

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective January 1, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707-0027
(208) 336-2110
vic.conrad@simplot.com.

RECEIVED

MAY 09 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>
35-02553A	0.74 CFS	152.4 AF	NA	38.1 AC
35-02713	0.74 CFS	174.4 AF	NA	43.6 AC
35-07169	0.73 CFS	152.4 AF	38.1 AC	53.1 AC
35-07373	0.22 CFS	44.4 AF	11.1 AC	53.1 AC
35-10422	<u>0.06 CFS</u>	<u>15.6 AF</u>	<u>3.9 AC</u>	<u>53.1 AC</u>
	0.78 CFS	212.4 AF	53.1 AC	53.1 AC
Combined Lease Totals:	2.26 CFS	539.2 AF	NA	134.8 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 11/01

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.

SUPPORT DATA

FILE # **35-2553A**

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.
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 83707-0027

By 
Printed Name Senior Vice President

Date 8 May 2014
Title Senior Vice President

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 05-09-2014

Lease approved by IDWR 

Date 05-09-2014

ATTACHMENT A
WATER RIGHT NO. 35-02553A
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 83707-0027
 (208) 336-2110

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	to 11/01	0.74 CFS	152.4 AF
	Total:		0.74 CFS	152.4 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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	N	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	7	9.8	8.5	9.3	10.5													38.1

Total Acres: 38.1

Limited to acres within place of use described above: NA

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. 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.
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.

ATTACHMENT A
WATER RIGHT NO. 35-02713
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 83707-0027
 (208) 336-2110

Priority Date: 5/10/1962

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	0.74 CFS	174.4 AF
	Total:		0.74 CFS	174.4 AF

LOCATION OF POINT(S) OF DIVERSION:

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
GROUND WATER	SESWSE	Sec. 6, Twp 05S, Rge 31E, BINGHAM County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	6				9.1									9.0	7.3	7.2	11.0	43.6

Total Acres: 43.6

Limited to acres within place of use described above: NA

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. 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.
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.

ATTACHMENT A
WATER RIGHT NO. 35-07169
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 83707-0027
 (208) 336-2110

Priority Date: 3/9/1971

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	0.73 CFS	152.4 AF
	Total:		0.73 CFS	152.4 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	6										1.3	7.2	11.0					19.5
05S	31E	7					9.8	7.0	7.6	9.2									33.6

Total Acres: 53.1

Limited to acres within place of use described above: 38.1 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>
35-7169, 35-7373 and 35-10422	0.78 CFS	212.4 AF	53.1 AC	53.1 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. This leased portion of this right is limited to the irrigation of 38.1 acres within the authorized place of use in a single irrigation season.
13. Leased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 0.78 cfs, a total annual maximum diversion volume of 212.4 af at the field headgate, and the irrigation of 53.1 acres.
14. Unleased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 5.61 cfs, a total annual maximum diversion volume of 1,535.6 af at the field headgate, and the irrigation of 383.9 acres.
15. Right 35-10422 is an enlargement of Rights 35-7169 and 35-7373 pursuant to Section 42-1426, Idaho Code.
16. 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.
17. 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. 35-07373
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 83707-0027
 (208) 336-2110

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	.22 CFS	44.4 AF
	Total:		.22 CFS	44.4 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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	6										1.3	7.2	11.0					19.5
05S	31E	7					9.8	7.0	7.6	9.2									33.6

Total Acres: 53.1

Limited to acres within place of use described above: 11.1 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>
35-7169, 35-7373 and 35-10422	0.78 CFS	212.4 AF	53.1 AC	53.1 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 leased portion of this right is limited to the irrigation of 11.1 acres within the authorized place of use in a single irrigation season.
13. Leased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 0.78 cfs, a total annual maximum diversion volume of 212.4 af at the field headgate, and the irrigation of 53.1 acres.
14. Unleased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 5.61 cfs, a total annual maximum diversion volume of 1,535.6 af at the field headgate, and the irrigation of 383.9 acres.
15. Right 35-10422 is an enlargement of Rights 35-7169 and 35-7373 pursuant to Section 42-1426, Idaho Code.
16. 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.
17. 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. 35-10422
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 83707-0027
 (208) 336-2110

Priority Date: 7/31/1987

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	0.06 CFS	15.6 AF
	Total:		0.06 CFS	15.6 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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	6										1.3	7.2	11.0					19.5
05S	31E	7					9.8	7.0	7.6	9.2									33.6

Total Acres: 53.1

Limited to acres within place of use described above: 3.9 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>
35-7169, 35-7373 and 35-10422	0.78 CFS	212.4 AF	53.1 AC	53.1 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 leased portion of this right is for an enlargement of 3.9 acres within the place of use described for this right.
13. Leased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 0.78 cfs, a total annual maximum diversion volume of 212.4 af at the field headgate, and the irrigation of 53.1 acres.
14. Unleased portions of Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 5.61 cfs, a total annual maximum diversion volume of 1,535.6 af at the field headgate, and the irrigation of 383.9 acres.
15. Right 35-10422 is an enlargement of Rights 35-7169 and 35-7373 pursuant to Section 42-1426, Idaho Code.
16. 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.
17. 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.

STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM

RECEIVED
JAN 28 2014
Department of Water Resources

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: 35-2553A 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

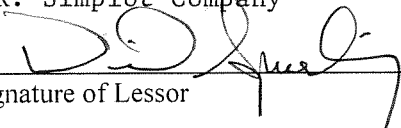
Current Expiration Date: December 31, 2013

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 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

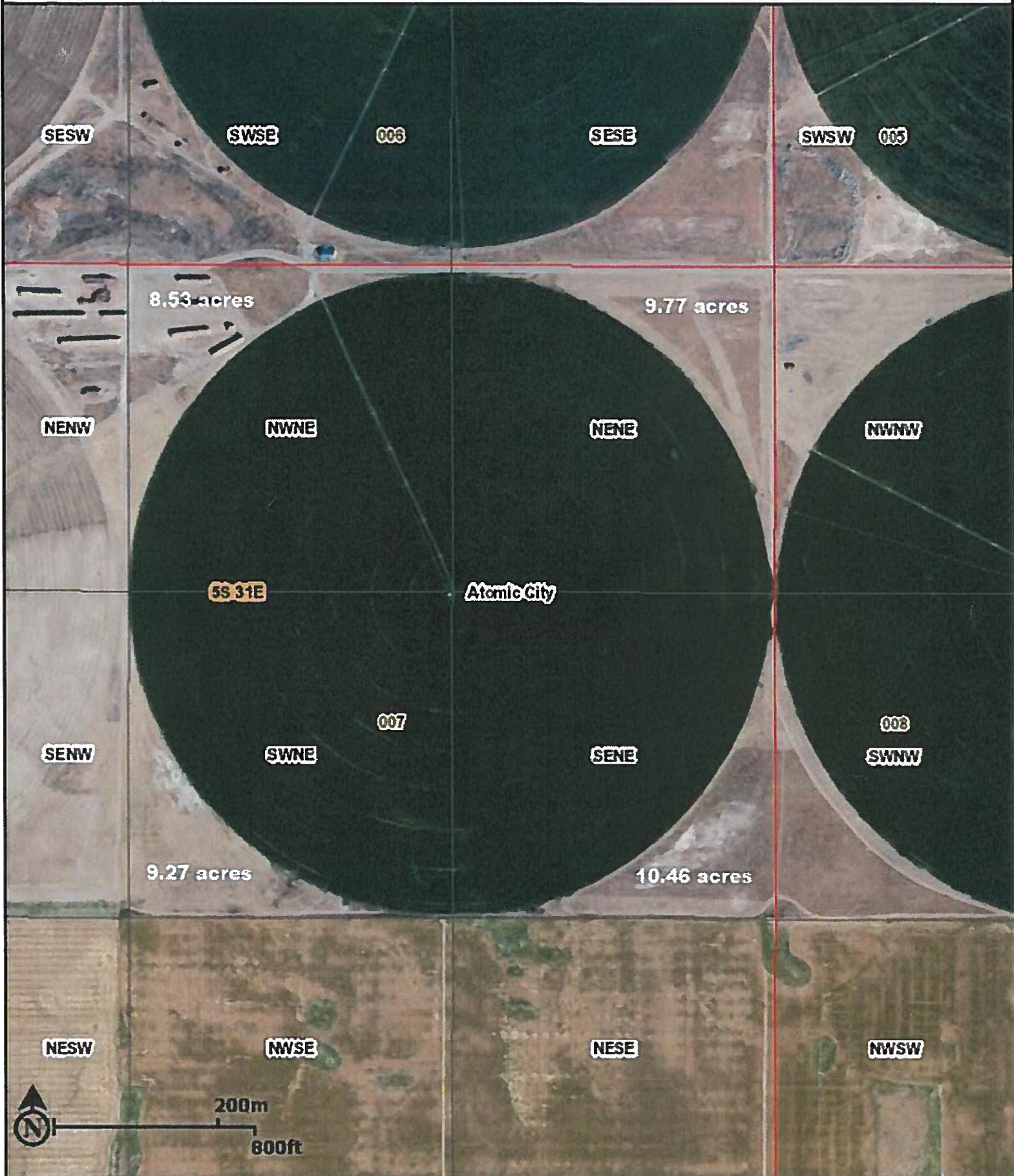
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

FOR OFFICE USE ONLY

Filing fee received by: CJ

Date: 1/28/14

Receipt No: 0098237



STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM

RECEIVED
JAN 28 2014
Department of Water Resources

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: 35-7169 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.

