STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1885

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

LESSOR: ORANO USA LLC
4747 BETHESDA AVE STE 1001
BETHESDA, MD 20814-7219

RECEIVED
NOV 25 2024
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 and received by the Department on June 21, 2024.

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

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
35-13855	2/14/1961	GROUND WATER	0.06	20.0	5.0
Lease Totals			**0.06**	**20.0**	**5.0**

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
35-13855	0.06	20.0	5.0	0.012	4.0
Combined Limit Totals	**0.06**	**20.0**	**5.0**	**0.012**	**4.0**

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**: The term of this lease shall be January 1, 2024 to December 31, 2028. This Lease shall bind the parties and take effect when both parties have signed it.

WATER SUPPLY BANK LEASE CONTRACT No. 1885

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. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1885

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: ORANO USA LLC
4747 BETHESDA AVE
STE 1001
BETHESDA, MD 20814-7219

By _____
Title President and CEO
Date 11/20/2024

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 11/25/24
Brian Patton, Executive Manager
Idaho Water Resource Board

Lease approved by IDWR _____ Date 11/25/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1885

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 35-13855

GROUND WATER	NESW	Sec. 13	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	NESW	Sec. 13	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	NWNW	Sec. 15	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	SWNE	Sec. 22	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	NWNW	Sec. 23	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	NWSW	Sec. 24	Twp 03N	Rge 34E	BONNEVILLE County
GROUND WATER	SWSW	Sec. 25	Twp 03N	Rge 34E	BONNEVILLE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-13855	IRRIGATION	04/01	to	10/31	0.06 cfs	20.0 AF
				Totals:	0.06 cfs	20.0 AF

PLACES 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	
03N	34E	14													0.6	0.6	0.6	0.7	2.5
03N	34E	26															2.5		2.5

Total Acres: 5.0

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, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.

WATER SUPPLY BANK LEASE CONTRACT No. 1885

5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
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, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
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 right does not grant any right-of-way or easement across the land of another.
13. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. Use of water under this right may 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
16. This contract is for the lease of only the irrigation portion of right 35-13855.

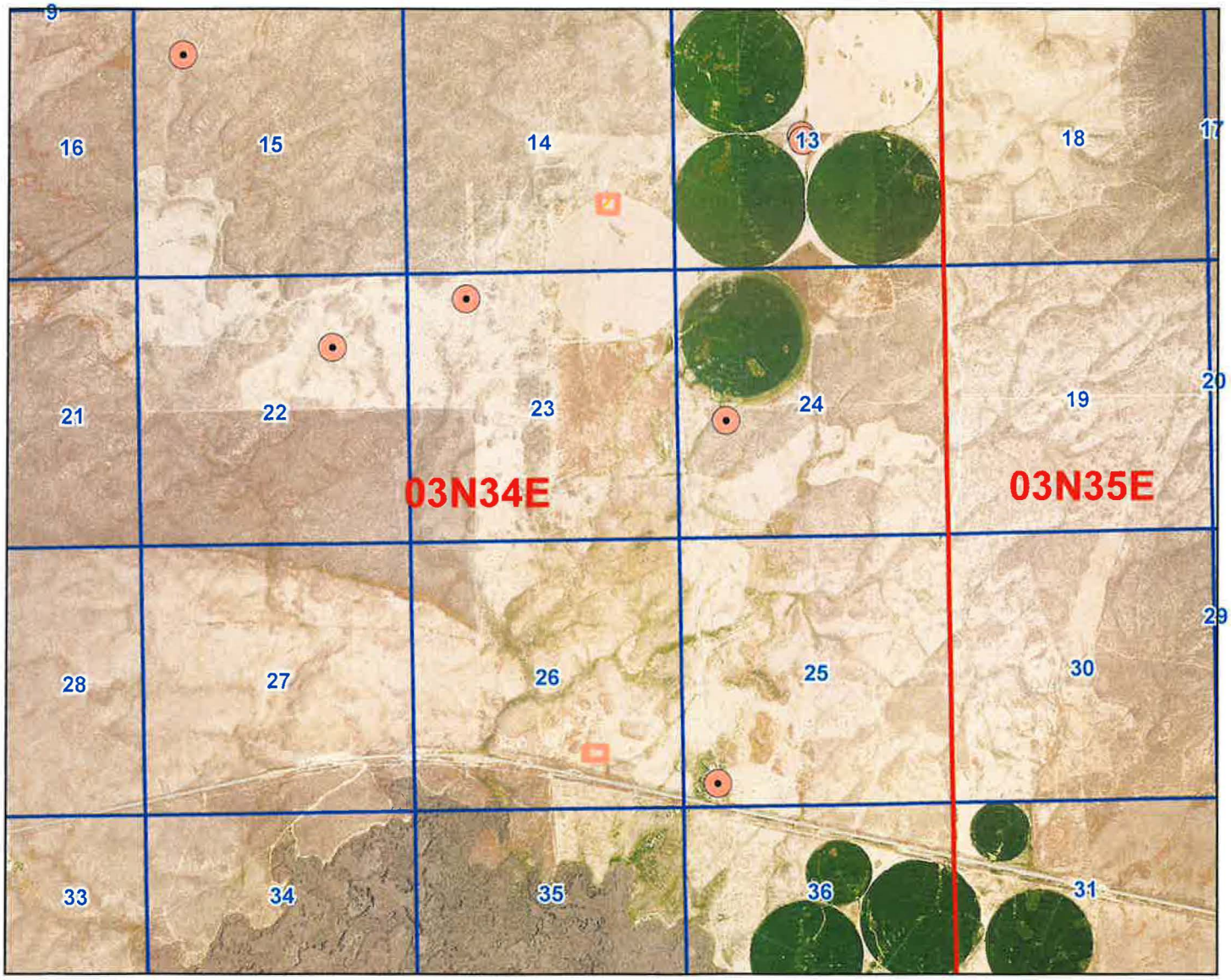
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1885

