

T3722 J.R. SIMPLOT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
Transfer No. 3722
JUN 19 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

DEC - 9 1991

PART 1

Department of Water Resources J. R. Simplot Company
 Name of applicant Eastern District Office Phone (208) 336-2110
 Post Office address P.O. Box 27 83707

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Prior to the installation of 4 center pivots in 1988 and 1989 there were 634 acres irrigated under a flood irrigation system. The installation of the center pivots in 1988 and 1989 resulted in the drying up of 122 acres. These corner acres are no longer irrigated. The proposed change is to (Con't in Remarks Part 1 #6d.)

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|------------------|-----------------------|-------------------|----------------------------|
| <u>33-2125</u> | <u>6/8/66</u> | <u>10.00</u> | <u>Irrigation</u> | <u>4/15</u> to <u>9/15</u> |
| <u>* 33-2119</u> | <u>5/11/1965</u> | <u>10.08</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred ~~256~~ 10.00 (33-2125) ~~320.0~~ cubic feet per second and/or 10.08 (33-2119) acre-feet per annum.
3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	31	6N	30E	Butte	
		SE	SE	32	6N	30E	Butte	
		NW	NW	1	5N	29E	Butte	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
33-2125	6N	30E	31	32	32	32	32	32	32	32									256
			32								32	32	32	32	32	32	32	32	256
		29E	35												30	31	31	30	122
33-2119	6N	30E	32												32			32	64
*			33	40	40	40	40	40	40	40	40	40	40	40					440

* Amended per conversation w/ Vic CONRAD of J.R. Simplot Co. on 11/19/91 721

Total acres 634 (33-2125)
264 (33-2119)

PART 1

6. General Information:

a. Description of diversion system Wells, pumps, pipelines, sprinklers

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land previously irrigated will remain dry.

d. Remarks:
take the water right pertaining to the dried up corner acreage and transfer the place of use listed below to new acreage irrigated with a new pivot. The total acreage irrigated after the installation of the new center pivot will remain at 634 acres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 33-2125 & 33-2119
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this 25th day of November, 19 91
[Signature]
Chief, Water Allocation Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 33-02125 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6/8/1966

5. Water is used for the following purpose:

amount 10 c.f.s. for Irrigation purposes from 4/15 to 9/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	<u>31</u>	<u>6N</u>	<u>30E</u>	<u>Butte</u>	
		SE	SE	<u>32</u>	<u>6N</u>	<u>30E</u>	<u>Butte</u>	
		~~NW~~	~~NW~~	<u>1</u>	<u>5N</u>	<u>29E</u>	<u>Butte</u>	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>6N</u>	<u>30E</u>	<u>31</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									<u>318</u>
		<u>32</u>									<u>40</u>	<u>39</u>	<u>39</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>316</u>

Total acres 634

9. Describe any other water rights used for the same purpose as described above _____

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 2.56 c.f.s. for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	31	6N	30E	Butte	
		SE	SE	32	6N	30E	Butte	
		NW	NW	1	5N	29E	Butte	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	29E	35													30	31	31	30	122

122

Total acres _____

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

1. amount 7.44 c.f.s. for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	31	6N	30E	Butte	
		SE	SE	32	6N	30E	Butte	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	30E	31	32	32	32	32	32	32	32	32									256
		32									32	32	32	32	32	32	32	32	256

Total acres 512

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 33-2119 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUND WATER tributary to _____

4. Date or priority 5/11/65

5. Water is used for the following purpose:

amount 10.36 cfs for IRRIGATION purposes from 4/15 to 9/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	31	6N	30E	BUTTE	
		SE	SE	32	6N	30E	BUTTE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	30E	32													39			39	78
		33	40	40	40	40	40		40	40	40	40	40	40					440

