



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2014

JR SIMPLOT COMPANY
ATTN VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: WITHDRAWAL OF APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

Per your written request received on August 20, 2014, the Department of Water Resources (department) acknowledges your intent to withdraw your Application to Rent Water from the Water Supply Bank. Therefore, the department is returning your application.

Diversion and use of water is not authorized under the returned rental application. Any use associated with your proposed rental request is not authorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

Christine Field

for Cherie Palmer
Water Rights Supervisor
WSB Process Point of Contact

Enclosure: Rental Application(s)

Palmer, Cherie

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Tuesday, August 19, 2014 11:04 AM
To: Palmer, Cherie
Subject: RE: Withdrawal of Application to Lease From the Bank.

Yes, I want to withdraw the application to RENT water from the Water Bank. I do want to continue LEASING the water rights we still own to the Water Bank.

-----Original Message-----

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Tuesday, August 19, 2014 9:53 AM
To: Conrad, Vic
Subject: RE: Withdrawal of Application to Lease From the Bank.

Thanks Vic,

One item of clarification. You want to withdraw the application to RENT water. Water is rented FROM the bank and water is leased INTO the bank. Either way I understand what you would like to do.

Cherie

-----Original Message-----

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Tuesday, August 19, 2014 9:49 AM
To: Palmer, Cherie
Subject: Withdrawal of Application to Lease From the Bank.

I will place the original letter in the mail to you today. Let me know if you need anything further.



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
AUG 20 2014
DEPARTMENT OF
WATER RESOURCES

August 19, 2014

Cherie Palmer
Sr. Water Resources Agent
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720

**Re: Withdrawal of Applications to Lease Water Right Nos. 2-10300A, 2-10300B, 2-10471
and 2-10472 from the Water Supply Bank.**

Dear Cherie:

In February, 2014, Simplot applied to lease certain portions of the above referenced water rights from the Water Supply Bank. At this time, there is no further interest in pursuing this lease for the 2014 irrigation season. Please withdraw our February request. I am anticipating that Simplot will submit a new application to lease these rights from the Bank for the 2015 irrigation season.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

MEMORANDUM

TO: Files

FROM: Steve Lester

DATE: May 2, 2014

RE: Applications 2-10501 and 63-33940

These Turner applications involve a proposed Snake River pump station to supplement water from the Wilder Irrigation District (Boise River). The applicant proposes about 5 cfs.

Proposed Pump Station

The pump station is a joint project with J. R. Simplot Company (Simplot). Simplot proposes renting about 15.5 cfs from Snake River rights originating from the Cottonwood Canal Company near Glenns Ferry (Black Mesa etc.). The rental rights were relocated to a proposed diversion at C.J. Strike Reservoir for land near Mt. Home Air Force Base (see Transfers 77479 and 78075, approved 2011 and 2012).

Whether the transferred rights have been used at the new POU or not, the separation between these rights and the proposed pump station is at least 70 linear miles, even more river miles.

Turner amended 2-10501 to add two basin 63 sources, both tributary to the Snake River near the pump station site. This entails a shallow ground water pond with an estimated 10 af capacity plus waste water to be collected in the pond (pond serves as two PODs, fills under 24-hour method, storage n/a). Turner will pump from the pond and also retained the option of pumping directly from the river. He said river pumping is possible but unlikely since lower river flow periods would require excessive efforts to extend the river intake much farther from the shore. He stated a floating pump station in the river did not seem feasible. He indicated his pump and Simplot's pump would be close together at the proposed pond pump station.

Amending the river application required issuing number 63-33940 for a non-additive amount of water and non-additive use. Turner will provide confirmation from Riverside Irrigation District that waste water is available for a new use. Shallow ground water and waste water are not applicable to the Boise River water district in this situation.

Application 2-10501 prior to amendment was advertised without protests. Amended 2-10501 and 63-33940 are being advertised 5/1 and 5/8/2014 with a 5/19/2014 protest deadline.

These applications are the only water right proposals for this pump station. Simplot has not filed any water right application. Western Region comments were requested for the Simplot rental application.

Simplot's WSB Rental Application at Shared Pump Station

Previous conversation with SO staff confirmed WSB actions cannot be used to establish a new ground water POD. Not sure if this applies to a shallow ground water pond, probably not encountered before.

Apparently the WSB can accommodate a new surface water POD lacking regular water right approval (that was news to me). Additional conversation speculated on transmission losses over many river miles between the location of leased rights and the new pump station. Some concern about lack of public involvement for a large pump station was discussed.

