

AMENDED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83876**

This is to certify that: J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE, ID 83707-0027

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-10034	WR/DECREED	3/17/1983	8.830 cfs	N/A	532.0	933.0	GROUND WATER, WASTE WATER
63-2731	WR/DECREED	11/4/1948	2.370 cfs	1551.3 af	N/A	N/A	GROUND WATER
63-4968	WR/DECREED	1/1/1942	0.670 cfs	438.6 af	N/A	N/A	GROUND WATER
63-5036	WR/DECREED	3/10/1943	2.670 cfs	1747.7 af	133.5	933.0	GROUND WATER
63-5038	WR/DECREED	7/20/1944	1.340 cfs	877.1 af	67.0	933.0	GROUND WATER
63-5039	WR/DECREED	9/15/1947	1.780 cfs	1165.1 af	89.0	933.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-10034	NO	NO	YES	NO	NO	NO
63-2731	NO	NO	YES	NO	NO	NO
63-4968	NO	NO	YES	NO	NO	NO
63-5036	NO	NO	YES	NO	NO	NO
63-5038	NO	NO	YES	NO	NO	NO
63-5039	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-10034	63-10034	8.830 cfs	N/A	532.0	933.0	N/A	N/A	N/A	N/A	N/A
63-2731	63-2731	2.370 cfs	1551.3 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-4968	63-4968	0.670 cfs	438.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-5036	63-5036	2.670 cfs	1747.7 af	133.5	933.0	N/A	N/A	N/A	N/A	N/A
63-5038	63-5038	1.340 cfs	877.1 af	67.0	933.0	N/A	N/A	N/A	N/A	N/A
63-5039	63-5039	1.780 cfs	1165.1 af	89.0	933.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		12.480 cfs	4477.0 af	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATATransfer No. 83876**IN FILE #** 63-2731

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83876

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of October, 2020.


for _____
Chief, Water Allocation Bureau



WATER RIGHT NO. 63-2731**As Modified by Transfer No. 83876**

In accordance with the approval of Transfer No. 83876, Water Right No. 63-2731 is now described as follows:

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

Priority Date: 11/4/1948

Source: GROUND WATER

BENEFICIAL USE

INDUSTRIAL

From

01/01

To

to 12/31

Diversion Rate

2.370 cfs

2.370 cfs

Diversion Volume

1551.3 af

1551.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SESW	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	L8 (SWSW)	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6				L 7	L 8					0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2				L 3	L 4					0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

Transfer No. 83876

WATER RIGHT NO. 63-2731

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. Rights 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541, and 63-7678 when combined shall not exceed a total diversion rate of 12.48 cfs, a total annual maximum diversion volume of 5779.7 af.
3. The industrial place of use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.
4. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-4968**As Modified by Transfer No. 83876**

In accordance with the approval of Transfer No. 83876, Water Right No. 63-4968 is now described as follows:

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

Priority Date: 1/1/1942

Source: GROUND WATER

BENEFICIAL USE

INDUSTRIAL

From

01/01

To

to 12/31

Diversion Rate

0.670 cfs

0.670 cfs

Diversion Volume

438.6 af

438.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SESW	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	L8 (SWSW)	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6				L 7	L 8					0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2				L 3	L 4					0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

WATER RIGHT NO. 63-4968

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. Rights 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541, and 63-7678 when combined shall not exceed a total diversion rate of 12.48 cfs, a total annual maximum diversion volume of 5779.7 af.
3. The industrial place of use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.
4. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-5036**As Modified by Transfer No. 83876**

In accordance with the approval of Transfer No. 83876, Water Right No. 63-5036 is now described as follows:

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

Priority Date: 3/10/1943

Source: GROUND WATER

BENEFICIAL USE

INDUSTRIAL
IRRIGATION

From

01/01
03/01

To

to 12/31
to 11/15

Diversion Rate

2.670 cfs
2.670 cfs
2.670 cfs

Diversion Volume

1146.9 af
600.8 af
1747.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SESW	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	L8 (SWSW)	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6			L 7	L 8						0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									
																			0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

