

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79779

JAN 22 2015

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

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 COMPANYCheck 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: _____

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**JAN 22 2015****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**WATER RESOURCES
WESTERN REGIONName of Applicant(s) J. R. SIMPLOT COMPANYPhone 208-336-2110Mailing address P.O. BOX 27, BOISE, ID 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, Senior Vice-President

Print Name and Title if applicable

Date

21 JAN 2015

Signature of Applicant or Authorized Representative

Secretary & General Counsel

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**.
- The transfer will create a Permissible Place of Use for the water rights identified in this transfer application.

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					
☐	☐	Please see Exhibit A attached hereto for a complete listing of the water rights			
☐	☐	to be modified by this transfer application.			
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights 50.24 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 50.24 cubic feet per second and/or _____ 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	
Please see the Permissible Place of Use described on Exhibit B attachments.																			
Total Acres (for irrigation use)																			

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:
All Diversions are equipped with measuring devices.

- b. Who owns the property at the point(s) of diversion? USA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The applicant is a member of the Bybee Lateral Water Users Association who owns the diverting works.

- 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: N/A

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. No.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The acreage irrigated within the Permissible Place of Use will not exceed the number of acres allowed under the water rights included in this transfer application.

- 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:
This transfer application includes all affected water rights.

- 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:

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) N/A

- ☐ 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 N/A

- ☐ 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:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 58 1/2 maps / 1 CD attachments.
Received by cl Date 1/22/15 Preliminary check by P. Kelly Date 12/15/2010
Fee paid \$3,229.60 Date 1/22/15 Received by cl Receipt # W041751
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

Exhibit A

Part 1.B.1 (List of Water Rights).

The following water rights will be included in a Permissible Place of Use

Water Right Number	Amount cfs/af	Nature of Use	Period of Use			Source & Tributary
2-7206	0.76/190	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-10187	12.16/2035.2	Irrigation	1-Apr	to	31-Oct	Snake River/ Columbia River
2-2153	1.55/346.5	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-2154	2.76/695	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-2423	1.86/465	Irrigation	1-Mar	to	30-Nov	Snake River/ Columbia River
57-187B	0.3/1507.5	Irrigation	1-Mar	to	15-Nov	Groundwater
57-2152	2.4	Irrigation	1-Mar	to	15-Nov	Unnamed Stream/Shoofly Creek
2-2308	23/6760	Irrigation	1-Mar	to	30-Nov	Snake River/ Columbia River
57-11642	1.41/317.3	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11640	0.5/112.5	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11638	0.47/105.7	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11636	.77/173.3	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11634	0.56/126	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11632	1.23/276.8	Irrigation	1-Mar	to	15-Nov	Groundwater
57-187A	0.96	Irrigation	1-Mar	to	15-Nov	Groundwater
57-185	0.2	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11644	.48/108	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11646	.24/54	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11648	.6/135	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11650	.73/164.2	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11652	.41/92.3	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11654	.95/213.7	Irrigation	1-Mar	to	15-Nov	Groundwater
57-2225B	.85/192.15	Irrigation	1-Mar	to	15-Nov	Groundwater
2-10202	1.18/270	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-7060B	0.8	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River

Due to various combined limits included in these water rights, the maximum flow rate included in this transfer application is 50.24 cfs

Exhibit B

Permissible Place of Use:

[illegible]

Application for Transfer Part 2A

Page _____ of _____

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

Current Water Right No.: 2-7206

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 10/30/1975

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.76 CFS

Annual Volume

190 AF

Total Diversion

0.76 CFS

190 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S11

SENE

38.00

Total Acres: 38

Conditions of Approval:

1. R33 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afu per acre for the lands above.
2. 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.
3. 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.
4. E55 Right Nos. 02-07206 and 02-10187 are limited to the irrigation of a combined total of 608 acres in a single irrigation season.
5. F06 The following rights are also diverted through point of diversion described above: 02-02153, 02-02154, 02-02308, 02-02423, 02-02424, 02-07206.

Decreed Date: 9/28/2009

Page _____ of _____

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

Current Water Right No.: 2-10187

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 2/25/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

12.16 CFS

12.16 CFS

Annual Volume

2035.2 AF

2035.2 AF

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L9(SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S1	SWSE	40.00	T06S R03E S2	SWSE	40.00
T06S R03E S11	NWNE	40.00	T06S R03E S11	NENW	40.00
T06S R03E S11	NWNW	40.00	T06S R03E S11	SWNW	40.00
T06S R03E S11	SENE	38.00	T06S R03E S11	NESE	5.00
T06S R03E S12	NENE	40.00	T06S R03E S12	NWNE	40.00
T06S R03E S12	SWNE	40.00	T06S R03E S12	SENE	40.00
T06S R03E S12	NESE	40.00	T06S R03E S12	NWSE	40.00
T06S R04E S7	NWNW	37.00	T06S R04E S7	SWNW	40.00
T06S R04E S7	NWSW	8.00			

Total Acres: 608

Page _____ of _____

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 1880 acres in a single irrigation season. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.
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. E51 This right when combined with Rights 02-02308, 02-07206 and 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 lands below.
4. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Approval of Transfer 5714 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
7. P21 THIS RIGHT IS A SPLIT FROM FORMER CLAIM 02-2209D.
8. T08 Failure of the right holder to comply with the conditions of Transfer 5714 is cause for the Director to rescind approval of the transfer.

