

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84020

APR 06 2020

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) J. R. Simplot CompanyCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Tax assessment for Simplot's portion of water right 63-2291

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) J. R. Simplot Company Phone 208-336-2110
Mailing address c/o James B. Alderman, 1099 W. Front St., PO Box 27, Boise, 83707- Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

 James B. Alderman, Senior Vice President and Secretary 3/31/2020
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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 see insert
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
see insert

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-2291	1.41 cfs	Irrigation	3/15 to 11/15	Bardsley Gulch/Snake R
☒ ☐	63-2343	2.08 cfs	Irrigation	3/15 to 11/15	Dixie Drain/Indian Creek
☒ ☐	63-3178A	3.48 cfs	Irrigation	3/15 to 11/15	Dixie Drain/Boise River
☒ ☐	63-22210	0.5 cfs	Irrigation	3/1 to 11/15	Bardsley Gulch/Snake R
☒ ☐	63-32570	9.64 cfs	Irrigation	3/1 to 11/15	Dixie Slough/West End Dr
☒ ☐	63-32571	2.48 cfs	Irrigation	3/1 to 11/15	Dixie Slough/West End Dr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 19.59 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 19.59 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

Existing pods to add and/or clarify on the above rights

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	SW	19	4N	3W	Canyon	Dixie Drain	pod for Silt Pond Pump St.
N			NE	NW	29	4N	3W	Canyon	Dixie Drain	pod for Pump St. #2

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												L3	L4						
4N	3W	19									40	38	38	40	1	5	36	36	234
		20											40	40	36	36	40	40	232
		28					40	40	19	18									117
		29	40	40	30	19	40	40	21	37									267
		30	40	40															80
4N	4W	24													40	40			80
Total Acres (for irrigation use)																			1010

Irrigation will not exceed 916 acres within the permissible place of use described above

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Changed/clarified pods consist of two pump stations with measuring devices and lockable controlling works serving an integrated pressurized mainline system. Unchanged pod serves a gravity ditch system. Measuring device and lockable controlling works for this pod will be accommodated upon Department's request.

- 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. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Land application of industrial waste water proposed on recently filed transfer application.

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Transfer Part 1A: Purpose of Transfer

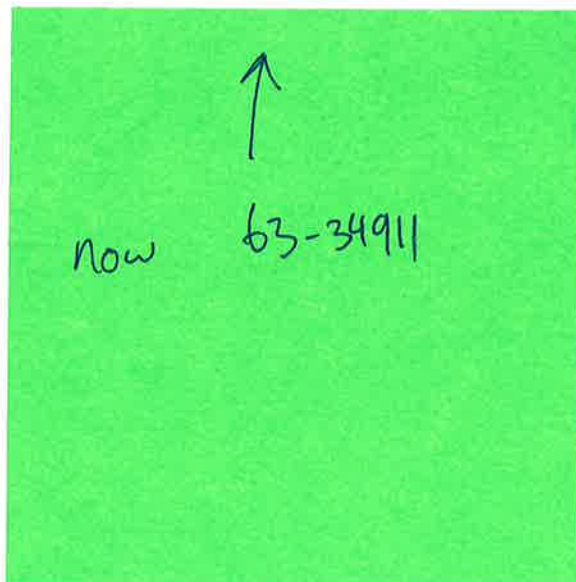
When combined, a total of 1,009 acres are authorized under the above rights as shown on Transfer Map 7A. Accounting for 63 overlapped acres and 30 acres not owned in S29, applicants propose a combined total of 916 acres irrigation within the permissible place of use described above to reflect an integrated irrigation system as shown on Transfer Map 7B. Other proposed changes and clarifications include:

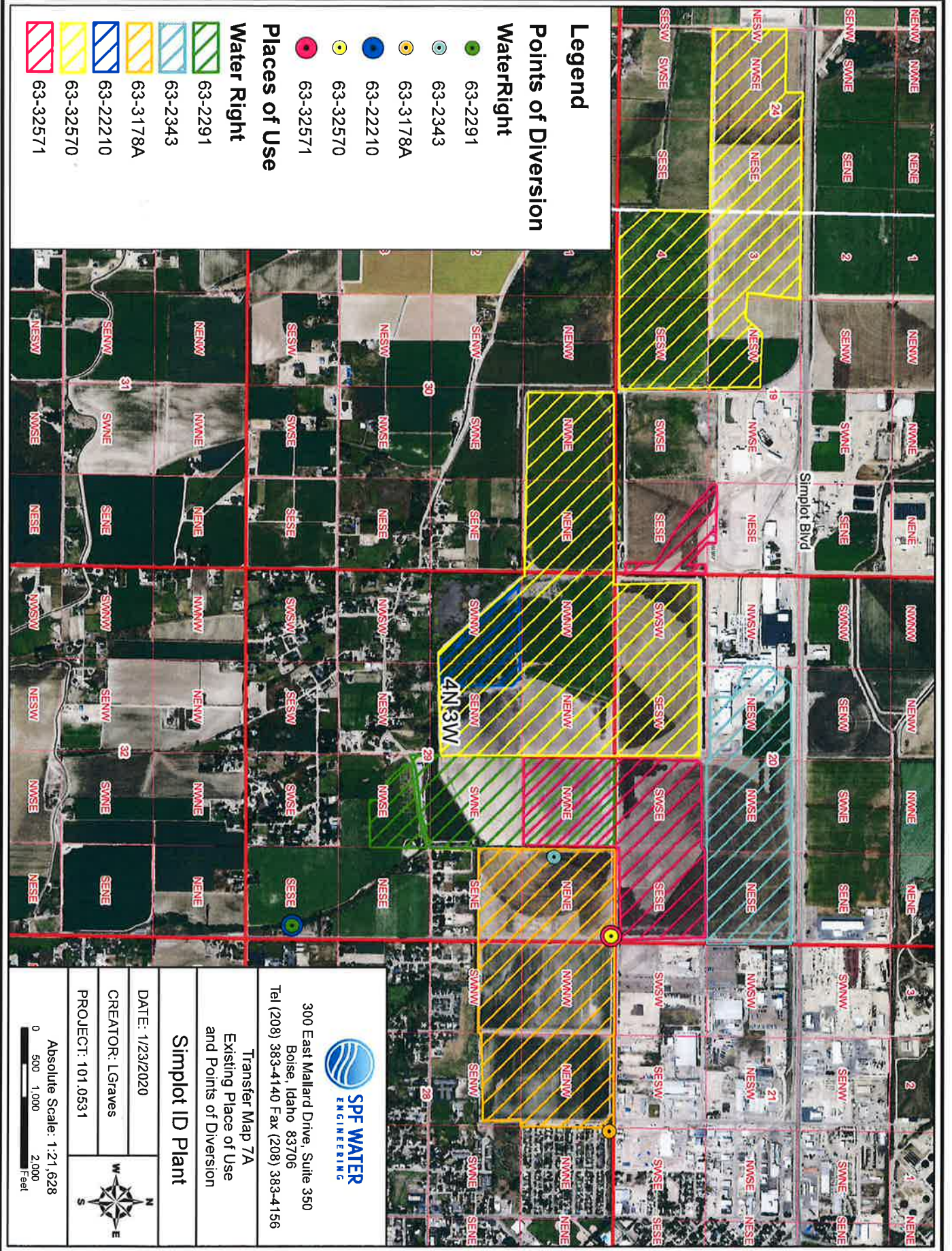
Water Rights 63-2343, 63-32570 & 63-32571: Change authorized pod from NENE, S29, to NENW, S29 and add 2nd pod in NESW, S19 as shown on Transfer Map 7B. Clarify source and tributary to Dixie Drain tributary to West End Drain.

Water Rights 63-2291 & 63-22210: Change authorized pod from SESE, S29, to NENW, S29 and add 2nd pod in NESW, S19 as shown on Transfer Map 7B. Clarify/change the source and tributary to Dixie Drain tributary to West End Drain.

Water Right 63-3178A: Add additional NENW, S29 and NESW, S19 pods as shown on Transfer Map 7B. Clarify the water source and tributary to Dixie Drain tributary to West End Drain.

Water Right 63-2291: Split water right to reflect portion appurtenant to Simplot property identified in Transfer Attachment 10. Omit condition W40 "Use of this right is combined with water from Pioneer Irrigation District" since Simplot's portion is outside the PID service area.



