

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 30 2021

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

Department of Water Resources
Eastern Region

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** J. R. Simplot Company Phone 208-336-2110
2. **MAILING ADDRESS** P. O. Box 27 City Boise
State Idaho Zip 83707 Email vic.conrad@simplot.com

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).
If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-4088

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.94 cubic feet per second and/or 586.4 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			NE	SE	7	6S	34E	Bannock	Groundwater	
Yes	7		NE	SE	7	6S	34E	Bannock	Portneuf River	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water use is metered on the pipeline used to transport water from the point of diversion to the place of use.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

James B. Alderman Sr. V.P. and Secretary
Print name and title if applicable

5-26-2021
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$460.- Date 6/10/2021

Received by JB

Receipt # E047072

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-4088

Current Owner: J R SIMPLOT CO

Priority Date: 6/18/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER
PORTNEUF RIVER

Tributary

PORTNEUF RIVER
SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2.94 CFS

2.94 CFS

Annual Volume

586.4 AF

586.4 AF

Location of Point(s) of Diversion

GROUND WATER
BANNOCK County
PORTNEUF RIVER
BANNOCK County
PORTNEUF RIVER
BANNOCK County

L7(SW1/4NE1/4SE1/4)	Sec. 7,	Twp 06S,	Rge 34E B.M.
SW1/4SE1/4SW1/4	Sec. 16,	Twp 06S,	Rge 34E B.M.
L7(SE1/4NE1/4SE1/4)	Sec. 7,	Twp 06S,	Rge 34E B.M.

Place of Use

IRRIGATION Within BANNOCK County

T06S R34E S7	Lot 7	NESE	12.00	T06S R34E S7	Lot 10	SESE	3.40
T06S R34E S8		NESW	26.00	T06S R34E S8		NWSW	31.00
T06S R34E S8		SWSW	20.00	T06S R34E S8		SESW	38.00
T06S R34E S8		SWSE	3.60	T06S R34E S17		NWNE	9.00
T06S R34E S17		NENW	3.60				

