

FEB 11 2015

WATER SUPPLY BANK LEASE CONTRACT

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is effective January 1, 2015, between the Idaho Water Resource Board ("**Board**"), and

Lessor: J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707
(208) 336-2110
vic.conrad@simplot.com

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. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
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 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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-14258	0.41 CFS	159.6 AF	39.9 AC	43.4 AC
35-14260	0.39 CFS	88.0 AF	22.0 AC	43.4 AC
35-14262	0.07 CFS	14.0 AF	3.5 AC	43.4 AC
Combined Lease Totals:	0.87 CFS	173.6 AF	43.4 AC	43.4 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 4/1 to 11/1

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:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2015.
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.


SUPPORT DATA

IN FILE # 35-14258

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 COMPANY
PO BOX 27
BOISE ID 83707


By 
Printed Name David Spurling

Date 9 FEB 2015
Title Senior Vice President, Secretary and General Counsel

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date February 11, 2015

Lease approved by IDWR 

Date 2/11/2015

ATTACHMENT A
WATER RIGHT NO. 35-14258
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: J R SIMPLOT COMPANY
 PO BOX 27
 BOISE ID 83707
 (208) 336-2110

Priority Date: 01/18/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.41 CFS	159.6 AF
	Total:		0.41 CFS	159.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NE¼NE¼	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SE¼SW¼SE¼	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SW¼SE¼SW¼	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NE¼NW¼SW¼	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NW¼NE¼NW¼	Sec. 08	Twp 05S	Rge 31E	BINGHAM County

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		
05S	31E	05																		6.3
05S	31E	08					10.4	8.8	8.1	9.8										37.1

Total Acres: 43.4

Limited to acres within place of use described above: 39.9 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-14258, 35-14260, and 35-14262	0.87 CFS	173.6 AF	43.4 AC	43.4 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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 total annual maximum diversion volume of 1262.4 af at the field headgate, and the irrigation of 315.6 acres.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

ATTACHMENT A
WATER RIGHT NO. 35-14260
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: J R SIMPLOT COMPANY
 PO BOX 27
 BOISE ID 83707
 (208) 336-2110

Priority Date: 10/01/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.39 CFS	88.0 AF
	Total:		0.39 CFS	88.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NE¼NE¼	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SE¼SW¼SE¼	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SW¼SE¼SW¼	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NE¼NW¼SW¼	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NW¼NE¼NW¼	Sec. 08	Twp 05S	Rge 31E	BINGHAM County

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		
05S	31E	05																		6.3
05S	31E	08					10.4	8.8	8.1	9.8										37.1

Total Acres: 43.4

Limited to acres within place of use described above: 22.0 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-14258, 35-14260, and 35-14262	0.87 CFS	173.6 AF	43.4 AC	43.4 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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 total annual maximum diversion volume of 1262.4 af at the field headgate, and the irrigation of 315.6 acres.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

ATTACHMENT A
WATER RIGHT NO. 35-14262
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: J R SIMPLOT COMPANY
 PO BOX 27
 BOISE ID 83707
 (208) 336-2110

Priority Date: 01/08/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.07 CFS	14.0 AF
	Total:		0.07 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 06	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 07	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 08	Twp 05S	Rge 31E	BINGHAM County

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	
05S	31E	05									2.6	2.0	0.2	1.5					6.3
05S	31E	08					10.4	8.8	8.1	9.8									37.1

Total Acres: 43.4

Limited to acres within place of use described above: 3.5 AC

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
35-14258, 35-14260, and 35-14262	0.87 CFS	173.6 AF	43.4 AC	43.4 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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 total annual maximum diversion volume of 1262.4 af at the field headgate, and the irrigation of 315.6 acres.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 15 2014

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 Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D Written consent from irrigation district or water delivery company.
- 1E 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 Description of a water right portion offered to the Water Supply Bank.
- 3D Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 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>3000.</u>	Received By: <u>[Signature]</u>	Date Received: <u>12-15-14</u>	Receipt # <u>C099699</u>
W-9 received? Yes <input type="checkbox"/> No <input 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 1/1/2015 to 12/31/2015 (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.



Signature of Designated Applicant

David Spurling
Printed Name

9 DEC 2014
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

<u>1. 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																		6.3
		8					10.4	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



35's 4109 NW corner
 overlaps 2351
 17392
 @ 2553B
 14258
 14240
 14242
 Pivotal new smaller
 parcel shown it was

Initial - 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 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 12, 2015

J R SIMPLOT CO
ATTN: DIANE GASTANAGA
PO BOX 27
BOISE ID 83707

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 24-4017 and 35-14258, 35-14260 and 35-14262

Dear Lessor:

Water Rights 24-4017 and 35-14258, 35-14260 and 35-14262 were leased into the Water Supply Bank on January 1, 2015 in accordance with the executed original Lease Contracts enclosed. **Your water rights as described on the Lease Contracts are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

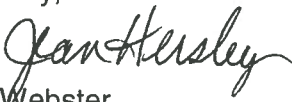
The rights will automatically be released from the Bank on **December 31, 2015**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

Please review the conditions of acceptance listed on the Lease Contracts, 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 287-4910. .

