

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 853

RECEIVED

FEB 07 2025

DEPT. OF WATER RESOURCES

This is to certify that:

J R SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)
61-12291	12/2/1963	GROUND WATER	3.87	1,074
Rental Totals			3.87	1,074

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2028. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2025, whichever occurs last.

Annual Rental Fee:

2025 - 2028: \$3,544.20 annually

The full fee for the rental of the above-described right(s) is \$3,544.20 per year for years 2025 - 2028. The rental fee includes an administrative fee of \$3,544.20 per year for years 2025 - 2028. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 61-12291.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)
STOCKWATER	3.87	806
Combined Total	3.87	806

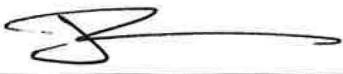
*** The authorized water usage reflects a reduction from the water right elements rented, to account for a Change in Nature of Use from Irrigation and Industrial to Stockwater Use.**

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 853

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:



Signature of Renter

2/5/2025

Date

James B. Alderman

Printed Name

Senior Vice President & General Counsel

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By 

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date 2/11/25

Rental approved by IDWR 

Date 2/11/25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 853

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec. 6, Twp 05S, Rge 04E,	ELMORE County
GROUND WATER	SESE	Sec. 31, Twp 04S, Rge 04E,	ELMORE County
GROUND WATER	SWNE	Sec. 32, Twp 04S, Rge 04E,	ELMORE County
GROUND WATER	NWNE	Sec. 32, Twp 04S, Rge 04E,	ELMORE County
GROUND WATER	NWNW Lot 4	Sec. 5, Twp 05S, Rge 04E,	ELMORE County
GROUND WATER	NESW	Sec. 5, Twp 05S, Rge 04E,	ELMORE County
GROUND WATER	NESE	Sec. 5, Twp 05S, Rge 04E,	ELMORE County

BENEFICIAL USE
STOCKWATER

DIVERSION RATE
3.87 CFS

VOLUME
806 AF

SEASON OF USE

From To
1/1 12/31

RENTERS PLACE OF USE: STOCKWATER

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	04E	7	X			X													X
05S	04E	8	X	X	X	X	X	X	X	X									X

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from 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.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