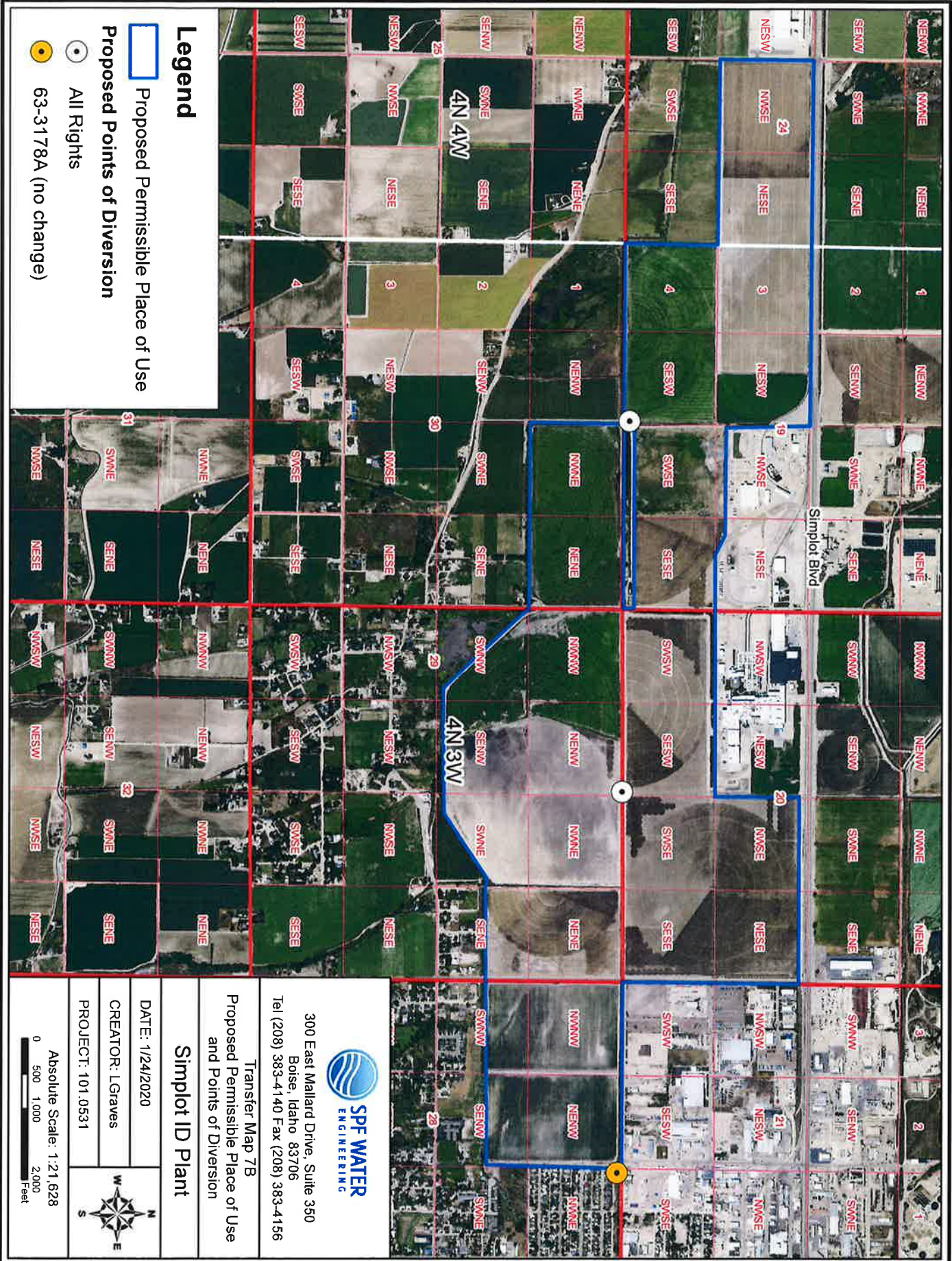


☐ Proposed Permissible Place of Use

Proposed Points of Diversion



63-3178A (no change)



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Map 7B Proposed Permissible Place of Use and Points of Diversion