Simplot's rental application provides some public benefit for minimum stream flow concerns at the Murphy Gauge and for supporting irrigation in portions of the Wilder Irrigation District. Presumably the Simplot pump station is intended for long-term use, suggesting regular water right approval is expected. Since legal notices are one of the best indicators of local public interest, the lack of public opportunity to be involved in Simplot's proposal is troubling.

The Turner applications suggest Simplot will use the pond instead of a floating pump station described in the rental application. Although the pond represents tributary water, it is not river water. Perhaps WSB processing allows some flexibility in not accurately describing sources and proposed diversion works, although that would be inconsistent with regular water right matters. Different standards, if allowed, for water right vs. WSB processing regarding sources and diversion works would be troubling.

Suggestions for WSB Rental Application

1. Losses: How much additional water is needed to convey about 15 cfs for about 100 (?) river miles? Without accounting for conveyance loss, Simplot would divert some portion of water not covered by WSB or water right approval of any type.
2. Source and POD: Will water be pumped directly from the river, the pond or maybe both? Does it matter that waste water might be diverted by Simplot in this scenario, assuming waste water collects in the pond?
3. Storage: Do construction plans confirm a pond capacity about 10 af?
4. Public Interest: Lacking a Simplot application for permit or transfer, the rental application should be advertised at least in the Canyon County newspaper. Western Region could assist with that (helps keep advertising billing, affidavits etc. less confusing if just one office involved).
5. Deny/Hold: However, I prefer this outcome: deny or hold the rental application pending water right approval for Simplot's portion of the pump station, not just Turner's portion. A normal water supply at this time suggests supplemental water is not so critical this year. Simplot could still continue with its right-of-way etc. work now in progress (verbal information from Vic Conrad & Turner).

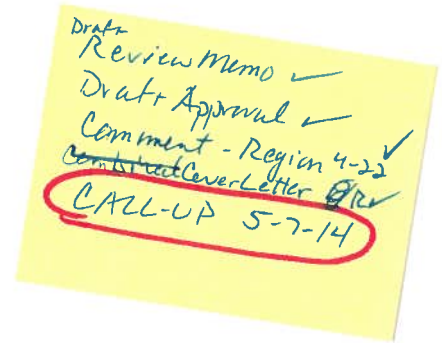
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No. C 88513	Due no later than Jan 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)																
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			DAVID E SPURLING 999 MAIN ST, SUITE 1300 BOISE ID 83702-0027 3. <u>New</u> Registered Agent Signature:*																
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).																			
Office Held DIRECTOR SECRETARY PRESIDENT	Name DAVID SPURLING DAVID SPURLING WILLIAM J WHITACRE	Street or PO Address 999 MAIN STREET SUITE 1300 999 MAIN STREET SUITE 1300 999 MAIN STREET SUITE 1300	<table border="1"> <thead> <tr> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83702</td> </tr> <tr> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83702</td> </tr> <tr> <td>BOISE</td> <td>ID</td> <td>USA</td> <td>83702</td> </tr> </tbody> </table>	City	State	Country	Postal Code	BOISE	ID	USA	83702	BOISE	ID	USA	83702	BOISE	ID	USA	83702
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5. Organized Under the Laws of: ID C 88513	6. Annual Report must be signed.* Signature: David Spurling Name (type or print): David Spurling Date: 11/18/2013 Title: Secretary																		
Processed 11/18/2013		* Electronically provided signatures are accepted as original signatures.																	

No. C 88514	Due no later than Jan 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)																													
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	1. Mailing Address: Correct in this box if needed. AGWILD, INC. DAVID SPURLING P O BOX 27 BOISE ID 83702		3. <u>New</u> Registered Agent Signature:*																													
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No. C 28407	Due no later than Feb 28, 2014 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 ID 83713 USA		
			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	
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	
DIRECTOR	ROBERT J LANE	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: 12/17/2013 Title: Secretary					
Processed 12/17/2013		* Electronically provided signatures are accepted as original signatures.					

Skaggs, Pam

From: Skaggs, Pam
Sent: Tuesday, April 22, 2014 12:51 PM
To: Lester, Steve
Subject: REGION COMMENT - WSB Rental - J R Simplot Co 2-10300A & B, 2-10471 (part) & 2-10472
Attachments: J R SIMPLOT CO-WSB Rental App.pdf; DRAFT-Rental Review Memo-Simplot 2-10471 etc.docx

Steve,

Please provide comment on the attached rental application proposal and the review memo attached. Assuming that the lease is completed for right 2-10472, the rights referenced above will fill this rental request. Let me know if you have any questions.

