

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: J R SIMPLOT CO
C/O VIC CONRAD
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707
(208) 336-2110

RECEIVED

FEB 19 2015

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	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
24-4017	9/18/1890	South Fork Sage Creek	Sage Creek	0.90 cfs	*158.6 af	NA	NA

Annual Combined Rental Totals

0.90 cfs *158.6 af NA NA

Term of Rental: **January 1, 2015 to December 31, 2015**
Rental Fee: **\$269.62**

The fee for rental of the above-described water is \$2,696.20. Because you own the above referenced water rights you are obligated to pay ten percent (\$269.62) to the Department for administrative costs only.

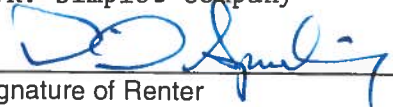
Detailed water right conditions are attached.

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


Signature of Renter

David Spurling, Senior Vice-President, 17 FEB 2015
Printed Name and Title* Date
Secretary & General Counsel

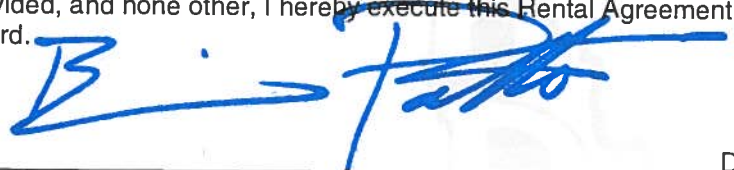
Signature of Renter

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.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date February 19, 2015

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

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SOUTH FORK SAGE CREEK SE¼NE¼SE¼ Sec. 18 Twp 09S Rge 46E CARIBOU County

BENEFICIAL USE

INDUSTRIAL

SEASON OF USE

04/15 TO 10/31

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	
08S	45E	25													X		X	X	NA
08S	46E	30											X						NA
08S	46E	31						X	X			X	X	X			X		NA
09S	45E	13													X		X	X	NA
09S	46E	6		X L2	X	X	X L3							X		X	X		NA
09S	46E	7			X		X			X	X			X		X	X		NA
09S	46E	18					X			X	X		X	X			X		NA
09S	46E	19		X			X	X											NA

Total Acres: NA

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. The water rented under this agreement is appurtenant to irrigation of 45.3 acres.
11. Use of water under this agreement 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. 1.
12. The water right referenced above is accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. Administrative fees will be paid based on the current rental rate.
13. Industrial use is for dust abatement for road construction.
14. *The renter is limited to a diversion volume of 113.3 acre-feet for the use authorized under this agreement.



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 20, 2015

J R SIMPLOT
C/O VIC CONRAD
PO BOX 27
BOISE ID 83707

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 24-4017**

Dear Renter:

Please find enclosed a receipt in the amount of **\$269.62** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 158.6 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, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

If you have any questions, please contact me at (208) 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C099939
Rental Agreement (copy)

c: Sascha Marston – Fiscal
James Cefalo – IDWR Eastern Regional Office
Lyle Swank – State Water District No. 1



CORPORATE HEADQUARTERS

February 17, 2015

RECEIVED
FEB 19 2015
DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources
Mr. Clay Webster, Water Resource Agent
P. O. Box 83720
Boise, ID 83720-0098

RE: Application to Rent Water From the Water Supply Bank;
Water Right No. 24-4017

Mr. Webster,

Enclosed please find an executed Agreement and appropriate administrative fee payable to IDWR, to rent water from the Water Supply Bank from the above mentioned Water Right.

Please let me know if you have any questions, and a final executed copy to my attention for our records is appreciated. I can be reached at (208) 389-7258 or diana.gastanaga@simplot.com.

Thank you for your assistance.

Sincerely,

Diana Gastanaga
Property Administrator



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 5, 2015

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 24-4017**

*****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 **\$2,696.20** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 158.6 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 \$269.62.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 15 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 \$269.62 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 me at (208) 287-4910.

Sincerely,


for Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s)

c: IDWR Front Desk

Kelly, Patrick

From: Kelly, Patrick
Sent: Friday, February 06, 2015 4:28 PM
To: Swank, Lyle; Cefalo, James
Subject: WSB rental application review
Attachments: R2.8 Rental Review Memo Template.pdf; POD MAP.pdf

Gentlemen,

Attached is a JR Simplot WSB rental application and map for WR 24-4017. Please review the info and provide any comment you may have within 10 days.

Have a great weekend,

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov

MEMORANDUM

To: Water Right(s) 24-4017
From: Patrick Kelly
Date: February 6, 2015
Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: The application for rental was received January 29, 2015 for dust abatement. The lessor and renter is J.R. Simplot Company. The proposed lease (24-4017) is an irrigation water right out of Sage Creek. The rental application indicates pumping water into storage tanks on trucks that will apply the water onto dirt roads.

