STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 682

RECEIVED
DEC 22 2022
DEPARTMENT OF
WATER RESOURCES

This is to certify that:

J R SIMPLOT CO
1099 W FRONT ST PO BOX 27
BOISE, ID 83707

J R SIMPLOT CO
C/O JAMES B ALDERMAN 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)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
2-10471	2/25/1963	SNAKE RIVER	0.49	98.0	24.5	0.020	4.00
2-10472	2/25/1963	SNAKE RIVER	0.08	16.0	4.0	0.020	4.00
Combined Rental Totals			**0.57**	**114**	**28.5**	**0.020**	**4.00**

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2024. 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 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2024: $262.20 annually

The full fee for the rental of the above-described right(s) is $262.20 per year for years 2023 - 2024. The rental fee includes an administrative fee of $262.20 per year for years 2023 - 2024. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 2-10471, 2-10472.

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)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.51	114	25.3	0.020	4.51
Combined Total	0.51	114	25.3	0.020	4.51

**** The authorized water usage reflects a reduction from the water right elements rented, to account for a standard unit diversion rate of 0.02 cfs per acre.***

Detailed water right conditions are attached.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 682

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:
J. R. Simplot Company

By: _____ December 12, 2022
Signature of Renter Date

James B. Alderman Senior Vice President and Secretary
Printed Name 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 _____ Date 12/23/22
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Rental approved by IDWR _____ Date 12/23/22

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 682

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L2 (NWNE)	Sec. 9, Twp 04S, Rge 02E,	ELMORE County
SNAKE RIVER	L1 (NENE)	Sec. 8, Twp 04S, Rge 02E,	ELMORE County
SNAKE RIVER	L16 (NESE)	Sec. 6, Twp 04S, Rge 02E,	ELMORE County

BENEFICIAL USE	DIVERSION RATE	VOLUME
IRRIGATION	0.51 CFS	114 AF

SEASON OF USE

From	To
4/1	10/31

RENTERS PLACE OF USE: 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	
04S	02E	5					1.4 L3						2.8 L7						4.2
04S	02E	6		6.6 L12	5.2 L15										7.3 L16				19.1
04S	02E	8		2.0 L1															2.0

Total Acres: 25.3

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.

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WATER SUPPLY BANK RENTAL AGREEMENT No. 682

9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.

11. 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. 02.