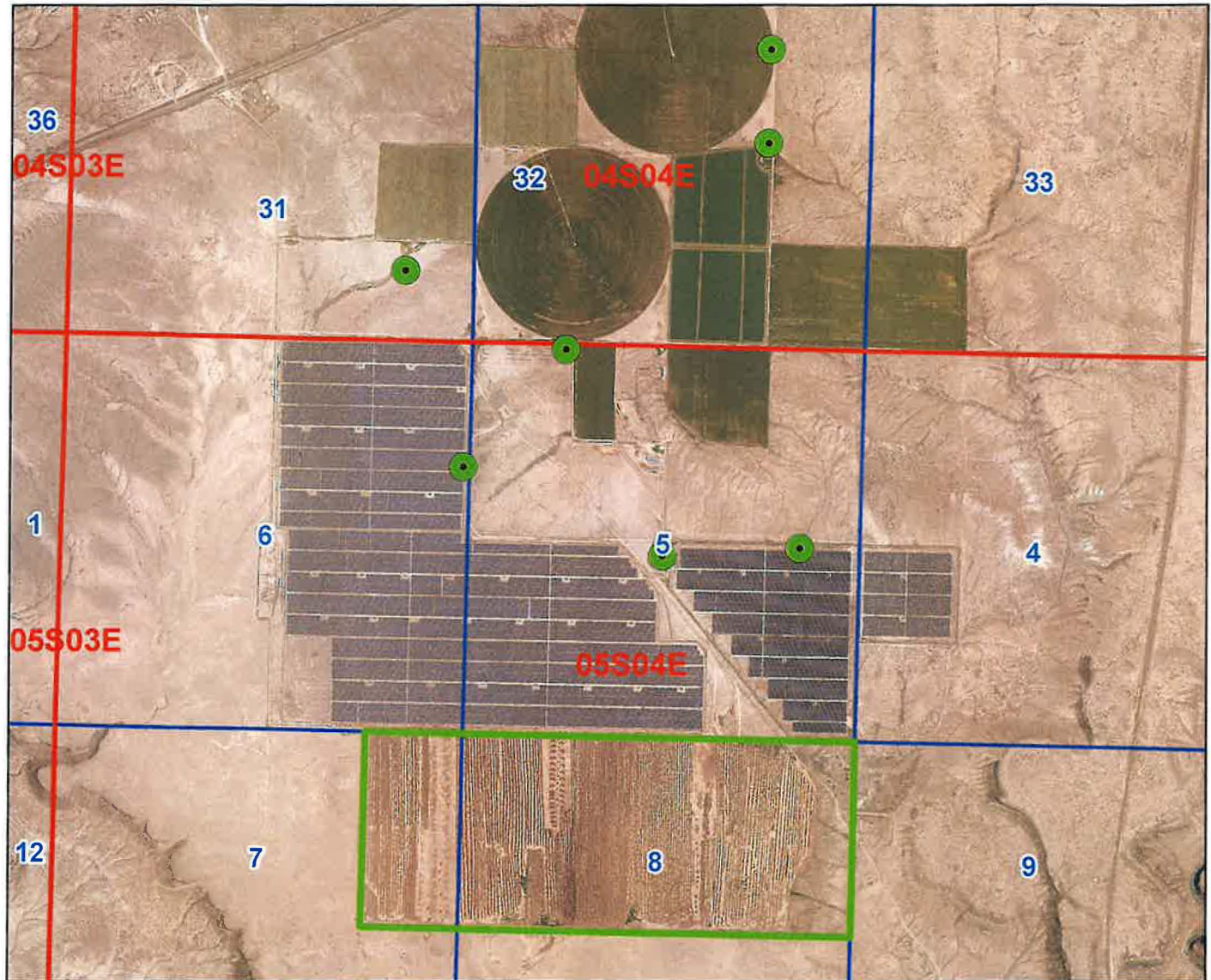
WATER SUPPLY BANK RENTAL AGREEMENT No. 853

9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. A portion of this agreement or a diversion rate of 3.2 cfs, a diversion volume of 632 af at the field headgate, is limited to a season of use of March 1st thru November 1st.
11. This rental agreement does not authorize the construction of a well.
12. 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. 161.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 853

Effective until December 31, 2028

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



0 2,000 4,000 6,000 Feet

Legend

-  Water Supply Bank Rental Point of Diversion
-  Water Supply Bank Rental Place of Use
-  Township/Range
-  Sections



STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKRECEIVED
OCT 15 2024
DEPT. OF WATER RESOURCESApplicant Name: J. R. Simplot Company

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☐ | ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

61-12291

61-12291

AMENDED

Amended

2927

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

Amended

1. CONTACT INFORMATION

A. Applicant J. R. Simplot Company

Mailing Address	<u>P. O. Box 27</u>	<u>Boise</u>	ID	<u>83702</u>
	Street	City	State	Zip Code
Email Address	<u>vic.conrad@simplot.com</u>		Phone Number	<u>208-780-7359</u>

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative _____	Professional Title _____
Organization _____	Relationship to Applicant _____
Mailing Address _____	
Email Address _____	Phone Number _____

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Water will be used to water livestock in a confined feeding operation. No stock water rights are presently located

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
3.87 CFS	1074 AF	3.87 CFS	874 AF	AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
Jan/1/2025	Mar/1/2025	☐ 1	☐ 2	☐ 3	☒ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

Amended

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):
Wells, underground pipelines, pumps and motors

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
	See Exhibit A	

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒
If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒
If yes, label modeling Attachment 3 H.
Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Stockwater from: Jan. 1 (mm/dd) to: Dec. 31 (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:
Water right 61-7170 authorizes irrigation and stock water use, however the stock water use is limited to 16.1 af and the company will require significantly more volume for our feedlot.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