35-13855

Effective until December 31, 2028

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Approved Lease POD

Approved Lease POU

Township/Range

Sections

N

0 1,950 3,900 7,800 Feet

Form 42-1761-1 10/15

RECEIVED
JUN 21 2024
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant Orano USA LLC
(Select one owner – see item 1A on the application)

Water Right No. 35-13855
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? **Yes** ☐ **No** ☑

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 250	Received By: JRS	Date Received: 6-21-24	Receipt # C118520
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: Orano USA LLC	

2998.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Orano USA LLC

Mailing Address 4747 Bethesda Ave Ste 1001 (Street) Bethesda (City) MD (State) 20814-7219 (Zip Code)

Email Address _____ Phone Number _____

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☑ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Kristin Moore Organization Rocky Mountain Environmental Assoc. Inc.

Professional Title Senior Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353 ext 104

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☑ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☑ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☑
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
This water right was transferred to this POU/POD in 2009. Previous to the transfer, irrigation water was historically delivered from wells through a mainline for pivot irrigation.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☑
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☑
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. This right was enrolled in the WSB from 2015-2019, after which an Extension of Time to Avoid Forfeiture was approved. There has been no diversion of this water right at the authorized POU/POD since before 2015. However, it has been rented through the WSB.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☑ No ☐
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. Protected from forfeiture while in the WSB in 2015-2019 and through an Extension of Time to Avoid Forfeiture from 2020-2024.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☑ No ☐
The industrial component of 35-13855 is mitigation by non-use for water right 35-14467. The industrial component is not proposed to be leased to the WSB. Only the irrigation component is included in this application.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2024 (Year) to 2028 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

DocuSigned by:	Jean-Luc Palayer	June 21, 2024
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

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

0005476509

STATE OF IDAHO
Office of the secretary of state, Phil McGrane
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only
-FILED-
File #: 0005476509
Date Filed: 11/13/2023 8:25:03 AM

Entity Name and Mailing Address:

Entity Name:	Orano USA LLC
Foreign Name (name in home jurisdiction):	Orano USA LLC
The file number of this entity on the records of the Idaho Secretary of State is:	0004545258
Address	4747 BETHESDA AVE STE 1001 BETHESDA, MD 20814-5282

Entity Details:

Entity Status	Active-Existing
This entity is organized under the laws of:	DELAWARE
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	

The registered agent on record is:

Registered Agent	CORPORATE CREATIONS NETWORK INC Commercial Registered Agent Physical Address 950 W BANNOCK ST #1100 BOISE, ID 83702 Mailing Address 950 W BANNOCK ST #1100 BOISE, ID 83702

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
Amir Vexler	Manager	4747 BETHESDA AVE STE 1001 BETHESDA, MD 20814-5282

The annual report must be signed by an authorized signer of the entity.

Job Title: Special Manager

Lauren Duemig — Sign Here

11/13/2023 — Date

B0856-4127 11/13/2023 8:25 AM Received by Office of the Idaho Secretary of State

Page 1 of 1

Attachment # 1.D

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: ORANO USA LLC

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353

Rocky Mountain Environmental Associates, Inc. (RMEA) is hereby authorized to act on behalf of Orano USA LLC regarding Water Supply Bank Application(s) for water right(s).