By: J.R. Simplot Company
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: JS Date: 1/28/2014 Receipt No: C098237

52.9 acres Under 35-7169, 35-7373 and 35-10422 Available for Bank



STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM

RECEIVED
JAN 28 2014
Department of Water Resources

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: 35-7373 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.

By: J.R. Simplot Company
Signature of Lessor David Spurling, Sr. VP, Secretary and 27 DEC 2013
Printed Name and Title* Date
General Counsel
Signature of Lessor Printed Name and Title* Date

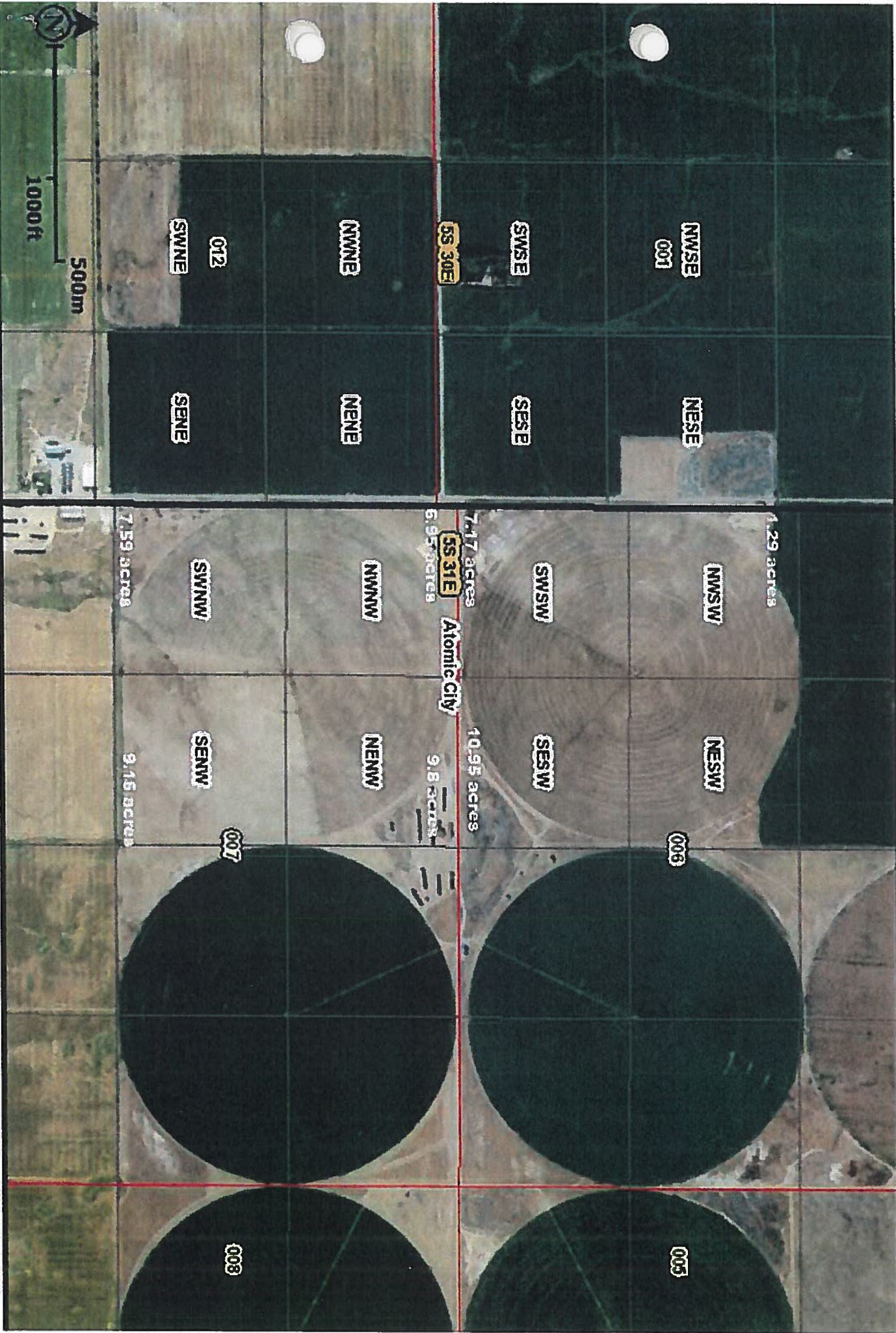
*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