Amended

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
61-12291	Irrigation	3.2	900	200		3.2	700	
61-12291	Industrial	0.67	174	NA		0.67	174	
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	3.87	874	
						CFS	AF	AC

**Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.*

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

Water for year round stockwater use will be largely non-consumptive, however significant volumes are required. The consumptive use extents of both the industrial use (174 af) and the irrigation use (700 af) are requested for stockwater use.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

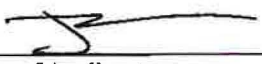
- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Signature of Applicant

James B. Alderman, Sr. V.P. and Secretary

Printed Name of Applicant

February 8, 2024

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Exhibit A
Rental Points of Diversion
All in Elmore County, ID

POD Descriptions	Water Source	Other Water Rights Diverted from POD
T. 4S R.4E Sec. 31 SESE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.4S R.4E Sec. 32 NWNE	Groundwater	61-7088, 61-11747
T.4S R.4E Sec. 32 SWNE	Groundwater	61-7088, 61-11747
T.5S R.4E Sec. 5 Lot 4 (NWNW)	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 5 NESW	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 5 NESE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 6 SENE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank

Water Bank Rental Application 61-12291 Elmore County, Idaho



 = Stockwater Place of use
 = Points of Diversion



STATE OF IDAHO
WATER RESOURCE BOARD

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

RECEIVED

FEB 12 2024

DEPARTMENT OF
WATER RESOURCESApplicant Name: J. R. Simplot Company

Is this application being submitted with a lease application as a lease/rental package?

Yes ☒ No ☐

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- | | | |
|----|-------------------------------------|--|
| 2 | ☒ | A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request |
| 3A | ☐ | ☒ Detailed information on a proposed use of rental water |
| 3F | ☒ | ☐ Authorization from the owner/operator of the rental point(s) of diversion |
| 3H | ☒ | ☐ Water modeling to account for the impacts of the rental request |
| 3J | ☒ | ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre |
| 3K | ☒ | ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use |
| 4B | ☐ | ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes |
| 4C | ☐ | ☒ Explanation of consumptive use amounts for water rights experiencing a change in nature of use |

Department Use Only – Proposed Water Right(s)

61-12291

61-12291

SUPERCEDED

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J. R. Simplot Company

Mailing Address	P. O. Box 27	Boise	ID	83702
	Street	City	State	Zip Code
Email Address	vic.conrad@simplot.com		Phone Number	208-780-7359

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☐ No ☒
If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative	Professional Title
Organization	Relationship to Applicant
Mailing Address	
Email Address	Phone Number

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Water will be used to water livestock in a confined feeding operation. This water right was originally 61-2165 a portion of which was transferred and a portion converted to Industrial Use. The consumptive use available for industrial year round industrial use was approved by IDWR for 1.45 acre feet/acre converted from parent 61-2165.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
3.87 CFS	1074 AF	3.87 CFS	1074 AF	AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
Mar/1/2024	Mar/1/2024	☐ 1	☐ 2	☐ 3	☐ 4	☒ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Wells, underground pipelines, pumps and motors

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
	See Exhibit A	

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☐ Irrigation _____ (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☒ Stockwater from: Jan. 1 (mm/dd) to: Dec. 31 (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒

If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

61-7170

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
61-12291	Irrigation	3.2	900	200		3.2	900	200
61-12291	Industrial	0.67	174	NA		0.67	174	NA
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL			
						CFS	AF	AC

*Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☒ No ☐

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

Water for year round stockwater use will be converted from irrigation use at a 1 acre:1.4 acre feet per acre for consumptive use. Industrial use will be converted to stockwater use on a 1acft:1acft

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.



