

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5485

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1
Rd Peterson
303-370-3100
JUL 02 1999

Robt Peterson
307-279-3444

JUL 02 1999

Department of Water Resources
Eastern Region

Name of applicant J. R. Simplot Company Phone 208-336-2410
Post Office address P. O. Box 27 Boise, ID 83707 389-7359

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes This transfer is being filed to change diversion points,
the place and nature of use for a portion of this license.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- B. DESCRIPTION OF RIGHT(S) DIVERTED:
- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|---------------|-----------------------|------------------|---------------|
| 24-02005(B) | Sept. 9, 1904 | 1.76 | Industrial | 4/1 to 10/31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.76 c.f.s. cubic feet per second and/or _____ acre-feet per annum
- * 3. Source of water Sage Creek tributary to Crow Creek
4. Point(s) of Diversion: * See additional sources below

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Canby	* Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	"	* Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	"	* Smoky Creek Tributary to Tygee Creek
		NE	NW	7	9S	46E	"	* Sage Creek Tributary to Crow Creek

5. Lands irrigated or place of use:

See Attachment "B"

[illegible]

PART 1

6. General Information:

a. Description of diversion system Intake screen and suction hose

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
That portion of the place of use being transferred will not be irrigated.

d. Remarks:
Industrial use includes dust abatement on haul road for Simplot's Smoky Canyon Mine.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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PART 2

TRANS NO. 5485

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 24-02005

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.36 CFS
DOMESTIC	to	
	Totals	4.36 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
DEER HOLLOW CREEK	TYGEE CREEK
TYGEE CREEK	STUMP CREEK
MILLER CREEK	TYGEE CREEK

Priority: 09/29/1904

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 9, Township 08S, Range 46E
 SWSE , Sec. 10, Township 08S, Range 46E
 SWNW , Sec. 15, Township 08S, Range 46E
 SWSW , Sec. 15, Township 08S, Range 46E
 NENW , Sec. 16, Township 08S, Range 46E
 CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	46E	9	SESE 39			39
		10	NESW 33	NWSW 27	SWSW 31	91
		15	NWNW 17	SWNW 25	NWSW 18	
			SWSW 28			88
						218

Total number of acres irrigated:

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. SOURCE NAMES ARE NOT IDENTIFIED AS SUCH BY USGS QUAD.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.76 c.f.s. for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	15	8S	46E	Caribou	
		SW	NW	15	8S	46E	Caribou	

Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	46E	15						17	25			18	28						88

Total acres 88

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.6 c.f.s. for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Caribou	
		SW	SE	10	8S	46E	Caribou	
		NE	NW	16	8S	46E	Caribou	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	46E	9																39	39
		10									33	27	31						91
																	TOTAL		130