AUTHORITY TO FILE: The rental application was signed by a David Spurling. Mr. Spurling is identified as Secretary according to the IDSOS. JR Simplot owns the QQ where the proposed POD exists. A number of different owners exist along the POU where the water will be applied. Authority on the POU may be less of a concern under the circumstances it is for dust suppression and in the interest of all parties.

WATER RIGHT VALIDITY: 24-4017 is an irrigation water right for 70.3 acres. 45.3 acres of the water right was leased into the WSB in 2014. 24-4017 was leased into the Bank for the 2015 season for the same diversion rate, volume and acres. Aerial photography of the POU shows that much of the property has been idled. Land currently irrigated according to 2013 imagery measured to 13 acres – within the remaining acres available under the un-leased WR. This information supports the lessor is in compliance with their lease.

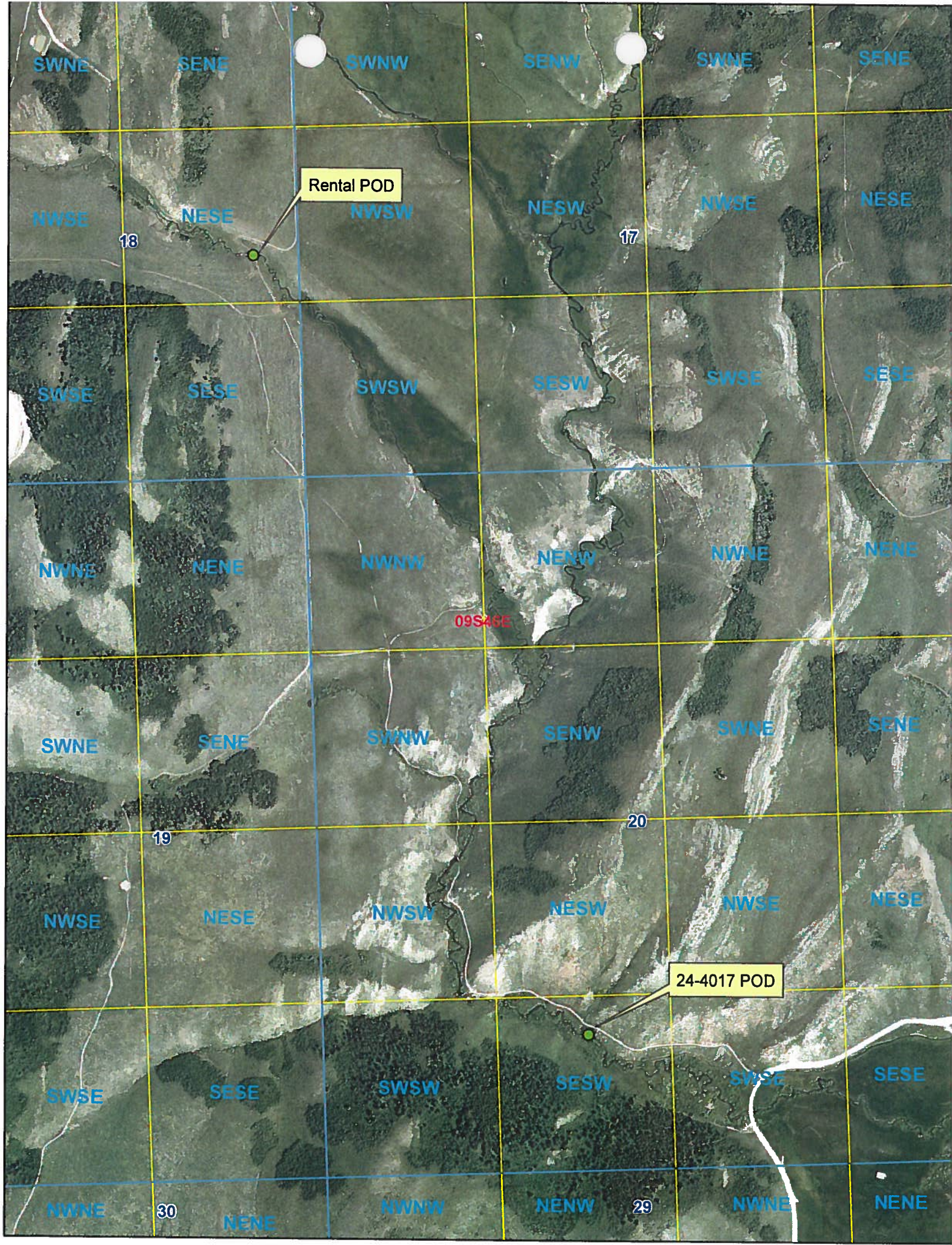
INJURY TO OTHER WATER RIGHTS: This rental was approved in 2014 with no injury reported. No injury is apparent.