12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

14. This right does not grant any right-of-way or easement across the land of another.

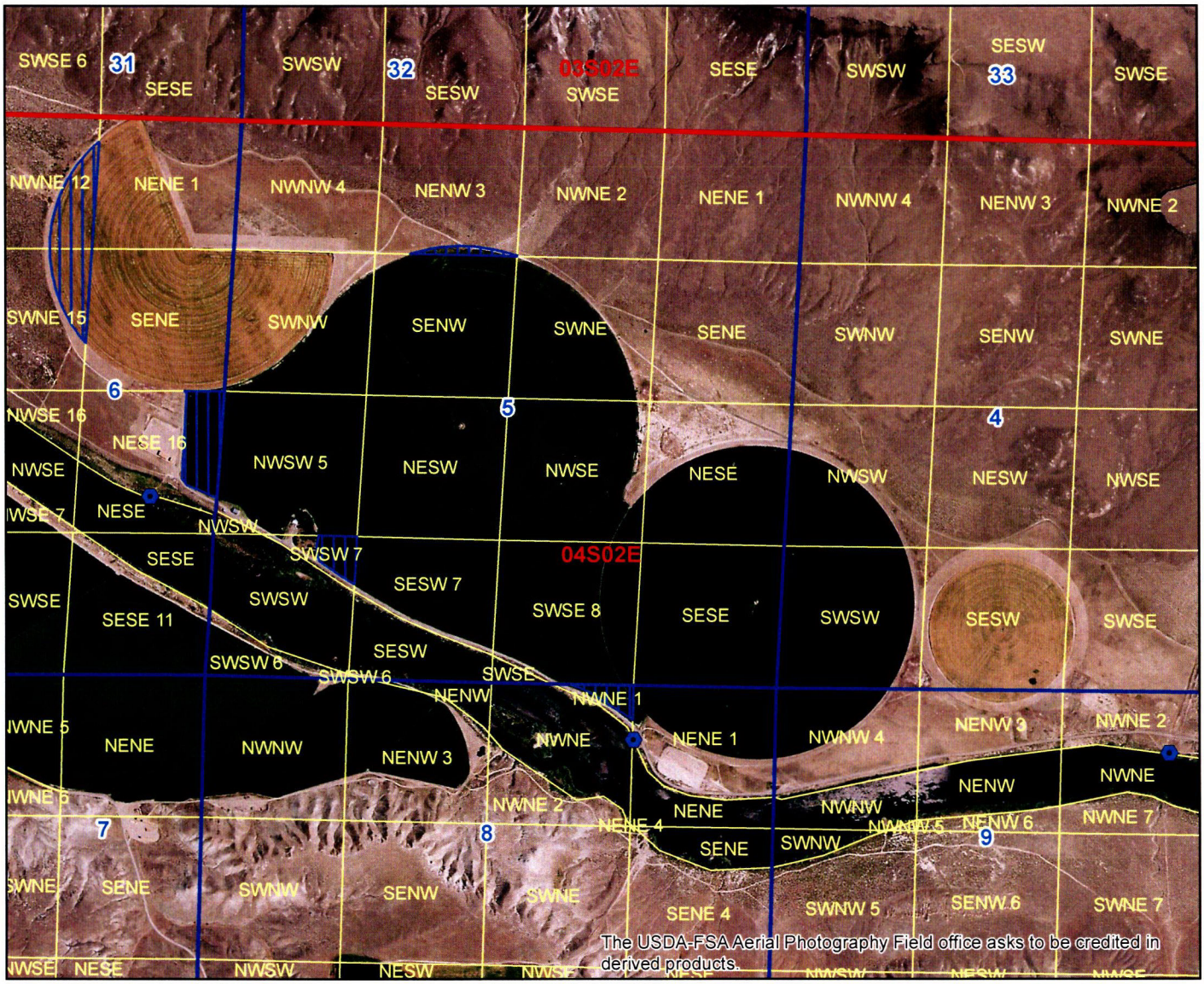
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Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 682

Effective until December 31, 2025

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



- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ

N

0 0.15 0.3 0.6 Miles

SCANNED

Form 42-1761-2 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
OCT 14 2022
DEPARTMENT OF
WATER RESOURCES

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

Applicant 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)

Attachment	N/A	Yes	
		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
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)
2-10471

2460

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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 (Street) Boise (City) ID (State) 83707 (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 James B. Alderman Professional Title Senior Vice Presiident and Secretary

Organization Same as Applicant Relationship to Applicant Sr. VP and Secretary

Mailing Address Same as Applicant

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**:

The rate of withdrawal from the point of diversion under water right nos. 2-6, 2-15, 2-2166 and 2-10440 may exceed the maximum rate available under these water right during certain periods of the irrigation season. The rental of a portion of water right 2-10741 will cover the potential maximum needed during peak crop demand.

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)
1.7 CFS	340 AF	1.7 CFS	340 AF	85 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?	
		☐ 1	☐ 2	☑ 3	☐ 4	☐ 5	☑ Process application as soon as possible	☐ Return application to applicant
03/01/2023	4/01/2013							

* ***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):
Water will be diverted from existing point of diversion located within the SE¼SW¼SW¼ of Section 8 T.6S R.5E B.M.

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
Pump Station	Snake River	2-6, 2-15, 2-2166, and 2-10440

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 85 (number of acres) Duration: Subject to IDWR standard seasons of use
☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
☐ Stockwater from: _____ (mm/dd) to: _____ (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:
2-6, 2-15, 2-2166and 2-10440

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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)
2-10471	Irrigation	23.76,	4,572	1,428		1.7	340	85
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	1.7	340	85
						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**:

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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:

Water Supply Bank Rental Agreements 331 and 413 approved for same purpose up to December 31, 2022

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	J. R. Simplot Company Printed Name of Applicant	October 10, 2022 Date
Signature of Representative	James B. Alderman Printed Name of Representative	Date

Mail to:

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

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STATE OF IDAHO
WATER RESOURCE BOARD

Water Modeling Requirement Information Sheet

Information on water modeling requirements for rental requests within special administrative areas

Important information on requesting rental water within special administrative areas: Refer to the information below to determine whether the modeling of potential impacts from your rental request is necessary. Use Section 4 of the rental application to identify selected water rights. **If you submit an application to rent water from within a special administrative area and water modeling is required, your rental request will be returned if water modeling is not provided.**

Water modeling may be required when an application to rent water involves one of two scenarios:

Scenario 1: The rental request proposes to divert water from a regulated water source and/or within a special administrative area AND the distance between the rental point(s) of diversion (POD) and the POD(s) for the leased water right(s) is greater than the administratively established, acceptable distance.