Decreed Date: 9/28/2009

Page _____ of _____

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

Current Water Right No.: 2-2153

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 10/26/1959

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

1.55 CFS

Annual Volume

346.5 AF

Total Diversion

1.55 CFS

346.5 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S1

NWSW

17.00

T06S R03E S1

SWSW

40.00

T06S R03E S1

SESW

20.00

Total Acres: 77

Conditions of Approval:

1. 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.
2. F06 The following rights are also diverted through point of diversion described above: 02-02153, 02-02154, 02-02308, 02-02423, 02-02424, 02-07206.
3. 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.
4. E56 The rights listed below are limited to the irrigation of a combined total of 441 acres in a single irrigation season. Combined Right Nos.: 02-02153, 02-02154, 02-02423, 57-00187B, & 57-02152.
5. E61 The rights listed below are limited to a total combined diversion rate of 6.0 cfs and to a total combined annual diversion volume of 1462 AF. Combined Right Nos.: 02-02153, 02-02154, & 02-02423.

Decreed Date: 9/28/2009

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

Current Water Right No.: 2-2154

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 10/26/1959
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

2.76 CFS

Annual Volume

695 AF

Total Diversion

2.76 CFS

695 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S2	SWNE	2.00	T06S R03E S2	NESE	30.00
T06S R03E S2	NWSE	40.00	T06S R03E S2	SESE	33.00
T06S R03E S11	NENE	34.00			

Total Acres: 139

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 6.0 cfs and to a total combined annual diversion volume of 1462 AF. Combined Right Nos.: 02-02153, 02-02154, & 02-02423.
2. E56 The rights listed below are limited to the irrigation of a combined total of 441 acres in a single irrigation season. Combined Right Nos.: 02-02153, 02-02154, 02-02423, 57-00187B, & 57-02152.
3. F06 The following rights are also diverted through point of diversion described above: 02-02153, 02-02154, 02-02308, 02-02423, 02-02424, 02-07206.
4. 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.
5. 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.

Decreed Date: 9/28/2009

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

Current Water Right No.: 2-2423

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 2/24/1964
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/30

Total Diversion

Diversion Rate

1.86 CFS

1.86 CFS

Annual Volume

465 AF

465 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S1	NWSW	3.00	T06S R03E S2	NWNE	40.00
T06S R03E S2	SWNE	34.00	T06S R03E S2	NESE	10.00
T06S R03E S2	SESE	5.00	T06S R03E S11	NENE	1.00

Total Acres: 93

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion described above: 02-02153, 02-02154, 02-02306, 02-02423, 02-02424, 02-07206.
2. E61 The rights listed below are limited to a total combined diversion rate of 6.0 cfs and to a total combined annual diversion volume of 1462 AF. Combined Right Nos.: 02-02153, 02-02154, & 02-02423.
3. E56 The rights listed below are limited to the irrigation of a combined total of 441 acres in a single irrigation season. Combined Right Nos.: 02-02153, 02-02154, 02-02423, 57-00187B, & 57-02152.
4. 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.

Decreed Date: 9/28/2009

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

Current Water Right No.: 57-187B

Current Owner: TRIANGLE DAIRY INC

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	0.3 CFS	1507.5 AF
	<u>Total Diversion</u>	0.3 CFS	1507.5 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 12,	Twp 06S,	Rge 03E B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S1	NWSW	5.50	T06S R03E S1	SWSW	40.00
T06S R03E S1	SESW	24.00	T06S R03E S2	NESE	33.50
T06S R03E S2	SESE	32.00	T06S R03E S11	NENE	32.00
T06S R03E S11	SENE	9.00	T06S R03E S12	NENW	39.00
T06S R03E S12	NWNW	40.00	T06S R03E S12	SWNW	40.00
T06S R03E S12	SENW	40.00			

Total Acres: 335

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Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-02152 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.
5. 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.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-2152

Current Owner: TRIANGLE DAIRY INC

Priority Date: 4/13/1923

Origin: Water Right

Status: Active

Basis: Decreed

Source

UNNAMED STREAM

Tributary

SHOOFLY CREEK

Beneficial Use

IRRIGATION

From To

3/01 to 11/15

Total Diversion

Diversion Rate

2.4 CFS

2.4 CFS

Annual Volume

Location of Point(s) of Diversion

UNNAMED STREAM

OWYHEE County

SE 1/4 NE 1/4 NW 1/4

Sec. 12, Twp 06S, Rge 03E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S1	NWSW	5.50	T06S R03E S1	SWSW	40.00
T06S R03E S1	SESW	24.00	T06S R03E S2	NESE	33.50
T06S R03E S2	SESE	32.00	T06S R03E S11	NENE	32.00
T06S R03E S11	SENE	9.00	T06S R03E S12	NENW	39.00
T06S R03E S12	NWNW	40.00	T06S R03E S12	SWNW	40.00
T06S R03E S12	SENW	40.00			

Total Acres: 335

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Conditions of Approval:

1. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.
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. USE OF THIS RIGHT WITH RIGHT NO. 57-00187B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 335 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 10/25/2002

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

Current Water Right No.: 2-2308

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 5/20/1964
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/30