Simplot ID Plant

DATE: 1/24/2020

CREATOR: LGraves

PROJECT: 101.0531



Absolute Scale: 1:21,628

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

Current Water Right No.: 63-2291

Current Owner: SIMPLOT LIVESTOCK CO
Priority Date: 6/10/1916
Origin: Water Right
Status: Active
Basis: Decreed

Source

BARDSLEY GULCH DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2 CFS

Annual Volume

Total Diversion

2 CFS

Location of Point(s) of Diversion

BARDSLEY GULCH DRAIN

SE1/4SE1/4

Sec. 29, Twp 04N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T04N R03W S29	NWNE	40.00	T04N R03W S29	SWNE	40.00
T04N R03W S29	NWSE	20.00			

Total Acres: 100

Conditions of Approval:

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. W40 Use of this right is combined with water from Pioneer Irrigation District.
5. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 2/6/2009

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

Current Water Right No.: 63-2343

Current Owner: SIMPLOT LIVESTOCK CO

Priority Date: 6/9/1920

Origin: Water Right

Status: Active

Basis: Decreed

Source

DIXIE DRAIN

Tributary

INDIAN CREEK

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

2.08 CFS

Annual Volume

Total Diversion

2.08 CFS

Location of Point(s) of Diversion

DIXIE DRAIN

NE1/4NE1/4

Sec. 29, Twp 04N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T04N R03W S20	NESW	30.00	T04N R03W S20	NESE	37.00
T04N R03W S20	NWSE	37.00			

Total Acres: 104

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Decreed Date: 2/6/2009

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

Current Water Right No.: 63-3178a

Current Owner: SIMPLOT LIVESTOCK CO
Priority Date: 5/9/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

DIXIE DRAIN

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

3.48 CFS

Annual Volume

Total Diversion

3.48 CFS

Location of Point(s) of Diversion

DIXIE DRAIN
CANYON County

NW1/4NE1/4 Sec. 28, Twp 04N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T04N R03W S28	NENW	40.00	T04N R03W S28	NWNW	40.00
T04N R03W S28	SWNW	19.00	T04N R03W S28	SENW	16.00
T04N R03W S29	NENE	40.00	T04N R03W S29	SENE	19.00

Total Acres: 174

Conditions of Approval:

1. J01 Property is also known as Blk 1-24 Inc, Park West Addition.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Decreed Date: 2/6/2009

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

Current Water Right No.: 63-22210

Current Owner: SIMPLOT LIVESTOCK CO

Priority Date: 3/1/1949

Origin: Water Right

Status: Active

Basis: Decreed

Source

BARDSLY GULCH DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.5 CFS

Annual Volume

Total Diversion

0.5 CFS

Location of Point(s) of Diversion

BARDSLY GULCH DRAIN

SE1/4SE1/4

Sec. 29, Twp 04N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T04N R03W S29

SWNW

17.00

T04N R03W S29

SENE

8.00

Total Acres: 25

Conditions of Approval:

1. F05 Right No. 63-2291 is also diverted through point of diversion described above.
2. G21 The source of this water right is waste water. The wasting of water may be discontinued at any time.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 6/10/2009

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

Current Water Right No.: 63-32570

Current Owner: J R SIMPLOT CO
Priority Date: 3/15/1949
Origin: Water Right
Status: Active
Basis: Decreed

Source

DIXIE SLOUGH

Tributary

WEST END DRAIN

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

9.64 CFS

Annual Volume

Total Diversion

9.64 CFS

Location of Point(s) of Diversion

DIXIE SLOUGH

NE1/4NE1/4NE1/4

Sec. 29, Twp 04N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T04N R03W S19		NESW	21.00	T04N R03W S19	Lot 3	NWSW	37.00
T04N R03W S19	Lot 4	SWSW	35.00	T04N R03W S19		SESW	38.00
T04N R03W S20		SWSW	33.00	T04N R03W S20		SESW	36.00
T04N R03W S29		NENW	40.00	T04N R03W S29		NWNW	40.00
T04N R03W S29		SWNW	19.00	T04N R03W S29		SENW	36.00
T04N R03W S30		NENE	38.00	T04N R03W S30		NWNE	36.00
T04N R04W S24		NESE	39.00	T04N R04W S24		NWSE	34.00

Total Acres: 482

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The source of this water right includes waste water. The wasting of water may be discontinued at any time.
3. F06 The following rights are diverted through point of diversion described above: 63-32571
4. E51 Right Nos. 63-32571 and 63-32570 are limited to a total combined diversion rate of 10.95 cfs.
5. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.

