

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81822

This is to certify that: J R SIMPLOT CO
1099 W FRONT STPO BOX 27
BOISE, ID 83707

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>
2-2353	WR/DECREED	7/17/1964	6.420 cfs	N/A	N/A	321.0	SNAKE RIVER

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>
2-2353	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-2353	2-2353	6.420 cfs	1605.0 af	N/A	321.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.420 cfs	1605.0 af	N/A	321.0		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 24th day of October, 2017.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 2-2353**As Modified by Transfer No. 81822**

In accordance with the approval of Transfer No. 81822, Water Right No. 2-2353 is now described as follows:

Right Holder: J R SIMPLOT CO
1099 W FRONT STPO BOX 27
BOISE, ID 83707

Priority Date: 7/17/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	6.420 cfs	1605.0 af
			6.420 cfs	1605.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L1 (NENE) Sec 8 Twp 04S Rge 02E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	02E	4											38.0	19.0					57.0
04S	02E	5									30.0	4.0		27.0	26.0	38.0	38.0	40.0	203.0
04S	02E	8	31.0									L 5		L 7			L 8		31.0
			L 1																
04S	02E	9					16.0	14.0											30.0
							L 3	L 4											

POU Total Acres: 321.0

CONDITIONS OF APPROVAL

1. Rights 2-2353 and 2-2437 when combined shall not exceed the irrigation of 560 acres.
2. 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 place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.

Transfer No. 81822

WATER RIGHT NO. 2-2353

As Modified by Transfer No. 81822

CONDITIONS OF APPROVAL

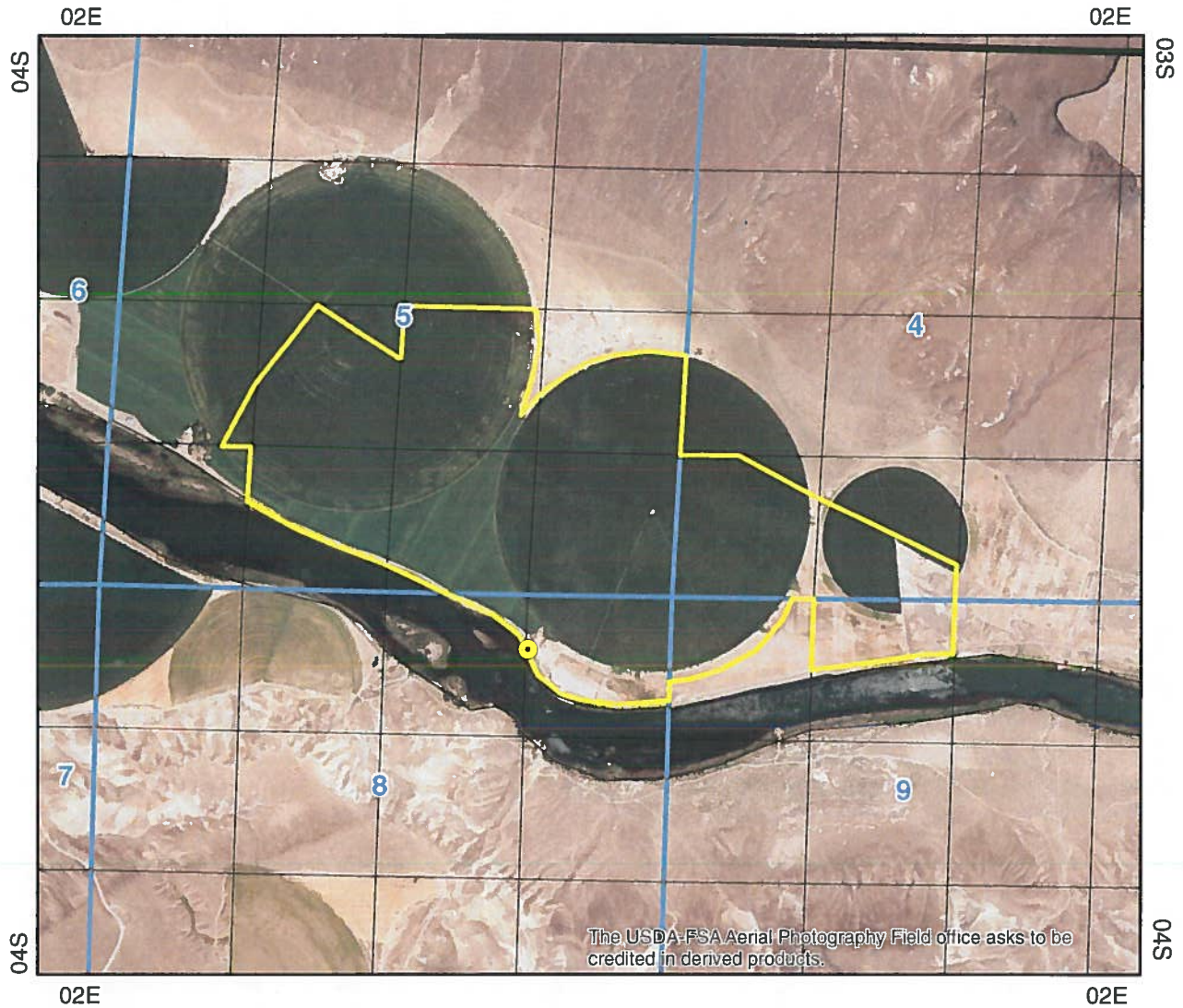
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 9/28/2009.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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 Water Right Transfer 81822

2-2353

This map depicts the IRRIGATION 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.



-  Point of Diversion
-  Transfer POU
-  Townships
-  PLS Sections

0 0.2 0.4 0.8 Miles



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. **81822**

JUL 28 2017

WATER RESOURCES
WESTERN REGION

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JUN 06 2017

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

OC
DE ✓

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 www.idwr.idaho.gov.

Name of Applicant(s) J.R. Simplot Company

Check 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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 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: _____

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 P. O. Box 27, Boise, Idaho 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.


Signature of Applicant or Authorized Representative

David Spurling, SR. V.P. and Secretary
Print Name and Title if applicable

2 June 2017
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 _____

2. 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.2**.

Proposed change reduces the number of irrigated acres that can be irrigated within two Gov't Lots described within the current place of use by 11 acres and increases the number of acres for two quarter quarters described in the current place of use by 11 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	2-2353	6.42/1605	Irrigation	3/15 to 11/15	Snake River/ Columbia Rvr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.42 cfs and/or 1605 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 55 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**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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	
4S	2E	4											38	19					57
		5									30	4		27	26	38	38	40	203
		8	31																31
		9					16	14											30
Total Acres (for irrigation use)																			321

AMENDED

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 ☒ ☐	2-2353	4.42/1605	Irrigation	3/15 to 11/15	Snake River/ Columbia Rvr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.42 cfs and/or 1605 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 55 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**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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	
4S	2E	4											38	19					57
		5									30	4		27					203
		8	31																31
		9					16	14											30
Total Acres (for irrigation use)																			321

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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:

Pump Station, river intake, underground pipelines, sprinkler systems.

- 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:

- 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:

Water Right Nos. 2-2437 and 2-2070 are also diverted from the same point of diversion

- 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:

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 2-2353

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

11

A MENDED

A. DESCRIPTION OF RIGHT(S) AS RECORDED

Insert Part 2A reports into the application following Part 1.

☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible][illegible]**Total Acres (for irrigation use)**

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.**FOR DEPARTMENT USE ONLY**

Transfer contains 7 pages and 2 attachments.

Received by VC Date 6/6/17 Preliminary check by _____ Date _____

Fee paid \$500 Date 6/12/17 Received by VC Receipt # C1036083

Add'l fee paid 25.00 (owner's change) Date 9/18/17 Received by Western Receipt # W045678

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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

Current Water Right No.: 2-2353

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
 Priority Date: 7/17/1964
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total DiversionDiversion Rate

6.42 CFS

6.42 CFS

Annual Volume

1605 AF

Location of Point(s) of Diversion

SNAKE RIVER

ELMORE County

L1(NE1/4NE1/4)

Sec. 8, Twp 04S, Rge 02E B.M.

Place of UseIRRIGATION Within ELMORE County

T04S R02E S4		SWSW	38.00	T04S R02E S4		SESW	19.00
T04S R02E S5		NESW	30.00	T04S R02E S5	Lot 5	NWSW	4.00
T04S R02E S5	Lot 7	SESW	27.00	T04S R02E S5		NESE	18.00
T04S R02E S5		NWSE	35.00	T04S R02E S5	Lot 8	SWSE	38.00
T04S R02E S5		SESE	40.00	T04S R02E S8	Lot 1	NENE	32.00
T04S R02E S9	Lot 3	NENW	16.00	T04S R02E S9	Lot 4	NWNW	24.00

Total Acres: 321

Conditions of Approval:

1. S47 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.
2. 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 560 acres in a single irrigation season. Combined Right Nos.: 2-2437, 2-2353.

Decreed Date: 9/28/2009

Instrument # 439836 # Pages: 3
ELMORE COUNTY, Idaho
Dec 30, 2013 3:43:32 pm Fee: \$ 16.00
For: SIMPLOT
BARBARA STEELE, Recorder
JCOLLINS, Deputy

BARGAIN AND SALE DEED

EFFECTIVE the 31st day of December, 2012, GRANTOR, J.R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto J. R. SIMPLOT COMPANY, a Nevada corporation, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Elmore County, State of Idaho:

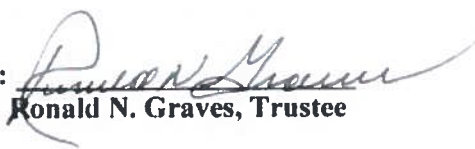
See Exhibit A attached hereto and made a part hereof

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 20th day of December, 2013.

J.R. Simplot Self-Declaration of Revocable Trust,
established by written instrument dated December 21,
1989, and registered in the Fourth Judicial District of the
State of Idaho, Ada County, as No. 3T-788

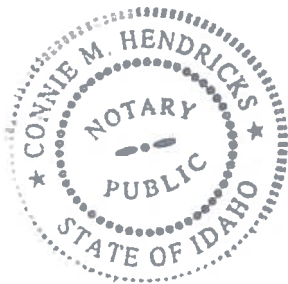
BY: 

Ronald N. Graves, Trustee

STATE OF IDAHO }
 } ss.
COUNTY OF ADA }

On this 20th day of December, 2013, before me, the undersigned, personally appeared Ronald N. Graves, to me known to be the individual who executed the foregoing instrument as Trustee of the J.R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, for the uses and purposes therein mentioned, and on oath stated he was authorized to execute this instrument

WITNESS my hand and official seal the day and year first above written.



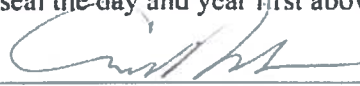
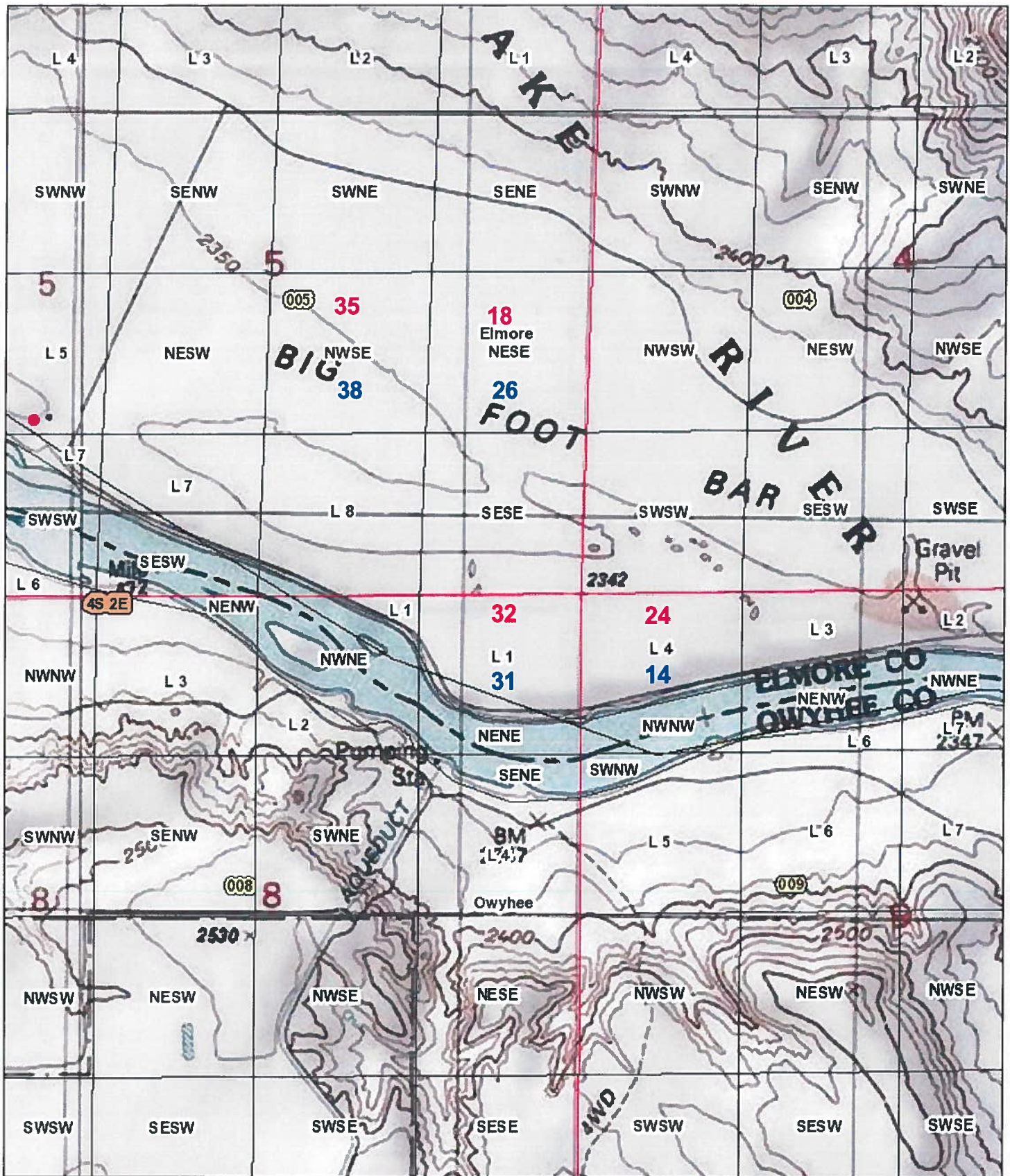

Notary Public in and for the State of Idaho
Residing at: Boise
Commission expires: 8/22/2014

EXHIBIT A

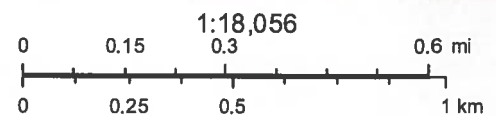
Township 4 South, Range 2 East, Boise Meridian, Elmore County, Idaho

- Section 4: W1/2SW1/4, SE1/4SW1/4, SW1/4SE1/4
- Section 5: SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4,
N1/2 SE1/4, SE1/4SE1/4 and Lots 5, 7 & 8
- Section 6: U.S. Government Lot 1 and SE1/4NE1/4
- Section 8: U.S. Government Lot 1
- Section 9: U.S. Government Lots 3 and 4

Application for Transfer 11 Acres 2353



May 26, 2017



ATTACHMENT #7a/7b (PS1 OF 1)

81822



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 7, 2017

J R SIMPLOT COMPANY
C/O VIC CONRAD
PO BOX 27
BOISE ID 83707-0027

RE: Notice of Review and Requirement to Correct Place of Use for Water Right(s) No. 2-2353,
2-2437, 2-2070
Case No. E2017-1136

Dear Water User,

The Idaho Department of Water Resources (IDWR) is reviewing irrigated lands within the Snake River basin by comparing aerial photography against the recorded place of use (POU) from valid water rights. These investigations are in response to inquiries or concerns received by IDWR regarding potential unauthorized irrigation. Irrigation in excess of, or inconsistent with your water right(s) is a violation of Idaho law.

A recent review in your area has identified lands being irrigated outside the authorized (POU) described on your water right(s). The attached map indicates the area(s) identified during the review. IDWR requires that you correct the water right(s) POU by submitting the necessary water right transfer application to IDWR's Western Regional Office within 60 days of the date of this letter. Please notify me directly when the application has been submitted. The Application for Transfer of a Water Right form can be found on our website at the following link:

<https://idwr.idaho.gov/files/water-rights/application-for-transfer-of-a-water-right.pdf>

At this point in time, IDWR *has not* concluded you are irrigating acres exceeding what your water right(s) authorize. IDWR will reevaluate this specific issue next year to verify that a transfer was submitted and that no expanded use has occurred.

Please contact me at (208) 287-4944 if you have any questions. Your help to resolve the discrepancies noted above is appreciated.

Respectfully,

Cherie Palmer
Water Compliance Bureau

cc: Nick Miller-IDWR Western Region
Rob Whitney-Water District 02, Watermaster

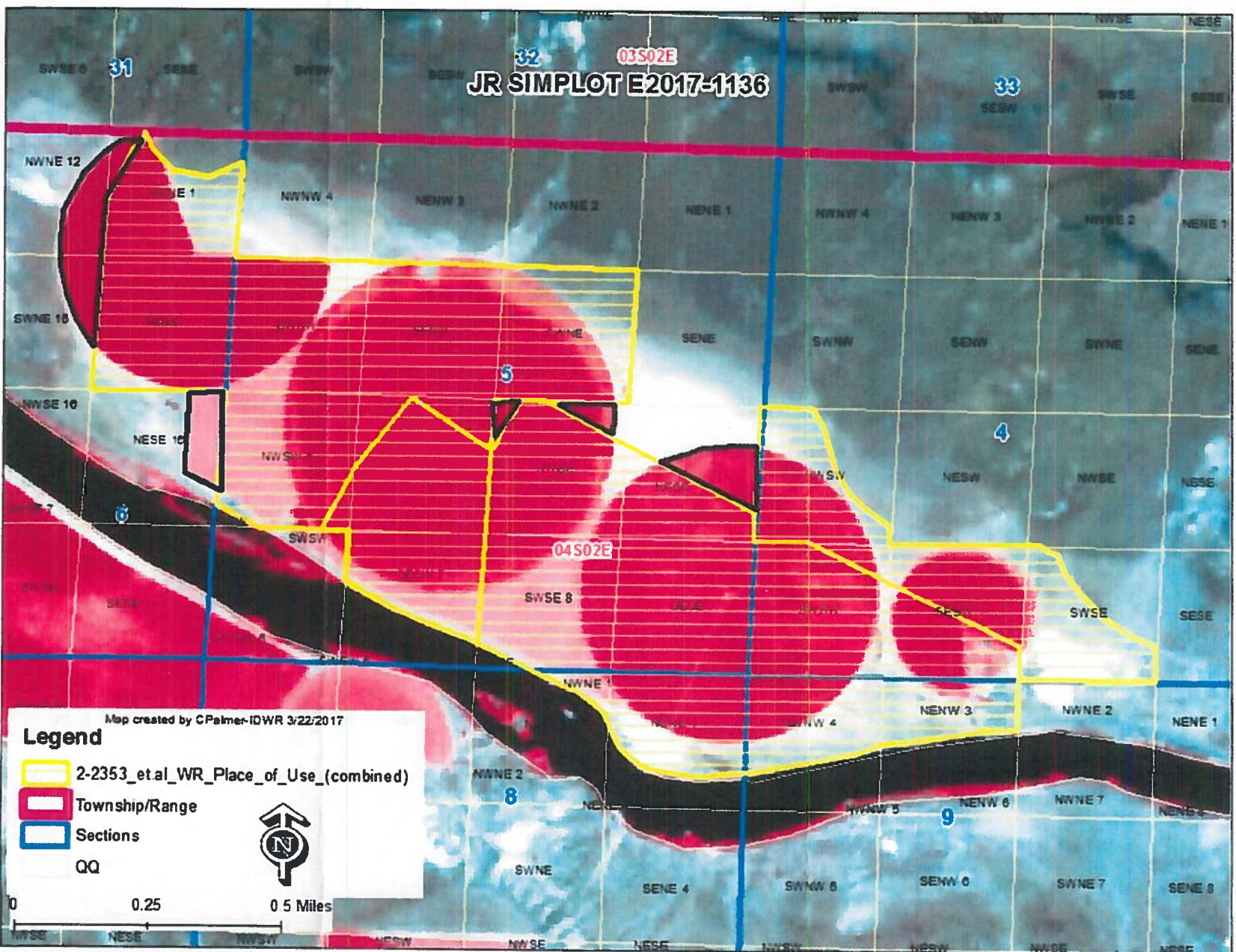
RECEIVED

APR 12 2017

RECEIVED

SEP 18 2017

WATER RESOURCES
WESTERN REGION



6/28/2016 Sentinel Satellite Infrared Imagery overlain with water right authorized place of use (yellow) and those acres which fall outside the authorized place of use (black). **RECEIVED**

SEP 18 2017



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 24, 2017

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707

Re: Transfer No: 81822
Water Right No(s): 2-2353

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) 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.

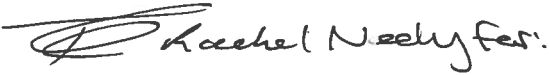
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office 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,

A handwritten signature in black ink, appearing to read "Rachel Neely Fer". The signature is fluid and cursive, with a large initial "R" and "N".

Nick Miller
Regional Manager

Enclosure

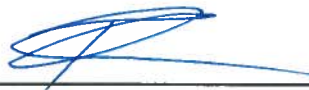
CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81822
Water Right No(s): 2-2353

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707

ROB WHITNEY
WATERMASTER OF DISTRICT 2
IDWR STATE OFFICE



Rachel Neely
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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. 81822
FROM: Patrick Kelly
DATE: September 26, 2017
RE: Evaluation of Application

The transfer proposes to move a total of 0.22 cfs, 55 af and 11 acres from water right 2-2353. The transfer was filed in response to a letter from IDWR's Compliance Bureau (Case No. E2017-1136) identifying irrigation practices outside of JR Simplots place of use boundary. The farm has a total of 3 water rights that serve the property. This transfer application does not include modifying land irrigated outside the place of use boundary in Section 6. It is apparent that the applicant would have to include 2-2070 and 2-2437 to fully cover the POU changes needed on the land. Instead of pursuing a POU change to all three rights, the applicant filed for a WSB rental agreement to cover the necessary acres.

The farm is located approximately 10 miles NW of Grandview, on the north banks of the Snake River.

There is no representative identified by the transfer application. Communication for additional information has been provided by Mr. Vic Conrad of JR Simplot.

Water Supply Bank staff is aware of the transfer, and has begun processing the rental agreement. Since the transfer does not affect the rental agreement, processing of the transfer may resume.

Additional Information Requested

Page 3 and 5 of the transfer had to be amended to correct errors in the application. A fee for the ownership change was also requested and a better map that would outline the intended place of use. The information was received 9/11/2017. A map was not included in Mr. Conrads reply, however it is clear enough to me to understand the intent of the application. An attempt was made to create a new place of use to reflect changes in the QQ relevant to the transfer using ArcMap tools and 2011-2015 imagery.

Summary of Information Submitted

Authority to File: The application was signed by a David Spurling. Mr. Spurling is identified as the Sr VP and Secretary according to ID SOS records. JR Simplot Company is the property owner according to county taxlot data. Proper documents were submitted to update the ownership record.

Water Right Validity: 2011 – 2015 imagery and LandSat data was used to determine the extent of beneficial use within the last 5 year period. Irrigation use measured approximately 460 acres. This is a sufficient amount of acres to correct land outside the boundaries of 2-2353.

Overlap Analysis: 2-2353 is one of three rights on the farm. The other two rights were not included in the application. Since the acres that are being proposed to change are not stacked with the other two rights, it is not necessary to include all of the rights on the farm. No other rights should be considered.

Injury to Other Water Rights: The application only proposes to change the legal description of the rights already existing on the farm. Changes to points of diversion, irrigation practices, or bringing in additional acres to the farm are not proposes. Injury is not apparent.

Enlargement of Use: Transfer proposes to move a total of 0.22 cfs, 55 af and 11 acres from water right 2-2353. Really all that is changing is a legal description within the place of use. Combined use limits are maintained to match pre and post rates and volumes. The acres that are

proposed to being moved or “dried up” are independent from the other 2 rights and are not “stacked” acres. No enlargement is anticipated as a result of the proposed changes.

Local Public Interest: Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



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

September 14, 2017

Patrick Kelly
Senior Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

SEP 18 2017

WATER RESOURCES
WESTERN REGION

Re: IDWR Transfer No. 81822.

Dear Patrick:

In response to your email dated August 28, 2017, enclosed are the following:

1. Corrected pages 3 and 5 of the above referenced Transfer.
2. A \$25.00 check to cover the fee for changing your records to update the ownership of the water right.
3. A copy of the letter dated April 7, 2017 from Cherie Palmer. I was a little confused about the comment, "*The POU shape is not outdated since the farm went to pivots. Please provide an aerial map of how the POU shape should be described so we may update your record*". It is my impression we are trying to resolve a place of use discrepancy Cherie discovered during her review. The image attached to her letter shows the areas we are addressing. This may be the most current information available to illustrate the areas we are attempting to update with the transfer application. I am hopeful the record for the place of use described under water right 2-2353 can be updated once the transfer is approved.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures



Kelly, Patrick

From: Kelly, Patrick
Sent: Monday, August 28, 2017 12:00 PM
To: Vic Conrad
Subject: JR Simplot Transfer 81822
Attachments: DOC047.pdf

Hello Vic,

I have started reviewing the latest transfer you submitted for JR Simplot. Just a few notes to be addressed:

1. Page 3 Part 1.B.1. should reflect a total of 6.42 cfs rather than the 4.42 cfs described by the right.
2. Page 3 Part 1.B.4. is missing the acre descriptions within the SE ¼ of Sec 5.
3. Page 5 Part 2.B.2. should only represent the acres that are being changed or "dried up" pre transfer. So the grid should reflect only 1 acre in the NENE, and 10 acres within the NWNW.
4. The POU shape is not outdated since the farm went to pivots. Please provide an aerial map of how the POU shape should be described so we may update your record.
5. The transfer included a deed for the property and a new name. If you would like to change water right ownership from JR Simplot Self Declaration Revocable Trust to JR Simplot Company, please send a check for \$25 to cover the OC fee.

I have scanned and included Pages 3 & 5 for easy review. Let me know if you have any questions.

Regards,

Patrick Kelly

Water Resource Agent, Senior
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov

MEMORANDUM

Date: July 31, 2017
To: Transfer 81822
From: Angie Grimm
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.



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

June 5, 2017

Cherie Palmer
Water Compliance Bureau
State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

JUN 06 2017

**DEPARTMENT OF
WATER RESOURCES**

Re: IDWR Water Right No. 2-2353.

Dear Cherie:

In response to your letter dated April 7, 2017, I am enclosing an Application for Transfer of Water Right 2-2353 and an application to rent water from the Board's Water Supply.

The enclosed transfer application corrects the places of use on the land Simplot owns shown on the map included with your letter. I am also enclosing a check in the amount of \$500.00 to cover your transfer filing fee

The enclosed water bank rental application is intended to rent water from the bank under Simplot's water rights 2-10471 and 2-10472 to irrigate land owned by BLM. This land was once irrigated under an agricultural lease. Once that lease expired, Simplot applied for a new lease and we have been working toward executing a new lease for several years. Attached to the water bank rental application is a copy of our most recent correspondence with the BLM on this subject (dated March 15, 2017). It is our impression that the delay in completing this lease may be attributable to employee turnover within the Boise District Office of the BLM. We are not aware of any objections raised by the BLM to this use. The matter is simply low priority among the many competing demands for BLM resources.

Please accept the enclosed applications for filing in an attempt to address the concerns expressed in your April 7, 2017 letter.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

c: M. Clements
K. Frisch