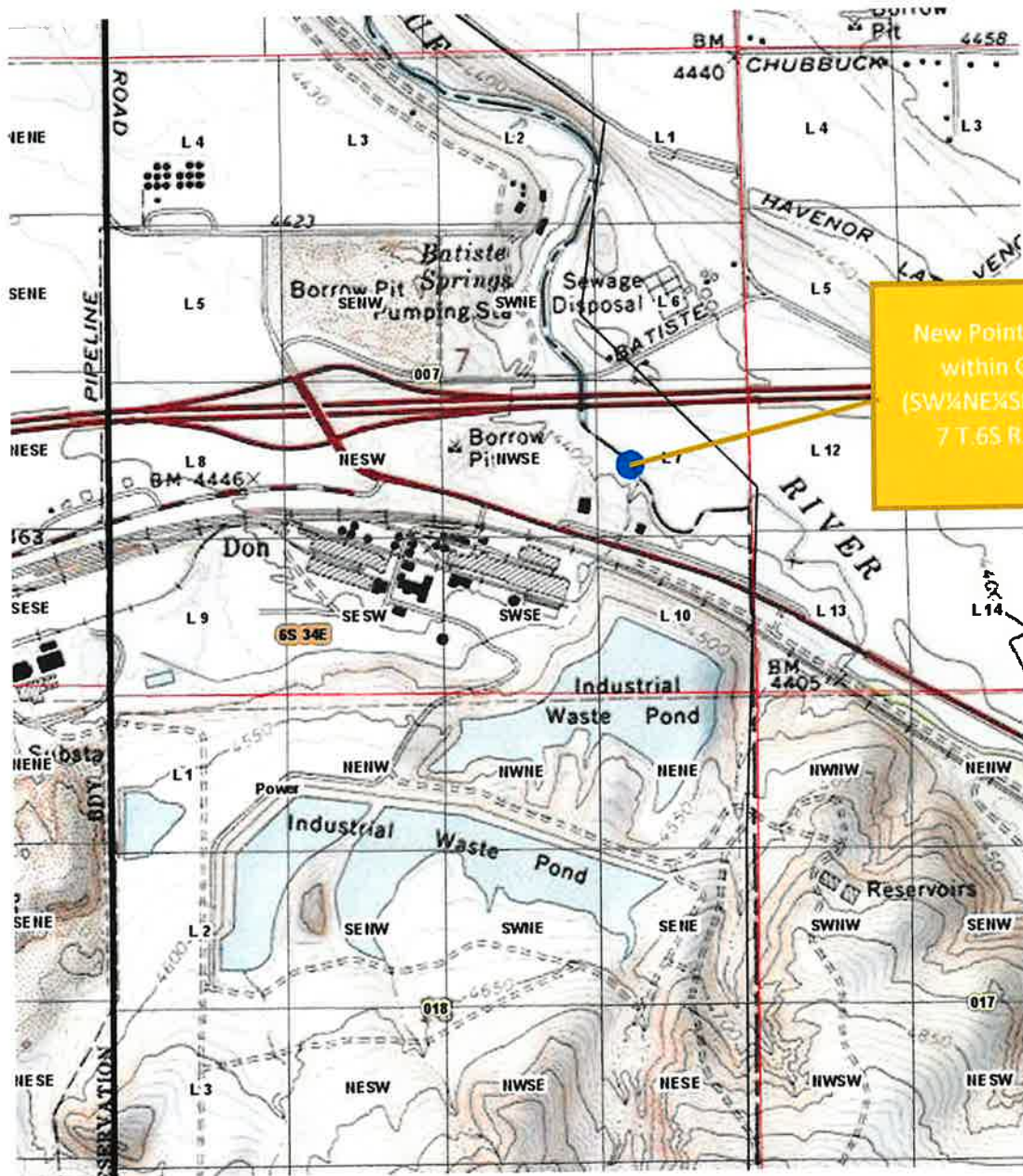
Total Acres: 146.6

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. PLACE OF USE INCLUDES THE IRRIGATION OF 21.6 ACRES WITHIN POWER COUNTY, DEFINED AS FOLLOWS: 7.5 ACRES WITHIN NESE, SECTION 7; 3.4 ACRES WITHIN SESE, SECTION 7; 1.8 ACRES WITHIN NWSW, SECTION 8 AND 8.9 ACRES WITHIN SWSW, SECTION 8; ALL T06S, R34E.
5. R64 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 lands above.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. WB4 The total instantaneous diversion of water from all points of diversion under Right 29-4088 shall not exceed 2.94 cfs, nor total combined annual volume of 586.4 af.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Decreed Date: 3/22/2004

Application for Transfer of IDWR Water Right 29-4088 for New Point of Diversion





0004127135

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004127135

Date Filed: 1/8/2021 2:22:11 PM

Entity Name and Mailing Address:

Entity Name: J. R. SIMPLOT COMPANY
Foreign Name (name in home jurisdiction): J. R. SIMPLOT COMPANY
The file number of this entity on the records of the Idaho Secretary of State is: 0000098318
Address: PO BOX 27
BOISE, ID 83707-0027

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: NEVADA
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C28407

The registered agent on record is:

Registered Agent: CORPORATION SERVICE COMPANY
Commercial Registered Agent
Physical Address
12550 W EXPLORER DR STE 100
BOISE, ID 83713
Mailing Address
12550 W EXPLORER DR STE 100
BOISE, ID 83713

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
+ Garrett C. Lofto	President	1099 W. FRONT STREET BOISE, ID 83702
+ James B. Alderman	Secretary	1099 W. FRONT STREET BOISE, ID 83702
+ Michael Hale	Treasurer	1099 W. FRONT STREET BOISE, ID 83702
+ Mark McKellar	Vice President	1099 W. FRONT STREET BOISE, ID 83702
+ Douglas M. Stone	Vice President	1099 W. FRONT STREET BOISE, ID 83702
+ Garrett C. Lofto	Director	1099 W. FRONT STREET BOISE, ID 83702
+ Scott R. Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
+ Gay C. Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
+ John Edward Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702



☒ John Don Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
☒ John Simplot Otter	Director	1099 W. FRONT STREET BOISE, ID 83702
☒ Stephen A. Beebe	Director	1099 W. FRONT STREET BOISE, ID 83702
☒ Richard M. Hormaechea	Director	1099 W. FRONT STREET BOISE, ID 83702
☒ Terry T. Uhling	Director	1099 W. FRONT STREET BOISE, ID 83702

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

James B. Alderman

01/08/2021

Sign Here

Date



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

1099 West Front Street
Boise, Idaho 83702

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

June 7, 2021

James Cefalo
Manager, Eastern Region
State of Idaho
Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Application for Transfer of Water Right 29-4088 to Change Point if Diversion.

Dear James:

Enclosed for filing is an application to change the location of one of the Portneuf River points of diversion identified under this water right from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Gov't Lot 7 in Section 7 Township 6 South, Range 34 East, B.M. a few hundred feet downstream to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Gov't Lot 7 Township 6 South, Range 34 East, B.M. I am also enclosing a check in the amount of \$660.00 to cover your application fee.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure





State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 1, 2021

J. R. Simplot Company
P.O. BOX 27
BOISE, ID 83707

RE: Application for Transfer No. 85076

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 7/7/2021 and 7/14/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 30, 2021 2:24 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Idaho State Journal
Attachments: 29-14361, 29-14362, 29-14363, 85076 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Application for Permit No. 29-14361, 29-14362, 29-14363, Transfer No. 85076,

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/26/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

The following applications have been filed to appropriate the public waters of the State of Idaho:

29-14361

EGAN FARMS LLC

1451 W HAWKINS RD

ARIMO, ID 83214-1525

Point of Diversion SWSENW S17 T11S R36E BANNOCK County

Source SHRIVES SPRING Tributary POTTER CREEK

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 02-25-2021

Place Of Use: STOCKWATER

T10S R36E S29

NWSW,SESW

Place Of Use: STOCKWATER

T10S R36E S32

SWSW,NWSE,SWSE

Place Of Use: STOCKWATER

T11S R36E S10

NENE,SENE,NESW,SWSE

Place Of Use: STOCKWATER

T11S R36E S11

NESW,SESW

Place Of Use: STOCKWATER

T11S R36E S14

NENW

Place Of Use: STOCKWATER

T11S R36E S15

NENE,NWNE,SWSE

Place Of Use: STOCKWATER

T11S R36E S16

NWSW,SWSW,SESE

Place Of Use: STOCKWATER

T11S R36E S17

NWNE,SENW,NWSE,SESE

Place Of Use: STOCKWATER

T11S R36E S23

NWNW

Place Of Use: STOCKWATER

T11S R36E S4

SENW,NESW

Place Of Use: STOCKWATER

T11S R36E S5

L6(NESE),SWNE,SWSE

Place Of Use: STOCKWATER

T11S R36E S8

L1(NENE),NESW,L3(NESE),NWSE

Place Of Use: STOCKWATER

T11S R36E S9

NENE,NESW,SESW

29-14362

POTTER CREEK RANCH LC

PO BOX 540478

N SALT LAKE, UT 84054-0478

Point of Diversion SWSENW S17 T11S R36E BANNOCK County

Source SHRIVES SPRING Tributary POTTER CREEK

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 02-25-2021

Place Of Use: STOCKWATER

T10S R36E S29

NWSW,SESW

Place Of Use: STOCKWATER

T10S R36E S32

SWSW,NWSE,SWSE

Place Of Use: STOCKWATER
T11S R36E S10
NENE,SENE,NESW,SWSE
Place Of Use: STOCKWATER
T11S R36E S11
NESW,SESW
Place Of Use: STOCKWATER
T11S R36E S14
NENW
Place Of Use: STOCKWATER
T11S R36E S15
NENE,NWNE,SWSE
Place Of Use: STOCKWATER
T11S R36E S16
NWSW,SWSW,SESE
Place Of Use: STOCKWATER
T11S R36E S17
NWNE,NWSE,SESE
Place Of Use: STOCKWATER
T11S R36E S23
NWNW
Place Of Use: STOCKWATER
T11S R36E S4
SENE,NESW
Place Of Use: STOCKWATER
T11S R36E S5
L6(NESE),SWNE,SWSE
Place Of Use: STOCKWATER
T11S R36E S8
L1(NENE),NESW,L3(NESE),NWSE
Place Of Use: STOCKWATER
T11S R36E S9
NENE,NESW,SESW
29-14363
POTTER CREEK RANCH LC
PO BOX 540478
N SALT LAKE, UT 84054-0478
Point of Diversion NWNE S8 T11S R36E BANNOCK County
Source COTTREL SPRING Tributary POTTER CREEK
Use: STOCKWATER
01/01 to 12/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 02-25-2021
Place Of Use: STOCKWATER
T10S R36E S29
NWSW,SESW
Place Of Use: STOCKWATER
T10S R36E S32
SWSW,NWSE,SWSE
Place Of Use: STOCKWATER
T11S R36E S10
NENE,SENE,NESW,SWSE
Place Of Use: STOCKWATER
T11S R36E S11
NESW,SESW
Place Of Use: STOCKWATER
T11S R36E S14
NENW
Place Of Use: STOCKWATER
T11S R36E S15
NENE,NWNE,SWSE
Place Of Use: STOCKWATER
T11S R36E S16
NWSW,SWSW,SESE
Place Of Use: STOCKWATER
T11S R36E S17
NWNE,NWSE,SESE
Place Of Use: STOCKWATER

T11S R36E S23

NWNW

Place Of Use: STOCKWATER

T11S R36E S4

SENE, NESW

Place Of Use: STOCKWATER

T11S R36E S5

L6(NESE), SWNE, SWSE

Place Of Use: STOCKWATER

T11S R36E S8

L1(NENE), NESW, L3(NESE), NWSE

Place Of Use: STOCKWATER

T11S R36E S9

NENE, NESW, SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/26/2021. The protestant must also send a copy of the protest to the applicant.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85076**

J R SIMPLOT CO, C/O VIC CONRAD, 1099 W FRONT ST, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 85076 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4088; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed points of diversion are both located within Lot 7 (NESE) Sec 7 T06S R34E for 2.94 cfs. The point of diversion from the Portneuf River is new, but the point of diversion from Ground water will not change.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/26/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/7/2021 and 7/14/2021