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

Current Water Right No.: 63-32571

Current Owner: J R SIMPLOT CO
Priority Date: 3/15/1957
Origin: Water Right
Status: Active
Basis: Decreed

Source

DIXIE SLOUGH

Tributary

WEST END DRAIN

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

2.48 CFS

Annual Volume

Total Diversion

2.48 CFS

Location of Point(s) of Diversion

DIXIE SLOUGH

NE1/4NE1/4NE1/4

Sec. 29, Twp 04N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T04N R03W S19	NESE	2.00	T04N R03W S19	SESE	11.00
T04N R03W S20	SWSE	38.00	T04N R03W S20	SESE	35.00
T04N R03W S29	NWNE	38.00			

Total Acres: 124

Conditions of Approval:

1. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.
2. E51 Right Nos. 63-32570 and 63-32571 are limited to a total combined diversion rate of 10.95 cfs.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The source of this water right includes waste water. The wasting of water may be discontinued at any time.
5. F06 The following rights are diverted through point of diversion described above: 63-32570

Decreed Date: 8/6/2009

Canyon County, Idaho

generated on 1/21/2020 2:32:07 PM EST

Parcel

Parcel Number	Site Address	Current Total Assessed Value
35467000 0	0 LAUREL RD CA ID, CA	\$76,850

Owner Information

Owner Name	SIMPLOT INDUSTRIES INC
Mailing Address	PO BOX 27 BOISE ID 83707
Transfer Date	
Document #	
Deed Book/Page	

Location / Description

Tax District	020-00	Section & Plat	
Canyon County	001,	Routing #	
Parcel Address	0 LAUREL RD CA ID, CA	Legal Desc.	29-4N-3W NE W 1/2 NE N OF DRAIN
Deeded Acreage	70.5500		

Parcel Type

Topography

Services

Property Class Code	101 Irrigated Ag Land Vacant	Level Ground	N	Water	
Neighborhood Code	210000	High	N	Sewer	
Neighborhood Factor	.00	Low	N	Natural Gas	
Street / Road Code	A	Rolling	N	Electricity	N
		Swampy	N	Sidewalk	
				Alley	N

Assessment Information

Current Land Value	\$76,850	Residential Land	\$0	Adjustment Factor	0.00
Current Imp. Value	\$0	Residential Imp.	\$0	Average Value / Acre	\$0
Current Total Assessed Value	\$76,850	Residential Total	\$0	Appraisal Date	3/19/2019
Commercial Land	\$0	Non-Res Land	\$0	Reason For Change	01
Commercial Imp.	\$0	Non-Res Imp.	\$0	Prior Land Value	\$65,240
Commercial Total	\$0	Non-Res Total	\$0	Prior Imp. Value	\$0
Dwelling Value	\$0	Classified Land Value	\$0		
Farmland Value	\$0	Homesite Value	\$0		



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

March 31, 2020

Terry Scanlan
SPF Water Engineering
300 E. Mallard Dr., Suite 350
Boise, ID 83706

Re: Caldwell Plant Applications for Transfer and Water Right Permit.

Dear Terry:

Enclosed for filing are the applications to modify the irrigation water rights south of Hwy 19 and the new water right permit application for landscaping around the plant and freezer.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures



Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, June 26, 2020 10:59 AM
To: 'WATERDISTRICT63@QWESTOFFICE.NET'
Subject: Application for Permit 63-34926, Transfer 84020 & 84173
Attachments: Watermaster Recommendation Form.docx

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



Brad Little
Governor

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: www.idwr.idaho.gov

Gary Spackman
Director

June 26, 2020

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

RE: Transfer No. 84020

Water Right No(s). 63-22210, 63-2343, 63-3178A, 63-32570, 63-32571, 63-34911

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 7/2/2020 and 7/9/2020. 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 approval document.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, June 26, 2020 10:41 AM
To: 'IDAHO PRESS-TRIBUNE'
Subject: Canyon Legal Notices
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 07/02/2020 and 07/09/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