Transfer No. 83876

WATER RIGHT NO. 63-5036**As Modified by Transfer No. 83876****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	
04N	03W	7											7.0	3.0					10.0
													L 6	L 7					
04N	03W	17									9.0	5.0	21.0	34.0					69.0
											L 7	L 6							
04N	03W	18		14.0			31.0	35.0	29.0	33.0	3.0				1.0	12.0		26.0	184.0
				L 3			L 4	L 5	L 6										
04N	03W	19	30.0				24.0	25.0	31.0	25.0									135.0
								L 1	L 2										
04N	03W	20					36.0	20.0	25.0	32.0									113.0
04N	04W	12													1.0			1.0	2.0
04N	04W	12													2.0			31.0	33.0
															L 10			L 10	
04N	04W	13	34.0	35.0	31.0	33.0			30.0	26.0	34.0	28.0	27.0	30.0			33.0	30.0	371.0
04N	04W	24	7.0			9.0													16.0

Right Acre Limit: 133.5

POU Total Acres: 933.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 133.5 acres within the authorized place of use in a single irrigation season.
2. Rights 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541, and 63-7678 when combined shall not exceed a total diversion rate of 12.48 cfs, a total annual maximum diversion volume of 5779.7 af.
3. Rights 63-5036, 63-5037, 63-5038, 63-5039 and 63-10034 when combined shall not exceed the irrigation of 933 acres.
4. Rights 63-290, 63-2239, 63-2241, 63-2386, 63-2425, 63-2657, 63-5036, 63-5037, 63-5038, 63-5039, and 63-10034 when combined shall not exceed the irrigation of 1299 acres.
5. This right when combined with all other irrigation rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 601.0 af at the field headgate for the place of use.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The industrial place of use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

Transfer No. 83876

WATER RIGHT NO. 63-5036

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

9. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval. The requirement to use surface water does not apply while land applying industrial wastewater on the irrigation place of use described above.
10. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-5038**As Modified by Transfer No. 83876**

In accordance with the approval of Transfer No. 83876, Water Right No. 63-5038 is now described as follows:

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

Priority Date: 7/20/1944

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	01/01	to 12/31	1.340 cfs	575.6 af
IRRIGATION	03/01	to 11/15	1.340 cfs	301.5 af
			1.340 cfs	877.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SESW	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	L8 (SWSW)	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6			L 7	L 8						0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									
																			0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

Transfer No. 83876

WATER RIGHT NO. 63-5038
As Modified by Transfer No. 83876

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	
04N	03W	7											7.0	3.0					10.0
													L 6	L 7					
04N	03W	17									9.0	5.0	21.0	34.0					69.0
											L 7	L 6							
04N	03W	18		14.0			31.0	35.0	29.0	33.0	3.0				1.0	12.0		26.0	184.0
				L 3			L 4	L 5	L 6										
04N	03W	19	30.0				24.0	25.0	31.0	25.0									135.0
								L 1	L 2										
04N	03W	20					36.0	20.0	25.0	32.0									113.0
04N	04W	12													1.0			1.0	2.0
04N	04W	12													2.0			31.0	33.0
															L 10			L 10	
04N	04W	13	34.0	35.0	31.0	33.0					30.0	28.0	34.0	28.0	27.0	30.0			371.0
04N	04W	24	7.0			9.0											33.0	30.0	16.0

Right Acre Limit: 67.0

POU Total Acres: 933.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 67 acres within the authorized place of use in a single irrigation season.
2. Rights 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541, and 63-7678 when combined shall not exceed a total diversion rate of 12.48 cfs, a total annual maximum diversion volume of 5779.7 af.
3. Rights 63-5036, 63-5037, 63-5038, 63-5039 and 63-10034 when combined shall not exceed the irrigation of 933 acres.
4. Rights 63-290, 63-2239, 63-2241, 63-2386, 63-2425, 63-2657, 63-5036, 63-5037, 63-5038, 63-5039, and 63-10034 when combined shall not exceed the irrigation of 1299 acres.
5. This right when combined with all other irrigation rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 302.0 af at the field headgate for the place of use.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The industrial place of use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

Transfer No. 83876

WATER RIGHT NO. 63-5038

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

9. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
10. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval. The requirement to use surface water does not apply while land applying industrial wastewater on the irrigation place of use described above.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-5039**As Modified by Transfer No. 83876**

In accordance with the approval of Transfer No. 83876, Water Right No. 63-5039 is now described as follows:

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

Priority Date: 9/15/1947

Source: GROUND WATER

BENEFICIAL USE

INDUSTRIAL
IRRIGATION

From

01/01
03/01

To

to 12/31
to 11/15

Diversion Rate

1.780 cfs
1.780 cfs
1.780 cfs

Diversion Volume

764.6 af
400.5 af
1165.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SESW	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	L8 (SWSW)	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6				L 7	L 8					0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2				L 3	L 4					0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									
																			0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