Regulated water sources may areas include:

A. Ground water resources within the modeled area of the Eastern Snake Plain Aquifer (ESPA) and tributary aquifers;
B. Ground water within Ground Water Management Areas (GWMAs) or Critical Ground Water Areas (CGWAs);
C. Water resources within other specified administrative areas, as established by the Idaho Water Resource Board (IWRB) or the Idaho Department of Water Resources.

The distance between any rental POD(s) and the POD(s) for a leased water right to be rented is important. On the ESPA, distance is measured in terms of model cells that cover an area of one square mile. Ground water modeling is not required if lease POD(s) and rental POD(s) are located within the same model cell or within adjacent model cells. If the lease and rental PODs are separated by more than one model cell groundwater modeling must be completed using the IDWR ESPA Transfer Tool and modeling results must be submitted with the rental application. ESPA modeling tools can be accessed and freely downloaded from IDWR's website by visiting: www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Ground water modeling may be required within GWMAs, CGWAs or other regulated administrative areas. Applicants who desire to rent water within an established GWMA, CGWA or other regulated administrative area should consult IDWR's website before submitting their application to review the current status of administrative orders related to regulated administrative areas. Consult www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/designated_areas.htm for information on GWMAs or CGWAs, visit https://idwr.maps.arcgis.com/home/ to use mapping tools to find other regulated areas.

Applicants interested in renting water within a GWMA, CGWA or other regulated administrative areas should request water rights that have been leased into the Bank from within the same administrative area. Generally, the Bank will not permit a rental of water within a regulated administrative area if the leased water rights are not located within that same administrative area.

Scenario 2: A rental request proposes to divert water from a different but hydraulically connected water source.

Modeling situations may include:

A. Rental requests that propose to divert surface water rights via ground water POD(s) (wells); and
B. Rental requests that propose to divert ground water from one aquifer when the right being rented authorizes the diversion of ground water from a hydraulically connected, tributary aquifer.

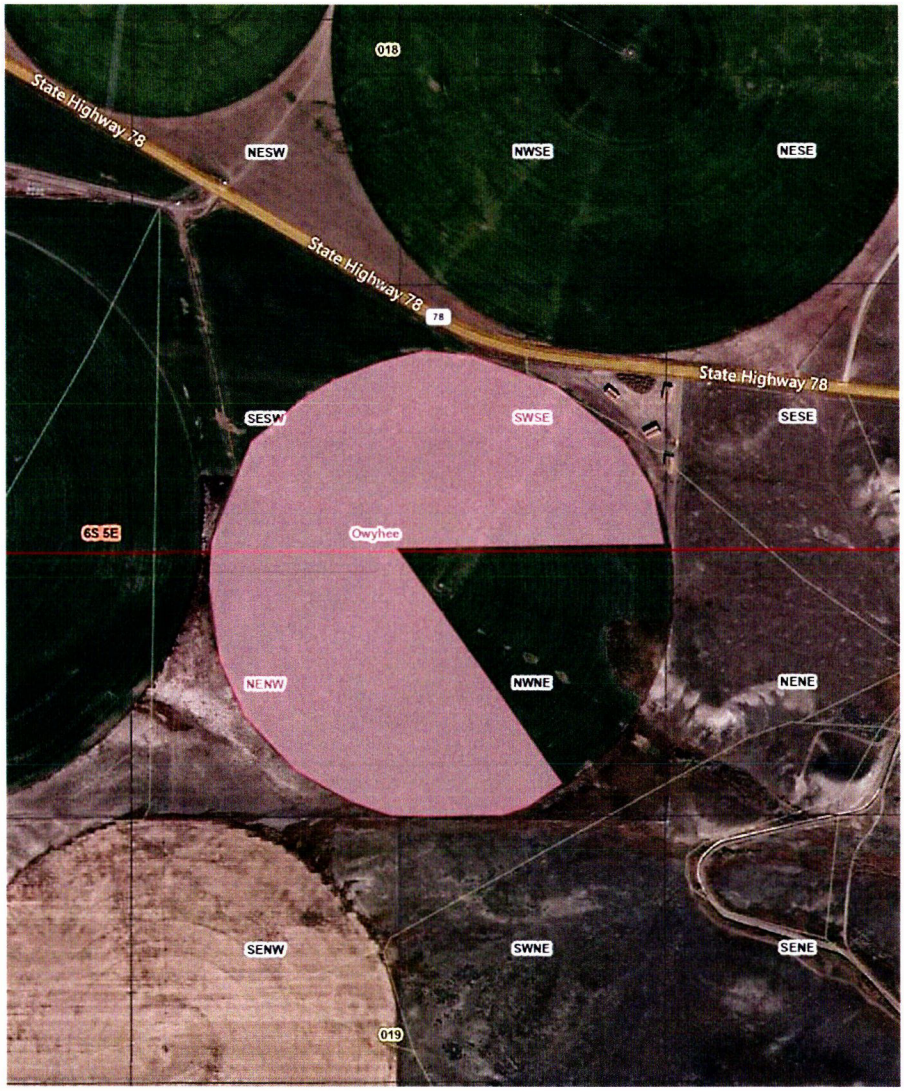
Rental requests that propose to divert surface water rights from ground water points of diversion may be considered if ground water modeling establishes that the surface and ground water resources are directly and immediately hydraulically connected. An acceptable hydraulic connection occurs when at least 50 percent of the total depletions from a well are detectable from the original water source within a 24 hour period. The existing (leased) POD and proposed (rental) POD must be proximate such that diversion and use of water from the proposed POD would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original POD.

