

WATER SUPPLY BANK LEASE CONTRACT No. 1844

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

LESSOR: J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

SUPPORT DATA RECEIVED
IN FILE # 35-14258 **MAY 23 2024**
DEPT. OF WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on November 06, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
35-14260	10/1/1953	GROUND WATER	0.390	87.1	39.6 21.8
35-14262	1/8/1959	GROUND WATER	0.067	13.8	21.8 3.4 RB
35-14258	1/18/1974	GROUND WATER	0.400	158.2	3.4 39.6
Combined Limit Totals			0.860	172.0	43.0

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

WATER SUPPLY BANK LEASE CONTRACT No. 1844

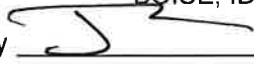
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1844

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

LESSOR: J R SIMPLOT CO
1099 W FRONT ST PO
BOX 27
BOISE, ID 83707-0027

By  _____
Title James B. Alderman, Senior Vice President & Secretary
Date 5/20/2024

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

By  _____ Date 5/23/24
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR  _____ Date 5/23/24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1844

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Source and Location of Point(s) of Diversion for Water Right No(s): 35-14258, 35-14260, 35-14262

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

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
35-14258	IRRIGATION	04/01	to	11/01	0.400 cfs	158.2 AF
35-14260	IRRIGATION	04/01	to	10/31	0.390 cfs	87.1 AF
35-14262	IRRIGATION	04/01	to	11/01	0.067 cfs	13.8 AF
Totals:					0.860 cfs	172.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	31E	5																		6.7
05S	31E	8					10.0	9.3	8.5	8.5										36.3

Total Acres: 43.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

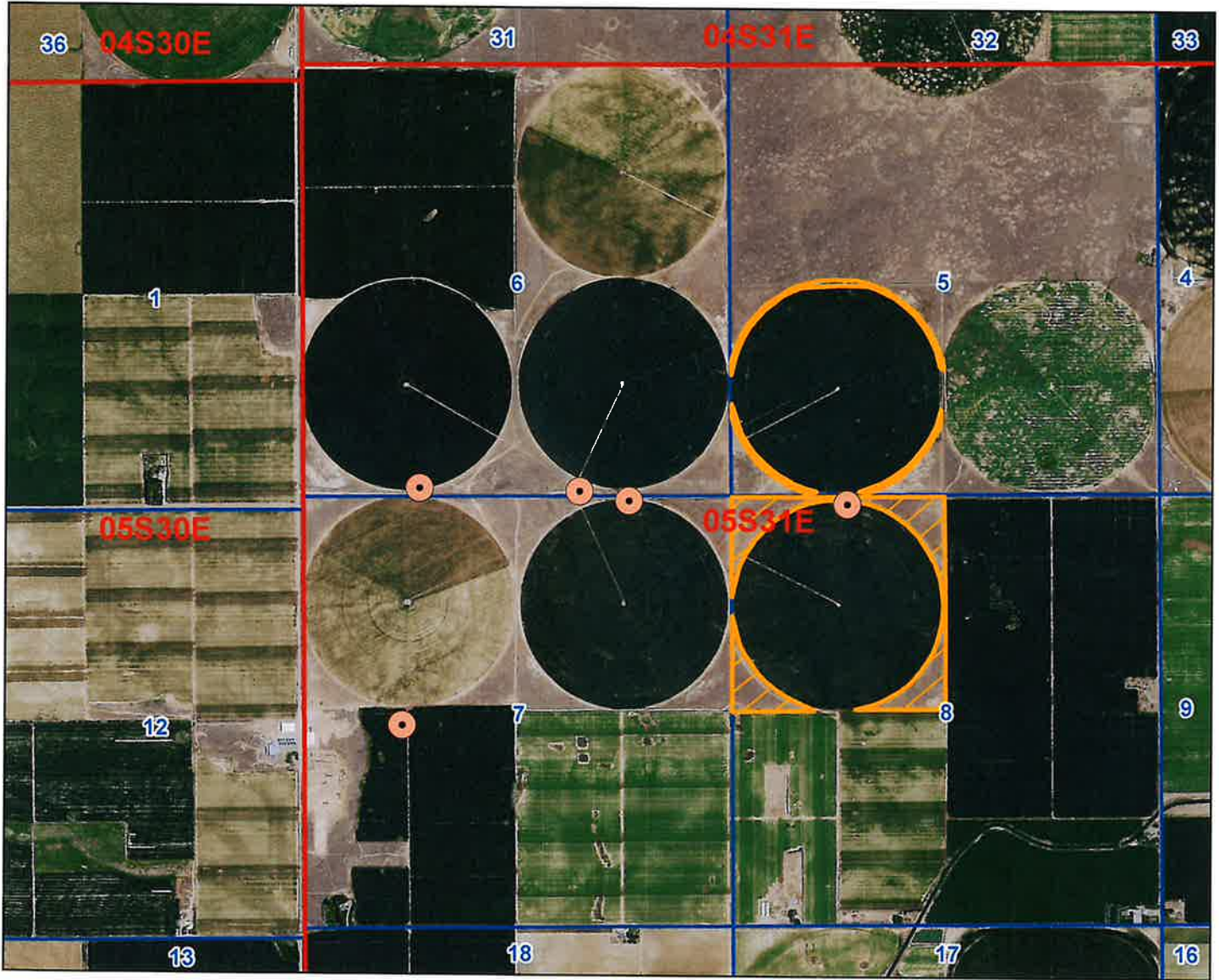
WATER SUPPLY BANK LEASE CONTRACT No. 1844