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: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 26, 2020

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34892, 63-34924

Transfer No. 84020

Water Right No(s). 63-22210, 63-2343, 63-3178A, 63-32570, 63-32571, 63-34911

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 7/20/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34892

J R SIMPLOT CO

PO BOX 27

BOISE, ID 83707-0027

Point of Diversion NESW S20 T04N R03W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 04-06-2020

Place Of Use: IRRIGATION

T04N R03W S20 NESW

Total Acres: 6

Water bearing zone to be appropriated is from 25 to 200 feet

63-34924

FRYSLAN DAIRY LLC

8222 DESERT DR

MARSING, ID 83639-8264

(4) Point of Diversion L4(SWSW) S30 T02N R01W CANYON County Source GROUND WATER

Point of Diversion SESE S25 T02N R02W CANYON County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.27 CFS

Total Diversion: 0.27 CFS

Date Filed: 05-21-2020

Place Of Use: COMMERCIAL

T02N R01W S25 SESE

T02N R01W S30 L4(SWSW),SESW

Water bearing zone to be appropriated is from 101 to 210 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84020

J R SIMPLOT CO, C/O JAMES B ALDERMAN PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 84020 for changes to the following water rights within CANYON County(s): Right No(s). 63-22210, 63-2343, 63-3178A, 63-32570, 63-32571, 63-34911; 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: J.R. Simplot Company filed transfer no. 84020 to change the point of diversion, add diversion points, and change the place of use for 6 water rights that are all adjacent to each other just south of the company's plant on Simplot Blvd. The ownership of one water right overlapping property owned by the company will be split and updated. The transfer proposes all of the rights involved in the transfer combine their points of diversion at two diversion stations on the Dixie Drain. The change in place of use is to move irrigation acres to reflect the current acres being irrigated, and will allow for 916 acres of irrigation within a 1,010 acre place of use.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; 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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 7/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/2/2020 and 7/9/2020



RECEIVED

JUN 09 2020

WATER RESOURCES
WESTERN REGION

June 9, 2020

Tyler Smith, Water Rights Agent
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer No. 84020 Additional Information Request

Dear Tyler,

This letter is in response to your May 5, 2020 letter requesting additional information regarding Application for Transfer No. 84020. Department concerns specified in your letter include (1) validity of water right 63-2343 and (2) changing the source for water rights 63-2291 and 63-22210 from Bardsley Gulch to Dixie Drain. In accordance with the May 28, 2020 Zoom discussion we had with you and Nick Miller, the following information and attachments support Department processing of Transfer No. 84020 as filed.

Validity of Water Right 63-2343

As specified in your letter, water right 63-2343 authorizes 104 acres of irrigation, however aerial imagery dating back to 2015 indicates only 86.5 acres within the authorized place of use are currently irrigated. To re-cap our meeting discussion, applicants pump water from the Dixie Drain into an integrated pressurized irrigation system serving "reuse" lands that are augmented with industrial wastewater effluent. The total acres irrigated from the integrated system equal the total acres authorized under the combined water rights for the integrated system. Although the location of the irrigated acres was modified over time within the proposed permissible place of use (ppu) boundary, the full beneficial use for all of the water rights, including 63-2343, has been continuous and uninterrupted prior to and following issuance of partial decree in 2009. Many of these modifications were made to conform with various regulatory requirements for the land application of industrial effluent. Attachment 1 is a 2015 aerial photo map providing evidence of areas where these modifications occurred and the full extent of beneficial use available under water right 63-2343 was (and is) exercised.