Requests to rent ground water across tributary aquifer sources may be considered if ground water modeling is provided to demonstrate that two aquifers are hydraulically connected and the anticipated impacts of diverting ground water from one source through the other is modeled accordingly.

For more information about rental application requirements, contact IDWR at (208) 287-4800.

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JAN 27 2023

Water Bank Rental Application
Attachment #2



Acres To Be Irrigated with Water Rented under Water Right 2-10471:

All in T.6S R.5E:

Section 18:
SWSE = 23 acres
SESW = 16 acres

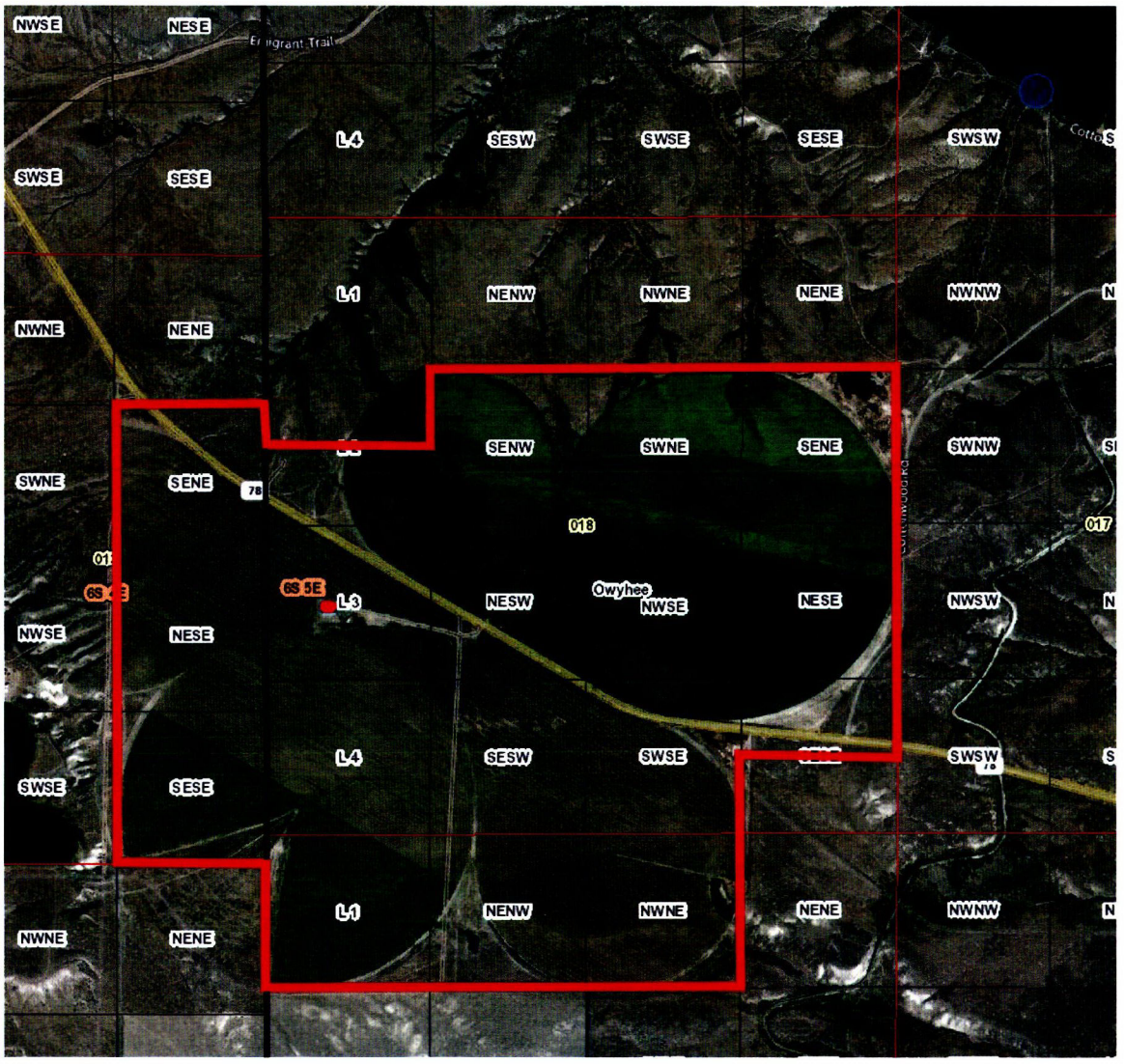
Section 19:
NENW: 22 acres
NWNE: 14 acres

