

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 997

RECEIVED

APR 03 2026

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

J R SIMPLOT CO
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)
35-4189	11/14/1960	GROUND WATER	0.84	609.2
Rental Totals			0.84	609.2

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2029. 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 2026, whichever occurs last.

Annual Rental Fee:

2026 - 2029: \$2,010.36 annually

The full fee for the rental of the above-described right(s) is \$2,010.36 per year for years 2026 - 2029. The rental fee includes an administrative fee of \$2,010.36 per year for years 2026 - 2029. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 35-4189.

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	0.84	533.0	152.3	0.006	3.50
Combined Total	0.84	533.0	152.3	0.006	3.50

****The authorized water usage reflects a reduction from the water right elements rented, to prevent enlargement of existing rights at the place of use.***

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 997

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

April 3, 2026

Date

James B. Alderman

Printed Name

Senior Vice President & Secretary

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, Executive Manager
Idaho Water Resource Board

Date 4/8/26

Rental approved by IDWR 

Date 4/8/26

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 997

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec. 22, Twp 06S, Rge 33E, POWER County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.84 CFS

VOLUME
533.0 AF

SEASON OF USE

Water Right No. **From** **To**
35-4189 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	
06S	33E	27		26.0	26.0		37.0	27.6	2.7	33.0									152.3

Total Acres: 152.3

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.
9. This rental agreement does not authorize the construction of a well.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
11. 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).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 997

12. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
14. Prior to December 31 of each year, the Board may review this rental agreement to determine whether it is consistent with the management plan that may be approved for the Eastern Snake Plain Aquifer Ground Water Management Area ("ESPA GWMA Plan") pursuant to Idaho Code § 42-233b. The Board may cancel this rental agreement if the Board determines it is not consistent with the ESPA GWMA plan. If this rental agreement is canceled, the cancellation shall not take effect until December 31 of the year in which the rental agreement is canceled.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 997

Effective until December 31, 2029

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



Legend

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



0 1,000 2,000 Feet

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

Jul 14, 2025

APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCES

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)

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)

35-4189

3242

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant J.R. Simplot Company

Mailing Address	<u>PO Box 27</u>	<u>Boise</u>	ID	<u>83702</u>
	Street	City	State	Zip Code
Email Address	<u>remington.buyer@simplot.com</u>		Phone Number	<u>(208) 780-0959</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 <u>James B. Alderman</u>	Professional Title <u>Sr VP, Secretary & General Counsel</u>
Organization <u>J.R. Simplot Company</u>	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**:

Michaud Creek Ranches Inc water rights 29-2515 and 7089 are subject to curtailment under the SWC Delivery Call. These water rights are appurtenant to land owned Glen Dale Farms, which was merged into Simplot. The rental of water right 35-4189 is to authorize continued irrigation of lands under 29-2515 and 7089.

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)
1.78 CFS	704 AF	1.78 CFS	588 AF	196 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?	
07/21/2025	11/15/2025	☐ 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)

- 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):

Pump in well, piped water to irrigation place of use

- 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
Well: SWSW S22 T6S R33E	Groundwater	29-2515 & 7089

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 196 (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:

No other rights. Rental water is required to authorize continued irrigation as water rights 29-2515 & 7089 are curtailed pursuant to the SWC Delivery Call.

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)
35-4189	Commercial	1.78	1287.7					
35-4189	Irrigation	1.78	436	109				
35-4189	Combined	1.78	1287.7	109		1.78	704	196
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	1.78	704	196
						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**:

The volume limit of 35-4189 is fully consumptive; commercially used water was historically fully exhausted through land-application irrigation practices.

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

ESPA modeling (ETRAN V3.4) indicates transient state depletions attributable to the temporary transfer of 704 af under 35-4189 equates to 103 af, or 15% of the total rental volume. Simplot proposes this rental be for 807 af (704 af for irrigation purposes and 103 af for mitigation purposes).

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

Printed Name of Applicant

July 14, 2025

Date

Signature of Representative

Printed Name of Representative

Date

Mail to:

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

**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.

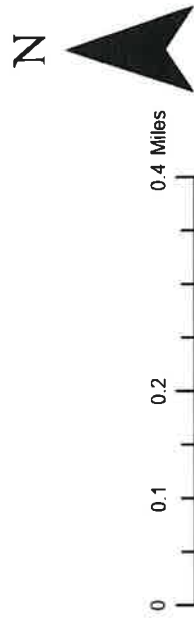
For more information about rental application requirements, contact IDWR at (208) 287-4800.

Water Supply Bank Rental Map - Water Right 35-4189



Legend

- Water Right Rental POU
- Water Right Rental POD
- QQs & GLs
- Sections
- Township & Range



Water right 35-4189 authorizes diversions of groundwater from a well located on the northern side of American Falls Reservoir. The rental request involves a temporary relocation of water right 35-4189 to a well situated on the southern side of American Falls Reservoir.