Total Diversion

Diversion Rate

23 CFS

23 CFS

Annual Volume

6760 AF

6760 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S2	SENE	20.00	T06S R03E S10	SESE	40.00
T06S R03E S11	SWNE	35.00	T06S R03E S11	SENE	40.00
T06S R03E S11	NWNW	40.00	T06S R03E S11	SWNW	40.00
T06S R03E S11	NESW	36.00	T06S R03E S11	NWSW	38.00
T06S R03E S11	SWSW	40.00	T06S R03E S11	NWSE	35.00
T06S R03E S11	SWSE	15.00	T06S R03E S11	SESE	40.00
T06S R03E S12	NENW	40.00	T06S R03E S12	NWNW	40.00
T06S R03E S12	SWNW	40.00	T06S R03E S12	SENE	40.00
T06S R03E S12	NESW	30.00	T06S R03E S12	NWSW	40.00
T06S R03E S12	SWSW	40.00	T06S R03E S12	SESW	40.00
T06S R03E S12	SWSE	30.00	T06S R03E S12	SESE	35.00
T06S R03E S13	NENE	40.00	T06S R03E S13	NWNE	40.00
T06S R03E S13	SWNE	40.00	T06S R03E S13	SENE	35.00
T06S R03E S13	NENW	40.00	T06S R03E S13	NWNW	40.00
T06S R03E S13	SWNW	40.00	T06S R03E S13	SENE	40.00
T06S R03E S14	NENE	40.00	T06S R03E S14	NWNE	15.00
T06S R03E S14	SWNE	10.00	T06S R03E S14	SENE	30.00
T06S R03E S14	NWNW	38.00	T06S R03E S14	SWNW	10.00
T06S R03E S14	SENE	25.00	T06S R03E S15	NENE	40.00
T06S R03E S15	SENE	35.00			

Total Acres: 1352

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Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion described above: 02-02153, 02-02154, 02-02308, 02-02423, 02-02424, 02-07206.
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 2071 acres in a single irrigation season. Combined Right Nos.: 02-02308, 2-7206, 02-10187, 57-00185, 57-00187A, 57-00187B, 57-02152, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, & 57-11654.
4. E52 The rights listed below are limited to a total combined diversion rate of 41.41 cfs.
Combined Right Nos.: 02-02308, 02-10187, 57-00185, 57-00187A, 57-00187B, 57-02152, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, & 57-11654.
5. E53 Right Nos. 02-02308 and 02-10187 are limited to a total combined annual diversion volume of 8527.2 AF.

Decreed Date: 9/28/2009

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

Current Water Right No.: 57-185

Current Owner: TRIANGLE DAIRY INC

Priority Date: 1/18/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/01 to 11/15

0.2 CFS

Total Diversion

0.2 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 13, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S11	SESE	36.00	T06S R03E S12	NESW	13.00
T06S R03E S12	NWSW	37.00	T06S R03E S12	SWSW	37.00
T06S R03E S12	SESW	15.00	T06S R03E S12	SWSE	18.00
T06S R03E S12	SESE	38.00	T06S R03E S13	NENE	39.00
T06S R03E S13	NWNE	38.00	T06S R03E S13	SWNE	39.00
T06S R03E S13	SENE	35.00	T06S R03E S13	NENW	40.00
T06S R03E S13	NWNW	40.00	T06S R03E S13	SWNW	6.00
T06S R03E S13	SENW	40.00	T06S R03E S14	NENE	40.00

Total Acres: 511

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Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-00187A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2,299.5 AF.
2. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.
3. USE OF THIS RIGHT WITH RIGHT NO. 57-00187A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 511 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 57-00187A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-187A

Current Owner: TRIANGLE DAIRY INC

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	3/01 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>
0.96 CFS
0.96 CFS

Annual Volume

Location of Point(s) of Diversion

GROUND WATER
OWYHEE County

SE1/4NE1/4 Sec. 13, Twp 06S, Rge 03E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S11	SESE	36.00	T06S R03E S12	NESW	13.00
T06S R03E S12	NWSW	37.00	T06S R03E S12	SWSW	37.00
T06S R03E S12	SESW	15.00	T06S R03E S12	SWSE	18.00
T06S R03E S12	SESE	38.00	T06S R03E S13	NENE	39.00
T06S R03E S13	NWNE	38.00	T06S R03E S13	SWNE	39.00
T06S R03E S13	SENE	35.00	T06S R03E S13	NENW	40.00
T06S R03E S13	NWNW	40.00	T06S R03E S13	SWNW	6.00
T06S R03E S13	SENW	40.00	T06S R03E S14	NENE	40.00

Total Acres: 511

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Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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(5), IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NO. 57-00185 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2,299.5 AF.
4. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.
5. RIGHT NO. 57-00185 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. USE OF THIS RIGHT WITH RIGHT NO. 57-00185 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 511 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 10/25/2002

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

Current Water Right No.: 57-11632

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

1.23 CFS

276.8 AF

Total Diversion

1.23 CFS

276.8 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
2. X27 This right is limited to the irrigation of 61.5 acres within the place of use described above in a single irrigation season.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11634

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.56 CFS	126 AF
	Total Diversion	0.56 CFS	126 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENE	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

79779

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 28 acres within the place of use described above in a single irrigation season.
2. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
6. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11636

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.77 CFS	173.3 AF
	<u>Total Diversion</u>	0.77 CFS	173.3 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENE	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. X27 This right is limited to the irrigation of 38.5 acres within the place of use described above in a single irrigation season.
6. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11638

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.47 CFS

105.7 AF

Total Diversion

0.47 CFS

105.7 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
8. X27 This right is limited to the irrigation of 23.5 acres within the place of use described above in a single irrigation season.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11640

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/1/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.5 CFS

112.5 AF

Total Diversion

0.5 CFS

112.5 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
2. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. X27 This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
6. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. T08 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. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11642

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 3/16/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

1.41 CFS

317.3 AF

Total Diversion

1.41 CFS

317.3 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
3. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. X27 This right is limited to the irrigation of 70.5 acres within the place of use described above in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11644

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 3/16/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.48 CFS	108 AF
	<u>Total Diversion</u>	0.48 CFS	108 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. X27 This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
8. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11646

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 3/20/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.24 CFS

54 AF

Total Diversion

0.24 CFS

54 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T08 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. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
7. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. X27 This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11648

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/13/1922

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.6 CFS

135 AF

Total Diversion

0.6 CFS

135 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unfiled decree.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. X27 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
4. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
5. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. T08 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 9/16/2002

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

Current Water Right No.: 57-11650

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 3/24/1923

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.73 CFS

164.2 AF

Total Diversion

0.73 CFS

164.2 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

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Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. X27 This right is limited to the irrigation of 36.5 acres within the place of use described above in a single irrigation season.
8. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.

