND 63-33073**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,502.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 147.2 acre-feet of water for industrial use during 2015. 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.

Pursuant to the Water Supply Bank Rules, 90% or \$2,252.16 of the rental fee will be paid to the lessor(s) and 10% or \$250.24 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,

For - Ashley Newbry
Associate Engineer

Enclosure(s): Receipt No. C100385
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Angela Grimm – IDWR Western Regional Office



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 20, 2015

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 63-31950, 63-31952, 63-32101 AND 63-33073**

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

Dear Applicant:

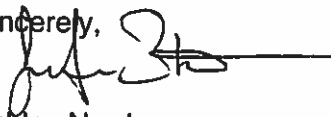
The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. I have enclosed a **Water Supply Bank Rental Agreement for your review and signature**. Upon signature and return of the original agreement, together with the rental fee described below, 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 \$2,502.40 was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 147.2 acre-feet.

Please send a check for \$2,502.40 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. Pursuant to the Water Supply Bank Rules, 90% or \$2,252.16 of the rental fee will be paid to the lessor(s) and 10% or \$250.24 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4846.

Sincerely,

FER 
Ashley Newbry
Associate Engineer

Enclosure(s): Rental Agreement

c: IDWR Front Desk



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

RECEIVED

MAY 01 2015

DEPARTMENT OF
WATER RESOURCES

April 28, 2015

Ashley Newbry
State of Idaho
Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Water Supply Bank Rental Application for Water Right Nos. 63-31950, 63-31952, 63-32101 and 63-33073.

Dear Ashley:

Enclosed is the partially executed original of the Water Supply Agreement involving Simplot's lease of 147.2 acre feet under the above referenced water rights. Also enclosed is a check in the amount of \$2,502.40 to cover the rental fee.

Please arrange for the Agreement to be signed by the Idaho Water Resource Board, then return the fully executed original to me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

MEMORANDUM

To: Water Right(s) 63-2597 and 63-9961

From: Ashley Newbry, Associate Engineer

Date: 5 March 2015

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

PURPOSE/NARRATIVE: The deficient application was received by the Department on February 6, 2015. After some correspondence, it became complete on February 25, 2015. JR Simplot Company desires to rent the industrial component of rights 63-2597 and 63-9961 held by Simplot Meat Products LLC. Both of these rights have been leased into the WSB until December 2016.

AUTHORITY TO FILE: The rental application was signed by David Spurling, Senior Vice President of JR Simplot.

WATER RIGHT VALIDITY: This is a case where it would otherwise be difficult to verify that the lessor is complying with their lease. Local media have reported that this meat processing facility shut down in 2003. EPA's website notes that their NPDES discharge permit expired in 2004. Both of these rights were decreed in 2009 and entered the WSB in 2012, likely for protection from forfeiture.

INJURY TO OTHER WATER RIGHTS: No injury is apparent; potential for injury is unknown. The site of the new meat processing facility is in the "South Ada County Groundwater Area." The Department's GIS Taxlot layer indicates that the majority of renter's place of use (the land application area) is owned by Ray and Susan Montierth. This was last updated 9/24/2014, so it may not be current. The other rights to be used at the renter's place of use include irrigation permits 63-33296 and 63-32680—which were assigned to JR Simplot Company by Ray and Susan Montierth.

The renter's proposed place of use appears to be ground which has never been broken out. Because of this, one might assume that the rental of this water right is to startup a new meat processing facility with land application of effluent water. The lessor's meat processing facility in Nampa is no longer in need of rights 63-2597 and 63-9961 for industrial use. The new Kuna facility will need to take more permanent measures to acquire industrial rights at its place of use (ie A Transfer or a new application). JR Simplot has filed a new application for this purpose: 63-34038.

ENLARGEMENT OF USE: Enlargement should not be a concern so long as the lessor is complying with lease terms. Two water rights for industrial use are being moved from a closed meat processing plant within Nampa to a new facility near Kuna, Idaho.

