

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81657**

This is to certify that: J R SIMPLOT CO
1099 W FRONT STPO BOX 27
BOISE, ID 83707-0027

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>
43-10426	WR/DECREED	3/15/1962	2.360 cfs	472.8 af	118.2	1379.0	GROUND WATER
43-2378	WR/DECREED	3/22/1952	2.400 cfs	640.0 af	160.0	1379.0	GROUND WATER
43-2484	WR/DECREED	12/23/1959	6.400 cfs	1468.0 af	367.0	1379.0	GROUND WATER
43-2522	WR/DECREED	5/1/1961	2.990 cfs	598.0 af	149.5	1379.0	GROUND WATER
43-2547	WR/DECREED	4/25/1962	4.000 cfs	800.0 af	200.0	1379.0	GROUND WATER
43-2548	WR/DECREED	4/25/1962	3.030 cfs	605.2 af	151.3	1379.0	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>
43-10426	NO	NO	YES	NO	NO	NO
43-2378	NO	NO	YES	NO	NO	NO
43-2484	NO	NO	YES	NO	NO	NO
43-2522	NO	NO	YES	NO	NO	NO
43-2547	NO	NO	YES	NO	NO	NO
43-2548	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>
43-10426	43-10426	2.360 cfs	472.8 af	118.2	1411.0	N/A	N/A	N/A	N/A	N/A
43-2378	43-2378	2.400 cfs	640.0 af	160.0	1411.0	N/A	N/A	N/A	N/A	N/A
43-2484	43-2484	6.400 cfs	1468.0 af	367.0	1411.0	N/A	N/A	N/A	N/A	N/A
43-2522	43-2522	2.990 cfs	598.0 af	149.5	1411.0	N/A	N/A	N/A	N/A	N/A
43-2547	43-2547	4.000 cfs	800.0 af	200.0	1411.0	N/A	N/A	N/A	N/A	N/A
43-2548	43-2548	3.030 cfs	605.2 af	151.3	1411.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		21.180 cfs	4584.0 af	1146.0	1411.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 81657

IN FILE # 43-2378

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81657

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 21ST day of August, 2017.


Southern Region Manager



WATER RIGHT NO. 43-2484**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-2484 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT STPO BOX 27
BOISE, ID 83707-0027

Priority Date: 12/23/1959

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

6.400 cfs

6.400 cfs

Diversion Volume

1468.0 af

1468.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER
GROUND WATER
GROUND WATER

NESESE
SWSWNE
NWNENE
NENESW
SWNESW

Sec 12 Twp 12S Rge 26E CASSIA County
Sec 13 Twp 12S Rge 26E CASSIA County
Sec 24 Twp 12S Rge 26E CASSIA County
Sec 19 Twp 12S Rge 27E CASSIA County
Sec 19 Twp 12S Rge 27E CASSIA 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	
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0									32.0			39.0	96.0
12S	26E	13	39.0		27.0	40.0									39.0			39.0	184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
							L 1	L 2				L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
							L 1	L 2				L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
							L 1	L 2											

Right Acre Limit: 367.0

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 367 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-2484
As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-2522**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-2522 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

Priority Date: 5/1/1961

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

2.990 cfs

2.990 cfs

Diversion Volume

598.0 af

598.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NEESE	Sec 12 Twp 12S Rge 26E	CASSIA County
GROUND WATER	SWSWNE	Sec 13 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec 24 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NENESW	Sec 19 Twp 12S Rge 27E	CASSIA County
GROUND WATER	SWNESW	Sec 19 Twp 12S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0									32.0				39.0
12S	26E	13	39.0		27.0	40.0									39.0				184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
								L 1	L 2			L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
								L 1	L 2			L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
								L 1	L 2										

Right Acre Limit: 149.5

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 149.5 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-2522

As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-2378**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-2378 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT STPO BOX 27
BOISE, ID 83707-0027

Priority Date: 3/22/1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.400 cfs	640.0 af
			2.400 cfs	640.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESESE	Sec 12 Twp 12S Rge 26E	CASSIA County
GROUND WATER	SWSWNE	Sec 13 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec 24 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NENESW	Sec 19 Twp 12S Rge 27E	CASSIA County
GROUND WATER	SWNESW	Sec 19 Twp 12S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0									32.0			39.0	96.0
12S	26E	13	39.0		27.0	40.0									39.0			39.0	184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
								L 1	L 2			L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
								L 1	L 2			L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
								L 1	L 2										