Decreed Date: 9/16/2002

Page _____ of _____

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

Current Water Right No.: 57-11652

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 4/25/1944

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.41 CFS	92.3 AF
	<u>Total Diversion</u>	0.41 CFS	92.3 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 06S,	Rge 03E B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

Page _____ of _____

Conditions of Approval:

1. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. X27 This right is limited to the irrigation of 20.5 acres within the place of use described above in a single irrigation season.
5. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, 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 lands above.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Decreed Date: 9/16/2002

Page _____ of _____

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

Current Water Right No.: 57-11654

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 3/25/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/01 to 11/15

0.95 CFS

213.7 AF

Total Diversion

0.95 CFS

213.7 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

GROUND WATER

SW1/4NW1/4

Sec. 14, Twp 06S, Rge 03E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S10	SESE	40.00	T06S R03E S11	SWNE	36.50
T06S R03E S11	SENE	26.80	T06S R03E S11	NESW	36.00
T06S R03E S11	NWSW	38.00	T06S R03E S11	SWSW	40.00
T06S R03E S11	NESE	1.00	T06S R03E S11	NWSE	20.20
T06S R03E S11	SWSE	7.00	T06S R03E S14	NWNE	16.00
T06S R03E S14	SWNE	3.00	T06S R03E S14	SENE	33.00
T06S R03E S14	NENW	6.00	T06S R03E S14	NWNW	36.00
T06S R03E S14	SENW	16.00	T06S R03E S15	NENE	39.00
T06S R03E S15	SENE	23.00			

Total Acres: 417.5

Page _____ of _____

Conditions of Approval:

1. X27 This right is limited to the irrigation of 47.5 acres within the place of use described above in a single irrigation season.
2. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. T17 Prior to the 2006 irrigation season, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. X35 Rights 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652 and 57-11654 are diverted through the points of diversion described above. All of these rights when combined shall not exceed a total diversion rate of 7.49 cfs, a total annual maximum diversion volume of 1878.8 af at the field headgate, and the irrigation of 417.5 acres. The rights listed above, when combined with rights 2-2308 and 2-7206, shall provide no more than 0.02 cfs per acre nor more than 4.5 af per acre at the field headgate for irrigation of the lands above.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 3/12/2002

Page _____ of _____

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

Current Water Right No.: 2-7060B

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 4/9/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.8 CFS

Annual Volume

160 AF

Total Diversion

0.8 CFS

160 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SW1/4SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R04E S18 Lot 2 SWNW 40.00

Total Acres: 40

Conditions of Approval:

1. P21 This right is a split from former right 02-7060.
2. 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.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. F06 The following rights are diverted through point of diversion described above: 02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B, 02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.

Decreed Date: 6/15/2009

Page _____ of _____

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

Current Water Right No.: 2-10202

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 7/23/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

1.18 CFS

Annual Volume

270 AF

Total Diversion

1.18 CFS

270 AF

Location of Point(s) of Diversion

SNAKE RIVER

L9(SE1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R03E S11

SESW

32.00

T06S R03E S14

NENW

28.00

Total Acres: 60

Conditions of Approval:

1. F06 The following rights are diverted through point of diversion described above: 02-10198, 02-10201, & 02-10202.
2. 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.
3. 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.
4. P21 This right is a split from former right 02-10197.

Decreed Date: 6/15/2009

Page _____ of _____

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

Current Water Right No.: 57-2225B

Current Owner: TRIANGLE DAIRY INC

Priority Date: 5/2/1958

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	0.85 CFS	192.15 AF
	<u>Total Diversion</u>	0.85 CFS	192.15 AF

Location of Point(s) of Diversion

GROUND WATER

L2(SW1/4SW1/4NW1/4) Sec. 18, Twp 06S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R04E S7		SESW	2.50	T06S R04E S18		NENW	27.70
T06S R04E S18	Lot 1	NWNW	12.50				
Total Acres: 42.7							

Conditions of Approval:

1. 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.

Decreed Date: 10/25/2002

79779

Attachment #2A

- 1) Warranty Deed recorded in the official real property records of Owyhee County, Idaho on March 22, 2000 as instrument no. 231800.
- 2) Bargain and Sale Deed recorded in the official real property records of Owyhee County, Idaho on December 31, 2013 as instrument no. 282954.

FILED - RECORDED

00 MAR 22 PM 3:28

231800

RECORDATION REQUESTED BY:

Allegiance
18

B. J. Dett

WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

WARRANTY DEED

2

FOR VALUE RECEIVED, Triangle Dairy, Inc., an Idaho corporation, fka Tate Dairy, Inc., the "Grantor," hereby GRANTS, BARGAINS, SELLS AND CONVEYS to J.R. Simplot, 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, of 999 Main Street, Ste. 1300, Boise, Idaho 83702, the "Grantee," the following described real property situated in the County of Owyhee, State of Idaho, to-wit:

Legally described on Exhibit A attached hereto and made a part hereof,

To have and to hold the said premises with their appurtenances unto the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances, save and except as hereinafter provided, and that they will warrant and defend the same from all lawful claims whatsoever. The encumbrances to which the premises are subject are as follows:

1. Encroachments, overlaps, boundary line disputes, and any other matters which may be disclosed by an accurate survey.
2. Taxes or special assessments for 1999 and thereafter.
3. Setbacks, zoning regulations, rules, regulations, and laws affecting and governing the said premises.
4. Those certain matters contained in the public records of Owyhee County, Idaho, and specifically identified in that certain Commitment for Title Insurance Order No. 00022423, effective date January 4, 2000, revised March 2, 2000, issued by Chicago Title Insurance Company as exception Nos. 8 - 35, inclusive, on Schedule B, Section 2 thereof.