Total acres 518

9. Describe any other water rights used for the same purpose as described above SAME P/D AS 33-2125

78 ACRE OVERLAP in sec 32 w/ 33-2125

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

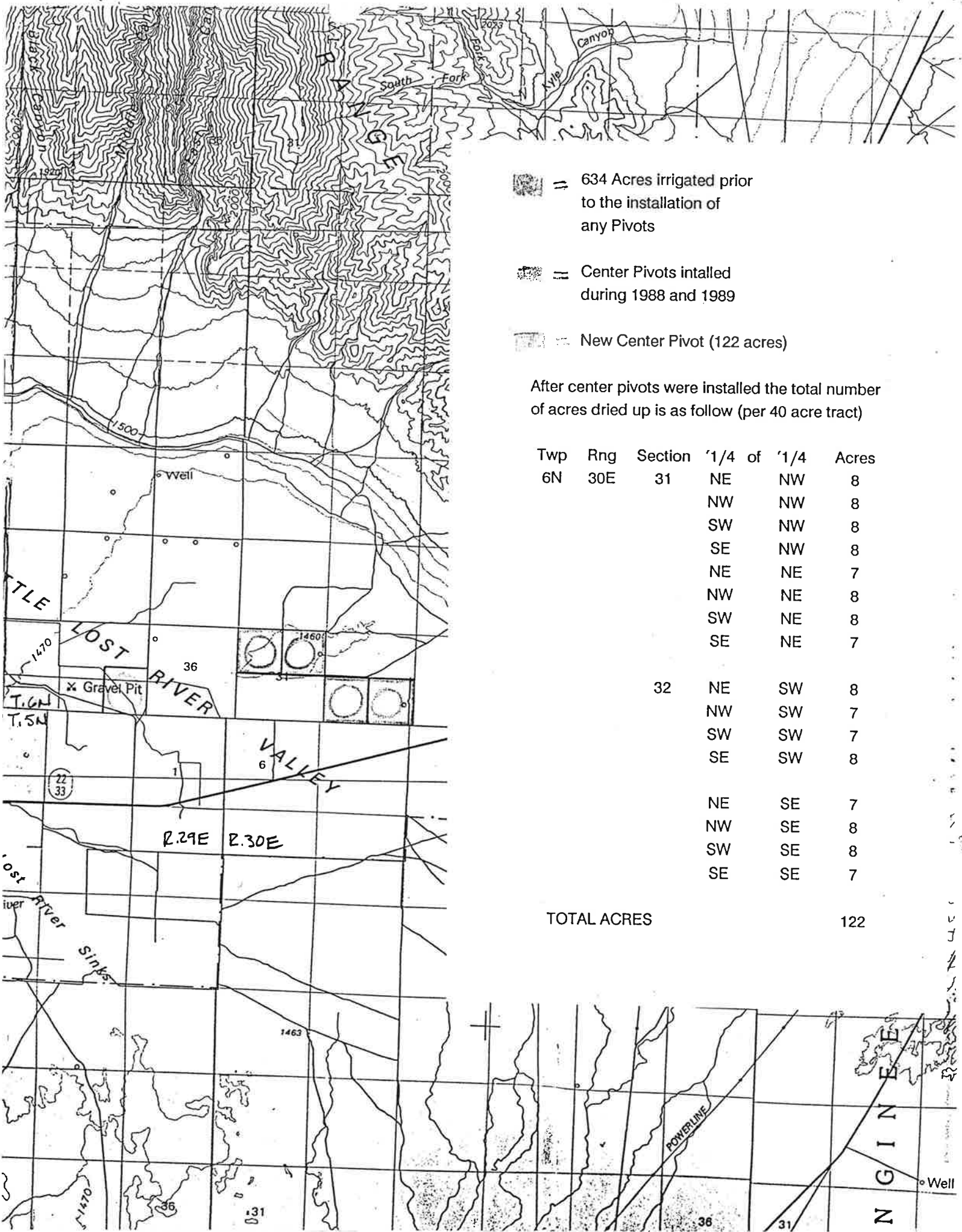
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

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

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

Subscribed and sworn to before me this 14th day of June, 19 90.
[Signature] (Signature of Applicant) Sec. JR Simplot
[Signature] (Notary Public) Comp.