Right Acre Limit: 160.0

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-2378

As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-2548**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-2548 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

Priority Date: 4/25/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.030 cfs	605.2 af
			3.030 cfs	605.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESESE	Sec 12 Twp 12S Rge 26E	CASSIA County
GROUND WATER	SWSWNE	Sec 13 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec 24 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NENESW	Sec 19 Twp 12S Rge 27E	CASSIA County
GROUND WATER	SWNESW	Sec 19 Twp 12S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0									32.0			39.0	96.0
12S	26E	13	39.0		27.0	40.0									39.0			39.0	184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
								L 1	L 2			L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
								L 1	L 2			L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
								L 1	L 2										

Right Acre Limit: 151.3

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 151.3 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-2548

As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-2547**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-2547 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

Priority Date: 4/25/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	4.000 cfs	800.0 af
			4.000 cfs	800.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESESE	Sec 12 Twp 12S Rge 26E	CASSIA County
GROUND WATER	SWSWNE	Sec 13 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec 24 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NENESW	Sec 19 Twp 12S Rge 27E	CASSIA County
GROUND WATER	SWNESW	Sec 19 Twp 12S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	1																	14.0 14.0
12S	26E	12	11.0			14.0									32.0				96.0
12S	26E	13	39.0		27.0	40.0									39.0				184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
								L 1	L 2			L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
								L 1	L 2			L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
								L 1	L 2										

Right Acre Limit: 200.0

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-2547

As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-10426**As Modified by Transfer No. 81657**

In accordance with the approval of Transfer No. 81657, Water Right No. 43-10426 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O DAVID SPURLING 1099 W FRONT ST PO BOX 27
BOISE, ID 83707-0027

Priority Date: 3/15/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.360 cfs	472.8 af
			2.360 cfs	472.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESESE	Sec 12 Twp 12S Rge 26E	CASSIA County
GROUND WATER	SWSWNE	Sec 13 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NWNENE	Sec 24 Twp 12S Rge 26E	CASSIA County
GROUND WATER	NENESW	Sec 19 Twp 12S Rge 27E	CASSIA County
GROUND WATER	SWNESW	Sec 19 Twp 12S Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0									32.0			39.0	96.0
12S	26E	13	39.0		27.0	40.0									39.0			39.0	184.0
12S	26E	24	39.0			39.0													78.0
12S	27E	6					11.0	21.0	49.0	30.0	30.0	49.0	45.0	12.0					247.0
							L 3	L 4	L 5			L 6	L 7						
12S	27E	7					14.0	45.0	51.0	17.0	19.0	51.0	51.0	38.0					286.0
								L 1	L 2			L 3	L 4						
12S	27E	18					40.0	51.0	51.0	39.0	39.0	51.0	51.0	39.0					361.0
								L 1	L 2			L 3	L 4						
12S	27E	19					36.0	51.0	51.0	7.0									145.0
								L 1	L 2										

Right Acre Limit: 118.2

POU Total Acres: 1411.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 118.2 acres within the authorized place of use in a single irrigation season.