WARRANTY DEED - 1

DATED this 21st day of March, 2000.

GRANTOR:

TRIANGLE DAIRY, INC.,
fka TATE DAIRY, INC.

By: Forthlan G. Tate
President

Attest:

By: William D. Tate
Secretary

WARRANTY DEED - 2

79779

STATE OF IDAHO)
) ss.
County of Ada)

On this 21st day of March, 2000, before me, a notary public, personally appeared Kathleen A. Tate and William D. Tate, known or identified to me to be the President and Secretary, respectively, of Triangle Dairy, Inc., fka Tate Dairy, Inc., the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shawna L. Marcussen
Notary Public for Idaho
Residing at Boise ID
Commission Expires: 2-12-02

WARRANTY DEED - 3

EXHIBIT "A"

PARCEL I

All in Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

Section 1: Northwest Quarter Southwest Quarter; South Half Southwest Quarter; Southwest Quarter Southeast Quarter.

Section 2: Lot 2; South Half Northeast Quarter; Southeast Quarter.

Section 10:

The East Half of the Northeast Quarter, and the East Half of the Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

EXCEPTING THEREFROM the following described parcel:

A parcel of land located in the East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

COMMENCING at the Quarter corner common to Section 3 and the said Section 10, from which the Northeast corner of Section 10, as same was re-established with reference monuments by Tommy G. Banks, Cadastral Surveyor for the Bureau of Land Management in 1967, bears South 89 degrees 48'55" East, 2657.45 feet; thence South 89 degrees 48'55" East, 2427.31 feet; thence South 01 degrees 36'26" West, 32.23 feet to a point in the center of the Northerly end of an existing runway, said point being the REAL POINT OF BEGINNING; thence South 88 degrees 23'26" East, 75.00 feet; thence South 01 degrees 36'26" West, 2935.82 feet; thence North 90 degrees 00'00" East, 233.71 feet (more or less) to a point on the East boundary of said Section 10; thence along said East boundary South 00 degrees 26'00" West, 177.02 feet (more or less); thence South 90 degrees 00'00" West, 561.66 feet; thence North 13 degrees 34'11" East, 142.29 feet; thence North 78 degrees 02'35" East, 148.85 feet; thence North 01 degrees 36'26" East, 2947.88 feet; thence South 88 degrees 23'34" East, 75.00 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land situate in the Northeast Quarter Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

Continuation of Exhibit A

Order No.:00022423 PRW

COMMENCING at a point 1367 feet due North of the Southeast section corner of Section 10, Township 6 South, Range 3 East, Boise Meridian, in the Northeast Quarter Southeast Quarter of said Section 10, being the REAL POINT OF BEGINNING; thence North 200 feet; thence West 150 feet; thence South 200 feet; thence East 150 feet to the REAL POINT OF BEGINNING.

AND

Section 11: North Half Northeast Quarter.

Section 12: North Half Northeast Quarter; Southeast Quarter Northeast Quarter; Northeast Quarter Southeast Quarter.

Section 14: Southwest Quarter Northwest Quarter.

Section 15: East Half Northeast Quarter.

PARCEL II

All in Township 6 South, Range 4 East, Boise Meridian, Owyhee County, Idaho.

Section 7: Lots 1, 2, 3, and 4; Southeast Quarter Southwest Quarter.

Section 18: Lot 1; Northeast Quarter Northwest Quarter.

PARCEL III

All in Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

Section 11: West Half; Southeast Quarter; South Half Northeast Quarter.

Section 12: West Half; Southwest Quarter Northeast Quarter; West Half Southeast Quarter; Southeast Quarter Southeast Quarter.

Section 13: North Half; Northwest Quarter Southeast Quarter.

Section 14: Northeast Quarter; North Half Northwest Quarter; Southeast Quarter Northwest Quarter.

Continuation of Exhibit A

Order No.:00022423 PRW

PARCEL IV

All in Township 6 South, Range 4 East, Boise Meridian, Owyhee
County, Idaho.

Section 18: Lot 2.

Instrument # 282954
MURPHY, OWYHEE, IDAHO
12-31-2013 04:45:43 No. of Pages: 5
Recorded for : JRS PROPERTIES III LP
ANGELA BARKELL Fee: 22.00
Ex-Officio Recorder Deputy McHerran
Index to: DEED, BARGAIN AND SALE

BARGAIN AND SALE DEED

EFFECTIVE the 31st day of August, 2013, 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 Owyhee 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.

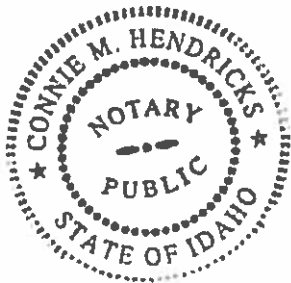
J.R. Simplot Self-Declaration of Revocable Trust,
established by written instrument dated December 21,
1989, and registered in the Fourth Judicial District of the
State of Idaho, Ada County, as No. 3T-788

BY: Ronald N. Graves
Ronald N. Graves, Trustee

STATE OF IDAHO }
COUNTY OF ADA } ss.