Signature of Applicant

James B. Alderman, Sr. V.P. and Secretary

Printed Name of Applicant

February 8, 2024

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

Exhibit A
Rental Points of Diversion
All in Elmore County, ID

POD Descriptions	Water Source	Other Water Rights Diverted from POD
T. 4S R.4E Sec. 31 SESE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.4S R.4E Sec. 32 NWNE	Groundwater	61-7088, 61-11747
T.4S R.4E Sec. 32 SWNE	Groundwater	61-7088, 61-11747
T.5S R.4E Sec. 5 Lot 4 (NWNW)	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 5 NESW	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 5 NESE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank
T.5S R.4E Sec. 6 SENE	Groundwater	61-2162, 61-2163, 61-2165 and 61-12039 all leased to the Water Supply Bank

Water Bank Rental Application 61-12291 Elmore County, Idaho



-  = Stockwater Place of use
-  = Points of Diversion





COPY

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

February 12, 2025

JR SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-12291, AGREEMENT 853**

Dear Renter:

Please find enclosed a receipt in the amount of **\$3,544.20** in connection with the rental of 1,074.0 acre-feet of water for stockwater during 2025. Upon receipt of this letter, you are authorized to divert water in compliance with the conditions of water use described in your rental agreement.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the water right.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Jean Hersley

For
Water Supply Bank

Enclosure(s): Receipt No. C120086

c: Sascha Marston – Fiscal



RECEIVED

FEB 07 2025

DEPT. OF WATER RESOURCES

J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Remington.Buyer@simplot.com
208 780 0959 Business
208 389 7333 Fax

February 5, 2025

Skyler Cheever
Water Resource Agent, Senior
Idaho Department of Water Resources
322 East Front Street
Boise ID 83702

Re: Water Supply Bank Rental Agreement 853

Mr. Cheever,

Please find enclosed a signed copy of rental agreement 853 for water right 61-12291. Also enclosed is the rental fee payment of \$3,544.20.

Please contact me if you have any questions.

Regards,

Remington Buyer
Land, Water & Asset Recovery





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

January 30, 2025

J.R. SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 61-12291, AGREEMENT 853**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$3,544.20 per year** was calculated based on the current rental rate of \$33.00 per acre-foot times a diversion volume of 1074 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$3,544.20.** The annual rental fee for 2026 is due by December 31, 2025. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of \$3,544.20 for 2025 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

Pursuant to the Water Supply Bank Rules, \$3,544.20 will be retained by the Department to offset administrative costs for **2025**.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,

Skyler Cheever
Water Resource Agent Sr – State Office
Idaho Dept. of Water Resources