Transfer No. 83876

WATER RIGHT NO. 63-5039
As Modified by Transfer No. 83876

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	
04N	03W	7											7.0	3.0					10.0
													L 6	L 7					
04N	03W	17									9.0	5.0	21.0	34.0					69.0
											L 7	L 6							
04N	03W	18		14.0			31.0	35.0	29.0	33.0	3.0				1.0	12.0		26.0	184.0
				L 3			L 4	L 5	L 6										
04N	03W	19	30.0				24.0	25.0	31.0	25.0									135.0
								L 1	L 2										
04N	03W	20					36.0	20.0	25.0	32.0									113.0
04N	04W	12													1.0			1.0	2.0
04N	04W	12													2.0			31.0	33.0
															L 10			L 10	
04N	04W	13	34.0	35.0	31.0	33.0			30.0	26.0	34.0	28.0	27.0	30.0			33.0	30.0	371.0
04N	04W	24	7.0			9.0													16.0

Right Acre Limit: 89.0
POU Total Acres: 933.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 89 acres within the authorized place of use in a single irrigation season.
2. Rights 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541, and 63-7678 when combined shall not exceed a total diversion rate of 12.48 cfs, a total annual maximum diversion volume of 5779.7 af.
3. Rights 63-5036, 63-5037, 63-5038, 63-5039 and 63-10034 when combined shall not exceed the irrigation of 933 acres.
4. Rights 63-290, 63-2239, 63-2241, 63-2386, 63-2425, 63-2657, 63-5036, 63-5037, 63-5038, 63-5039, and 63-10034 when combined shall not exceed the irrigation of 1299 acres.
5. This right when combined with all other irrigation rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 401.0 af at the field headgate for the place of use.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The industrial place of use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

Transfer No. 83876

WATER RIGHT NO. 63-5039

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

9. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval. The requirement to use surface water does not apply while land applying industrial wastewater on the irrigation place of use described above.
10. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-10034
As Modified by Transfer No. 83876

In accordance with the approval of Transfer No. 83876, Water Right No. 63-10034 is now described as follows:

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

Priority Date: 3/17/1983

Source: WASTE WATER
Source: GROUND WATER

BENEFICIAL USE

INDUSTRIAL
IRRIGATION

From

11/16
03/01

To

to 02/28
to 11/15

Diversion Rate

8.830 cfs
4.460 cfs
8.830 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWSE	Sec 18 Twp 04N Rge 03W CANYON County
GROUND WATER	SENE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NESE	Sec 19 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSE	Sec 19 Twp 04N Rge 03W CANYON County
WASTE WATER	NENW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NESW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 20 Twp 04N Rge 03W CANYON County

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	18		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 3	L 3	L 2	L 4	L 5	L 6				L 7	L 8					0
04N	03W	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2				L 3	L 4					0
04N	03W	20					X	X	X	X	X	X	X	X	X	X	X	X	
04N	03W	29	X	X	X	X	X	X	X	X									
																			0
04N	03W	30	X	X															
04N	04W	12													X			X	
															L 10			L 10	
04N	04W	13	X	X	X	X			X	X	X	X	X	X	X	X	X	X	
04N	04W	14												X			X		
04N	04W	23			X		X			X									
04N	04W	24	X	X	X	X	X								X	X			

Transfer No. 83876

WATER RIGHT NO. 63-10034
As Modified by Transfer No. 83876

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	
04N	03W	7											5.6	2.0					7.6
													L 6	L 7					
04N	03W	17									8.5	4.5	21.0	35.0					69.0
											L 7	L 8							
04N	03W	18			14.0		32.0	37.0	29.0	33.0	4.1				1.1	12.0		26.0	188.2
					L 3		L 4	L 5	L 6										
04N	03W	19	30.0				24.0	24.0	31.0	25.0									134.0
								L 1	L 2										
04N	03W	20					35.0	20.0	26.0	33.0									114.0
04N	04W	12													2.2			31.0	33.2
															L 10			L 10	
04N	04W	13	34.0	35.0	31.0	33.0			30.0	26.0	34.0	28.0	27.0	30.0			33.0	30.0	371.0
04N	04W	24	7.0			9.0													16.0