The water right rental was modeled using the ESPA Transfer (ETRAN) Tool V 3.4 with the following parameters:

- 1) The modeled diversion volume was 704 af annually, which included 235 af/trimester for three trimesters at the authorized location and 352 af/trimester for two trimesters at the rental location;

- 2) The pumping of 704 af annually at the authorized location was modeled as occurring up until the beginning of 2025 and non-pumping under the "with transfer" scenario occurred at the authorized location from 2025-2029;

- 3) Following the cessation of pumping at the rental location, a resumption of 704 af of annual pumping at the leased location was modeled.

ENHANCED GROUND-WATER RIGHTS TRANSFER
UNIVERSITY OF IDAHO · IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPT OF AGRICULTURE

Cells this color are set up for user entries

UPDATE DATES RUN MODEL GET OUTPUT

ENTER STARTING DATE FOR SIMULATION, THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: 0

YEAR: 1980

SEASON: SPRING

TRANSFER NAME: 35-4189 Rental

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

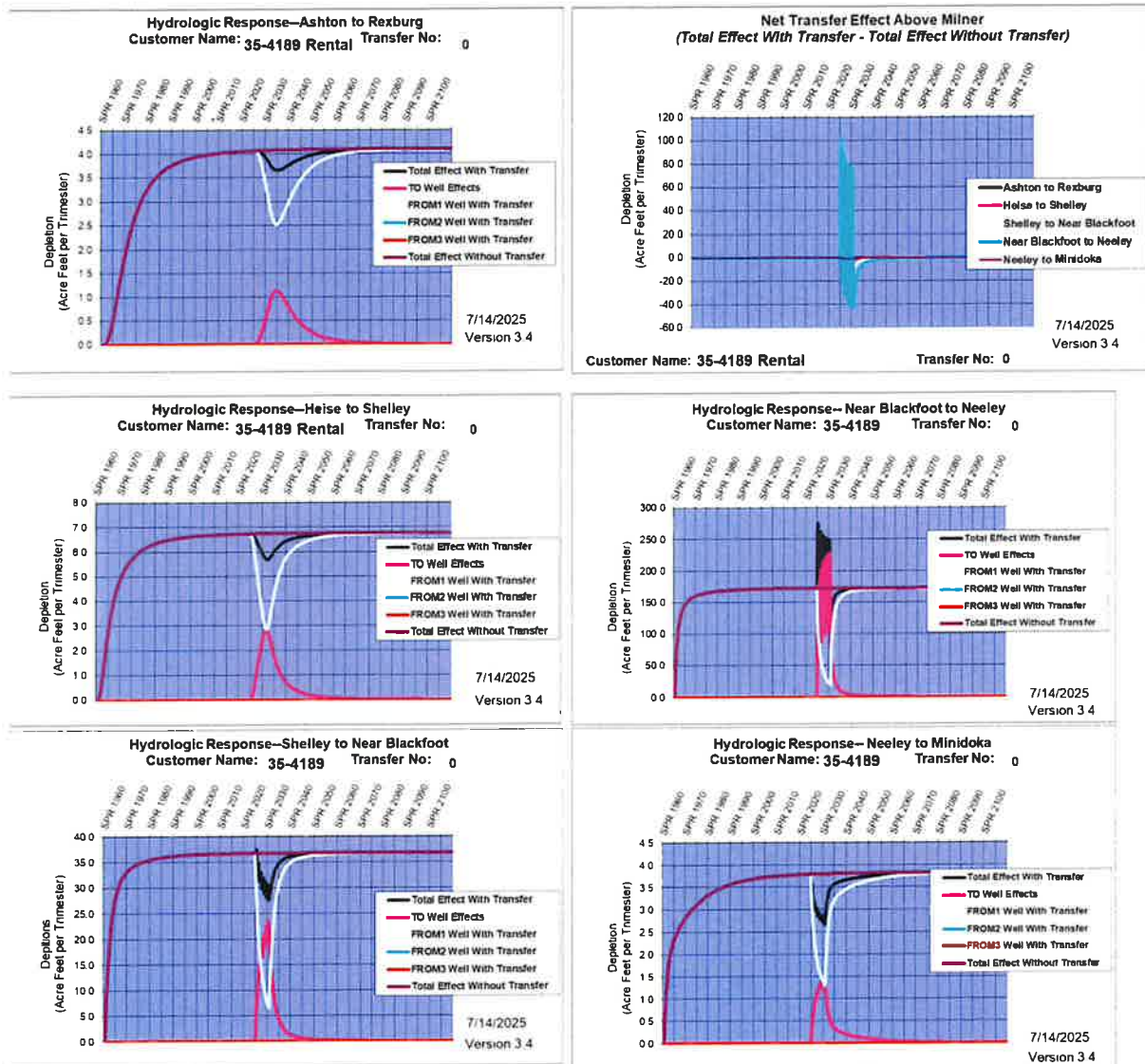
TO CELL FROM1 CELL FROM2 CELL FROM3 CELL