ENLARGEMENT OF USE: The lease is for 45.3 acres and 158.6 af (3.5 af/a). Consumptive use for the area is 2.5 af/a. The renter will be forced to rent all of the right, as the Bank does not rent portions of a lease. The POU of 24-4017 has been confirmed that acres have been idle.

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 rented right is subject to Water District # 1. Comment will be requested from the watermaster and Eastern Region.



No. C 28407		Due no later than Feb 28, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. J. R. SIMPLOT COMPANY DAVID SPURLING P. O. BOX 27 BOISE ID 83707		CORPORATION SERVICE COMPANY 12550 W EXPLORER DR STE 100 BOISE 83713			
				3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
TREASURER	JOEL G BARKER	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702	
DIRECTOR	TERRY T UHLING	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702	
PRESIDENT	WILLIAM J WHITACRE	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
SECRETARY	DAVID SPURLING	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	SCOTT R SIMPLOT	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	GAY C SIMPLOT	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	JOHN E SIMPLOT	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	A DALE DUNN	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	STEPHEN A BEEBE	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	JOSEPH W MARSHALL	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	RICHARD M HORMAECHEA	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	WILLIAM J WHITACRE	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
DIRECTOR	DEBBIE S MCDONALD	999 MAIN STREET SUITE 1300	BOISE	ID	USA	83702-0027	
5. Organized Under the Laws of: NV C 28407		6. Annual Report must be signed.* Signature: DAVID SPURLING Name (type or print): DAVID SPURLING Date: 12/19/2014 Title: SECRETARY					
Processed 12/19/2014		* Electronically provided signatures are accepted as original signatures.					



CORPORATE HEADQUARTERS

RECEIVED

JAN 29 2015

DEPARTMENT OF
WATER RESOURCES

January 28, 2015

Michele Edl
State of Idaho
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: Application to Rent Water Right 24-4017 from Water Supply Bank.

Dear Michele:

Attached is an application to rent that portion of water right 24-4017 identified on the application to lease 24-4017 to the Water Supply Bank submitted earlier. Please contact me if we can provide any further assistance with the enclosed application.

Sincerely,

Vic Conrad
Land, Water and Asset Recovery

Enclosure

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 29 2015

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

Applicant Name: J. R. Simplot Company

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

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)

24-4017

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 diverted from the South Fork of Sage Creek into a storage that will be used to fill water trucks. After the trucks are filled water will be applied for dust suppression purposes to the road used to haul mined ore to the milling operation.

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)
0.9 CFS	113.5 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?
April 15		1	☐ 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
South Fork Sage Creek	9S	46E	18	SE	NE	SE	Caribou	None

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: Dust Suppression

- 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	
			Please see Exhibit A attached hereto for a description of																
			the Rental Place of Use.																
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 using a suction intake, pump, motor & pipeline into a water storage. Water trucks will be filled from the storage then will apply it to the road for suppressing dust.

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:

No other water rights are available at the rental place of use.

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)
24-4017	Irrigation	Sage Creek	0.9		45.3	April 1	Oct. 31		0.9		45.3
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	0.9		45.3
									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**: Previous approved rental applications have been more than adequate to fulfill the water use requirements for dust suppression.

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**:

Water will be used for dust suppression purposes.

5. ADDITIONAL INFORMATION

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

If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:
The previous water rental agreement expired at the end of the 2014 irrigation season.

B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒

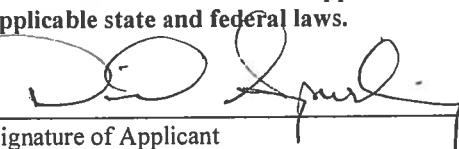
If yes, describe:

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.

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

27 JAN 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

Exhibit A
Rental Place of Use:

DS = Dust Suppression

[illegible]

Attachment 3K

The roads that will receive dust suppression treatment are located on lands owned by the United States of America, Forest Service ("USFS") and Bureau of Land Management ("BLM"). The use of the water for dust suppression is required to control fugitive dust emissions pursuant to the air operating permit for the Smoky Canyon Mine issued by the Idaho Department of Environmental Quality in July 1983. It is also a requirement of the current BLM and USFS mine operating permits.

Application to Rent Water from the Water Supply Bank for Dust Abatement 2015