Right Acre Limit: 532.0

POU Total Acres: 933.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 532 acres within the authorized place of use in a single irrigation season.
2. Rights 63-2239, 63-2731, 63-4968, 63-5036, 63-5038, 63-5039, and 63-10034 when combined shall not exceed a total diversion rate of 9.63 cfs and a total annual maximum diversion volume of 4477 af for industrial purposes.
3. Rights 63-2731, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7678, 63-10034, 63-21537, and 63-21541 when combined shall not exceed a total diversion rate of 12.48 cfs and a total annual maximum diversion volume of 8080 af.
4. Rights 63-5036, 63-5037, 63-5038, 63-5039 and 63-10034 when combined shall not exceed the irrigation of 933 acres.
5. Rights 63-290, 63-2239, 63-2241, 63-2386, 63-2425, 63-2657, 63-5036, 63-5037, 63-5038, 63-5039, and 63-10034 when combined shall not exceed the irrigation of 1299 acres.
6. This right when combined with all other irrigation rights shall provide no more than 4.5 afa per acre at the field headgate for the irrigation place of use.
7. The use of water for industrial purposes pursuant to this right shall not exceed a total annual diversion volume of 1839 af.
8. The diversion and use of water under this right for irrigation purposes shall not exceed the volume necessary to provide the difference between the surface water supply and 4.5 af per acre at the field headgate, up to a maximum total of 2300 af if no surface water is available.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 83876

WATER RIGHT NO. 63-10034

As Modified by Transfer No. 83876

CONDITIONS OF APPROVAL

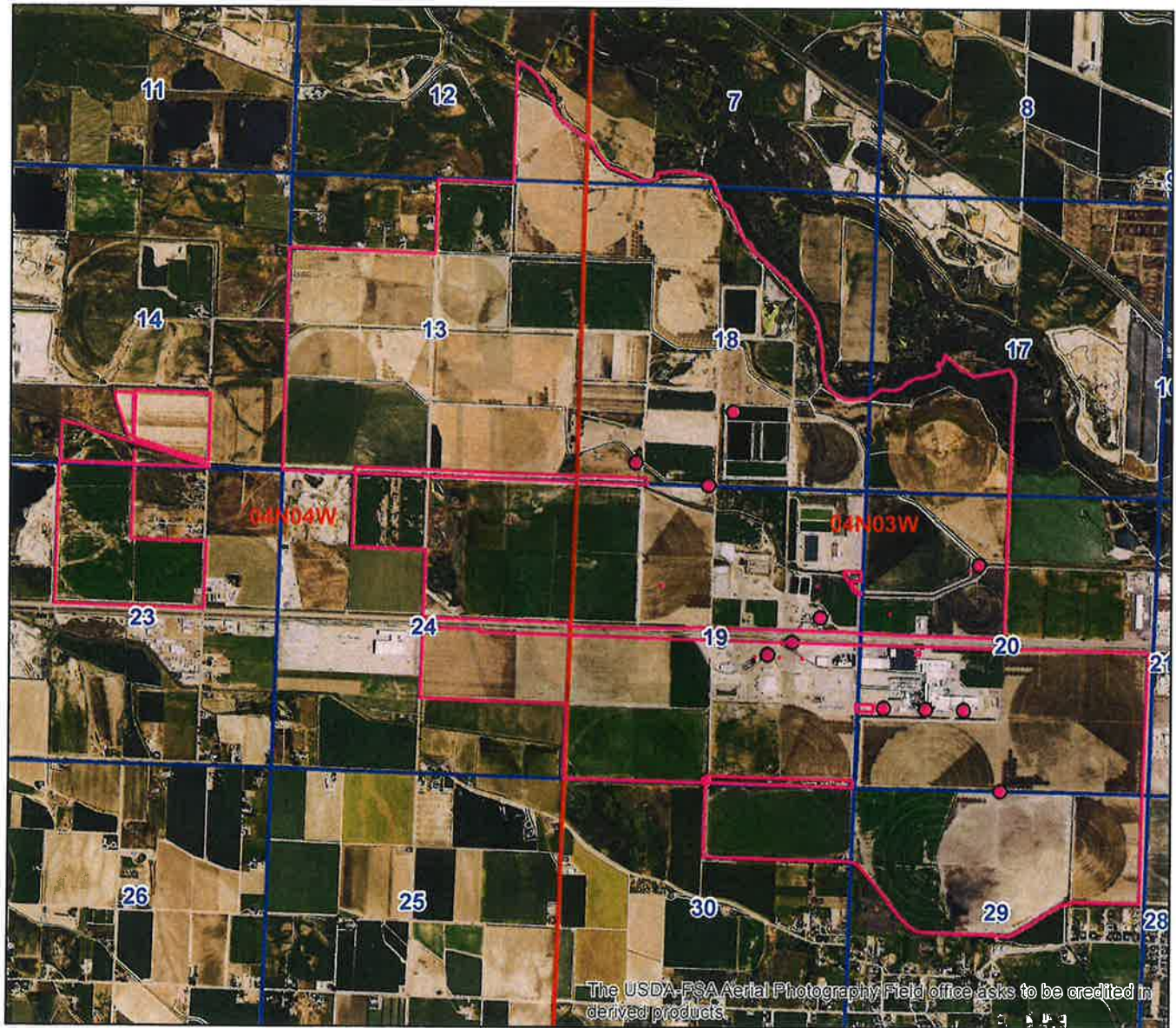
10. Industrial use is for a food processing plant located in the North 1/2 of the SE 1/4 of Section 19, and the North 1/2 of the SW 1/4 of Section 20, Township 04N, Range 03W, Boise Meridian. Land application of industrial effluent may occur throughout the Industrial place of use described on this water right.
11. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval. The requirement to use surface water does not apply while land applying industrial wastewater on the irrigation place of use described above.
12. The industrial place of use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements.
13. Industrial use is for the land application of wastewater diverted and used for industrial purposes pursuant to ground water rights 63-2731, 63-4968, 63-5036, 63-5038, 63-5039, 63-10034 and surface water right 63-2239.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