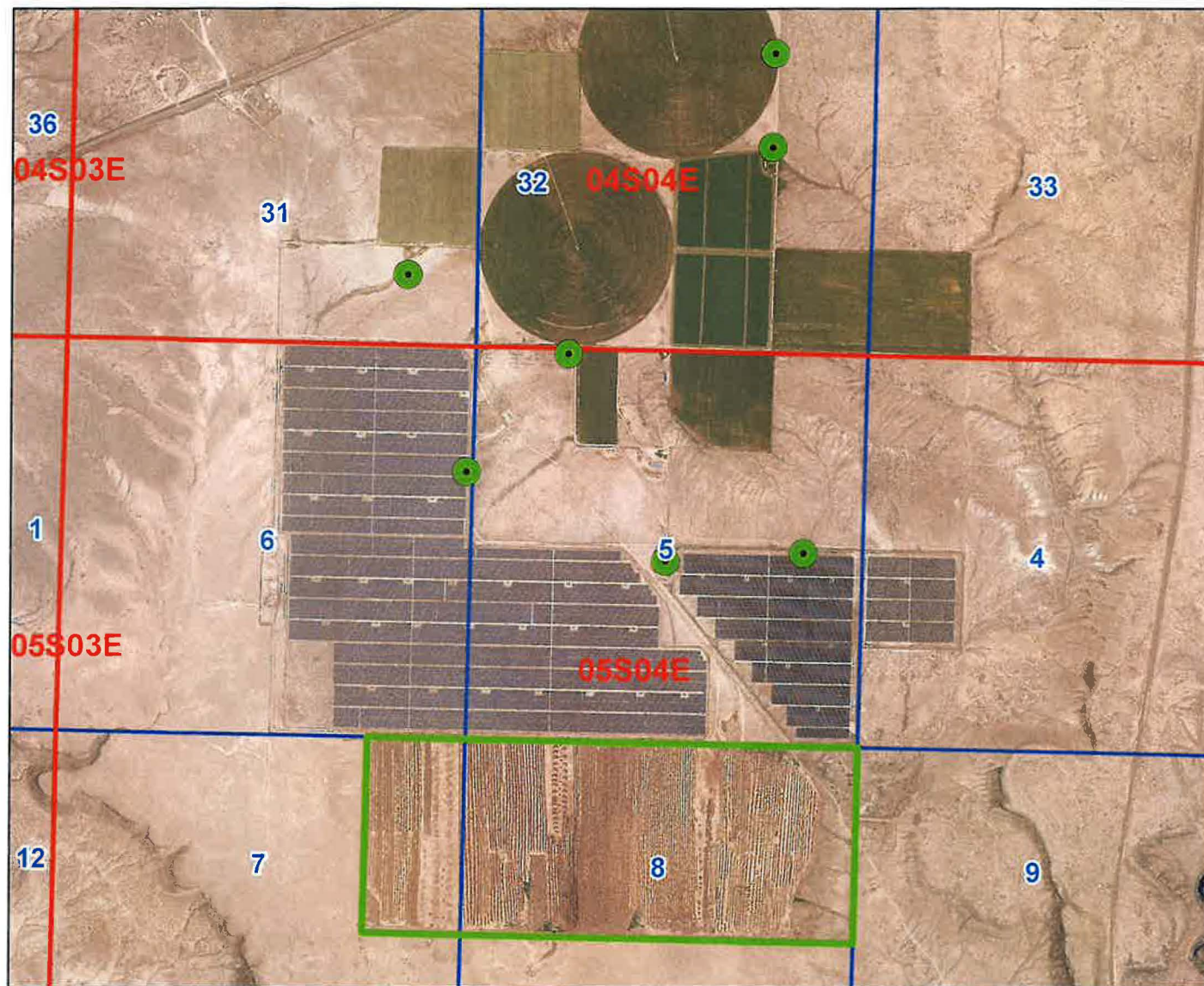
Enclosure: Proposed Rental Agreement

cc: IDWR Front Desk (via email)