Total: 85 acres

SCANNED
JAN 27 2023

Attachment 2

Water will be diverted from the pump station located within the NE¼SW¼SW¼ of Section 8, Township 6 South, Range 5 East, B.M. (blue dot) and used to irrigate the land identified in red below.



RENTERS PLACE OF USE: 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	
06S	04E	13				31.0									40.0			40.0	111.0
06S	05E	18			40.0	40.0			40.0 12.5 L10	40.0	40.0	40.0 40.0 L3	40.0 40.0 L4	40.0	38.0	40.0	40.0	40.0 8.5 L12	419.0
06S	05E	19		40.0			40.0	40.0 40.0 L1											120.0

Acre Limit: 85.0
Total Acres: 650.0

SCANNED
JAN 27 2023

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?
CLERICAL STAFF: MK
REVIEWER: CF

Received Date: 10/14/2022
Latest Start Date: 4/1/2023
Renter: JR Simplot Co
Rental Expiration Date _____
Lease/Rental Package Y (N)

Application # 24600 Agreement # 685

Water Right	Lease Contract ID
# 2-10471	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?	(Y) / N
Map of POU and POD	(Y) / N
POD consent?	(Y) / N
ESPA Modeling?	Y / N (NA)
Application Complete?	(Y) / N
Minimum Checklist in database?	☑
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Comments:
Repeat 414-473
increase Rate.

Mailings (per application)	Original	CC	Email or Address
Renter: Simplot	☐	☐	
Attorney:	☐	☐	
Consultants Name:	☐	☐	
Conveyence Entity: (Ex. Irrigation Dist. of Canal Co.)	(final only)	☐	
(Ground) Water Dist:	(final only)	☐	
Other: (WD Snake 01, Boise, Payette, and Bear River)	(final only)	☐	
Region: Western	(final only)	☐	
Watermaster: Rob Whitney	(final only)	☐	
Compliance:	(final only)	☐	

Resolving NOV? Y / N
#

Call up Date: _____

DO NOT SCAN

IDAHO DEPARTMENT
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 Gary Spackman

January 27, 2023

JR SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10471 & 2-10472 AGREEMENTS 682 & 685

Dear Renter:

Please find enclosed receipts in the amount of **$1,044.20** and a copy of the fully executed Water Supply Bank Rental Agreements in connection with the rental of 114 acre-feet of water for irrigation of 28.5 acres for agreement 682 and 340 acre-feet of water for irrigation of 85 acres for agreement 685. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or $939.78 of the rental fees will be paid to the lessor(s) and 10% or $104.42 will be retained by the Department to offset administrative costs.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosures: Receipt No. C114946
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Western Regional Office

SCANNED
JAN 27 2023

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

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

December 13, 2022

RECEIVED
DEC 22 2022
DEPARTMENT OF
WATER RESOURCES

Amanda Johnson-Veibell
State of Idaho
Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83720-0098

Re: Water Supply Bank Rental Agreements 682 and 685.