7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
14. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
15. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
16. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
17. The unleased portion of right 35-14260 is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
18. The unleased portion of right 35-14258 is limited to the irrigation of 290.6 acres within the authorized place of use in a single irrigation season.
19. The unleased portion of right 35-14262 is limited to the irrigation of 25.4 acres within the authorized place of use in a single irrigation season.
20. The unleased portions of rights 35-14258, 35-14260 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 1264.0 af at the field headgate, and the irrigation of 316.0 acres.

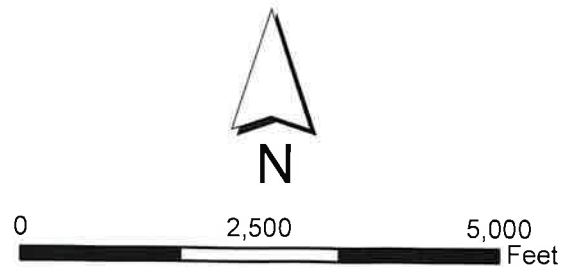
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1844

35-14258, 35-14260, & 35-14262
Effective until December 31, 2027

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



- Approved Lease Point of Diversion
- ▨ Approved Lease Place of Use
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

NOV 06 2023

DEPARTMENT OF
WATER RESOURCES

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

Designated Applicant J. R. Simplot Company
(Select one owner – see item 1A on the application)

Water Right No. 35-14258
(One water right per application)

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

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

MINIMUM REQUIREMENT CHECKLIST		
All items must be checked as either <i>Attached (Yes)</i> or <i>Not Applicable (N/A)</i>		
Yes		
	<input checked="" type="checkbox"/>	Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> .
	<input checked="" type="checkbox"/>	Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	<input checked="" type="checkbox"/>	Confirmation this form has been printed single sided , per requirement of the Water Supply Bank.
Attachment	N/A	Yes
1A	<input type="checkbox"/>	<input checked="" type="checkbox"/> Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
1B	<input checked="" type="checkbox"/>	<input type="checkbox"/> An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant.
1C	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov).
1D	<input checked="" type="checkbox"/>	<input type="checkbox"/> Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	<input type="checkbox"/>	<input checked="" type="checkbox"/> Description of a water right portion offered to the Water Supply Bank.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov .
4A	<input checked="" type="checkbox"/>	<input type="checkbox"/> Written consent from irrigation district or water delivery company.
4G	<input checked="" type="checkbox"/>	<input type="checkbox"/> Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> .