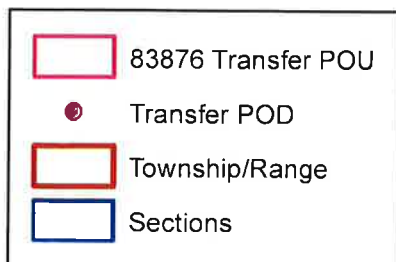
Attachment to Transfer No. 83876

Water Right(s): 63-2731, 63-4968, 63-5036, 63-5038, 63-5039, & 63-10034

This map depicts the INDUSTRIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.375 0.75 1.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 20, 2020

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

RE: Petition for Reconsideration of Transfer Approval 83876

Dear Mr. Alderman:

The Idaho Department of Water Resources (Department) received your petition for reconsideration of the approval of Application for Transfer 83876 on September 29, 2020. In response, the Department has prepared the attached amended approval. The amended approval is a preliminary order issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01 .01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Please feel free to contact this office if we can be of further assistance in this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosures

Cc: Lori Graves, SPF Engineering
Vic Conrad – Email

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of October 2020, the above and foregoing document was served on each individual or entity listed below. Each individual or entity was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

Documents served:

- **Amended Approval of Application for Transfer 83876**



Nick Miller
Manager, IDWR Western Region

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

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, October 20, 2020 9:45 AM
To: 'Conrad, Vic'
Cc: Miller, Nick
Subject: Amended Transfer Approval - 83876 JR SIMPLOT CO
Attachments: Amended Transfer Approval following Petition for Reconsideration.pdf

Vic,

Please see attached documentation.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

James B. Alderman
Senior Vice President and Secretary
J. R. Simplot Company
1099 W. Front Street
Boise, ID 83702
(208) 336-2110
(208) 389-7464 (Facsimile)

RECEIVED

SEP 29 2020

DEPARTMENT OF
WATER RESOURCES

RECEIVED

SEP 29 2020

WATER RESOURCES
WESTERN REGION

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

)	CASE NO. _____
)	
)	J. R. SIMPLOT COMPANY
IN THE MATTER OF THE CERTAIN)	PETITION FOR
CONDITIONS INSERTED INTO WATER)	RECONSIDERATION AND
RIGHT NOS. 63-5036, 63-5038 AND)	REQUEST FOR HEARING OF
63-5039 CONTAINED IN THE APPROVAL)	IDWR'S APPROVAL OF
OF TRANSFER NO. 83876)	TRANSFER NO. 83876
)	DATED SEPTEMBER 15, 2020
_____)	

J. R. SIMPLOT COMPANY ("Simplot") respectfully requests the Idaho Department of Water Resources ("IDWR") to reconsider its Approval of Transfer No. 83876 dated September 15, 2020 ("Transfer") to remove a new condition inserted by IDWR in the approval of the above referenced Transfer diminishing certain water rights to a supplemental status for irrigation purposes. This Petition is filed by Simplot pursuant to Idaho Code Sections 67-5243 and 42-1701A(3) for the following reasons:

BACKGROUND

1. Simplot owns several water rights used for the purpose of processing food in an industrial complex located west of Caldwell, Idaho ("Caldwell Plant"). Some of these water rights, namely 63-5036, 63-5038 and 63-5039, are used to make water discharged from the Caldwell Plant suitable for land application for the purpose of raising crops in accordance with a permit issued by the Idaho Department of Environmental Quality.
2. All of the above referenced water rights were decreed in the Snake River Basin Adjudication on June 4, 2009 with the following condition:

J. R. Simplot Company
Petition for Reconsideration and Request for Hearing

“Water diverted under this right for industrial purposes shall not be used for irrigation unless first used in the industrial facility as authorized by this water right.”

This condition provides Simplot with the flexibility to adjust the flow of water in the industrial process to make the discharge quality suitable to raise crops. In a land application system for water treatment, the crop is literally the physical water treatment plant. Depending on the variability in seasonal hydrological conditions, the quality of the raw inputs to the industrial complex and the types of crops raised with the industrial effluent, water discharge quality varies depending on these changing variables. Water diverted under these water rights is used to attenuate the discharge water quality variability year-round to comply with both regulatory requirements and to promote raising a healthy, successful crop.

3. In the Transfer, IDWR inserted a new condition restricting the use of these water rights to only those periods when a surface water right is not reasonably sufficient to irrigate the place of use described under these water rights:

The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Imposing this condition on these water rights is misplaced.

ARGUMENT

Simplot recognizes the circumstances that exist when a water right is developed to augment a water supply from a different source to create certain availability for a crop during an entire irrigation season. In a situation where such conditions exist, assigning a supplemental status is appropriate. However, these conditions do not exist for these industrially based water rights. Diminishing these rights to supplemental status, creates doubt on how to conduct the industrial operation and how to properly treat industrial effluent to make it suitable for land application.

This is especially the case during the non-irrigation season. Prior to the Transfer, the use of water under water right nos. 63-5036, 63-5038 and 63-5039 never contemplated a dependency on use only after exhausting available surface water supplies. In addition, the IDWR did not recommend this condition in these water rights for decree in the Snake River Basin Adjudication. These water rights are distinct and independent of any surface water rights. Conditioning the use to periods of inadequate surface water creates complexity to operating the industrial complex and is not consistent with a successful year-round land application system. The condition imposes limitations that are not consistent with the historical beneficial use under these water rights.

CONCLUSION

Because the conditions do not exist for diminishing these water rights to supplemental status and water right nos. 63-5036, 63-5038 and 63-5039 were decreed without surface water limitations, Simplot requests your consideration to remove this condition from the approval of water right nos. 63-5036, 63-5038 and 63-5039 in the approval of Transfer No. 83876. As an alternative, Simplot would support an amended approval removing the irrigation use entirely, and covering the entire place of use under an industrial use only, provided the industrial use recognizes the attenuation of water quality discharged for land application and the raising of crops with variable rates of flow, not to exceed the decreed rates of diversion. 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 29th day of September, 2020.

J. R. SIMPLOT COMPANY



By: James B. Alderman
Senior Vice President and Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 29, 2020, I served by hand delivery in person a true and correct copy of the foregoing PETITION FOR RECONSIDERATION OF IDWR'S APPROVAL OF TRANSFER NO. 83876 to the address listed below:

RE: Transfer No. 83876
Water Right Nos.: 63-5036, 63-5038, 63-5039

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



Diana Gastanaga
Administrative Services & Properties Manager



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

RECEIVED

SEP 29 2020

WATER RESOURCES
WESTERN REGION
RECEIVED

SEP 29 2020

DEPARTMENT OF
WATER RESOURCES

September 29, 2020

Delivery

Gary Spackman, Director
State of Idaho
Department of Water Resources
322 East Front Street, Suite 648
Boise, ID 83702

Re: Approval of IDWR Transfer No. 83876.

Dear Director Spackman:

Enclosed for filing is a Petition for Reconsideration and Request for Hearing in connection with certain new conditions included by IDWR on some of the water rights involved in the above referenced transfer. Please file the enclosed Petition and date stamp received on the enclosed conformed copy. Please return the conformed copy containing your stamp confirming receipt to the person making this delivery.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

c: Patrick Kelly, IDWR Western Region