FOR OFFICE USE ONLY

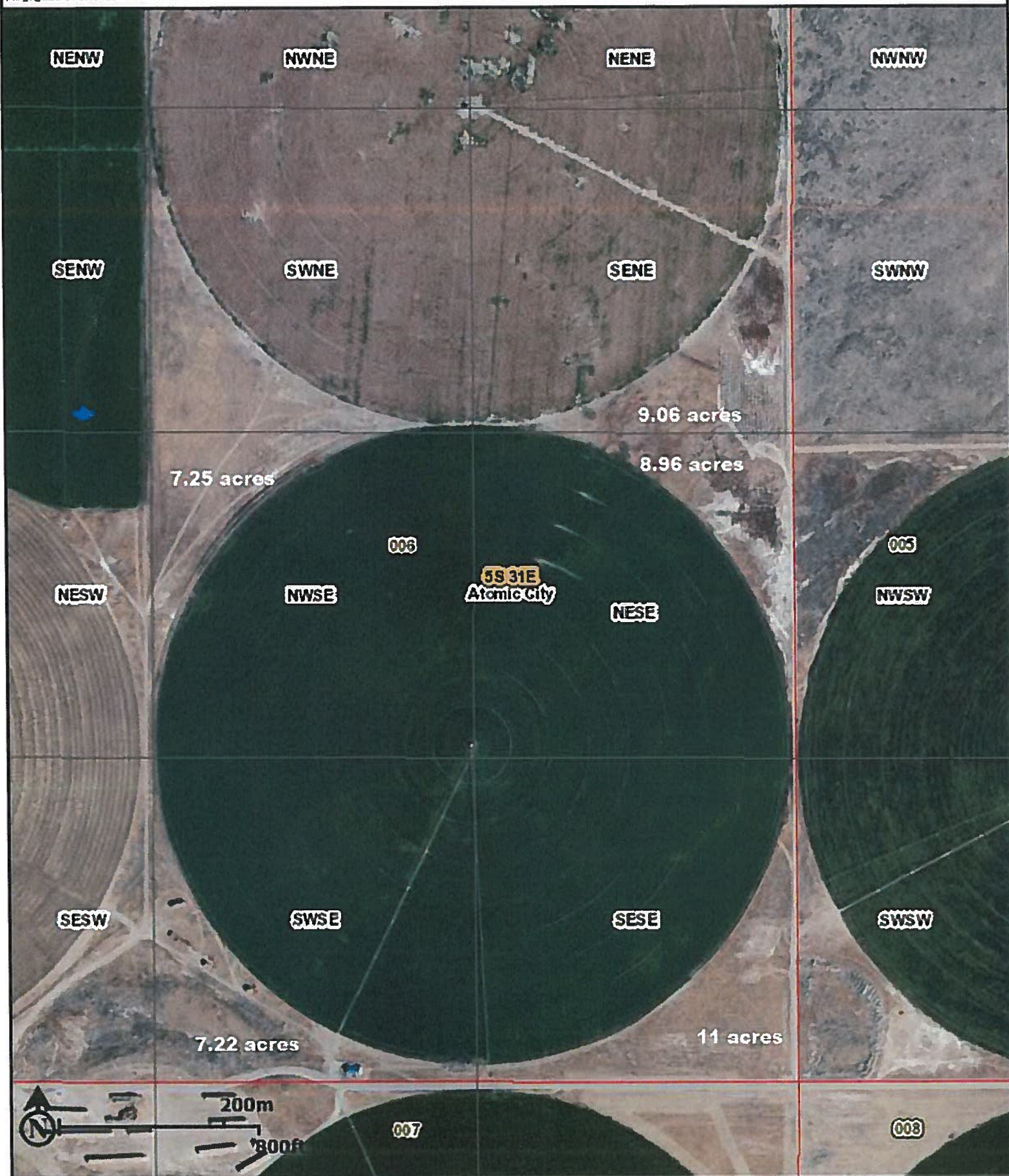
Filing fee received by: 15 Date: 1/28/14 Receipt No: C098237

52.9 acres Under 35-7169, 35-7373 and 35-10422 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.