Dear Amanda:

Enclosed are the partially executed original Water Supply Agreements. Also enclosed is a check in the amount of $1,044.20 to cover the 2023 rent for both Agreements. Please arrange for the Agreements to be signed by the Idaho Water Resource Board and IDWR, then return fully executed Agreements to me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

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IDAHO DEPARTMENT
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 Gary Spackman

December 6, 2022

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 2-10471 & 2-10472, AGREEMENTS 682 & 685

*****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 **$262.20 & $782.00** was calculated based on the current rental rate of $23.00 per acre-foot times a diversion volume of 114 acre-feet and 340 acre-feet. Since you have a private agreement with the water right owner, **you are only obligated to pay the 10% administrative fee or $1,044.20.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. 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 for $1,044.20 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

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

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk

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JAN 27 2023

Memorandum

TO: water rights 2-10471

FROM: Cody Parker

RE: Evaluation of WSB Rental Application 2460

DATE: December 2, 2022

Purpose

The purpose of this application is to add diversion rate to an existing irrigation system which waters 658 acres of land from the Snake River. 4 existing irrigation water rights authorize a total diversion of 9.21 cfs. 2021 data diversion data from Water District 2 shows that the maximum diversion rate achieved was 9.9 cfs in September or 2021. The rental will cover any brief instances of excess diversion rate, which typically only occur in short periods toward the hottest part of the irrigation season.

Authority to File

The land to be irrigated is owned Simplot Industries Inc, a sibling company of JR Simplot Co. No concerns.

Water Right Validity

The validity of water right 2-10471 was assessed separately as part of the evaluation for WSB lease contract 1159.

Injury to Other Water Rights

The application proposes to move the diversion roughly 6 miles upstream on the Snake River. The rental diversion is located in CJ Strike. I am not aware of any information to suggest that the availability of Snake River water at the lease and rental locations are significantly different. No concerns.

Enlargement of Use

The applicant proposes to rent 85 acres of water from water right 2-10471 to increase the diversion rate for a system which irrigates 658 acres. The rental as proposed would

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JAN 27 2023

enlarge the beneficial use of the rented water right because the rented water would be used to irrigated more than 85 acres.

To prevent this type of enlargement we have consolidated the existing water rights from 658 acres to 573 acres with the same water quantities.The unit diversion rate for those acres comes out to 0.016 cfs per acre. Then, we restricted the diversion under the rental to the same unit rate. This serves two purposes: 1) in the event of curtailment of the rented water right 85 acres could be retired and 2) restriction of the rented diversion rate to the same unit rate prevents the rented water right from being used for a greater fraction of the irrigation season and from producing more volume.

Local Public Interest

I am not aware of any information that suggests the rental application conflicts with the local public interest. No concerns.

Beneficial Use/Conservation of Water Resources

The application proposes an irrigation use which is within the accepted diversion standards for irrigation.

Department Staff or Watermaster Comments

Comments were requested from IDWR western region and the watermaster for water district 02. Correspondence is included with this memo in the file.

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JAN 27 2023

Parker, Cody

From: Parker, Cody
Sent: Friday, December 2, 2022 11:55 AM
To: Whitney, Rob; Miller, Nick
Subject: WSB Rental Application 2460 / Agreement 685
Attachments: RA2460_Agreement.docx; RA2460_Map.pdf; RA2460_Memo.docx

Good morning,

Simplot applied to rent 85 acres from water right 2-10471. The diversion will move 6 miles upstream on the Snake River. Please see the attached documents and let me know if you have any comments.

