



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 4, 2014

JR SIMPLOT COMPANY
C/O TERRY UHLING
999 MAIN ST STE 1300
BOISE ID 83707

RESPONSE DEADLINE

March 11, 2014

RE: Water Right 61-2165 and 61-12291 Water Supply Bank Status and Overlap 2-10471

Dear Right Holder:

In 2005, water right 61-2165 was fully leased into the Water Supply Bank (WSB). In October of 2013, water right 61-2165 was split through Transfer No. 78656 creating water right 61-12291. The above referenced water rights are still entirely leased into the WSB and cannot be used unless the water rights are released. The following table describes the remaining portion of water right 61-2165 and the new split portion of 61-12291:

61-2165

59 acres	1.16 cfs	339 af	Irrigation purposes
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61-12291

200 acres	3.20 cfs	900 af	Irrigation purposes
	0.67 cfs	174 af	Industrial purposes

200 acres	3.87 cfs	1074 af	
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However in 2012, 253.3 acres of water right 61-2165 was rented to a third party that expires at the end of 2016. As a result of the water right split, the entire portion of water right 61-2165 is rented and 194.3 acres of water right 61-12291 is rented until the end of 2016.

At this time, water rights 61-2165 and 61-12291 are fully leased into the WSB. If you would like to release any portion from the WSB, you may only release the uncommitted portion of water right 61-12291 as follows:

5.7 acres	0.30 cfs	99.1 af	Irrigation purposes
	0.67 cfs	174 af	Industrial purposes

5.7 acres	0.97 cfs	273.1 af	
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If you would like to change the leased amount for water right 61-12291, please submit a new *Application to Sell or Lease a Water Right to the Water Supply Bank* (lease application) for at least 194.3 acres, 2.90 cfs, and 800.9 af. If you do not change the current lease under 61-12291 within 7 days, the remaining 273.1 af will be made available for others to rent.

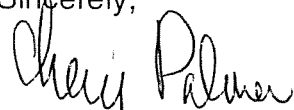
Lastly, in 2011, water rights 2-10471 and 2-10472 were modified through Transfer No. 77479 that "stacked" the water rights with ground water rights that include water right 61-2165. Generally applicants are required to offer the corresponding portion of each of the stacked right for lease to the WSB. A single lease application proposing to "unstack" one or more water right used for irrigation or other use, without leasing all the rights for the same use, is presumed to enlarge the water right.

At this time water right 2-10471 is already completely leased into the WSB. Please either provide evidence that the Transfer No. 77479 has not and will not be accomplished by the end of 2014. Otherwise, 253.3 acres under water right 61-2165 will be considered unavailable to rent. Please submit the requested information within 7 days.

Also please note that ground water rights 61-7096, 61-2162, 61-2163, 61-7170, and 61-12039 are appurtenant to the same lands as surface water rights 2-10471 and 2-10472. Because the ground water rights and surface water rights may be "stacked", additional acres may not be available for rental under your surface water rights unless other evidence is submitted.

You may contact me at (208) 287-4944 if you have questions regarding this matter.

Sincerely,



Cherie Palmer, Sr. Water Resource Agent
Water Allocation Bureau

c: JR Simplot Company via email 3/4/14 cp
c/o Vic Conrad
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