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"

PARCEL I

All in Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

Section 1: Northwest Quarter Southwest Quarter; South Half Southwest Quarter; Southwest Quarter Southeast Quarter.

Section 2: Lot 2; South Half Northeast Quarter; Southeast Quarter.

Section 10:

The East Half of the Northeast Quarter, and the East Half of the Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

EXCEPTING THEREFROM the following described parcel:

A parcel of land located in the East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

COMMENCING at the Quarter corner common to Section 3 and the said Section 10, from which the Northeast corner of Section 10, as same was re-established with reference monuments by Tommy G. Banks, Cadastral Surveyor for the Bureau of Land Management in 1967, bears South 89 degrees 48'55" East, 2657.45 feet; thence South 89 degrees 48'55" East, 2427.31 feet; thence South 01 degrees 36'26" West, 32.23 feet to a point in the center of the Northerly end of an existing runway, said point being the REAL POINT OF BEGINNING; thence South 88 degrees 23'26" East, 75.00 feet; thence South 01 degrees 36'26" West, 2935.82 feet; thence North 90 degrees 00'00" East, 233.71 feet (more or less) to a point on the East boundary of said Section 10; thence along said East boundary South 00 degrees 26'00" West, 177.02 feet (more or less); thence South 90 degrees 00'00" West, 561.66 feet; thence North 13 degrees 34'11" East, 142.29 feet; thence North 78 degrees 02'35" East, 148.85 feet; thence North 01 degrees 36'26" East, 2947.88 feet; thence South 88 degrees 23'34" East, 75.00 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land situate in the Northeast Quarter Southeast Quarter of Section 10, Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

Continuation of Exhibit A

Order No.:00022423 PRW

COMMENCING at a point 1367 feet due North of the Southeast section corner of Section 10, Township 6 South, Range 3 East, Boise Meridian, in the Northeast Quarter Southeast Quarter of said Section 10, being the REAL POINT OF BEGINNING; thence North 200 feet; thence West 150 feet; thence South 200 feet; thence East 150 feet to the REAL POINT OF BEGINNING.

AND

Section 11: North Half Northeast Quarter.

Section 12: North Half Northeast Quarter; Southeast Quarter Northeast Quarter; Northeast Quarter Southeast Quarter.

Section 14: Southwest Quarter Northwest Quarter.

Section 15: East Half Northeast Quarter.

PARCEL II

All in Township 6 South, Range 4 East, Boise Meridian, Owyhee County, Idaho.

Section 7: Lots 1, 2, 3, and 4; Southeast Quarter Southwest Quarter.

Section 18: Lot 1; Northeast Quarter Northwest Quarter.

PARCEL III

All in Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho.

Section 11: West Half; Southeast Quarter; South Half Northeast Quarter.

Section 12: West Half; Southwest Quarter Northeast Quarter; West Half Southeast Quarter; Southeast Quarter Southeast Quarter.

Section 13: North Half; Northwest Quarter Southeast Quarter.

Section 14: Northeast Quarter; North Half Northwest Quarter; Southeast Quarter Northwest Quarter.

Continuation of Exhibit A

Order No.:00022423 PRW

PARCEL IV

All in Township 6 South, Range 4 East, Boise Meridian, Owyhee
County, Idaho.

Section 18: Lot 2.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 26, 2017

JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

RE: Transfer No. 79779

Water Right No(s). 2-10187, 2-10202, 2-2153, 2-2154, 2-2308, 2-2423, 2-7060B, 2-7206, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, 57-11654, 57-185, 57-187A, 57-187B, 57-2152, 57-2225B

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A **Statewide** legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 2/1/2017 and 2/8/2017, as well as the ID STATESMAN, POST REGISTER, LEWISTON MORN TRIBUNE, and TIMES NEWS on 2/2/2017 and 2/9/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 26, 2017 9:03 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 2/1/17 & 2/8/17.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 26, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Applications for Transfer Nos. 80856 & 79779
Application for Permit No. 57-11884

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

57-11884

ROBERT A THOMAS

KELLY A THOMAS

17947 SHORT CUT RD

MURPHY, ID 83650-5089

Points of Diversion SW(ALL) S29 T04S R01E OWYHEE County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.45 CFS

Total Diversion: 2.45 CFS

Date Filed: 9/20/2016

Place of Use: IRRIGATION

T04S R01E S27 SW(ALL)

T04S R01E S28 SWNW SENW SW(ALL) SE(ALL)

T04S R01E S29 SESW SE(ALL)

Total Acres: 290

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80856

MARSHALL W BECKER, 31383 MUD FLAT RD, GRAND VIEW, ID 83624; has filed Application No. 80856 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-11633, 57-11635, 57-11637, 57-11639, 57-11641, 57-11643, 57-11645, 57-11647, 57-11649, 57-11651, 57-11653, 57-11655, 57-1202, 57-1205, 57-1207, 57-2285A, 57-2285B, 57-7036, 57-7037; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to create a 745.9 acre permissible place within a 1,278 acre boundary. Changes to the rights will accurately describe all active points of diversion. Water will be used at the current place of use 6 miles south of Grandview.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79779

JR SIMPLOT COMPANY, PO BOX 27, BOISE, ID 83707; has filed Application No. 79779 for changes to the following water rights within OWYHEE County(s): Right No(s). 2-10187, 2-10202, 2-2153, 2-2154, 2-2308, 2-2423, 2-7060B, 2-7206, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, 57-11654, 57-185, 57-187A, 57-187B, 57-2152, 57-2225B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to create a 2,504.7 acre permissible place of use within a 2,876 acre boundary. Water will be used at the current place of use approximately 4.0 miles south-west of C.J. Strike Dam.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see

www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-

222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735

Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/1/2017 and 2/8/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 26, 2017 9:02 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 2/2/17 & 2/9/17.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 26, 2017

