

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5349

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Originally Filed June 10, 1998
Amended November 16, 1998Name of applicant J.R. Simplot Company Phone 208-336-2110
Post Office address P.O. Box 27 Boise, ID 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 To change the place of use and all points of diversion to water right nos. 29-02020 and 29-02225.

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>29-02020</u> | <u>8-15-1904</u> | <u>3.0 c.f.s.</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| <u>29-02225</u> | <u>3-10-1920</u> | <u>3.5 c.f.s.</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 6.50 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See Exhibit A

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. 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	
6S	34E	7									I			I		I	I		

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system 13 Wells, pumps, pipelines
- 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:
N/A
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

PART 2

TRANS NO. 5349

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 29-02020

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	to	3.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRINGS	PORTNEUF RIVER

Priority: 08/08/1904

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 7, Township 06S, Range 34E
POWER County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:
1. P/U IS RAILROAD YARDS AT POCATELLO.

PART 2

TRANS NO. 5349

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 29-02225

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	to	3.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BATISE SPRINGS	PORTNEUF RIVER

Priority: 03/10/1920

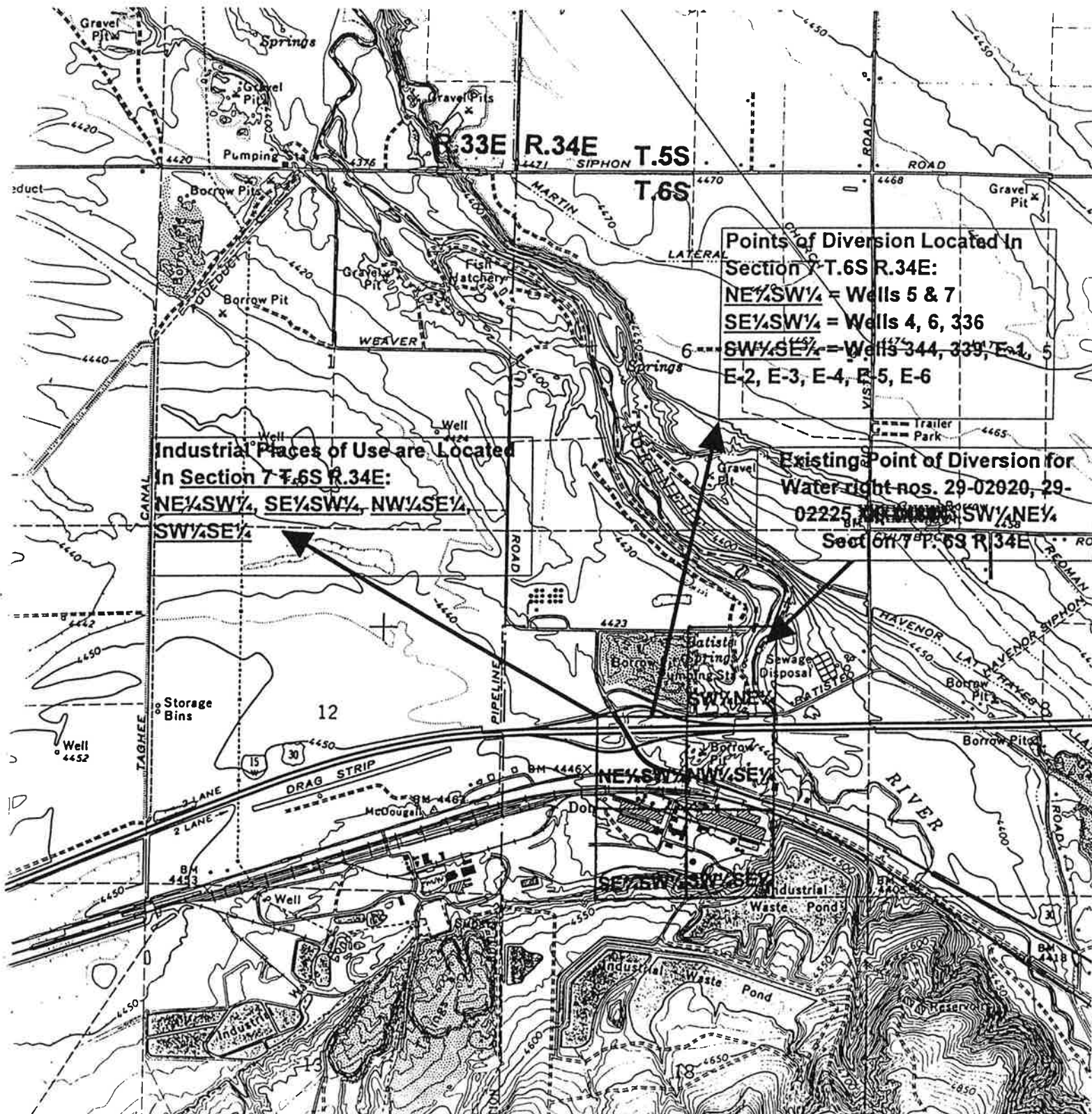
LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 7, Township 06S, Range 34E
POWER County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/U OREGON SHORTLINE RAILROAD CO. POCATELLO.