DocuSigned by: C9B6F2F82A31448	Jean-Luc Palayer	June 21, 2024
Signature	Printed Name	Date

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

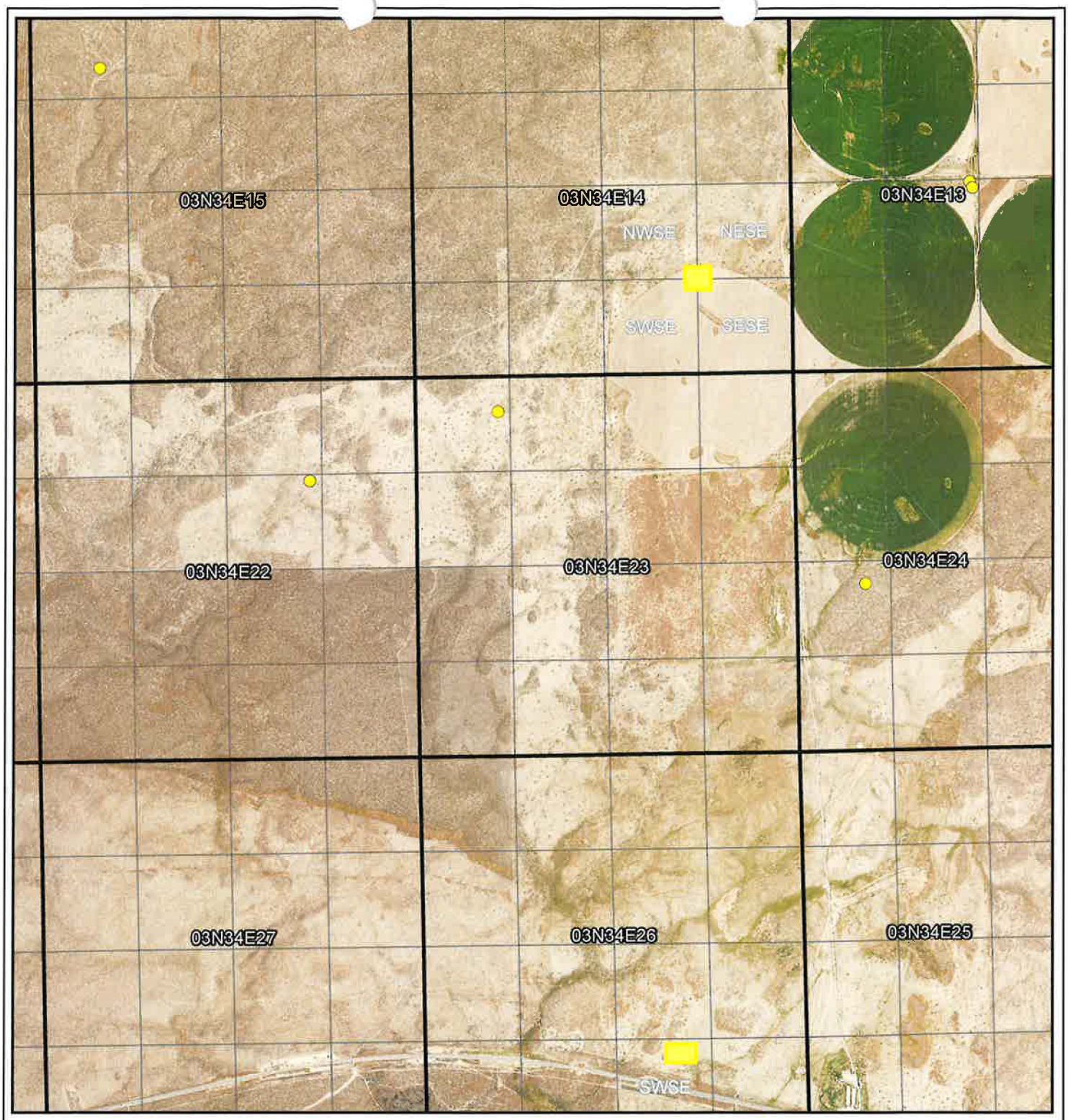
1.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
35-13855	Irrigation	0.06	20	5
	Total Amounts:	0.06	20	5

2. Source of water Ground water tributary to _____

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	34E	13			NE	SW	BONNEVILLE
3N	34E	13			NE	SW	BONNEVILLE
3N	34E	15			NW	NW	BONNEVILLE
3N	34E	22			SW	NE	BONNEVILLE
3N	34E	23			NW	NW	BONNEVILLE
3N	34E	24			NW	SW	BONNEVILLE
3N	34E	25			SW	SW	BONNEVILLE