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 853

Effective until December 31, 2028

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



0 2,000 4,000 6,000 Feet

Legend

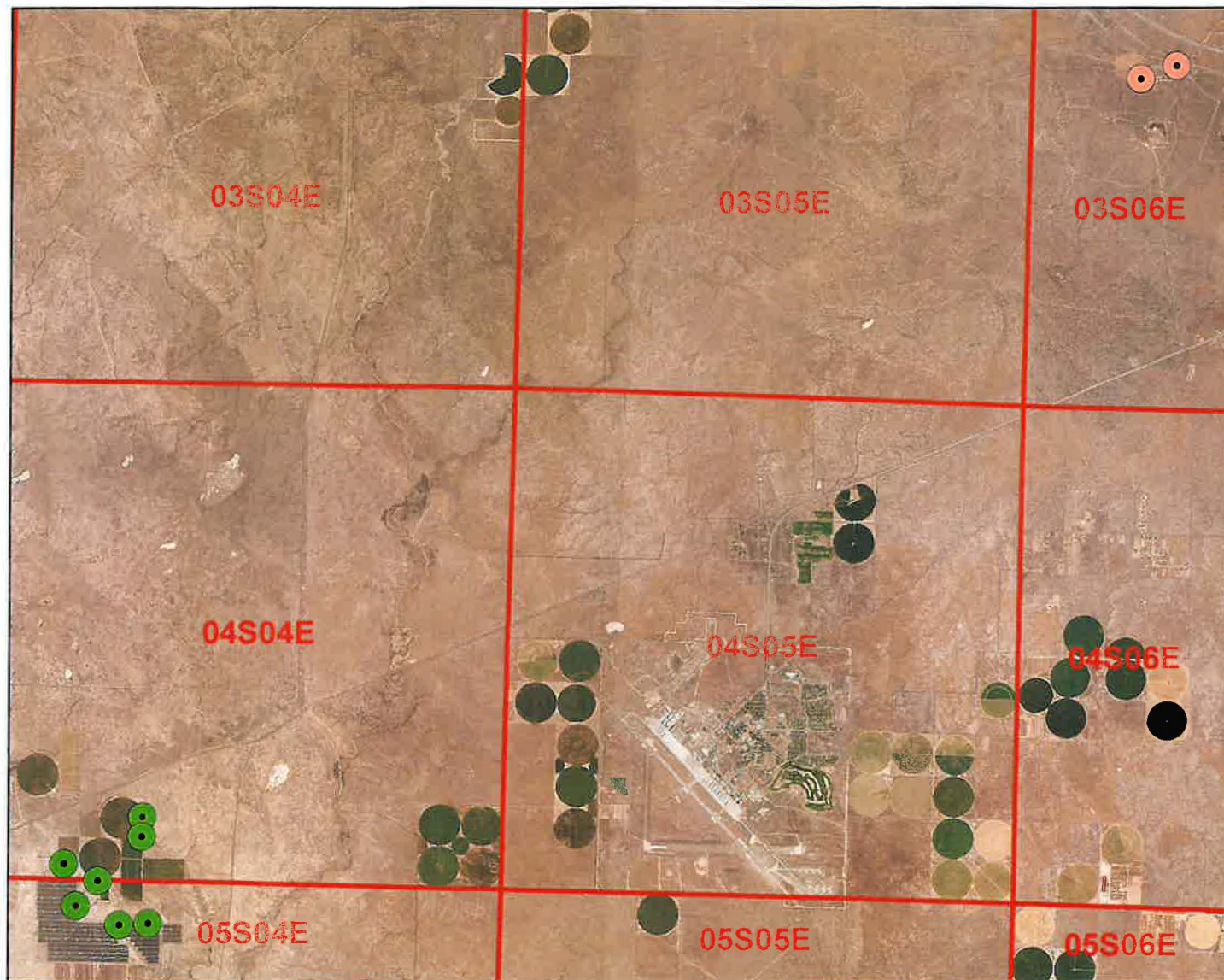
-  Water Supply Bank Rental Point of Diversion
-  Water Supply Bank Rental Place of Use
-  Township/Range
-  Sections



Idaho Water Resource Board

WSB Move Map

61-11291
2024-2028



0 2 4 6 Miles

Legend

-  Water Supply Bank Rental Point of Diversion
-  Water Supply Bank Lease Point of Diversion
-  Township/Range



MEMORANDUM FOR WSB RENTAL AGREEMENT # 853

To: Water Right No(s). 61-12291

From: Skyler Cheever-Water Resource Agent

Date: 4/12/2024

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

PURPOSE/NARRATIVE:

Application 2927 was sent in by the J.R Simplot Company and received on February 12th, 2024. This application is part of a lease/rental package with contract 1849. Since the applicant is renting their own water right, they are only responsible for the administrative fee. The applicant proposes to change the nature of the uses authorized under contract 1849, irrigation and industrial, to stockwater for a feedlot operation. The applicant proposes to rent the entirety of lease contract 1849 from the water supply bank from 2024-2028. The point of diversion is within the Snake River Basin Moratorium Area, Mountain Home Groundwater Management Area, and Trust Water Area. This is the first time this water right has been rented and used at the proposed place of use.

AUTHORITY TO FILE:

James Alderman signed the application. Mr. Alderman has the authority to file this agreement because he is a secretary with the company. J.R Simplot Co. is the current owner of the proposed place of use and points of diversion according to Department Records.