Receipt No: 1098237





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

December 31, 2013

RECEIVED

JAN 28 2014

Department of Water Resources

CORPORATE HEADQUARTERS

Remington Buyer
State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Extension of Water Bank Lease for Portions of 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260 and 35-14262 (205.78 acres total).

Dear Remington:

As a follow-up to our telephone conversation on December 23, enclosed are the documents you requested, together with a \$2,000 check, to extend the term of the leases for certain portions of the above referenced water rights to the Water Supply Bank until December 31, 2014. The portions of each right available for the Water Bank are summarized as follows:

Water Right 35-2713A:

Twp	Rng	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	6				9.06									8.96	7.25	7.22	11	43.49
																Total Acres			43.49

Water Rights 35-14258, 35-14260 and 35-14262:

Twp	Rng	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	5									9.62	9.03	7.19	8.43					34.27
		8					10.44	8.78	8.11	9.76									37.09
																Total Acres			71.36

Water Right 35-2553A:

Twp	Rng	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	7	9.77	8.53	9.27	10.46													38.03
																Total Acres			38.03

Water Rights 35-7169, 35-7373 and 35-10422:

Twp	Rng	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	31E	6										1.29	7.17	10.95					19.41
		7					9.8	6.95	7.59	9.15									33.49
																Total Acres			52.9

Sincerely,

Vic Conrad
Land, Water & Asset Recovery
Enclosures

STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO EXTEND LEASE TERM

RECEIVED
JAN 28 2014
Department of Water Resources

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: 35-10422 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: 05 Date: 1/28/14 Receipt No: 1098237



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 30, 2014

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83702-0027

**RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER
RIGHT(S): 2-10472, 24-4017, 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-
14258, and 35-14262**

Dear Lessor:

The Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right, currently leased to the Water Supply Bank (Bank), will expire December 31, 2014. This letter is notice that the right will be considered released from the Bank at that time.

If you would like the right to remain leased to the Bank, please complete the enclosed Application to Lease a Water Right to the Water Supply Bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the Bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have questions regarding this matter, you may contact the Department at any time.

Sincerely,

A handwritten signature in black ink that reads "Cherie Palmer". The signature is written in a cursive, flowing style.

Cherie Palmer
Water Rights Supervisor
Water Allocation Bureau

Enclosure: Application to Lease a Water Right

c: IDWR Regional Office
Charles L Honsinger – Honsinger Law PLLC (Atty for 2-10472)
PO Box 517
Boise ID 83701



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 9, 2014

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

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 35-02553A, 35-02713, 35-07169, 35-07373 & 35-10422

Dear Lessor:

Water Rights 35-02553A, 35-02713, 35-07169, 35-07373 and 35-10422 were leased into the Water Supply Bank on January 1, 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."

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



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

May 8, 2014

Clay Webster
Technical Records Specialist
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720

RECEIVED
MAY 09 2014
DEPARTMENT OF
WATER RESOURCES

Re: Applications to Lease Water Right Nos. 35-2553A, 35-02713, 35-07169, 35-07373 and 35-10422.

Dear Clay:

Enclosed are the duplicate partially executed originals of the Water Supply Bank Lease Contract for the above referenced water right numbers. Please arrange for the signature by the Board, then return one fully executed original to me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 30, 2014

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

**RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 35-02553A, 35-02713, 35-07169, 35-07373
AND 35-10422 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
Receipt # 098237

Webster, Clay

From: Webster, Clay
Sent: Monday, April 14, 2014 3:48 PM
To: Cefalo, James
Subject: Regional and Watermaster Comments on Lease Extensions for JR Simplot Co.
Attachments: DOC000.pdf; DOC001.pdf; DOC002.pdf; DOC003.pdf; DOC004.pdf; DOC005.pdf; Lease Review Memo JR Simplot Co 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260 AND 35-14262.docx

James,

We are processing these five leases, at this time. You'll notice that the last three WRs on the review memo are not among them yet. We will process those separately when acres offered issues are resolved. Do you have any concerns?

Thanks.

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

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 10, 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.

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.

[illegible]



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

DEC 18 2013

DEPARTMENT OF
WATER RESOURCES

December 14, 2013

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

Re: Request to Extend Term of Lease for Portions of Water Right Nos. 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14262, 35-14260.

Dear Cherie:

Please extend the term of the leases to the Water Supply Bank for those portions of the above referenced water rights currently leased to the Water Supply Bank until December 31, 2014. Should you need any additional information or filing fees to extend the terms of these leases, please contact me (phone: 208-389-7359; email: vic.conrad@simplot.com).

Sincerely,

Vic Conrad, Director
Land, Water & Asset Recovery

Enclosures