Basemap: 2023 NAIP

0 0.5 1 2 Miles

Legend

- Lease POD
- QQ
- Lease POU
- Twp & Rng
- Section

N W E S

Attachment #3 WSB Lease 35-13855

Orano USA LLC

RMEA # 24-0070

by: KM

Date: 6/4/2024

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

November 27, 2024

ORANO USA LLC
4747 BETHESDA AVE STE 1001
BETHESDA MD 20814-7219

RE: WATER SUPPLY BANK LEASE CONTRACT 1885
FOR WATER RIGHT 35-13855

Dear Lessor:

Water right **35-13855 is** leased into the Water Supply Bank (Bank) as of January **2024** in accordance with the enclosed executed lease contract. **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**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2028,** unless the rights are released earlier by the Water Resource Board (Board). To release the water rights 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 on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Debra Mansfield
Technical Records Specialist I

Enclosure: Executed Lease Contract

c: IDWR Eastern Region Office
Representative
Water District No. 120

Mansfield, Debra

From: Mansfield, Debra
Sent: Tuesday, November 26, 2024 1:32 PM
To: Jordan, Blake; Kristin Moore; Cefalo, James
Cc: Bank
Subject: Executed WSB Lease Contract 1885
Attachments: Executed WSB Lease Contract 1885, Orano USA LLC.pdf

Hello,

Please see the attached copy of executed WSB Lease Contract 1885, in the name of Orano USA LLC, for your records.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

October 24, 2024

ORANO USA LLC
4747 BETHESDA AVE STE 1001
BETHESDA MD 20814-7219

RE: APPLICATION TO LEASE WATER RIGHTS 35-13855 TO THE WATER SUPPLY BANK CONTRACT 1885

******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 ALL 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 right will automatically be released from the Bank on **December 31, 2028,** unless the right is 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 right may not be available for immediate release if it has 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 this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Debra Mansfield
for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATION # 2998 / Contract # 1885

To: Water Right 35-13855

From: Clayton D. Murdock

Date: August 6th, 2024

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

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PURPOSE/NARRATIVE: The lease application was received by the Department June 21st 2024 for the Irrigation component of ground water right 35-13855 for a 5-year term (2024-2028).

In 2009 this water right was transferred to the current POU and POD. The right was placed into the bank from 2015-2019. To protect this water right from forfeiture, an Extension of Time to Avoid Forfeiture was approved from 2020-2024 (July 1st). The Industrial portion of this water right is involved in the mitigation by non-use for water right for water right 35-14467 and is not proposed to be leased to the Water Supply Bank, only the Irrigation component.

AUTHORITY TO FILE: Lease application 2998 for Orano USA LLC was signed by Jean-Luc Palayer, with attachment 1-D authorizing Rocky Mountain Environmental Associates Inc to act on behalf of Orano USA LLC. Jean-Luc Palayer is listed as the Chief Executive Officer and President of Orano USA. The water right and POD are owned by Orano USA LLC. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right was decreed in 2002. The water right was transferred to the current location in 2009, and was last used for irrigation in June 2009. From 2010-2014 the water right was not used and was leased to the water supply bank in 2015-2019 to prevent forfeiture. To continue protecting this water right from forfeiture, an Extension of Time to Avoid Forfeiture was approved from 2020-2024 (July 1st). Aerial imagery for the odd years between 2015-2023 show no indication of irrigation at the place of use. No concerns with validity of the water right and portion offered to the bank. The leasing of these water rights to the bank are to prevent forfeiture due to lack of use.

INJURY TO OTHER WATER RIGHTS: Other water rights diverted at one of the points of diversion (NESW Sec. 13, Twp 03N, Rge 34E) are water rights; 35-14268, 35-14467, and 35-14746 for irrigation. There are no injury concerns with idling these water rights. Proper review to prevent injury if rented.

ENLARGEMENT OF USE: The total rate and volume are the sum of the irrigation and mitigation components so the irrigation can be leased while mitigation continues without enlargement. There are no other overlapping water rights.

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: Water District 120 – American Falls Area. Ground Water District – Bonneville-Jefferson. Ground Water Management Area – Eastern Snake Plain Aquifer. Eastern Region. Email request for comments sent to regional manager and water master on August 8th, 2024.

From:	Murdock, Clayton
To:	Jordan, Blake; Cefalo, James
Subject:	Lease Application For Orano USA LLC
Date:	Wednesday, August 7, 2024 2:10:00 PM
Attachments:	Layout_app-2998.pdf Lease Review Memo 2998.docx

Good Afternoon, Blake and James,

I am reaching out to you regarding a proposed lease submitted by Orano USA LLC within Water District 120. Please review the attached Lease memo and map for the offered portions of water right 35-13855, for a five year term beginning in 2024.
Please reach out to me with any questions or concerns regarding this application within 10 days.

IDAHO DEPARTMENT OF
WATER RESOURCES
Clayton D. Murdock
Water Supply Bank Specialist
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