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-33897
 Application for Permit No. 63-34202
 Application for Permit No. 63-34281
 Application for Permit No. 63-34101
 Application for Permit No. 63-34102
 Application to Amend Permit No: 63-34042
 Application for Transfer No. 79779

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33897

STEVEN P CALVERLEY

247 N BENE POSTO PL

BOISE, ID 83712-7598

Point of Diversion NESE S26 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.93 CFS

Total Diversion: 0.93 CFS

Date Filed: 1/21/2014

Place of Use: IRRIGATION

T02N R01E S26 SWNE NESE NWSE SWSE

Total Acres: 92

Water bearing zone to be appropriated is from 140 to 200 feet.

Applicant proposes to irrigate 45.3 acres within a 92 acre permissible place of use.

63-34202

CS PROPERTY DEVELOPMENT LLC

PO BOX 27

BOISE, ID 83707

Points of Diversion SESE SWSE S11 T01N R01E ADA County Source GROUND WATER

Points of Diversion SWNW SENW S12 T01N R01E ADA County Source GROUND WATER

Points of Diversion NWNE NWNW NESE S13 T01N R01E ADA County Source GROUND WATER

Point of Diversion NENE NWNE SWNE SENE NESE NWSE S14 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 4.96 CFS

Total Diversion: 4.96 CFS

Date Filed: 2/29/2016

Place of Use: IRRIGATION

T01N R01E S14 SWSE SESE

T01N R01E S23 NENE NWNE

T01N R01E S24 NW(ALL)

Total Acres: 248

Water bearing zone to be appropriated is from 300 to 600 feet.

63-34281

AIR SUPPLY AND PUMP LLC

1164 E BEACON LIGHT RD

EAGLE, ID 83616

Point of Diversion SESE S11 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.54 CFS

Use: IRRIGATION 03/01 to 11/15 0.54 CFS

Total Diversion: 0.54 CFS

Date Filed: 8/15/2016

Place of Use: IRRIGATION

T05N R01E S10 NESE NWSE

T05N R01E S11 NESW NWSW SESW NWSE SWSE SESE

T05N R01E S14 NENE NWNE

Place of Use: DOMESTIC

T05N R01E S10 SWNE SWNW SENW SE(ALL)

T05N R01E S11 SWNE SENE SW(ALL) SE(ALL)

T05N R01E S14 NENE NWNE NENW NWNW

Total Acres: 27

Water bearing zone to be appropriated is from 125 to 222 feet.

63-34101

G O INVESTMENTS IDAHO LLC

26358 SAND RD

PARMA, ID 83660

Point of Diversion SWNE S4 T04N R05W CANYON County Source GROUND WATER

Point of Diversion SENE S3 T04N R05W CANYON County Source GROUND WATER

Point of Diversion SWSW S33 T05N R05W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 13.56 CFS

Total Diversion: 13.56 CFS

Date Filed: 3/31/2015

Place of Use: IRRIGATION

T04N R05W S3 L3(NENW) L4(NWNW)

T04N R05W S4 L1(NENE) L2(NWNE) SWNE SENE L3(NENW) SENW SE(ALL)

T05N R05W S33 SE(ALL)

T05N R05W S34 SWNE NWSW SWSW

Total Acres: 678
Water bearing zone to be appropriated is from 85 to 400 feet.

63-34102
G O INVESTMENTS IDAHO LLC
26358 SAND RD
PARMA, ID 83660
Point of Diversion SENE S3 T04N R05W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 3 CFS
Total Diversion: 3 CFS
Date Filed: 3/31/2015
Place of Use: IRRIGATION
T05N R05W S34 NESW SESW NWSE SWSE
Total Acres: 150
Water bearing zone to be appropriated is from 85 to 400 feet.

PROPOSED AMENDMENT OF WATER PERMIT

Robert Bruno of 1595 E Via Roberto Ln, Meridian Idaho 83642 filed application no. 81137 on to amend water permit no. 63-34042 with a 05/28/15 priority from groundwater totaling 0.86 cfs for irrigation, wildlife, and aesthetic storage as well as stockwater and domestic purposes. The permit provides water for property located about 6.5 kilometers northeast of Kuna, Idaho near the intersection of S Locust Grove Rd and E Columbia Rd. The applicant proposes to amend the conditions of the permit so that he can deepen the well to be used as the point of diversion.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79779

JR SIMPLOT COMPANY, PO BOX 27, BOISE, ID 83707; has filed Application No. 79779 for changes to the following water rights within OWYHEE County(s): Right No(s). 2-10187, 2-10202, 2-2153, 2-2154, 2-2308, 2-2423, 2-7060B, 2-7206, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, 57-11654, 57-185, 57-187A, 57-187B, 57-2152, 57-2225B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to create a 2,504.7 acre permissible place of use within a 2,876 acre boundary. Water will be used at the current place of use approximately 4.0 miles south-west of C.J. Strike Dam.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/20/2017. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 2/2/2017 and 2/9/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 26, 2017 9:04 AM
To: 'legalnotices@postregister.com'; 'LEGALS@LMTRIBUNE.COM'; 'TWF Legals'
Subject: Bonneville Legal Ad - Nez Perce Legal Ad - Twin Falls Legal Ad
Attachments: Statewide Cover Letter.docx; Statewide Legal Ad.docx