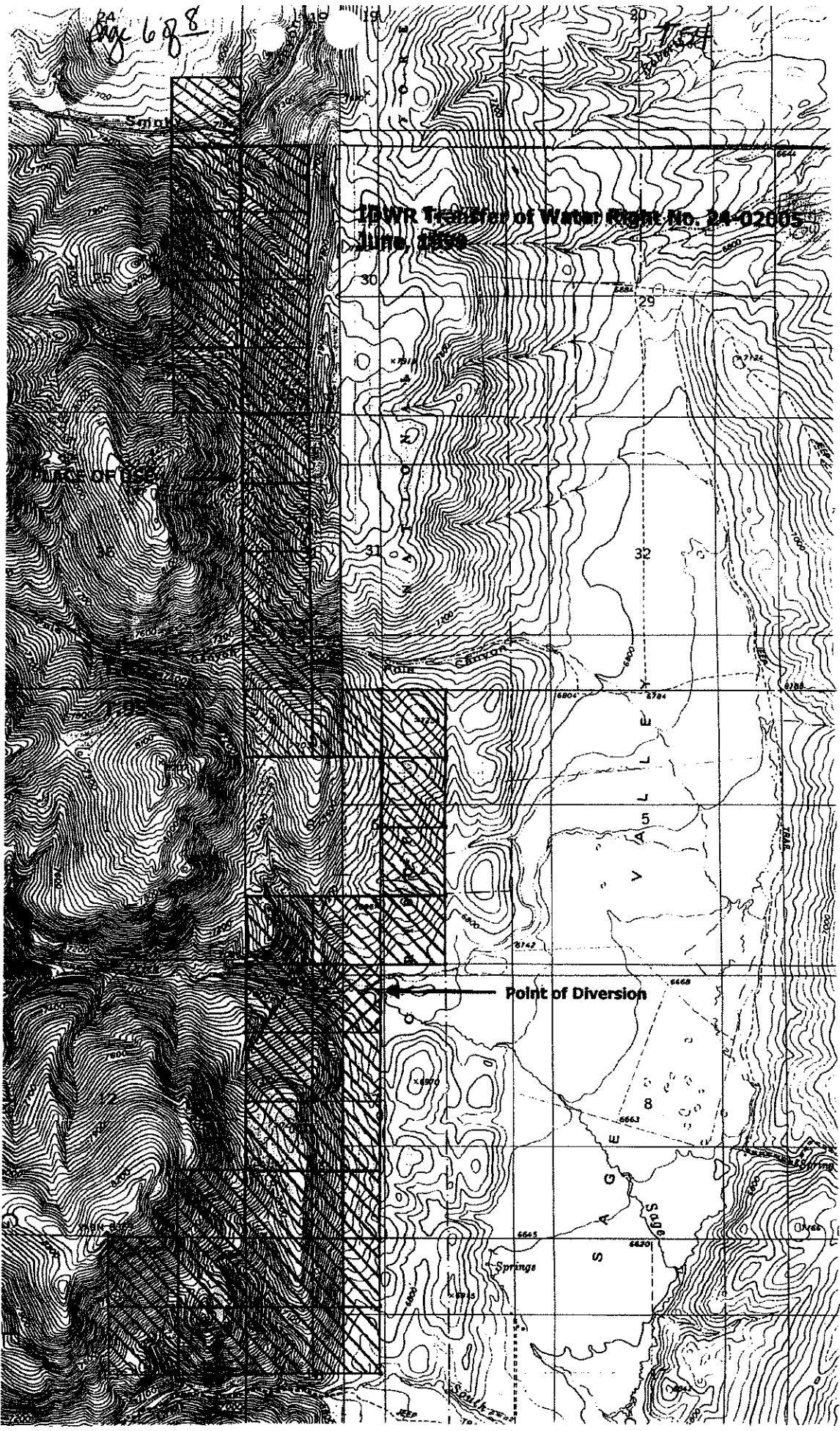
Response to Part 1 B.5 "Lands Irrigated or place of use" after the requested change.

Twp.	Rng.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	45E	24																I	
		25	I			I									I			I	
9S	45E	12																I	
		13	I	I	I	I													
8S	46E	30						I	I			I	I						
		31						I	I			I	I	I			I		
9S	46E	6		I	I								I	I		I	I		
		7					I	I	I	I	I	I	I	I					
		18					I	I	I	I									

I = Industrial Use

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100% Transfer of Water Right No. 24-02005
June, 2000



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map Labeled, "IDWR Transfer of Water Right No. 24-02005 June, 1999."

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Industrial	1.76 c.f.s.	12 hrs/Day	4/1 to 10/31
				to

2. Quantity and quality of return flows and location of discharge:

There will not be any return flow or discharge associated with the industrial use.

3. Describe effects on other water uses resulting from the proposed change:

The proposed change will not have any effect on other water rights.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

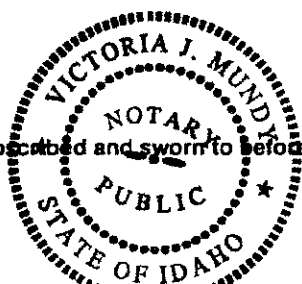
I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. R. Simplot Company

By: Ronald N. Graves

Ronald N. Graves, Secretary

Subscribed and sworn to before me this 30th day of June, 19 99.