Sincerely,

for 
Clay Webster
Water Resource Agent

WSB Process Point of Contact

Enclosure: Executed Lease Contract

c: IDWR Eastern Region
James Cefalo – Water District No. 1 and 120



CORPORATE HEADQUARTERS

RECEIVED

FEB 11 2015

DEPARTMENT OF
WATER RESOURCES

February 9, 2015

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

RE: Application to Lease Water Right(s) 35-14258, 35-14260 & 35-14262
To the Water Supply Bank

Dear Clay,

Enclosed are two signed original Water Supply Bank Lease Contracts for the above mentioned water rights. Once reviewed and signed by the Department, please mail one original to my attention.

Please let me know if you have any questions, or need additional information. 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 4, 2015

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 35-14258, 35-14260 and 35-14262 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 right(s) to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH 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, 2015**, unless the rights are released earlier by the Board, or upon your request. To release the right 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 287-4910.

Sincerely,

for 
Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

Edl, Michele

From: Edl, Michele
Sent: Wednesday, January 28, 2015 5:54 PM
To: Cefalo, James
Subject: region and watermaster comment on 3 more JR Simplot leases B35
Attachments: J R Simplot 35-14258,60,62 Lease Review Memo.docx; 35-14258,35-14260&35-14262 POU.jpg

James,

I have completed my review of 3 more WSB lease applications (B35 rights) submitted by J R Simplot, for the 2015 season. In essence, these are also re-ups of leases that expired in December 2014.

35-14258, 35-14260 and 35-14262 share a POU and have combined limits on acres & volume. Last year we mistakenly put a combined limit on the rates.

Please give me your feedback about these applications.

I have attached my review memo and a jpg showing the location of the leased rights.

Thank you.

Michele

MEMORANDUM

To: Water Right No(s). 35-14258, 35-14260, and 35-14262
From: Michele Edl
Date: 1/28/2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: On December 15, 2014, IDWR received an application to lease portions of the above rights to the WSB for 2015. The same 43.4 acres have been idled under the three stacked rights and the water offered to the bank. The 43.4 acres consist of pivot corners in the NW quarter of section 8, and reduced diameter pivot in the SW quarter of section 5.

AUTHORITY TO FILE: J.R. Simplot Company is listed with ISOS as C28407. David Spurling is listed as an officer and he signed the application.

WATER RIGHT VALIDITY: The parent water rights of 35-14258 and 35-14262 were decreed in the SRBA on 2/15/2002. The parent water right of 35-14260 was decreed in the SRBA on 11/17/2000. A review of aerial photography shows irrigation of the corners in 2004. The pivot corner portions under the three rights were accepted into the bank in 2009. Forfeiture is not an issue at this time.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. The POU of this right is overlaid by right 35-4189 which authorizes irrigation through the application of spent process water.

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 leases appear consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rights are subject to Water District 120.

I found an error in the 2014 lease agreement for these three rights. That agreement incorrectly puts a combined limit of 0.40 cfs on the diversion rate. Both the partial decrees and the transfers which were approved in early 2014, show that the rates are additive. There are combined limits on the volume and acres but not the rate.

See attached spreadsheet table for combined use calculations.

Basil Sequence	Process	Basis	Status	Draft	Priority Date	Source List	Water Use List	Current Owner	Total Acres	Acres Limit	Volume	vol/ac	Diversion Rate	Q/ac	WR ac	total lease ac	leased Q	leased vol
35	14258	Water Right	Decreased	Active	N	1/18/1974	GROUND w/ IRRIGATION	J R SIMPLOT	359.0	330.2	1320.8	4.0	3.36	0.010	39.9	43.40	0.41	159.6
35	14260	Water Right	Decreased	Active	N	10/1/1953	GROUND w/ IRRIGATION	J R SIMPLOT	359.0	181.8	727.2	4.0	3.25	0.018	22.0	43.40	0.39	88.0
35	14262	Water Right	Decreased	Active	N	1/8/1959	GROUND w/ IRRIGATION	J R SIMPLOT	359.0	28.8	115.2	4.0	0.56	0.019	3.5	43.40	0.07	14.0
													7.17				0.87	
																43.4 x 0.02 =	0.868	
																43.4 x 4 =	173.60	
																% total ac	calc lease ac	
																0.121	39.9	
																0.121	22.0	
																0.122	3.5	
																total	1436.0	359.0
																leased	173.6	43.4
																unleased	1262.4	315.6

created by Michele Edl for 2015 season