LOCAL PUBLIC INTEREST: Irrigation permits 63-33296 and 63-32680 were originally protested (by United Water Idaho, Idaho Dept. of Correction, and City of Kuna) at the renter's place of use. Allowing the rental of these additional two industrial rights for meat processing from Simplot Meat Products LLC's place of use within the City of Nampa to the Kuna area may give cause for a negative effect on the local public interest. The renter's place of use lies just outside the Kuna city limits.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho. The rental proposes to utilize groundwater primarily as an industrial (potentially fully consumptive) beneficial use for a meat processing facility. Secondly, the processing effluent water will be land applied to the renter's proposed place of use.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right(s) are not subject to a Water District.

Western Region Comments:

Hi Ashley:

This is somewhat like recent WSB rental application we commented on to Cherie, a rental for next door Montierth. I've attached that reply fyi. Simplot & Montierth have adjacent large permits recently approved, plus Montierth has older rights there (previously Tyson & before that IBP, rendering plant). Both seeking more new permits, WSB rentals & apparently looking for new permits in this area to buy & move to their property. Busy place! Neither of their new apps for permit scanned yet or advertised.

Basically, the "South Ada County GW Area" is a concern area above the New York Canal with lots of significant ground water issues that have required several years of thrashing around to figure out what to do. We have a meeting with Jeff, Shelley & Homan soon to talk about our next steps for this area and for next door similar area, "South Canyon County GW Area."

Both areas: water supply, injury & local public interest remain unresolved to some extent. See attached maps & guideline notes for both areas.

WSB rentals in S. Ada County: recommend limited to leased rights already in this area, don't "import water." Also limited to one year approval. subject to re-applying for another year. Although temporary in nature, multi-year rentals could upset the whole thing, particularly since new permits for that area have rigorous approval conditions, including possible curtailment if alleged injury. Rentals could adversely affect things, even in short run. But 1 year at a time is probably manageable. Simplot rental sounds ok if leased right within this S. Ada boundary & seek comments from next door Montierth & limit to 1 year.

WSB rentals in S. Canyon County: Numerous protested apps pending for lots of water. Rentals troubling unless for small amounts located far enough away from protested apps. Any approvals, recommend limited to leased rights already in this area, don't "import water." Also limited to one year approval, subject to re-applying for another year.

Maps & notes for both these hot spots attached. Ada map available in "ArcMap Notepad," an incomplete project I've been working on. Have all the hot spots for bs 63 there except S. Canyon. "Notepad" is intended as "electronic office day reference." See X drive, idwrregulatoryareas/otherregulatedareas Basin 63 areas of concern.lyr for shapes & link to word doc explaining the story.

If I recall, there is an SO WSB folder with subfolders for basins. These maps/notes could be copied to that site for future rental apps if it helps. Please let me know if you or other WSB reviewers need more information.

Steve

Application
63-34038

Fri Sat Sun

H: 59° H: 62° H: 62°

News (/) Weather (/weather) Traffic (/traffic) Sports (/sports) KBOI TV (/about) Family Matters (/familymatters)
LIFE & STYLE (/idaholiving) Politics (/politics)

Simplot plans \$100 million beef processing plant near Kuna, 600 new jobs expected

By KBOI Web Staff | Published: Jan 6, 2015 at 3:10 PM MST (2015-01-06T22:10:6Z)

<http://twitter.com/share>

ef+Processing+Plant+Near+Kuna%2C+600+New+Jobs+Expected&Random=0.8809881226353776&PartnerID=128712&Cid=287704871)



File AP photo

KUNA, Idaho (KBOI) — Simplot and a Texas based beef company has plans to build a \$100 million processing plant near Kuna, the companies announced Tuesday.

The Simplot corporation and Caviness Beef Packers says they plan to build a nearly 300,000 square-foot facility this spring and could open in the fall of 2016.