Proposed Source Change, Water Rights 63-2291 and 63-22210

Over time system modifications consolidated the diversion points to two pump stations used to divert appropriated water into an integrated pressurized irrigation system serving all the lands within the proposed ppu. Among the primary objectives for filing this transfer application is to

bring the descriptions of the appurtenant underlying irrigation rights current to reflect the existing irrigation/industrial land application system. This includes updating the source listed for water rights 63-2291 and 63-22210 from Bardsley Gulch to Dixie Drain. As we discussed during our meeting and evidenced on Attachments 2 and 3, water diverted from the Bardsley Gulch Drain has been piped over the West End Drain as long as memory serves. After crossing the West End Drain, the water diverted from the Bardsley Gulch Drain is then discharged into the Dixie Drain and diverted for irrigation through both of the two pump stations mentioned earlier. In your letter you suggested treating a change in source under 63-2291 and 63-22210 in an *Application for Exchange of Water*. As we described the details of the long-term practice of piping the Bardsley Gulch water over the West End Drain, together we agreed that treating the use of this water in the transfer application, in lieu of an exchange application, is more appropriate under the circumstances.

Sincerely,



Lori Graves
Water Rights Specialist

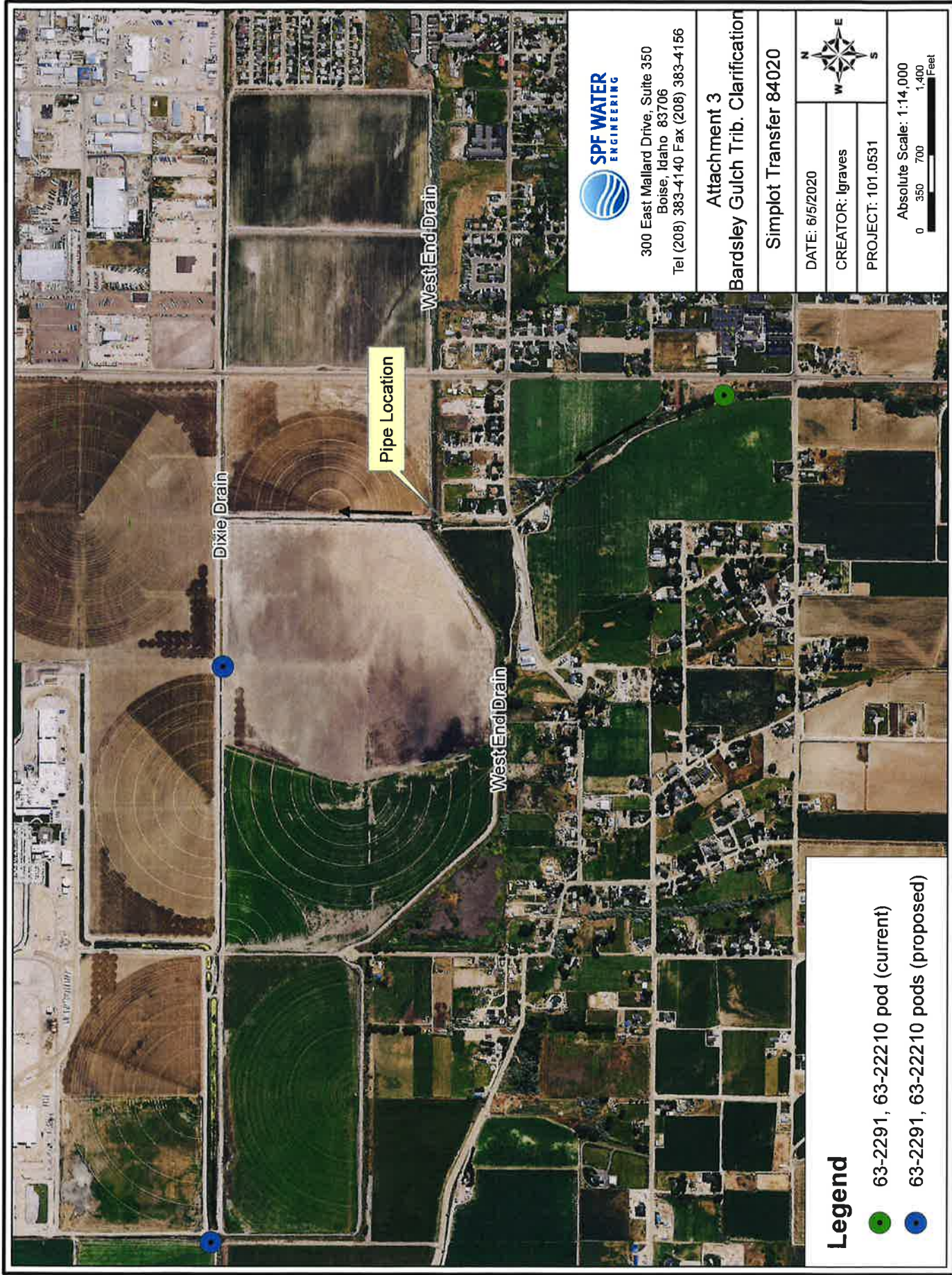


Terry M. Scanlan, P.E., P.G.
Principal Engineer/Hydrogeologist

Cc: Vic Conrad – JR Simplot Company
John Prigge – JR Simplot Company

Enclosures

SPF file number: 101.0531



Path: S:\PROJECTS\1513\1513_2\Projects\Bardsley Gulch Map.mxd



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Attachment 3
Bardsley Gulch Trib. Clarification

Simplot Transfer 84020

DATE: 6/5/2020	
CREATOR: lgraves	
PROJECT: 101.0531	

Absolute Scale: 1:14,000
0 350 700 1,400 Feet

Legend

- 63-2291, 63-22210 pod (current)
- 63-2291, 63-22210 pods (proposed)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 5, 2020

J.R. SIMPLOT COMPANY
C/O JAMES B. ALDERMAN
1099 W. FRONT ST.
P.O. BOX 27
BOISE, ID 83707

COPY

Re: Application for Transfer no. 84020

Dear Applicants:

The Idaho Department of Water Resources (IDWR) received your application proposing to add a point of diversion, change a point of diversion, change a place of use and change ownership of a water right on April 6, 2020. IDWR is currently reviewing your application.

As part of its review, IDWR must evaluate if the right to be changed is valid (i.e. if the full right has been used during the previous consecutive five-year period). The water right 63-2343 you propose to change authorizes 104.0 acres of irrigation. However, aerial imagery dating back to 2015 shows that 86.5 acres authorized by the right have been irrigated.