Department Use Only			
Fee Amount \$	<u>500</u>	Received By:	<u>K M</u>
		Date Received:	<u>11.6.2023</u>
		Receipt #	<u>C117306</u>
W-9 received?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9:

2819

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

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

Designated Applicant J. R. Simplot Company
Mailing Address P. O. Box 27 Boise, Idaho
Street City State Zip Code
Email Address vic.conrad@simplot.com Phone Number 208-336-2110

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

OR

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

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

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

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

Name of Representative James B. Alderman Organization J. R. Simplot Company
Professional Title Sr. V.P. and Secretary Email Address _____
Mailing Address P. O. Box 27, Boise, ID 83707 Phone Number _____

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

OR

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

The full water right is being offered to the Bank.

OR

A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

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

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

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

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

- B. Please provide a description of the current water diversion and delivery system.
Wells, pumps, motors, underground pipelines, sprinkler systems

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. 35-14260, 35-14262

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

- E. Will the present place of use continue to receive water from any other source? Yes No
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. The place of use offered to the Bank will not be irrigated during the term of the lease.

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Water has been leased to and rented from the water supply bank.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes No
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan? Yes No
If yes, describe. _____

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

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

If lease, specify the years when the use of water will be suspended: 2024 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

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

Current Rental Rate

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

The Designated Applicant acknowledges the following:

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



Signature of Designated Applicant

James B. Alderman

Printed Name

November 2, 2023

Date

Signature of Authorized Representative

Printed Name

Date

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



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

May 23, 2024

J R SIMPLOT CO
1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

**RE: WATER SUPPLY BANK LEASE CONTRACT 1844
FOR WATER RIGHT 35-14260,35-14262,35-14258**

Dear Lessor:

Water right **35-14260,35-14262,35-14258** is leased into the Water Supply Bank (Bank) as of January 2024 in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The right(s) will automatically be released from the Bank on **December 31, 2027**, unless the rights are released earlier by the Water Resource Board (Board). To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they are rented.**

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

Sincerely,
Signature

Catalina Beck

Technical Records Specialist

Enclosure: Executed Lease Contract

c: IDWR- Eastern Region Office Representative
Water District No. 35



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

RECEIVED

MAY 23 2024

DEPT. OF WATER RESOURCES

May 8, 2024

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

RE: APPLICATION TO LEASE WATER RIGHTS 35-14260,35-14262,35-14258 TO THE WATER SUPPLY BANK CONTRACT 1844

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

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2027** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

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

Sincerely,

Catalina Beck

for
Water Supply Bank

Enclosures: Proposed Lease Contracts

MEMORANDUM FOR APPLICATIONS 2817, 2818, 2819 / CONTRACTS #1843, 1842, 1844

To: Water Right(s) 35-2553A, 35-2713, 35-14258, 35-14260, 35-14262

From: Mary Condon

Date: March 28, 2024

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

PURPOSE/NARRATIVE: Separate applications to lease portions of ground water rights 35-2553A, 35-2713, 35-7169, 35-7373, 35-10422, 35-14258, 35-14260, 35-14262 for years 2024 through 2027 along with appropriate filing fees were received on December 20, 2023 as part of a large repeat companion package to accommodate rental application 2858 from Behrend, Behrend & Knittel Properties, Inc. Due to the way these water rights were developed, stacked, and not stacked, they were assigned under four lease IDs in the water supply bank software, as:

Application 2813 / Contract 1835 – 35-7169, 35-7373, 35-10422

Application 2817 / Contract 1843 – 35-2713

Application 2818 / Contract 1842 – 35-2553A

Application 2819 / Contract 1844 – 35-14258, 35-14260, 35-14262

Application 2813 was already reviewed and approved under Lease Contract ID 1835 earlier this month. This review memo will cover the remaining lease applications 2817, 2818, and 2819, while mentioning application 2813 since they all share the same wells, are on adjacent lands, and will be used together for rental application 2858.

AUTHORITY TO FILE: The applications to lease were signed by the VP of JR Simplot Co., and submitted by Vic Conrad for JR Simplot Co. Current county tax lot data indicates the place of use and diversions for these rights are still owned by JR Simplot Co. No concerns with authority to file.