Victoria J. Mundy
(Notary Public)

My commission expires 07/06/2004

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and attachments

Received by Step Date 7-2-1999

Protest filed by Idaho Rural Council

Prelim. check by Step Fee \$100.00

Receipted by Step Date 7-2-1999

Published in Caribou County Sun

Copies of protest forwarded by SC

Pub. dates July 14 & 21, 1999

Hearing held by Date

Watermaster recommendation requested on

Recommended for ☐ approval ☐ denial

 rec'd.

by

Copy of transfer sent to lien holder

QUITCLAIM DEED

SIMPLOT LEASING CORPORATION, an Idaho corporation, for consideration paid, releases to J. R. SIMPLOT COMPANY, a Nevada corporation having a place of business at P.O. Box 27, Boise, Idaho 83707;

All the following described real estate, situated in the County of Caribou, State of Idaho, to-wit:

Township 8 South, Range 46 East Boise Meridian
Section 15: West Half of the West Half (W 1/2 W 1/2),

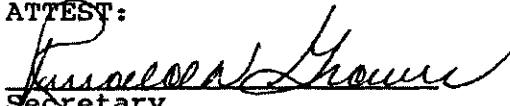
Together with all improvements and water rights.

Also hereby conveying all remaining rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, SIMPLOT LEASING CORPORATION has hereunto caused this instrument to be signed in its corporate name by Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, hereunto duly authorized, this 1st day of August, 1988.

SIMPLOT LEASING CORPORATION

ATTEST:


Secretary

By


Its President

STATE OF IDAHO }
County of Caribou } SS 135757
I Hereby certify that this instrument was filed
at the request of J. R. Simplot Co.
at 9:30 o'clock A M this 19th day of
December, 19 88 in my office and duly
recorded in Microfilm Records _____
Mona W. Archibald

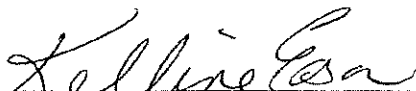
Ex-Officio Recorder 6.00 Deputy

Attachment A

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 1st day of August, 1988, before me, a Notary Public in and for said state, personally appeared Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC for Idaho
Residing at: Boss, Idaho
My Commission Expires: 10-13-92

1697S

Attachment A

WARRANTY DEED

Ted C. Frome and Betty B. Frome, husband and wife, Grantors, do hereby grant, bargain, sell, and convey in fee simple to Simplot Leasing Corporation, an Idaho corporation, whose current mailing address is P.O. Box 27, Boise, Idaho 83707, Grantee, and to Grantee's successors and assigns forever all of the following described real estate located in Caribou County, Idaho:

Township 8 South, Range 46 East Boise Meridian:
Section 15: West Half of the West Half (W1/2W1/2).

Together with all improvements and water rights.

All mineral rights are excluded and are retained by Grantor, its successors and assigns, provided, however, the Grantees use of the surface of the premises is not to be interrupted by reason of the exploration or extraction thereof.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the same premises, together with the appurtenances, unto the said Grantee of the second part, and to its successors and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused this deed to be executed this 1st day of June, 1986.

STATE OF IDAHO }
County of Caribou }

ss 128365

I Herby certify that this instrument was filed

at the request of Caribou Title Co.
at 11:05 o'clock A M this 10 day of

June, 19 86 in my office and duly

recorded in Microfilm Records

Myrna W. Archibald

Ex-Officio Recorder

4.00

Deputy

Ted C. Frome
Ted C. Frome

Betty B. Frome
Betty B. Frome

Attachment A

STATE OF WYOMING)
) ss.
County of Lincoln)

On this 1st day of June, 198^b8, before me,
a Notary Public in and for said State, personally appeared
Ted C. Frome and Betty B. Frome, husband and wife, known to me
to be the persons whose names are subscribed to the fore- going
instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Chris Larnal Paulsen
Notary Public for Wyoming
Residing at: Cotton, Wyoming
My Commission Expires: 9-16-89

After recording return to:

Ronald N. Graves
P.O. Box 27
Boise, Idaho 83707