ROW: 95

COLUMN: 115 95 107

TRIMESTER OF ACTIVITY	TO WELL PROJECTED USE AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1980	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SUM 1980	0.00	0.00	0.00	0.00	0.00	0.00	0.00
WIN 1980	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 1981	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 1981	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 1981	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 1982	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 1982	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 1982	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 1983	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 1983	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 1983	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 1984	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 1984	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 1984	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 1985	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 1985	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 1985	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2023	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2023	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2023	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2024	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2024	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2024	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2025	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2025	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2025	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2026	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2026	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2026	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2027	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2027	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2027	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2028	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2028	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2028	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2029	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2029	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2029	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2030	352.00	0.00	235.00	0.00	0.00	0.00	0.00
SUM 2030	352.00	0.00	235.00	0.00	0.00	0.00	0.00
WIN 2030	0.00	0.00	235.00	0.00	0.00	0.00	0.00
SPR 2031	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2031	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2031	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2032	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2032	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2032	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2033	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2033	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2033	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SPR 2034	0.00	235.00	235.00	0.00	0.00	0.00	0.00
SUM 2034	0.00	235.00	235.00	0.00	0.00	0.00	0.00
WIN 2034	0.00	235.00	235.00	0.00	0.00	0.00	0.00

The ESPA Model computed a relocation of 704 af of pumping, as proposed, would induce increased depletions in the Near Blackfoot to Neeley reach of the Snake River.



The ETRAN mitigation analysis revealed a similar finding, indicating a volume of 103 af (15 % of overall pumping) would be required as mitigation for the rental.

Impact by Reach (AF/Trimester)											
Ashton to Rexburg	Hesse to Shelley	Shelley to Nr Blackfoot	Nr Blackfoot to Neeley	Neeley to Mindoka	Dev Wbl To Buhl	Buhl to Kspr	Kspr to Kspr to Malad	Malad to Malad to Bancroft			
4.10	6.76	36.79	172.68	3.82	3.60	2.92	1.33	1.24	1.42	0.19	
4.10	6.76	36.79	172.66	3.82	3.60	2.92	1.33	1.24	1.42	0.19	
4.10	6.76	36.79	172.68	3.82	3.60	2.92	1.33	1.24	1.42	0.19	
4.10	6.76	37.45	275.62	3.82	3.60	2.92	1.33	1.24	1.42	0.19	
Steady State Analysis											
Mitigation Check 1 - >10% of Historical	0.0%	0.0%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
Mitigation Check 2 - > 2 AF/T	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total	1.7%	2.9%	15.7%	73.5%	1.6%	1.5%	1.2%	0.6%	0.5%	0.6%	0.1%
Mitigation Required?	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis											
Mitigation Check 1 - >10% of Historical	0.0%	0.0%	1.8%	59.6%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
Mitigation Check 2 - > 2.01 AF/T	0.0	0.0	0.7	102.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.7	102.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0

To provide the required mitigation it is proposed a rental of 807 af of 35-4189 be approved, with 704 af for irrigation purposes and 103 af for mitigation by non-use purposes.

**MEMORANDUM FOR LEASE APPLICATION # 3243 / CONTRACT # 2137, RENTAL
APPLICATION # 3242 / AGREEMENT # 997**

To: Water Right(s) 35-4189

From: Aaron Olson

Date: 3/2/2026

Re: Review & Analysis of Companion Package to Lease/Rent Water to/from the State
Water Supply Bank

PURPOSE/NARRATIVE:

The Water Supply Bank (WSB) received lease application 3243 in a companion package with rental application 3242 on July 14, 2025, on behalf of J.R. Simplot Company. The applications propose to lease a portion of water right 35-4189 and then rent them to themselves at a different location for the irrigation of 196 acres. Water right 35-4189 authorizes commercial and irrigation use, most of the right is proposed to be leased while a small amount will be retained for use in facility offices and warehouses. The purpose of the rental is to allow continued irrigation at the place of use for water rights 29-2515 and 29-7089 which are also owned by the applicant and were curtailed during the 2025 irrigation season following a Surface Water Coalition delivery call.

Review of the history and use of the right found that there were many use of non-use that occurred prior to the lease in 2021. Initially when considering the after the conclusion of the contract in 2022 and the 2025 filing a period of more than 5 years of non use had occurred cumulatively. However, a portion of the right can be accepted, see the validity review section. This portion is equivalent to 152.3 acres with a diversion rate of 0.84 cfs and a diversion volume of 609.2 af. The rental application originally proposed to irrigate 196 acres. To allow for simple identification of which acres are authorized for irrigation, a specific 152.3 acres of the original proposed place of use were identified for the rental agreement. These acres are subject to change before the agreement is finalized pending discussion from the applicant.

Water right 35-4189 is within the Aberdeen-American Falls Ground Water District. Both the lease and rental locations are within the Eastern Snake Plain Aquifer, Water District 120, the Snake River Basin Moratorium Area, and the Trust Water Area.

AUTHORITY TO FILE:

The lease and rental applications were signed by James B Alderman. James is Senior VP & Counsel for the company and is listed as a member on the most recent annual report submitted to Idaho Secretary of State. J.R Simplot Company is the current owner of the water rights and review of Bingham County parcel data shows that the land at the proposed lease and rental location are currently owned by the company.

WATER RIGHT VALIDITY:

Water right 35-4189 was decreed April 26, 2000. The water right authorizes commercial use for a potato processing plant, and irrigation use where the water used in the plant is then land-applied to crops in nearby fields. The application for lease form states in Section 4.G. that the potato processing facility supplied by this water right was closed in 2015, but some use of the right continues at offices and storage facilities. An application to lease right 35-4189 was submitted in 2016. Review of the history of the right found that water measurement data demonstrated a diversion volume of 609.2 af had been put to beneficial use for commercial purposes in the 5-year period before the application was filed. A 609.2 af portion was leased for

1 year in 2016. Then in 2021 the Department approved the same 609.2-acre portion for lease for 2 years, concluding in 2022 under lease contract no. 1433. While lease contract no. 1433 was active, two rental agreements 583 and 584 were executed and active until 2022. Idaho Code 42-1764 at the time the rights were leased and rented in 2021 and 2022 stated that a water right leased to the bank and then rented with beneficial use occurring, the (5) year period of nonuse for forfeiture of a water right shall begin to run anew. Since the right was leased then rented with beneficial use occurring in 2022, the portion of the right previously leased under contract no. 1433 would not have undergone a 5-year period of nonuse following release from the bank and therefore that same portion is likely not lost due to forfeiture.

INJURY TO OTHER WATER RIGHTS:

Both the leased right and proposed rental location are within the Eastern Snake Plain Aquifer modeling boundary. Since they are within the boundary, analysis of hydrologic effects within the aquifer and to the Snake River is required for processing. Modeling using the ESPA transfer tool ETRAN V3.4 was provided as an attachment to the application. Review of the ETRAN V3.4 modeling indicates that mitigation would be required to offset the impacts of the proposed water use at the rental location. To ensure surface water rights are not reduced due to the rental, the volume authorized for irrigation use must be reduced such that a portion remains idle. The results of the mitigation check using the reduced volume of 533 af indicates that no depletions to reaches of the Snake River would occur as a result of the rental. There are no concerns of injury to other water rights. Simplot is participating in a mitigation plan to deliver stored water to the SWC to offset use under right 35-4189. As long as stored water is made available the right should not be subject to curtailment in the SWC delivery call.

ENLARGEMENT OF USE:

The lease and proposed rental point of diversion are ground water wells that are approximately 12 miles apart and both within the ESPA. Water right 35-4189 does not share combined limit conditions with any additional rights that would need to be included in a lease contract.

The applications propose a change in nature of use from commercial to irrigation for the rental. No evidence is available that would indicate the commercial use under right 35-4189 is fully consumptive, however water used under the right had historically been used for irrigation via land-application after being used in the plant. The land-application irrigation would have an equivalent consumptive use to the irrigation proposed in the rental agreement so no reduction of the rental will be needed for the change in nature of use.

The applications propose a rental POU that overlaps water rights 29-2515 and 29-7089 to allow for continued irrigation following a delivery call. The two rights share a point of diversion and a 196-acre permissible place of use with acre limits that add up to the total of the PPU. Right 29-2515 is limited to 160 acres with a diversion volume of 560 af which equals 3.5 af per acre. Right 29-7089 is limited to 36 acres and has a diversion volume of 144 which equals 4 af per acre. The rental proposes use of the same point of diversion and delivery system as the existing rights. To prevent enlargement of existing right 29-2515 the total diversion volume authorized under the agreement will need to be reduced to 3.5 af per acre.

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 water right is within the Eastern region and within Water District 120. Comment requests

were sent to the Regional Manager and Watermaster on March 20, 2026.

ESPA ANALYSIS RESULTS: SOU - 4/1 - 10/31 2026-2029

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

YEAR 1960
SEASON WINTER

TRANSFER NO:
0

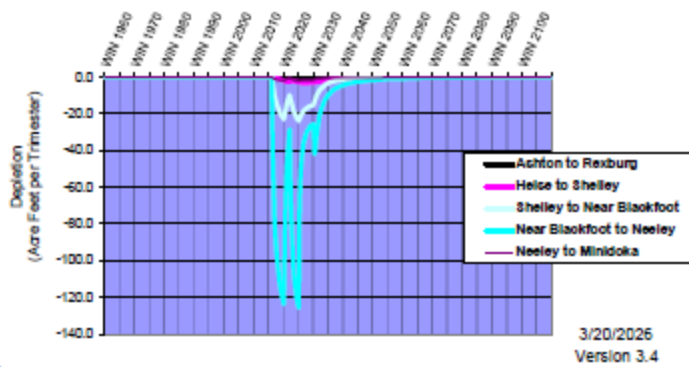
TRANSFER NAME:
test

ENTER CELL LOCATIONS:				
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	95	85	0	0
COLUMN	115	107	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1960	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SPR 1961	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SUM 1961	0.00	203.00	203.00	0.00	0.00	0.00	0.00
WIN 1961	0.00	203.00	203.00	0.00	0.00	0.00	0.00

SPR 2016	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SUM 2016	0.00	203.00	203.00	0.00	0.00	0.00	0.00
WIN 2016	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SPR 2017	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2017	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2017	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2018	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2018	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2018	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2019	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2019	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2019	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2020	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2020	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2020	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2021	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SUM 2021	0.00	203.00	203.00	0.00	0.00	0.00	0.00
WIN 2021	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SPR 2022	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SUM 2022	0.00	203.00	203.00	0.00	0.00	0.00	0.00
WIN 2022	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SPR 2023	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2023	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2023	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2024	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2024	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2024	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2025	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2025	0.00	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2025	0.00	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2026	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2026	152.30	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2026	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2027	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2027	152.30	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2027	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2028	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2028	152.30	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2028	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2029	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2029	152.30	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2029	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2030	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SUM 2030	152.30	0.00	203.00	0.00	0.00	0.00	0.00
WIN 2030	152.30	0.00	203.00	0.00	0.00	0.00	0.00
SPR 2031	0.00	203.00	203.00	0.00	0.00	0.00	0.00
SUM 2031	0.00	203.00	203.00	0.00	0.00	0.00	0.00
WIN 2031	0.00	203.00	203.00	0.00	0.00	0.00	0.00

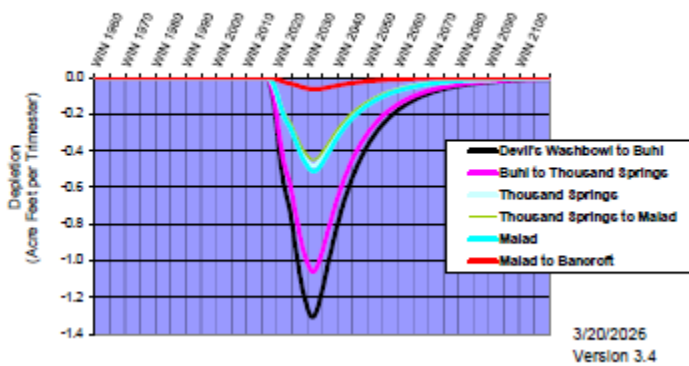
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



Customer Name: test

Transfer No: 0

Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



Customer Name: test

Transfer No: 0

Mitigation Analysis Period
Trimester

One-Way Analysis of Independent Transfers

New Water Right (GModel):

WR No.	Div. Rate (CFS)	Con. Vol. (AF)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
???	???	275.6	68.9	1/1/1960	8S29E-3	275.6 01.9	SP082075
???	???	275.6	68.9	1/1/1960	8S29E-3	275.6 01.9	SP088006

Transfer 1: Proposed Steady State Impacts following Transfer

Pre-SS	3.54	5.84	31.78	149.16	3.30	3.11	2.52	1.15	1.07	1.23	0.16
Post-SS	3.54	5.83	31.77	149.12	3.30	3.10	2.51	1.15	1.07	1.22	0.16

Transfer 1: Worst Case Transient State Impacts following Transfer

Pre-TS	3.54	5.84	31.78	149.16	3.30	3.11	2.52	1.15	1.07	1.23	0.16
Post-TS	3.54	5.83	31.77	149.12	3.30	3.10	2.51	1.15	1.07	1.22	0.16

Impact by Reach (AFT/Trimester)

	Ashton to Rexburg	Heise to Shelley	Shelley to N. Blackft	N. Blackft to Neeley	Neeley to Minidoka	Dev. Wbl. to Buhl	Buhl to Ksper	Ksper to Malad	Malad to Bancroft	
3.54	5.84	31.78	149.16	3.30	3.11	2.52	1.15	1.07	1.23	0.16
3.54	5.83	31.77	149.12	3.30	3.10	2.51	1.15	1.07	1.22	0.16
3.54	5.84	31.78	149.16	3.30	3.11	2.52	1.15	1.07	1.23	0.16
3.54	5.83	31.77	149.12	3.30	3.10	2.51	1.15	1.07	1.22	0.16

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	0.0%	0.0%	-0.1%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.4%
Mitigation Check 2 - >2 AFT:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	1.7%	2.0%	15.7%	73.5%	1.6%	1.5%	1.2%	0.6%	0.5%	0.6%	0.1%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	-0.2%	-0.1%	0.0%	0.0%	-0.1%	-0.3%	-0.3%	-0.3%	-0.3%	-0.3%	-0.4%
Mitigation Check 2 - >2.01 AFT:	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Read Me



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

April 8, 2026

J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE ID 83707-0027

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO. 35-4189, AGREEMENT 997**

Dear Renter:

Please find enclosed a receipt in the amount of **\$2,010.36** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 533.0 acre-feet of water for irrigation of 152.3 acres during 2026. 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.

The rental fee will be retained by the Department to offset administrative costs since you are the owner of the rights. The annual rental fee for 2026 is due by December 31, 2026.

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

Sincerely,

Darin Vrem
Water Supply Bank

Enclosures: Receipt No. C125612
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Regional Office (via email)
Remington Buyer (via email)
Water District – 120



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
208 780 7333 Fax

RECEIVED

APR 03 2026

DEPARTMENT OF
WATER RESOURCES

April 3, 2026

Hand Delivery

Mat Weaver

Director

Idaho Department of Water Resources

P. O. Box 83720

Boise, ID 83720-0098

Re: IDWR Water Right 35-4189; Water Supply Bank Lease Contract 2137 & Rental Agreement 997.

Dear Mat:

Enclosed are Water Supply Bank Lease Contract No. 2137 and Water Supply Bank Rental Agreement No. 997, signed by Simplot under objection to the arbitrary, unsupported limits proposed by IDWR staff, limiting Simplot's use of its water right. I am also enclosing a check in the amount of \$2,010.36 to cover fees for the use of the rented water during 2026.

In addition, also enclosed is a copy of a Petition for Reconsideration, Modification and Request for Hearing on Water Supply Bank Lease Contract 2137 & Rental Agreement 997 filed on this same day with the IDWR.

Sincerely,

Remington Buyer

Land, Water & Asset Recovery

Enclosures: Petition for Reconsideration, Modification and Request for Hearing on Water Supply Bank Lease Contract 2137 & Rental Agreement 997



Rebecca Voss, ISB No. 9580
Managing Counsel Corporate and Real Estate Transactions
J. R. Simplot Company, LLC
1099 W. Front Street
Boise, ID 83702
(208) 336-2110

RECEIVED
APR 03 2025
DEPARTMENT OF
WATER RESOURCES

Attorney for Simplot

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

	)	
	)	
	)	
IN THE MATTER OF WATER SUPPLY	)	J.R. SIMPLOT COMPANY,
SUPPLY BANK LEASE CONTRACT AND	)	LLC's PETITION FOR
RENTAL AGREEMENT FOR IDAHO	)	RECONSIDERATION,
DEPARTMENT OF WATER RESOURCES	)	MODIFICATION AND
WATER RIGHT 35-4189	)	REQUEST FOR HEARING ON
	)	WATER SUPPLY BANK LEASE
	)	CONTRACT 2137 & RENTAL
	)	AGREEMENT 997
	)	

J. R. SIMPLOT COMPANY, LLC ("Simplot") respectfully requests the Idaho Department of Water Resources ("IDWR") reconsider its conditions of approval for WATER SUPPLY BANK LEASE NO. CONTRACT 2137 ("Lease Contract") and RENTAL AGREEMENT NO. 997 ("Rental Agreement") to remove or revise certain restrictive limitations inserted by IDWR related to the diversion rate and diversion volume for the Lease Contract and the maximum authorized irrigated acreage for the Rental Agreement. This Petition is filed by Simplot pursuant to Idaho Code Sections 42-1766 and 42-1701A(3).

BACKGROUND

1. Simplot owns IDWR water right no. 35-4189 decreed in the Snake River Basin Adjudication with a November 14, 1960 priority, for the diversion of groundwater at a rate of up to 1.78 cfs, and a volume of up to 1,288.7 acre-feet ("af") annually for commercial uses, and up to 436 af annually for the irrigation of 109 acres. Beginning in 2016, Simplot leased 0.84 cfs and 609.3 af of the water right to the Idaho Water Supply Bank ("Water Bank") to facilitate rentals of the

water right from the Water Bank for irrigation purposes. The lease was renewed in 2021 through 2022, to facilitate rentals for commercial, industrial and domestic purposes, which were active until December 31, 2022, when the terms of the last lease/rental approvals expired.

2. At the time Water Bank leases for water right 35-4189 concluded in 2016 and 2022, Idaho Code 42-1764 provided that the five year period of nonuse pursuant to section 42-222(2), Idaho Code, should continue to accrue against a leased right, if a period of nonuse occurred prior to the effective date of acceptance of the right into the bank and the right was not beneficially used while in the bank. Because water right 35-4189 was beneficially used when it was rented from the Bank in 2016, 2021 and 2022, the period of nonuse under the water right should have reset when the water right was released from the Bank at the end of 2016 and 2022.
3. Simplot irrigates farm ground typically serviced by groundwater irrigation rights 29-2515 and 29-7089. Water rights 29-2515 and 29-7089 were curtailed pursuant to a 2025 order of the Director of the IDWR. Water right 35-4189 is not subject to the same curtailment order of the Director of IDWR. Water rights 29-2515 and 29-7089 together authorize the irrigation of a combined 196 acres.
4. On July 14, 2025, to mitigate for the curtailment of water rights 29-2515 and 29-7089, Simplot submitted new lease/rental applications, along with IDWR's filing fees, for water right 35-4189, proposing a lease diversion rate and volume of 1.76 cfs and 1,273.7 af, for commercial and irrigation uses, coupled with a request to rent 1.76 cfs and 704 af of the leased right, for the irrigation of 196 acres. IDWR numbered these submissions as Lease Application No. 3243 and Rental Application No. 3242.
5. Simplot requested a 2025 start date for both Lease Application No. 3243 and Rental Application No. 3242. Simplot was notified by IDWR in 2025 that the lease/rental applications could not be processed in time, due to IDWR resource constraints, in order to commence the Lease and Rental in 2025. IDWR asked Simplot to confirm whether Simplot desired to maintain Lease Application No. 3243 and Rental Application No. 3242, to allow them to be processed in time for the start of the 2026 irrigation season. Simplot affirmed it desired that Applications No. 3242 and 3243 be processed for the 2026 irrigation season.