I will hold this application from processing for two weeks to allow time for you to comment.

Thanks,
Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

Skaggs, Pam

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Tuesday, April 22, 2014 12:04 PM
To: Skaggs, Pam
Subject: RE: Easement - Water Bank Lease Clarification For Canyon County Pump Station.

Perfect. Thank you Pam!

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Tuesday, April 22, 2014 11:58 AM
To: Conrad, Vic
Subject: RE: Water Bank Lease Clarification For Canyon County Pump Station.

Vic,

The rental agreement will include the following condition:

This rental does not grant any right-of-way or easement across the land of another.

Please submit a confirmation of the easement to the department for the water right file prior to construction and diversion of water under the rental agreement.

Pam

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Tuesday, April 22, 2014 11:49 AM
To: Skaggs, Pam
Subject: RE: Water Bank Lease Clarification For Canyon County Pump Station.

Pam,
We do not have this easement yet, but we are working hard on it. Can the approval be conditioned upon verifying with the IDWR that we have consent from the landowner? We won't proceed with construction on his property until we have the easement finished.

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Tuesday, April 22, 2014 11:33 AM
To: Conrad, Vic
Subject: RE: Water Bank Lease Clarification For Canyon County Pump Station.

Vic,

One other item related to this project came to my attention. The rental application notes that you were working with the property owner to get an easement at the point of diversion location. Has that been accomplished? Please provide confirmation of authorization to access the property.

Thanks,

Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

Skaggs, Pam

From: Skaggs, Pam
Sent: Tuesday, April 22, 2014 8:22 AM
To: 'Conrad, Vic'
Cc: Clements, Matthew; Evans, Bob
Subject: RE: Water Bank Lease Clarification For Canyon County Pump Station.

Vic,

Thank you for responding so quickly to my questions. I know that Bank terms are confusing, so I just want to clarify the actions proposed on the applications related to these rights.

All of Right 2-10472 is proposed **leased** into the Bank.

The rights you note below are for the proposed **rental** of water for 774.6 acres of irrigation in Canyon County. The acres are available for rental under the rights as described below and I will continue processing the applications.

Thanks for your assistance and let me know if you have any questions.

Pam

Pam Skaggs
Water Rights Supervisor
(208) 287-4951

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Tuesday, April 22, 2014 8:11 AM
To: Skaggs, Pam
Cc: Clements, Matthew; Evans, Bob
Subject: Water Bank Lease Clarification For Canyon County Pump Station.

Pam,

Thank you for giving us the opportunity to clarify our intent with the application to lease water rights 2-10200A, 2-10200B, 2-10472 and 2-10471 from the Bank. Our intentions are to lease the rights in the following order:

Water Rights 2-10200A & 2-10300B = 400 acres
Water Right 2-10472 = 240 acres
Portion of Water Right 2-10471 = 134.6 acres
Total Acres Leased from Bank: = 774.6

Please let me know if we can help with anything further.

Vic
389-7359



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
FEB 06 2014
DEPARTMENT OF
WATER RESOURCES

February 5, 2014

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

Re: Application to Rent Water Rights 2-10200A, 2-10300B, 2-10471 and 2-10472.

Dear Cherie:

Enclosed is an application to rent a portion of the rights available under the above referenced water right numbers.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
FEB 06 2014
DEPARTMENT OF
WATER RESOURCES

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) J. R. Simplot CompanyMailing Address P. O. Box 27, Boise, Idaho 83707Phone 208-336-2110

Email _____

WITHDRAWN
8/19/2014

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>15.49 cfs</u>	<u>3,097.76</u>	<u>Irrigation</u>	<u>April 15</u> to <u>Oct. 31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total: <u>15.49</u>	<u>3,097.76</u>		

2. Source of water Snake River tributary to Columbia River

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
4N	5W	19	1		NW	NW	Canyon

4. Lands to be irrigated or place of use: See Exhibit A Attached Hereto for 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	

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 774.6

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☐ No ☒

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. Applicant is working with landowner on an easement. Copy will be provided once executed.

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use.

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Floating pumping platform attached to dock in Snake River; re-lift station, pipelines, center pivots and wheel line irrigation systems
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
None.
3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. Wilder Irrigation District, 63-11756, 63-2678, 63-3282, 63-3559
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe.
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe.

E. RENTAL TERM

- Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☐ No ☒
If yes, please specify the number of years desired through proposed rental.