The plant is expected to process about 1,700 cattle per day and would create 600 new jobs.

"This effort complements the area's dairy industry including milk, cheese and yogurt processors," Simplot said. "Our company has farmed and ranched in the area for nearly a century and we're excited to be a part of this joint-venture that will further guarantee the long-term success of the region's dairy and beef industries."

MORE TO EXPLORE



Ore. deputy shoots, kills pony: 'My vet said there was absolutely...



House explosion in eastern Idaho injures woman



Fed up with winter, S.C. town arrests 'Elsa' before letting her go



MOST POPULAR



Photos: Tour this gorgeous 'Parade of Homes' house in Eagle!

<http://www.kboi2.com/news/local/Eagle-Parade-Homes-Million-Dollar-Homes-Idaho-294859321.html>



Driver OK after nasty crash on Bogus Basin Road

<http://www.kboi2.com/news/local/Driver-Bogus-Basin-Crash-295173701.html>



3-vehicle injury crash closes Chinden Boulevard

<http://www.kboi2.com/news/local/Chinden-Car-Ada-crash-295259521.html>



World weather photos: Can't get enough of winter!

<http://www.kboi2.com/news/national/29516>



Nampa Police officer saves couple's dinner after vehicle crash

<http://www.kboi2.com/news/local/Nampa-Police-Jade-Garden-Anniversary-Dinner-295027941.html>



Help authorities capture KBOI's Most Wanted

<http://www.kboi2.com/news/local/Treasure-Valley-most-wanted-idaho-suspects-152364235.html>



Photos: Bizarre, revealing looks line Paris runway

SPONSORED FROM AROUND THE WEB

Palmer, Cherie

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Wednesday, February 25, 2015 4:43 PM
To: Palmer, Cherie
Subject: Application to Rent water right nos. 63-2597 and 63-9961.
Attachments: 20150225162615978.pdf

Cherie,

In response to your letter dated February 10, 2015 (copy attached for reference); the industrial water diverted under these water rights was used for meat processing. The proposed use is also for meat processing. The nature of proposed use is the same as the decreed use.

By its nature, the consumption under an industrial right expands and contracts during the authorized season of use up to the limits of the volume and diversion rate authorized under the industrial water right. Water right nos. 63-2597 and 63-9961 allow for the industrial use of water year round use and we do not intend to exceed the diversion rate or the volume allowed under these water rights. Please let me know if I can provide anything further.



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 10, 2015

JR SIMPLOT CO
CO VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank. The Department requires additional information in order to complete the review of your rental request.

As submitted, your application cannot be processed. Please provide the following item(s):

- ☒ A completed *Application to Rent Water from the Water Supply Bank (item 4C)*
- ☐ If the application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ The place of use described in item #4 of the application does not match your map
- ☐ A map that clearly outlines the location of irrigated acres.
- ☒ Other: Despite the fact that you are not proposing a change in nature of use, your application cannot be processed unless we understand the nature of the industrial use that occurred and will occur under your proposal. Please submit historical consumptive use data for the water rights you are requesting to rent. Additionally, the Department will need consumptive use data for the rental activity that you are proposing in your application.

Please provide the required information within fourteen (14) days. While you are making corrections or amending your application, you will not be placed in the processing queue. Once you submit an application that contains all the required items, your application will be assigned a place in the processing queue.

Please note that applications that are received earlier in time and contain all the minimum requirements have an increased chance of acquiring the requested rental water.

Please contact me if you have questions regarding this matter at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau



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

RECEIVED

FEB 06 2015

DEPARTMENT OF
WATER RESOURCES

February 4, 2015

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

Re: Application to Rent IDWR Water Rights 63-2597 and 63-9961 from Water Supply Bank.

Dear Cherie,

Enclosed is an application to rent the above referenced water rights from the Water Supply Bank. Please contact me if I can provide any additional information to assist in the processing of the enclosed application.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure