

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82562**

This is to certify that: SYNGENTA SEEDS LLC
6338 HWY 20/26
NAMPA, ID 83687-8116

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>
63-10788	WR/DECREED	5/1/1989	0.110 cfs	20.0 af	N/A	N/A	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>
63-10788	NO	NO	NO	YES	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>
63-10788	63-10788	0.110 cfs	20.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	20.0 af	N/A	N/A		N/A	N/A	N/A	N/A

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 16th day of JANUARY, 2019.



Water Rights Supervisor

WATER RIGHT NO. 63-10788**As Modified by Transfer No. 82562**

In accordance with the approval of Transfer No. 82562, Water Right No. 63-10788 is now described as follows:

Right Holder: SYNGENTA SEEDS LLC
6338 HWY 20/26
NAMPA, ID 83687-8116

Priority Date: 5/1/1989

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL

From

01/01

To

to 12/31

Diversion Rate

0.110 cfs

0.110 cfs

Diversion Volume

20.0 af

20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SWSE
SWSE

Sec 24 Twp 04N Rge 02W CANYON County
Sec 24 Twp 04N Rge 02W CANYON County

PLACE OF USE: COMMERCIAL

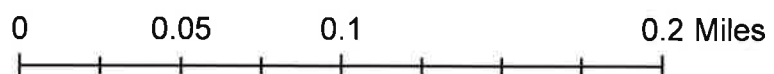
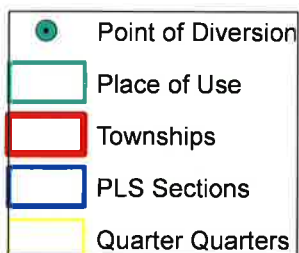
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	24															X		

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. Commercial use is for a research center.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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. 82562
Water Right(s): 63-10788

This map depicts the COMMERCIAL 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.





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

January 16, 2018

SYNGENTA SEEDS LLC
6338 HWY 20/26
NAMPA ID 83687-8116

Re: Transfer No.: 82562
Water Right Nos: 63-10788

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,

Anna Kaiser
Anna Kaiser

For

Nick Miller
Regional Manager

Enclosure

CC:

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

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No.: 82562
Water Right No.: 63-10788

SYNGENTA SEEDS LLC (Current Owner)
6338 HWY 20/26
NAMPA ID 83687-8116

SPF WATER ENGINEERING LLC (Representative)
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

A handwritten signature in blue ink, appearing to read "Anna Kaiser", is written over a horizontal line.

Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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.

MEMORANDUM

TO: Transfer No. 82562

FROM: Allen Bradbury

DATE: January 9, 2019

RE: Evaluation of Application

Summary of Application Proposal

Transfer No. 82562 proposes to drill a new well as an additional point of diversion for commercial uses under water right 63-10788 to reflect an integrated ground water system.

Permit 63-34575 is being processed simultaneously to apportion 0.78 cfs of additional groundwater from 1 proposed well and one existing well (63-89-W-068, 63-10788) for commercial use. This rate is based on the maximum capacity of a six-inch pump planned and designed for the commercial water system. This will be used for commercial expansion of an existing research facility including new greenhouses, processing, storage and shop facilities, and up to 80 employees. The water bearing zone to be appropriated is from 100 to 300 feet.

Permit 63-34574 is being processed simultaneously to apportion 3.35 cfs (1,500 gpm) for fire protection of agriculture research facility. This rate is based on a recommended rate from the Star Fire District. Water will be diverted from an existing well (63-10584). The water bearing zone to be appropriated is from 38 to 208 feet. A water supply bank lease application for 10 acres of irrigation use under water right 63-10584, currently applicable to the proposed expansion area, is proposed for protection from forfeiture due to non-use. The State Office issued the Water Supply Bank lease on August 24, 2018.

Location of Application Proposal: The proposal is located north of U.S. Highway 20/26 between Canada Road and 11th Avenue North in Canyon County.

Summary of Information Submitted

Authority to File: On July 27, 2018 an ownership change was filed with the Department to change the right holder on record for commercial right 63-10788 and irrigation right 63-10584 to show Syngenta as the current owner of record. A chain of title documents were included that show how Rogers Brothers Seed Company evolved into Syngenta Seeds, LLC through various company mergers and name changes. A notarized statement from Syngenta Crop Protection LLC secretary preceded the chain of title documents and provided a summary. A notarized statement from the assistant secretary of Syngenta Crop Protection, LLC, Brian Reeve, verified signing authority for Teresa Mitzel, Head of Research and Development for Vegetables. Application for Transfer No. 82562 was submitted on July 27, 2018 in the name of Syngenta Crop Protection, LLC and was signed by Teresa Mitzel. An Assignment of Application from Syngenta Crop Protection, LLC to Syngenta Seeds, LLC was filed with the Department on September 24, 2018. A company search on the ID SOS records database show both entities (Syngenta Seeds, LLC and Syngenta Crop Protection, LLC) as active and existing companies legally operating within the State of Idaho. Tax parcel information list Syngenta Seeds Inc. as the property owner. Syngenta Seeds Inc. changed its name to Syngenta Seeds LLC, per documentation filed with the ownership change for rights 63-10584 and 63-10788. POD and POU locations are on property owned by Syngenta. Syngenta Seeds LLC is the current water right owner and transfer applicant. As such, they have the authority to file the transfer. Lori Graves, of SPF Engineering is the representative for the applicant.

Water Right Validity/Historical Beneficial Use: Water right 63-10788 was permitted on 7/25/1989 and decreed on 4/3/2009 with a priority dated of 5/1/1989. Review of aerial imagery shows facility expansion activities indicating commercial use within the last 5 years. The fact that they are applying for additional water indicates they are likely using this right to its fullest extent.

Water Supply Bank: A water supply bank lease application for 10 acres of irrigation use was submitted pertaining to right 63-10584. This does not apply to the commercial use.

Overlap Analysis: The place of use is overlapped with other groundwater rights. There are no other rights for commercial use. Application for permit 63-34575 is being processed for additional commercial use. Points of diversion for other water rights within this quarter-quarter are different wells. There are no other water rights that need to be included in this transfer.

Injury to Other Water Rights: The evaluation of injury to other water users is based on Transfer Processing Memorandum No. 24 (12/21/2009) section 5c. This transfer will provide an additional well to provide water for commercial facility expansion. This transfer is not within the boundaries of any ground water management area (GWMA) or critical ground water area (CGWA). The source will not change with this transfer, it will remain groundwater. There are no known changes in aquifer source. The water bearing zone to be appropriated is from 100 to 300 feet, but the PODs are outside the Bs 63 GW Restricted Area. There are other wells in adjacent quarter-quarters, but no injury to other water rights is anticipated if diversion is limited to historic use under the right. The system is a closed conduit system with little conveyance loss. There should be no injury to other water rights under this transfer.

Enlargement of Use: The transfer application proposes to drill a new well as an additional point of diversion for commercial use. Application for permit 63-34575 is being processed simultaneously to apportion 0.78 cfs of additional groundwater from one proposed well and one existing well (63-89-W-068). The facility is expanding but increased use will be under Permit 63-34575, if it is issued. The beneficial use will continue to be commercial. No enlargement is anticipated.

Local Public Interest: No issues were identified. It is within the local public interest to allow property owners to develop their property and use their water rights to the fullest extent which in turn benefits the local economy.

Beneficial Use/Conservation of Water Resources: The transfer describes diversion and delivery of groundwater in a closed system to commercial facilities which is consistent with contemporary standards for reasonably efficient use of water. The application proposes beneficial use consistent with conservation of water resources in Idaho.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Protests were not filed and other information does not contradict the above analysis. The application may be approved as reflected by the draft approval.

RECEIVED

DEC 19 2018

WATER RESOURCES
WESTERN REGION

29512 1842620

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

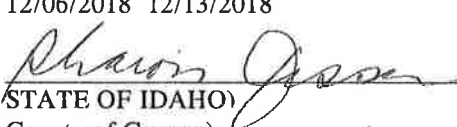
County of Canyon)

SS.

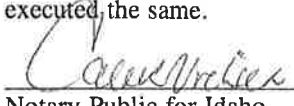
Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
12/06/2018 12/13/2018


STATE OF IDAHO)
County of Canyon)

On this 13th day of December in the year of 2018 before me a Notary Public, personally appeared Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.


Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

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

63-34604

CHARLES W YOUNG JR
491 S HILL RD
MELBA, ID 83641
Point of Diversion SENW S3 T01S R02W CANYON County
Source WASTE WATER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 1 CFS
Total Diversion: 1 CFS
Date Filed: 8/28/2018
Place Of Use: IRRIGATION
T01S R02W S3 NWSW SWSW
Total Acres: 50

63-34621

DAVID DUMLER
MICHELLE DUMLER
7454 W MERCER WAY
MERCER ISLAND, WA 98040
Point of Diversion NWNW S23 T05N R05W CANYON
County Source GROUND WATER
Point of Diversion NWNW S23 T05N R05W CANYON
County Source SAND HOLLOW CREEK Tributary BOISE
RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.1 CFS
Use: WILDLIFE 01/01 to 12/31 0.1 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 6.2 AF
Total Diversion: 0.1 CFS 6.2 AF
Date Filed: 8/16/2018
Place Of Use: DIVERSION TO STORAGE, WILDLIFE
STORAGE, WILDLIFE
T05N R05W S23 NWNW
Water bearing zone to be appropriated is from 0 to 10 feet.

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

63-34519

DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL, ID 83607
(2) Points of Diversion L1(NESE) S2 T04N R04W
CANYON County Source UNNAMED STREAM Tributary
BOISE RIVER
(2) Points of Diversion L3(NWSW) S1 T04N R04W
CANYON County Source UNNAMED STREAM Tributary
BOISE RIVER
Use: DIVERSION TO STORAGE 10/01 to 02/28 1.5 CFS
Use: IRRIGATION 03/01 to 11/15 0.96 CFS
Use: RECREATION 10/01 to 02/28 1.5 CFS
Use: RECREATION STORAGE 10/01 to 02/28 309.1 AF
Total Diversion: 1.5 CFS
Date Filed: 3/2/2018
Place Of Use: RECREATION STORAGE, RECREATION,
IRRIGATION
T04N R04W S1 L3(NWSW)
T04N R04W S2 L1(NESE)
Total Acres: 48

63-34574

SYNGENTA SEEDS LLC
6338 HWY 20/26
NAMPA, ID 83687-8116
Point of Diversion SWSE S24 T04N R02W CANYON
County Source GROUND WATER
Use: FIRE PROTECTION 01/01 to 12/31 3.35 CFS
Total Diversion: 3.35 CFS
Date Filed: 7/27/2018
Place of Use: FIRE PROTECTION
T04N R02W S24 SWSE
Water bearing zone to be appropriated is from 38 to 208
feet

63-34575

SYNGENTA SEEDS LLC
6338 HWY 20/26
NAMPA, ID 83687-8116
(2) Points of Diversion SWSE S24 T04N R02W CANYON
County Source GROUND WATER Tributary
Use: COMMERCIAL 01/01 to 12/31 0.78 CFS
Total Diversion: 0.78 CFS
Date Filed: 7/27/2018
Place of Use: COMMERCIAL
T04N R02W S24 SWSE
Water bearing zone to be appropriated is from 100 to 300
feet

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82562

SYNGENTA SEEDS LLC, 6338 HWY 20/26, NAMPA, ID
83687-8116; has filed Application No. 82562 for changes to
the following water rights within CANYON County(s): Right
No(s). 63-10788. The purpose of the transfer is to drill a new
well as an additional point of diversion for commercial uses
under water right 63-10788 to reflect an integrated ground
water system. Water will be used at the current place of use
north of Highway 20/26 and west of North Can Ada Road, ap-
proximately 2 miles southwest of Star, Idaho.

Permits will be subject to all prior water rights. For addition-
al information concerning the property location, contact West-
ern Region office at (208) 334-2190. Protests may be submit-
ted 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 Re-
gion, 2735 W AIRPORT WAY, BOISE ID 83705-5082 togeth-
er with a protest fee of \$25.00 for each application on or be-
fore 12/24/2018. The protestant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director

December 6, 13, 2018

1842620