WATER RIGHT VALIDITY: Water right 35-2713 was decreed in 2002. Water right 35-2553A was decreed in 2002. The parent rights 35-7372 (35-14258), 35-2351 (35-14260), and 35-2553 B (35-14262) were decreed in 2002, 2000, and 2002 respectively. The irrigation system was converted to pivots in years 2004 and 2005, while during the same period and until sometime prior to 2009, portions of the water rights were subject to and idled as part of the Surface Water Coalition call, per the water right backfile lease memo dated February 25, 2011.

The first lease contracts for the idled corner acres of the above offered water rights were approved in 2011, with a retroactive start date from their original filing date in 2009 through 2013. Attachment 2 of the current lease applications for each water right offered for lease are the same corner acre portions leased previously to the bank since 2009. (There are some errors in calculations for some of the water rights' attachment 2 provided, likely from not updating all elements for each page.) These rights were also fully rented in years 2023, 2020-2022, and consecutive terms previously since 2011. No concerns with validity of the water right and portions offered to the bank.

INJURY TO OTHER WATER RIGHTS: There are no other water rights authorized from the leased diversions other than the rights offered for lease. The balance of unleased portions of these rights will be listed in the conditions of the lease contracts, as well as tabulated at the end

of this memo. Continued lease of the corner acres under these water rights is not expected to cause injury to other water rights.

ENLARGEMENT OF USE: The water right corner acres offered for lease are the only irrigation rights on the lease place of use. Non-offered ground water right 35-4189 covers the entire portfolio of offered rights in the area for commercial use in potato processing and for the application of the commercial wastewater as a secondary use, while the irrigation portion under the same non-offered right is authorized within a different section than the leased acres. The pivot corner acres offered to the bank have been idled during their previous lease contracts and are expected to remain idled for the newest approval. See also the tables at the end of this memo for leased and unleased amounts. No enlargement through the renewed lease is expected.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The location for the lease diversion is within the Eastern Snake Plain Aquifer, Eastern Region, Aberdeen-American Falls Ground Water District, and is subject to Water District # 120. Requests for comments were sent to the ground water district, regional manager and watermaster on March 29, 2024.
 SOU 4/1-10/31, HG – 4, CU – 3

WSB - Lease	Basin	Sequence	Suffix	PriorityDate	Rate	Volume	AcreLimit	TotalAcres	cfs/ac	vol/ac
2818	35	2553	A	1/8/1959	0.74	152.4		38.1	0.019	4
2817	35	2713		5/10/1962	0.74	174.4		43.6	0.017	4
Pending	35	7169		3/9/1971	0.73	152.4	38.1	53.1	0.019	4
2813 / Pending	35	7373		1/18/1974	0.22	44.4	11.1	53.1	0.020	4
1835 Pending	35	10422		7/31/1987	0.06	15.6	3.9	53.1	0.015	4
				combined limit	0.78	212.4	53.1	53.1	0.015	4
	35	14258		1/18/1974	0.40	158.2	39.6	43	0.010	4
	35	14260		10/1/1953	0.39	87.1	21.8	43	0.018	4
2819	35	14262		1/8/1959	0.07	13.8	3.4	43	0.019	4
				combined limit	0.86	172	43.0	43	0.020	4

Decreed Water Right	35	2553	A	1/8/1959	3.08	632		158	0.019	4
				Unleased	2.34	479.60		119.9	0.019	4
Water Right	35	2713		5/10/1962	4.9	1148		287	0.017	4
				Unleased	4.2	973.6		243.4	0.017	4
Water Right	35	7169		3/9/1971	6	1256	314	437	0.019	4
Water Right	35	7373		1/18/1974	1.82	364	91	437	0.020	4
Water Right	35	10422		7/31/1987	0.47	128	32	437	0.015	4
				combined limit	6.39	1748	437	437	0.015	4
				Unleased	5.61	1535.6	383.9	383.9	0.015	4
Water Right	35	14258		1/18/1974	3.36	1320.8	330.2	359	0.010	4
Water Right	35	14260		10/1/1953	3.25	727.2	181.8	359	0.018	4
Water Right	35	14262		1/8/1959	0.56	115.2	28.8	359	0.019	4
				combined limit	7.17	1436	359	359	0.020	4
				Unleased	6.31	1264.0	316.0	316.0	0.020	4