Transfer No. 81657

WATER RIGHT NO. 43-10426

As Modified by Transfer No. 81657

CONDITIONS OF APPROVAL

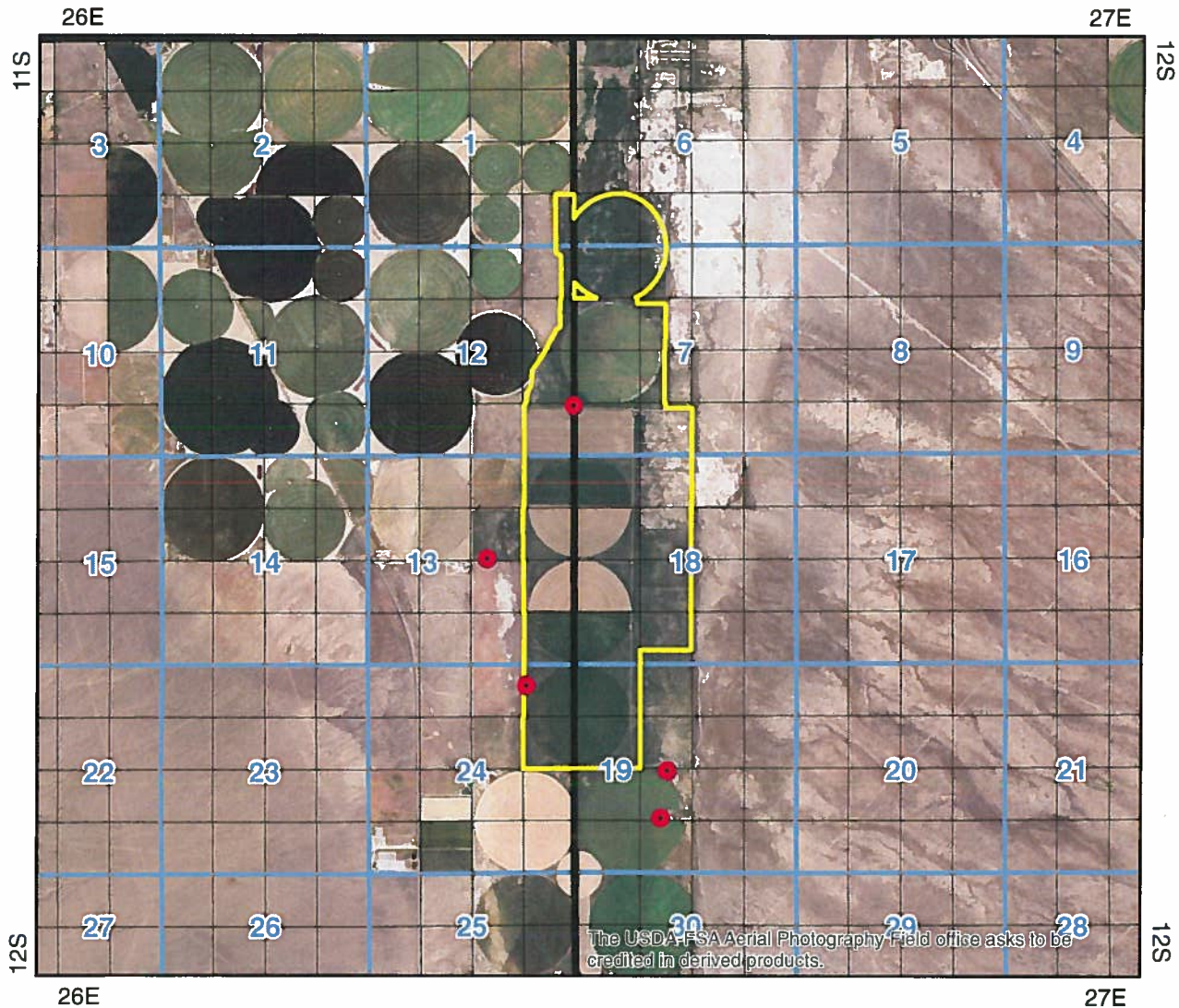
2. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 when combined shall not exceed a total diversion rate of 21.18 cfs, a total annual maximum diversion volume of 4584 af at the field headgate, and the irrigation of 1146 acres.
3. Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548 and 43-10426 are limited to the irrigation of a specific 1146 acres within the 1411 acre place of use authorized by this right in a single irrigation season. The specific 1146 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1146 acres to be irrigated within the 1411 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 143.
5. 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 diversions.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 Transfer # 81657

Rights 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, and 43-10426

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 30, 2017

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

Re: Transfer No: 81657

Water Right No(s): 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, 43-10426

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.

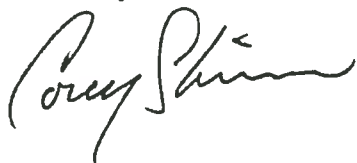
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 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.: 81657

Water Right No(s): 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, 43-10426

**J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027**

**WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301**

via e-mail



**Denise Maline
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.

CORRECTION MEMORANDUM

Date: August 21, 2017
To: Transfer 81657 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

In the Evaluation of Sufficiency of Information Submitted Memorandum dated May 25, 2017, a 14 acre overlap in the NENW of Sec. 7, Twp 12S, Rge 27E is discussed. That location is in error and the 14 acre overlap is actually in the SESW of Sec. 6, Twp 12S, Rge 27E.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81657
Water Right No: 43-2378, etc
Applicant Name: J.R. Simplot Company

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: June 8, 2017

Water District 143



Nathan Erickson, Watermaster