Your options for your application are as follows:

1. Describe in writing any attempts you have made to resume irrigation of the property during the previous consecutive five-year period.
2. Provide an argument for an exception to forfeiture as outline in 42-223 *Idaho Code* (enclosed)
3. Amend your application to remove the right with forfeiture concerns
4. Withdraw your application and request a refund

Additionally, your application proposes changing the point of diversions (POD's) for water rights no. 63-2291 and 63-22210 from Bardsley Gulch to Dixie Drain. Changing the source of a surface water right requires the filing of an *Application for Exchange of Water* (enclosed). An application for exchange should be filed, and will be processed with application for transfer 84020.

Please let me know if you have any questions. IDWR requests your reply within thirty (30) days of the date of this letter. You may seek additional time to provide the information by making a written request to interrupt processing for up to six (6) months. The application will be rejected without a timely written reply. Refunds are not issued for rejected applications.

Sincerely,

Tyler Smith
Water Resource Agent
Wester Region

Enclosure: 42-223 *Idaho Code*
Application for Exchange of Water



SPF WATER
ENGINEERING

April 2, 2020

Patrick Kelly
Western Region Water Right Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

APR 06 2020

**WATER RESOURCES
WESTERN REGION**

Subject: Application for Permit and Application for Transfer – J. R. Simplot Company

Dear Patrick,

On behalf of J. R. Simplot Company, enclosed please find an application for permit proposing appropriation of groundwater for irrigation purposes and an application for transfer of irrigation water rights. Both applications are for water uses at Simplot's Idaho Plant near Caldwell.

The application for transfer seeks to adjust irrigation places of use and points of diversion to match current practices. In addition, the transfer clarifies water sources and splits one water right.

The application for permit seeks groundwater for 3 acres of landscape irrigation. The place of use is currently authorized for irrigation under surface water right 63-2343. The accompanying transfer moves this appurtenant portion of water right 63-2343 onto other irrigated lands that are currently without water right coverage. If the applications are approved, the proposed permit will be the sole source of irrigation supply for the 3-acre landscape area.

Enclosed is a filing fee check for \$2,120. This fee is based on a 19.59 cfs transfer application (\$2,020) and a 0.09 cfs permit application (\$100).

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.

Enclosures: Applications, \$2,120 Filing Fee