My commission expires 10-13-92

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$50.00

Receipted by [Signature] Date 6/19/90

Published in Statewide Copies of protest forwarded by _____

Pub. dates 7-18-25-91 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by Rec

Copy of transfer sent to lien holder _____

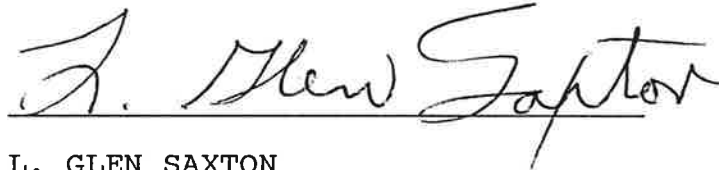
ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 33-2125 & 33-2119

Transfer No. 3722

1. The maximum combined rate of diversion under this right and Right No. 33-2119 shall not exceed 12.9 cfs.
2. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 25th day of November, 1991.

A handwritten signature in dark ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
DEC 29 1977

State of Idaho

Department of Water Resources

Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

License of Water Right No. 33-2125 Priority June 8, 1966 Amount 10.0 cfs

THIS IS TO CERTIFY, that Simplot Industries, Inc.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 33-2125 issued pursuant to Application for Permit dated June 8, 1966,
and has submitted proof to the Department of Water Resources on April 14, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 12.9 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 15 to September 15</u>	<u>at 10.0 cfs and</u>	<u>1668 acre feet</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____

(both dates inclusive)

Subject, however, to the condition that no more than 10.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1668 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31 and SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 32, Twp. 6N, Rge. 30E, B. M. in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	30E	31	39	40	40	39	40	40	40	40									318
		32									40	39	39	40	39	40	40	39	316

Total number of acres irrigated 634

This right when combined with License No. 33-2119 shall produce a maximum rate
of diversion of 12.90 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
December, 19 77.

Director

Receipt # 19228

13-00000 W 12 10

DEC 21 1977

APPLICATION FOR AMENDMENT

Permit No. 33-2125

Comes now Simplot Industries, Inc. of (address) _____

Box 2777, Boise, Idaho 83707, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 33-2125, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31 Twp. 6N
Rge. 30E, B.M., County of Butte. Other points of diversion:
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 6N, Rge. 30E, B. M.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