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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. 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.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Signature of Applicant

David Spurling, Senior Vice President,
Printed Name and Title*

Date

5 FEB 2014

Signature of Applicant

Secretary and General Counsel
Printed Name and Title*

Date

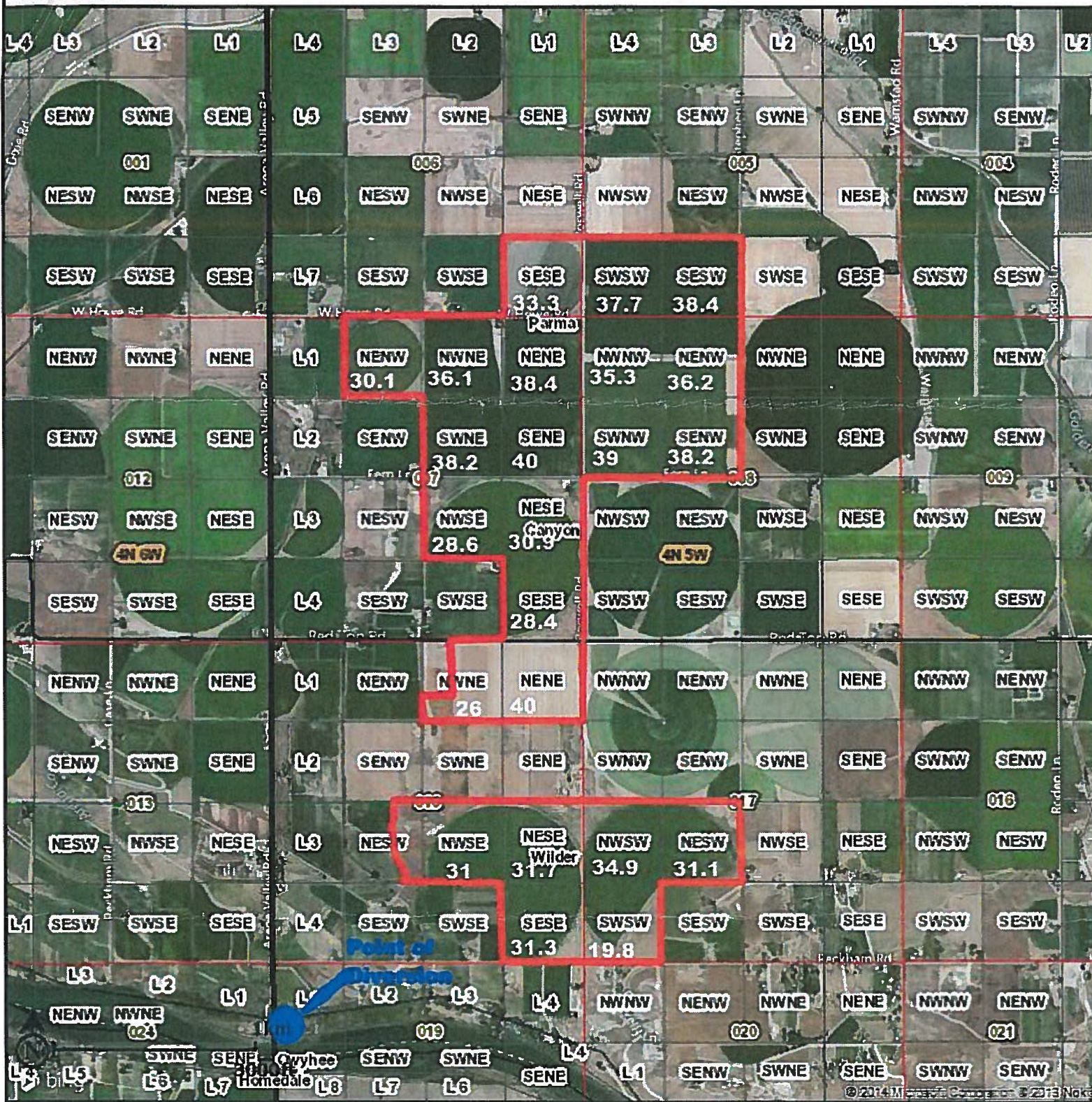
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

Exhibit A
Application to Rent Water From Water Bank Place of Use

Twp	Rng	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	5W	5											37.7	38.4					76.1
		6																33.3	33.3
		7	38.4	36.1	38.2	40	30.1								30.9	28.6		28.4	270.7
		8					36.2	35.3	39	38.2									148.7
		17									31.1	34.9	19.8						85.8
		18	40	26											31.7	31		31.3	160
																		Total	774.6

Point of Diversion and Place of Use



Map Notes: Place of Use outlined in Red

Point of Diversion Blue Dot

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