Thank you

Cody Parker
Water Rights Supervisor
208-287-4910

Idaho Dept. of Water Resources
322 E Front St, PO Box 83720, Boise ID 83720
idwr.idaho.gov

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JAN 27 2023

Parker, Cody

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 1, 2022 3:09 PM
To: Parker, Cody
Subject: RE: [EXTERNAL] WSB Rental Application 2460
Attachments: 2021 Water District 2 Report of Daily Diversions Simplot Farm 3.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Cody,
Attached is the Water Master's report for the Farm 3 daily diversions during 2021.

From: Conrad, Vic
Sent: Wednesday, November 30, 2022 11:41 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

3:00 works good.

208-780-7359

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Wednesday, November 30, 2022 11:04 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

I would like to call around 3 if that works. I am trying to get some material together that may help me to articulate these ideas better.

Thanks

Cody

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Tuesday, November 29, 2022 5:02 PM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Cc: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

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Cody,
Do you have time to discuss this? After re-reading water right nos. 2-6, 2-15 and 2-2166 I do not understand how the quote below from your policy leads to the conclusion of an enlargement in this circumstance. If we can spend a few minutes together reviewing this, I think it will be helpful – at least for me.

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I will work around anytime on Wednesday, Nov. 30 that works for you.

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Friday, November 25, 2022 8:49 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Cc: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

I would point to two things:

First, our policy for evaluating enlargement (which is outlined in Admin. Transfer Processing Memo 24) says that:

"Enlargement will occur if the…extent of beneficial use…exceeds the amounts or beneficial use authorized under the water rights prior to the proposed [change]"

So regardless of whether the consumptive use is enlarged, enlargement still occurs if more beneficial use is made from the same water. In this case more acres are being irrigated (i.e. the extent of beneficial use exceeds the amount authorized prior to the change) so enlargement occurs.

Second, if we did decide to consider the change in consumptive use caused by the rental we would need more information to actually show that enlargement of consumptive use doesn't occur. It's not immediately apparent that this scenario would result in less consumption. In the absence of actual data, I must revert to my initial point above as a conservative approach to ensuring that enlargement does not occur.

Anyways, if you can identify 85 acres that can be irrigated by themselves, and I can be reasonably sure that when these 85 acres aren't irrigated the water is not being diverted, then we can proceed with the application. Also, rental 2461 is ready to go, so once this one is resolved I will send them both for signature at the same time.

Thank you

Cody

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Wednesday, November 23, 2022 9:12 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Cc: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

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And keep in mind Cody, this is only required during the peak of the irrigation season. The diversion rate under the existing water rights is adequate for most of the irrigation season.

From: Conrad, Vic
Sent: Wednesday, November 23, 2022 9:07 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Cc: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: RE: [EXTERNAL] WSB Rental Application 2460

Cody,
I do not agree with your analysis, however, it is not worth getting bogged down. I will identity 85 acres for you.

The 658 acres are irrigated with or without this rental. Whatever incremental contribution the rental would have toward the consumption occurring on the 658 acres is incrementally proportionate to the percentage the rental is contributing based on the flow rate as it bears to the total diversion rate at the pump station.

Thank you.

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Tuesday, November 22, 2022 3:02 PM
To: Conrad, Vic <vic.conrad@simplot.com>
Cc: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: [EXTERNAL] WSB Rental Application 2460

[Warning: External Email]
Mr. Conrad,

On October 14, 2022, JR Simplot Co applied to rent 85 acres of irrigation (application 2460). Skyler Cheever contacted you regarding this application and requested that you identify the specific 85 acres that would be irrigated using the water from this rental.

It seems based on your correspondence with Skyler, and the remarks on the application form, the proposed rental would result in the enlargement of the rented water right. If I understand correctly, the additional water added to the irrigation system through this rental would be used to irrigate the full 658 acres rather than just the 85 acres that the lease of water right 2-10471 authorizes. With that in mind, the following are your options with regard to this application:

1. Provide information demonstrating the water associated with this rental would be applied over a specific 85 acres and no more than 85 acres.
2. Reduce the diversion rate at the point of diversion to comply with existing water rights and withdraw the application to rent water.
3. Rent 685 acres from the water supply bank to bring the total diversion rate for the system up to the desired amount

Please let me know if you have any questions.