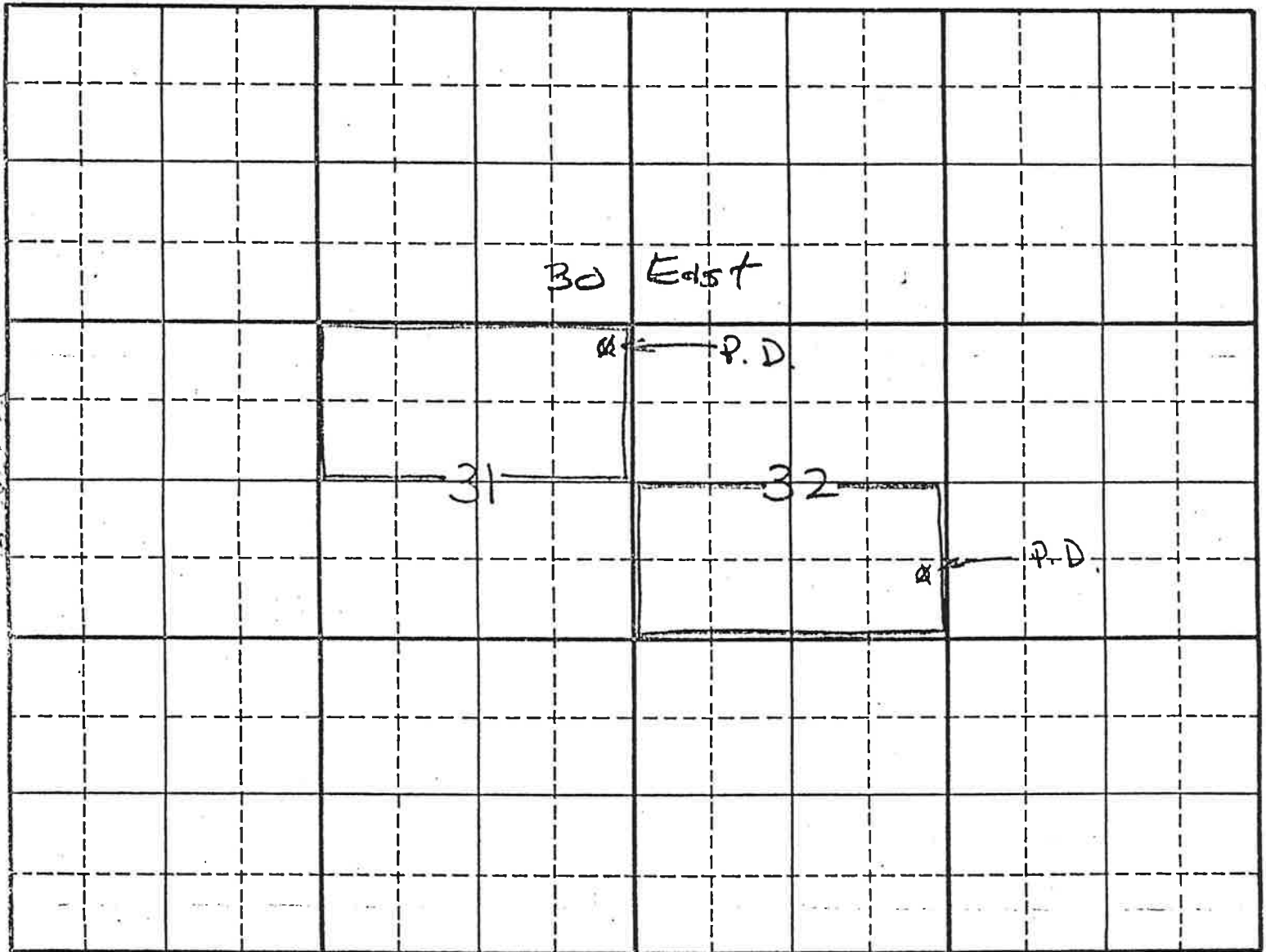
3. Place of use or land to be irrigated:

NO CHANGE

[illegible]

Total number of acres to be irrigated

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, Idaho, this 16th day of December, 1977.

SIMPLOT INDUSTRIES, INC.

By [Signature]
Its (signature) Senior Vice President

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. Stephen Allred, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 33-2125.

Witness my hand this 23 day of December, 19 77.

[Signature]
Director

RECEIVED

DEC 29 1977

State of Idaho

Department of Water Resources

Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

License of Water Right No. 33-2119 Priority May 11, 1965 Amount 10.36 cfs

THIS IS TO CERTIFY, that Simplot Industries

of Boise, Idaho, has complied with the terms and conditions of Permit No. 33-2119 issued pursuant to Application for Permit dated May 11, 1965, and has submitted proof to the Department of Water Resources on April 10, 1970, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 12.90 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>September 15</u>	at <u>10.36</u> cfs and	<u>1554 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 10.36 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1554 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, Twp. 6N, Rge. 30E, B. M. in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	30E	32													39			39	78
		33	40	40	40	40	40		40	40	40	40	40	40					440

Total number of acres irrigated 518

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of December, 19 77.


Director

Receipt #. 10224 *Wtm*

APPLICATION FOR AMENDMENT

Comes now Simplot Industries, Inc. of (address) _____

Total number of acres to be irrigated

Hand-drawn diagram on a grid showing three vertical lines labeled 31, 32, and 33. Line 31 has four 'I' symbols. Line 32 has a circled 'X' with an arrow pointing to it labeled 'P.D.'. Line 33 has a circled 'X' with an arrow pointing to it labeled 'P.D.'. There are also two 'P.D.' labels with arrows pointing to the top and bottom horizontal lines of the diagram.

That no one will be injured by such change, and that such change will be made at permit holders own risk.

By [Signature]
Its (signature) Senior Vice President

I, C. Stephen Allred, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 33-2119.

December 19 1977

Stephen A. Craig

Director