6. On December 25, 2025, Simplot submitted an email to IDWR staff, to inquire about the processing status of Lease Application No. 3243 and Rental Application No. 3242. No response from IDWR was received by Simplot.
7. On March 2, 2026, Simplot again submitted an email to IDWR staff, to inquire about the processing status of processing of Lease Application No. 3243 and Rental Application No. 3242. IDWR staff notified Simplot via email on March 2, 2026, that IDWR would look into the processing status of the Water Bank applications.
8. On March 5, 2026, IDWR staff emailed Simplot to request information confirming the validity of water right 35-4189. On March 5, 2026, Simplot replied to IDWR's email, providing information affirming the validity of water right 35-4189.
9. On March 16, 2026, Simplot submitted an email to IDWR staff, to inquire about the processing status of Lease Application No. 3243 and Rental Application No. 3242. No response from IDWR was received by Simplot.
10. On March 16, 2026, Simplot submitted to IDWR a follow up email, to impress upon IDWR that Simplot desired for a rental agreement to be processed in time for the start of the 2026 irrigation season. Simplot offered to IDWR that a rental volume of 500 af would be sufficient for the irrigation of the 196 acres under Rental Application No. 3242.
11. On March 18, 2026, IDWR responded to Simplot via email, and in written correspondence, stating IDWR considered the entirety of water right 35-4189 to be ineligible for lease to the Water Bank, based on concerns that five years of nonuse had elapsed under the water right.
12. On March 18, 2026, Simplot responded to IDWR and affirmed the rental of water right 35-4189 from the Water Supply Bank in 2016, 2021 and 2022 was evidence of beneficial use under the water right. Simplot reminded IDWR the 2016, 2021 and 2022 rentals reset the five-year period of nonuse under water right 35-4189. No response was received from IDWR by Simplot.

13. On March 20, 2026, Simplot emailed IDWR again, to inquire about the processing status of Lease Application No. 3243 and Rental Application No. 3242. Simplot reminded IDWR staff it was Simplot's desire that a rental agreement for water right 35-4189 should be executed and secured for the start of the 2026 irrigation season.
14. On March 20, 2026, IDWR issued to Simplot Water Supply Bank Lease Contract No. 2137 with a diversion rate of 0.84 cfs and 609.2 af, reflecting the same amounts approved for lease in 2016, 2021 and 2022. Concurrent with the issuance of Water Bank Lease Contract No. 2137, IDWR also issued to Simplot Water Bank Rental Agreement No. 997, authorizing a rental of the 609.2 af, for the irrigation of 152 acres. IDWR further conditioned the authorized irrigation use under Agreement No. 997 to be for no more than 0.84 cfs and 533 af, for the irrigation of 152.3 acres, to prevent enlargement of existing rights at the rental place of use.
15. On March 23, 2026, Simplot emailed IDWR, to request amendments to Lease Contract No. 2137 and Rental Agreement No. 997, that reflected the lease and rental rate, volume and acre amounts requested by Simplot through Water Bank Applications No. 3242 and 3243. No response from IDWR was received by Simplot.
16. On March 24, 2026, Simplot submitted an email to IDWR staff, to inquire about the requested amendments to Lease Contract No. 2137 and Rental Agreement No. 997. A response was received by Simplot from IDWR on March 24, 2026, stating phones and internet at IDWR were not working and that staff would respond to Simplot once connectivity was restored.
17. On March 25, 2026, Simplot emailed IDWR to inquire whether IDWR would soon respond to Simplot's request for amendments to Lease Contract No. 2137 and Rental Agreement No. 997. In Simplot's emails to IDWR, Simplot reminded IDWR its primary concern was to secure a rental of at least 500 af for the irrigation of 196 acres and that, as an accommodation, Simplot was prepared to execute a rental agreement for 609 af, for the irrigation of 196 acres, under an amended Rental Agreement No. 997. No response from IDWR was received by Simplot.
18. On March 26, 2026, Simplot inquired in-person with IDWR staff at IDWR's State Office, to impress upon IDWR that amendments to Rental Agreement No. 997 were necessary to

accommodate Simplot's desired irrigation of 196 acres, beginning April 1, 2026. Simplot also verbally offered to IDWR staff that if IDWR amended Lease Contract No. 2137, to lease into the Bank the amounts requested by Simplot, while simultaneously making only 609.2 af of water right 35-4189 rentable from the Water Supply Bank, Simplot would not object. Simplot reminded IDWR staff that, because water rights 29-2515 and 29-7089 are administratively curtailed by order of the Director of IDWR, and no water diversion or use is authorized under water rights 29-2515 and 29-7089 until those rights achieve adequate mitigation, it is impossible for water rights 29-2515 and 29-7089 to be enlarged through a rental of water right 35-4189 under Rental Agreement No. 997.

19. On March 27, 2026, IDWR staff emailed Simplot to affirm they would work towards finalizing the drafting of Lease Contract No. 2137 and Rental Agreement No. 997 in time for execution of the approvals on March 30, 2026. On March 27, 2026, Simplot responded to IDWR staff, reiterating that if IDWR approved an amended Lease Contract No. 2137, that accepted for lease the full amounts proposed by Simplot, while making only 609.2 af rentable under water right 35-4189 during the term of the lease, Simplot would not object.

20. On March 30, 2026, IDWR staff emailed Simplot and provided the same Water Bank lease and rental approvals drafted and provided to Simplot by IDWR on March 20, 2026. IDWR staff affirmed they would not consider Simplot's requested amendments to Lease Contract No. 2137 and Rental Agreement No. 997.

ARGUMENT

Because the period of nonuse under water right 35-4189 was reset when the right was released from the Water Bank at the end of 2022, five years of successive nonuse had not occurred under water right 35-4189, for any portion of the right, when the lease/rental applications were submitted in 2025.

The entire requested portion of water right 35-4189 proposed for lease through Water Bank Application No. 3243, 1.76 cfs and 1,273.7 af, should be accepted into the Water Bank under an

amended Lease Contract No. 2137. IDWR's proposed lease of 0.84 cfs and 609.2 af under Lease Contract No. 2137 is overly restrictive and does not reflect the lease amounts requested by Simplot through Water Bank Application No. 3243. IDWR has provided no basis to justify a reduction in the water use amounts of water right 35-4189 approved to be leased through Water Bank Contract No. 2137.

Water right 35-4189 is a fully consumptive water right that historically supplied groundwater for a commercial potato processing facility. Because water right 35-4189 is fully consumptive, no enlargement is possible when the entirety of the leased volume under the right is diverted under a Water Bank rental.

As requested by Simplot, 1.76 cfs and 704 af of water right 35-4189, for the irrigation of 196 acres, should have been included in Rental Agreement No. 997. IDWR's proposed rental of 0.84 cfs and 609.2 af under water right 35-4189, for the irrigation of 152 acres is overly restrictive and does not reflect the rental amounts requested by Simplot through Water Bank Application No. 3242. In addition, IDWR provided no basis to justify a reduction in the water use amounts or acreage limits of water right 35-4189 requested to be rented by Simplot through Water Bank Application No. 3242. Without waiving any rights Simplot may have for the entirety of water right 35-4189, Simplot would be amenable to IDWR limiting the amount of water right 35-4189 available for rental through Rental Agreement No. 997 to be 609.2 af for the irrigation of 196 acres.

CONCLUSION

Because the conditions do not exist for limiting the amounts of water right 35-4189 proposed for lease by Simplot through Water Bank Lease Application No. 3243, Simplot requests your consideration to amend and reissue Lease Contract 2137. Further, because the conditions do not exist for limiting the rental of water right 35-4189 to a maximum irrigation of 152 acres, Simplot requests your consideration to amend and reissue Rental Agreement 997, to authorize the irrigation of 196 acres, as requested through Water Bank Rental Application No. 3242. In the event of an affirmative denial of this Petition by IDWR or a denial due to a non-response, please consider this Petition a request for a hearing pursuant to Section 42-1701A(3), Idaho Code.

Dated this 1st day of April, 2026.

J. R. SIMPLOT COMPANY, LLC



By: Rebecca Voss
Managing Counsel Corporate and Real Estate
Transactions

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 3, 2026, I served by hand delivery the foregoing PETITION FOR RECONSIDERATION, MODIFICATION AND REQUEST FOR HEARING ON WATER SUPPLY BANK LEASE CONTRACT 2137 AND RENTAL AGREEMENT 997 to the address listed below:

RE: Water Supply Bank Lease Contract 2137
Water Supply Bank Rental Agreement 997
Water Right No.: 35-4189

Idaho Department of Water Resources
Attn: Mat Weaver, Director
322 East Front Street, Suite 648
Boise, ID 83702



Remington Buyer
Water Right Specialist



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

July 14, 2025

Water Supply Bank
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83702

RECEIVED

Jul 14, 2025

DEPARTMENT OF
WATER RESOURCES

Dear IDWR,

Please find enclosed with this letter an Application to Lease a Water Right to the Water Supply Bank, submitted for water right 35-4189, coupled with the lease filing fee of \$250. Also included is an Application to Rent Water from the Board's Water Supply Bank requesting a rental of water right 35-4189 for calendar years 2025-2029.

Water right 35-4189 is a commercial and irrigation groundwater right that supplies water to Simplot's potato processing facility in Aberdeen and authorizes irrigation of 109 acres of ground northeast of the plant. The commercial place of use also includes irrigated acreage where processed water from the facility was historically land-applied. The commercial water use authorized under 35-4189 is fully consumptive. Water right 35-4189 is part of an IDWR-approved mitigation plan (CM-MP-2007-001) and enjoys protections associated with that approval.

The potato processing facility closed in 2015 however a small amount of ground water continues to be diverted under 35-4189 for use in the facility's offices and storage warehouses. During the term of the proposed lease, this small water usage (1 af annually) will continued to be diverted however no groundwater will be used for irrigation of the 109-acre irrigation place of use, nor will groundwater be delivered for the irrigation of the land-application commercial-irrigable places of use.

The rental application accompanying the lease is submitted to authorize ongoing irrigation of lands associated with water rights 29-2515 and 29-7089, which are subject to curtailment pursuant to the Surface Water Coalition (SWC) Delivery Call.

3242 + 3243



Please contact me if you have any questions about these applications.

Thank you,

A handwritten signature in black ink, appearing to be 'RB' with a horizontal line extending from the right.

Remington Buyer

Water Rights Specialist

CC: Blake Jordan – Watermaster - Water District 120