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

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

A large grid for drawing a map, with a circular stamp on the left side. The stamp contains the text: "STATE OF IDAHO", "PUBLIC", "WATER", and "THE BOND".

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<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:

There will be no impact on any other water uses after the proposed change is complete.

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.

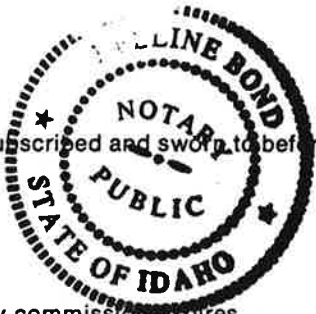
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 16th day of November, 1998.

By: J.R. Simplot Company James D. Crawford, Vice
(Signature of Applicant) President & Controller

Kelline Bond
(Notary Public)

My commission expires 10-13-04



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AWJ Date 11-18-98 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by AWJ #E024627 Date 11-18-98

Published in Power Co. Press Copies of protest forwarded by _____

Pub. dates Dec 29th, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66770

RECEIVED
 SEP 30 2002
 Department of Water Resources
 Eastern Region

This is to certify that: J R SIMPLOT CO
 PO BOX 27
 BOISE ID 83707
 (208)336-2110

5349

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. 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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
29-2020	AJC/License	08/08/1904	3 cfs	N/A			BAPTISTE SPRING
29-2225	AJC/License	03/10/1920	3.5 cfs	N/A			BAPTISTE SPRING

Purpose of Transfer (Changes Proposed)

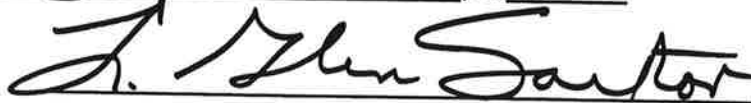
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-2020	NO	NO	YES	YES	YES	YES
29-2225	NO	NO	YES	YES	YES	YES

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>
29-2020	29-2020	3 cfs	526.9 af	N/A			N/A	N/A	N/A	N/A
29-2225	29-2225	3.5 cfs	526.9 af	N/A			N/A	N/A	N/A	N/A
TOTALS		6.5 cfs	526.9 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of September, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2020
As Modified by Transfer No. 66770

In accordance with the approval of Transfer No. 66770, Water Right No. 29-2020 is now described as follows.

Right Holder: JR SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: August 08, 1904

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	3.00 CFS	526.9 AF
			3.00 CFS	526.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
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GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 34E 7									X								X

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. Diversion of ground water is limited to those times water is available for diversion under this right and priority from Batiste Springs.

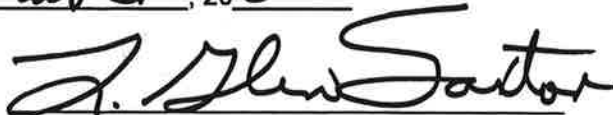
WATER RIGHT NO. 29-2020
As Modified by Transfer No. 66770

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Rights 29-2020 and 29-2225 shall not exceed 6.50 cfs, nor total combined annual diversion volume of 526.9 af and a total consumptive use volume of 380.8 af..
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right 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.

Dated this 24th day of September, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2225
As Modified by Transfer No. 66770

In accordance with the approval of Transfer No. 66770, Water Right No. 29-2225 is now described as follows.

Right Holder: JR SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: March 10, 1920

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01 to 12/31	3.50 CFS	526.9 AF
		3.50 CFS	526.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
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GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
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GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06S 34E 7									X						X		X	X

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