

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 28, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: J R SIMPLOT CO
PO BOX 27
BOISE ID 83702-0027
(208) 39-4698

RECEIVED
MAY 21 2014
DEPARTMENT OF
WATER RESOURCES

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	0.40 CFS	159.6 AF	39.9 AC	39.9 AC
35-14260	0.40 CFS	88.0 AF	22.0 AC	22.0 AC
35-14262	0.07 CFS	14.0 AF	3.5 AC	3.5 AC
Combined Lease Totals:	0.40 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: 04/01 to 10/31

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, 2014.
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.

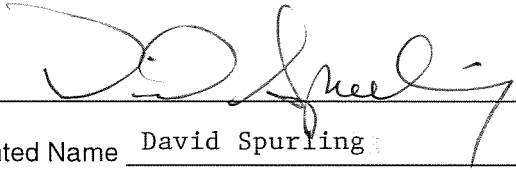
SUPPORT DATA

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 CO
PO BOX 27
BOISE ID 83702-0027

By 
Printed Name David Spurling

Date 19 May 2014
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 05-21-2014

Lease approved by IDWR 

Date 05-21-2014

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 CO
 PO BOX 27
 BOISE ID 83702-0027
 (208) 39-4698

Priority Date: 1/18/1974

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	0.40 CFS	159.6 AF
	Total:		0.40 CFS	159.6 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	31E	5										2.6	2.0	.2	1.5					6.3
05S	31E	8					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	0.40 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. The unleased portion of right 35-14258 can be used to irrigate up to 290.3 acres within the authorized place of use in a single irrigation season.
13. Use of this right and the leased portion of Rights 35-14260 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
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.
15. 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.

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 CO
 PO BOX 27
 BOISE ID 83702-0027
 (208) 39-4698

Priority Date: 10/1/1953

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	0.40 CFS	88.0 AF
	Total:		0.40 CFS	88.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
05S	31E	5												2.6	2.0	.2	1.5					6.3	
05S	31E	8					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	0.40 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. The unleased portion of right 35-14260 can be used to irrigate up to 159.8 acres within the authorized place of use in a single irrigation season.
13. Use of this right and the leased portion of Rights 35-14258 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
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.
15. 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.

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 CO
 PO BOX 27
 BOISE ID 83702-0027
 (208) 39-4698

Priority Date: 1/8/1959

Source: GROUND WATER

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
05S	31E	5												2.6	2.0	.2	1.5					6.3	
05S	31E	8					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	0.40 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. The unleased portion of right 35-14262 can be used to irrigate up to 159.8 acres within the authorized place of use in a single irrigation season.
13. Use of this right and the leased portion of Rights 35-14258 and 35-14260 when combined shall not exceed a total annual maximum diversion volume of 173.6 af at the field headgate, and the irrigation of 43.4 acres.
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.
15. 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.

RECEIVED

JAN 28 2014

Department of Water Resources

STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM

ONE FORM PER WATER RIGHT

This form is a statement that the lessor requests an extension of a Water Supply Bank ("Bank") lease for the water right identified below. A water right remains in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. However, if a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

If requesting a change in lease amounts (reducing or increasing acreage, etc.), you must file an Application to Sell or Lease a Water Right to the Water Supply Bank. This form can be found on IDWR's website at: www.idwr.idaho.gov.

Water Right No: 35-14258 Telephone No: 208-336-2110

Name(s) of Lessor(s): J.R. Simplot Company

Mailing Address: P.O. Box 27

City: Boise State: ID Zip: 83707

Current Expiration Date: December 31, 2013

Requested Expiration Date: December 31, 2014

Lease term not to exceed 5 years.

All lease extension request forms must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled for the duration of this lease.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

The lessor requests that the above water right remain in the Bank through the date referenced above.

J.R. Simplot Company

By: [Signature]
Signature of Lessor

David Spurling, Sr. VP, Secretary and
Printed Name and Title*

27 DEC 2013
Date

Signature of Lessor

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

FOR OFFICE USE ONLY

Filing fee received by: CJ

Date: 1/28/14

Receipt No: 0098237

71.36 acres Under 35-14260, 35-14262 and 35-14258 Available for Bank



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 22, 2014

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

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

Dear Lessor:

Water Rights 35-14258, 35-14260 and 35-14262 were leased into the Water Supply Bank on January 28, 2014 in accordance with the executed original Lease Contract enclosed. **Your water rights as described on the Lease Contract are considered leased into the Bank and should remain unused until they are formally released from the Bank.**

The rights will automatically be released from the Bank on **December 31, 2014**, 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 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."