INJURY TO OTHER WATER RIGHTS:

The proposed points of diversion are roughly 15 miles from the leased points of diversion. The leased and rental points of diversion are within the Mountain Home Groundwater Management Area. If the SOU is changed to year-round water would be used at times of the year when it wasn't historically diverted at the lease point of diversion and could impact other water users. I recommend the season of use for the rented irrigation portion of contract 1849 be limited to the irrigation SOU to prevent any possible impacts to other users. The authorized volume will be less than the rented volume because the applicant proposes to change in nature in use from irrigation and industrial use to stockwater. Therefore, it is unlikely this rental would cause any impact to nearby groundwater users. There are no other injury concerns.

ENLARGEMENT OF USE:

The applicant proposes a consumptive volume of the irrigation portion of water right 61-12291 is 1.4 af/acre. This is far less than the standard consumptive volume of 3 af/acre. There are no enlargement concerns using a consumptive volume of 1.4 af/acre changing the nature of use from irrigation to stockwater. Industrial use supplied water for a meat processing plant and is likely 100% consumptive. Therefore, the entire volume authorized for industrial can be used for stockwater without causing an enlargement of 61-12291. Water right 61-7170 overlaps the proposed place of use and diverts from some of the proposed points of diversion. However, there is no reason to limit this rental when combined with water right 61-7170. 61-7170 does not authorize stockwater in the legal description of the place of use proposed. There are no other enlargement concerns.

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The proposed points of diversion are within basin 61 and Water District 161. The Watermaster and Western Regional Manager were contacted for comment on April 12th, 2024. No response was received, it is assumed there are no concerns with the applicants proposal.

Cheever, Skyler

From: Cheever, Skyler
Sent: Friday, April 12, 2024 3:00 PM
To: Miller, Nick; Ed Van Etten
Subject: Water Supply Bank Lease/Rental Package JR Simplot
Attachments: Rental Review Memo 853.pdf; Rental Agreement 853.pdf; Rental 853 Map.pdf; Lease Review Memo 2926.pdf

Hello Nick and Mr. Van Etten,

I have completed my review of a Water Supply Bank Lease/Rental Application package with the points of diversion within basin 61 and Water District 161 . The applicant for the lease and rental is the JR Simplot Co. The applicant proposes to lease the entirety of water right 61-12291 into the water supply bank from 2024-2028. The rental proposes to rent the entirety of lease contract 1849 and change the nature of use from irrigation and industrial to stockwater. Attached is a copy of the review memos, and maps of the place of use and draft rental agreement. If you have any comments on the applicant's proposal or my review, please let me know within 7 days. If you have any questions or concerns, please let me know.

Best,

Skyler

Skyler Cheever

Water Resource Agent, State Office

Email: skyler.cheever@idwr.idaho.gov

Phone: 208-287-4913



RECEIVED

OCT 15 2024

DEPT. OF WATER RESOURCES

J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Remington.Buyer@simplot.com
208 780 0959 Business
208 389 7333 Fax

September 30, 2024

Skyler Cheever
Water Resource Agent, Senior
Idaho Department of Water Resources
322 East Front Street
Boise ID 83702

Re: Water Supply Bank Lease Contract 1849 & Rental Agreement 853

Mr. Cheever,

Please find enclosed signed copies of lease contract 1849 for water right 61-12291. Additionally, pursuant to our conversation earlier this week, I am enclosing an amended rental application to clarify the company's need for a higher diversion volume for our stockwater rental use. Further, the company does not anticipate commencing a diversion and use of rental water for stockwater purposes until the beginning of 2025 and we are thus requesting issuance of a four-year rental agreement, beginning in 2025. Once we receive from you the amended rental agreement, it will be signed and returned to IDWR with the rental payment.

Please contact me if you have any questions.

Regards,

Remington Buyer
Land, Water & Asset Recovery