Thank you,

Cody Parker
Water Rights Supervisor
208-287-4910

Idaho Dept. of Water Resources
322 E Front St, PO Box 83720, Boise ID 83720
idwr.idaho.gov

SCANNED
JAN 27 2023

Cheever, Skyler

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, November 17, 2022 5:01 PM
To: Cheever, Skyler
Subject: RE: [EXTERNAL] Clarification on Rental Application 2460
Attachments: 2022-Nov-17 Updated Water Bank Rental Application Map.pdf

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Skyler,
Try this.

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Thursday, November 17, 2022 4:11 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] Clarification on Rental Application 2460

You don't often get email from skyler.cheever@idwr.idaho.gov. Learn why this is important

Hello Mr. Conrad,

Thank you for responding to my original email. However, I don't think I wasn't clear enough on what information I need from you. Will this rental water be used to irrigate anything outside those 85 acres within the 658-acre plot ? If so, would it be spread out over the whole 658-acre plot? Or would it be confined to a distinct 85 acres? In your map that was provided you did not provide any distinct location or shape of those 85 acres. You should provide a new map designating what 85 acres within the larger plot will be irrigated within the period of the rental. You can either mail it into the state office, IDAHO WATER CENTER, 322 E FRONT ST STE 648, BOISE ID 83702-7371 or email it to file@idwr.idaho.gov. If you have any questions, comments, or clarifications for me please let me know.

Best,

Skyler

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, November 17, 2022 3:45 PM
To: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Clarification on Rental Application 2460

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Skyler:
Yes, the water will be used to irrigate 85 acres. And yes, the we want the rental agreement to sync-up with the term of the lease. If there are only 2 years remaining on the lease; then yes, we want the term of the rental to be for the same two years remaining on the lease.

SCANNED

From: Cheever, Skyler <Skyler.Cheever@idwr.idaho.gov>
Sent: Thursday, November 17, 2022 10:10 AM
To: Conrad, Vic <vic.conrad@simplot.com>
Subject: [EXTERNAL] Clarification on Rental Application 2460

You don't often get email from skyler.cheever@idwr.idaho.gov. Learn why this is important

[Warning: External Email]
Hello Mr. Conrad,

I am currently reviewing your rental application 2460 and ran into some clarification issues I need addressed before I can move forward with processing. In your application you propose irrigation of 85 acres within your 658-acre place of use. However, in question 3a on the application it is mentioned that this rental will be used to cover the maximum flow for the rights irrigation the full 658-acre place of use. If you could provide assurance that rental water would only irrigate 85 acres, then this would prevent enlargement and therefore allow the application to be processed. Along with this, the application proposes the rental period to be 3 years, until 2025, but the lease contract only goes through 2024. Would you still like to rent this water for the two years the lease is available ? If you have any questions or other clarifications you need, please let me know.

Thank you,

Skyler Cheever

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913

Simplot

RECEIVED
OCT 14 2022
DEPARTMENT OF
WATER RESOURCES

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

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

October 11, 2022

Mary Condon
Water Supply Bank Coordinator
State of Idaho
Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702

Re: Water Supply Bank Rental Applications.

Dear Mary:

Enclosed for filing are applications to rent portions of IDWR water right numbers 2-10471 and 2-10472 from the Water Supply Bank. The enclosed applications will replace Rental Agreement Nos. 413 and 414 when they expire on December 31, 2022.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

2460
2461

SCANNED
OCT 27 2022

Rental Application 2460

Depends on Lease Contract 1159, which is active through 2024

- Application is to divert Snake River water to irrigate 85 specific acres within a 650-acre place of use.
- Existing water rights:

WRNo	Rate	Vol	Acres	CU1	CU2
2-6	5.78	NA	356		
2-15	1.31	NA	300		
2-2166	5.70	1500	294		
2-10440	0.16	NA	8		
CU1			356		
CU2	9.05				
Total	9.21	NA	658		

- The applicant seems to want to irrigate the full 658 acres shown above at a higher diversion rate with the rented water. This would spread the water associated with 85 acres over 650 acres of land **causing an enlargement.** Should clarify the intent with the applicant. If they can not ensure that only 85 acres will be irrigated with the rented water, then we likely cannot approve the application.
- The application requests a duration of 3 years starting in 2023 (which would expire in 2025). However, lease contract 1159 is only active until 2024.

From farm 4 -> mostly hay ground, sunflowers

To farm 3 ->

peak on 7/15 6PM

9.9

There can be clear separation between rented WR + underlying rights. If WR is curtailed, could they reduce diversion = idle acres?