Upon final review of the leases processed for basin 35 we discovered that we received an overpayment of \$500.00. We have requested a refund for \$500 for receipt # C098237 be returned to you under separate cover from the State Controller's Office. You can expect that payment within 30 days.

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster

Technical Records Specialist

Enclosure: Executed Lease Contract

c: James Cefalo – IDWR Eastern Regional Office

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, May 21, 2014 4:01 PM
To: Marston, Sascha
Cc: Sutcliffe, Lorna
Subject: Refund for C098237

Please generate a refund to

JR Simplot
PO Box 27
Boise ID 83707

In the amount of \$500 under receipt C098237.

Thanks,
Cherie



CORPORATE HEADQUARTERS

May 20, 2014

State of Idaho
Department of Water Resources
Mr. Clay Webster, Technical Records Specialist
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED

MAY 21 2014
DEPARTMENT OF
WATER RESOURCES

RE: Executed Application to Lease Water Right(s) 35-14258, 35-14260 and
35-14262 to the Water Supply

Mr. Webster:

Enclosed please find an executed Application to lease the above-mentioned water rights to the Water Supply Bank.

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 Coordinator



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

May 13, 2014

VIC CONRAD
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707-0027

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 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, 2014**, 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,

Clay Webster
Technical Records Specialist

Enclosure: Proposed Lease Contracts

MEMORANDUM

To: Water Right No(s). 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260 and 35-14262

From: Clay Webster

Date: April 28, 2014

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received a letter from Vic Conrad of the JR Simplot Company to extend these leases on December 18, 2013. The department received documents and application fees for these extensions on January 28, 2014.

The acres proposed leased for the 2014 season include changes from previously leased acres in the same areas and are not strictly renewals of existing leases. Upon review of acres offered to the bank I discovered that the corners identified for water rights 35-14258, 35-14260 and 35-14262 in Section 5 included acres which were removed in a transfer in June 2012. I notified Vic Conrad of this issue and possible options via email on April 10, 2014. I received a call from Vic Conrad on April 24, 2014 about these leases. He asked that we process the leases minus the 7 acres in each corner of section 5.

AUTHORITY TO FILE: The applications were signed by David Spurling the Secretary of J R Simplot Company according to the Idaho Secretary of State web site. The JR Simplot Company is the current water right owner for these rights.

WATER RIGHT VALIDITY: All of these rights were partially decreed in the SRBA in February 2002 except for 35-14260, which was partially decreed by the SRBA in November 2000. These rights have been leased in part into the bank since March 2009. 35-14258, 35-14260 and 35-14262 were results of split rights from Transfer 77900 which was approved in June 2012.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right(s) are subject to Water District # 120.

Webster, Clay

From: Webster, Clay
Sent: Tuesday, April 29, 2014 10:12 AM
To: Cefalo, James
Subject: Region and Watermaster Comments for Lease for 35-14258, 35-14260 and 35-14262
Attachments: DOC000.pdf; Lease Review Memo JR Simplot Co 35-14258, 35-14260 AND 35-14262.docx

James,

I am processing a lease for 43.4 acres of the last three water rights on my memo into the WSB. The difference is the 7 acres in each corner of section 5 is no longer part of the right (per transfer in 2012). Do you have any concerns? Thank you for your assistance.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

208-287-4800

www.idwr.idaho.gov

Webster, Clay

From: Webster, Clay
Sent: Thursday, April 10, 2014 12:17 PM
To: 'vic.conrad@simplot.com'
Subject: WSB Lease Applications for 35-14258, 35-14260 and 35-14262
Attachments: Pages from WATERRIGHTS-#599934-v1-Application_for_Transfer.pdf; DOC000.pdf; DOC001.pdf

Mr. Conrad,

I am currently processing your lease applications for several water rights. However, I have ran across a problem with the acres that were identified for these three water rights. The corners identified in Section 5 are no longer part of these water rights per the transfer that was approved in June of 2012. Do you wish to identify other areas to dry up? Or would you like me to proceed with processing the lease applications without those acres? For your convenience, I have attached a copy of the map from the transfer, a copy of your letter identifying leased portions of the water right and the map that you sent with these applications. Thanks for the assistance.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910

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