Good Morning Staci Dockery, Karen Lewis and Ruby Aufedheide,

Please see the attached ads for publication on 2/2/2017 & 2/9/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 26, 2016

POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 63-34101
 Application for Permit No. 63-34102
 Application for Transfer No. 79779

Dear Legal Notice Departments:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34101

G O INVESTMENTS IDAHO LLC

26358 SAND RD

PARMA, ID 83660

Point of Diversion SWNE S4 T04N R05W CANYON County Source GROUND WATER

Point of Diversion SENE S3 T04N R05W CANYON County Source GROUND WATER

Point of Diversion SWSW S33 T05N R05W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 13.56 CFS

Total Diversion: 13.56 CFS

Date Filed: 3/31/2015

Place of Use: IRRIGATION

T04N R05W S3 L3(NENW) L4(NWNW)

T04N R05W S4 L1(NENE) L2(NWNE) SWNE SENE L3(NENW) SENW SE(ALL)

T05N R05W S33 SE(ALL)

T05N R05W S34 SWNE NWSW SWSW

Total Acres: 678

Water bearing zone to be appropriated is from 85 to 400 feet.

63-34102

G O INVESTMENTS IDAHO LLC

26358 SAND RD

PARMA, ID 83660

Point of Diversion SENE S3 T04N R05W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 3 CFS

Total Diversion: 3 CFS

Date Filed: 3/31/2015

Place of Use: IRRIGATION

T05N R05W S34 NESW SESW NWSE SWSE

Total Acres: 150

Water bearing zone to be appropriated is from 85 to 400 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79779

JR SIMPLOT COMPANY, PO BOX 27, BOISE, ID 83707; has filed Application No. 79779 for changes to the following water rights within OWYHEE County(s): Right No(s). 2-10187, 2-10202, 2-2153, 2-2154, 2-2308, 2-2423, 2-7060B, 2-7206, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, 57-11654, 57-185, 57-187A, 57-187B, 57-2152, 57-2225B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to create a 2,504.7 acre permissible place of use within a 2,876 acre boundary. Water will be used at the current place of use approximately 4.0 miles south-west of C.J. Strike Dam.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/2/2017 and 2/9/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 26, 2017 3:16 PM
To: Whitney, Rob
Subject: Application for Transfer No. 79779
Attachments: Watermaster Recommendation Form_Fill.pdf; Application for Transfer 79779.pdf

January 26, 2017

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No. 79779

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by February 20, 2017.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 79779
FROM: Patrick Kelly
DATE: 1/19/2017
RE: Evaluation of Application

Summary of Information Submitted

Vic Conrad of JR Simplot submitted transfer 79779 January 22, 2015. The application had passed from Steve Lester to Nick Van Dyke to me. Initial overlap review was completed by Nick and Mr. Conrad. It appears that the total combined use limit being suggested was 50.24 cfs, 12,527.1 af on 2,783.8 acres. I completed an overlap review and found fewer acres available by the rights. Below is an attempt to explain the process I made along with its findings.

The file I received contained a spreadsheet labeled "Vic Conrad's Spreadsheet email to NVD. This was very useful to help organize the rights into groups. Water rights are described in groups based on this spreadsheet.

An amended "Exhibit B" of the transfer application outlines a 2,874.6 acre PPU. Department standards round acres up for anything greater than 10 acres in a QQ. Following these practices, the total PPU will be 2,876 acres. An amendment to the application will not be sought for this change.

Group 1: 2-7206 and 2-10187 are a direct overlap of each other for a total of 608 acres. 2-7206 is the junior right and only adds volume to the pair. This group should not be recognized in the total count of acres since the 608 acres are included in Group 3's analysis.

Group 2: The Basin 2 Snake River rights and Basin 57 rights in this group only share a total of 441 acres. The group is complicated since they do not share a rate and volume limit between each other, nor do they sum to 441 acres. The irrigation for this group totals 429.5 acres (Basin 2; 291 ac + Basin 57; 138.5 ac). The rate and volume of the two Basin 57 rights are incorporated with the combined use limit for Group 3 rights. For this reason, they were unstacked from this group and should be considered overlap with Group 3.

57-187B has a decreed rate of 0.30 cfs, 1,507.5 af, a 335 ac POU with an 18.5 ac limit. Conditions on the right state that when combined with 57-2152, the two shall not exceed the irrigation of 335 acres in a season, and that the right is limited to 18.5 acres.

57-2152 has a decreed rate of 2.4 cfs, no volume limit, a 335 ac POU with an 120 ac limit. Conditions on the right state that when combined with 57-187B, the two shall not exceed the irrigation of 335 acres in a season, and that the right is limited to 120 acres.

There are a few problems here, the most obvious being that the two acre limits do not add up to the 335 acre total suggested by conditions. The diversion rates support the acre limits for each right. And the diversion rate for 57-187B could not produce anything close to its volume limit.

It is believed here that a 335 acre PPU was intended to be suggested, and the two rights total 138.5 acres for 2.7 cfs. It is possible that since the Snake River rights were decreed at a later date, the Snake River rights would come in and complete this combined use, but that never occurred.

Overlap review of the Snake River rights in this group finds 18 acres of overlap, leaving a total of 291 acres to be irrigated by the 3 rights. The 2-2423 decree has a combined use limit of 6.00 cfs and 1,462 af. The 6.00 cfs will be maintained. The 1,462 af limit is a diversion limit which will be changed to 1,309.5 af to recognize the headgate limit. This way there is no contradiction between conditions that state "from the field headgate".

The two groups of water rights can then be un-stacked from each other if we recognize the Basin 57 rights being pertinent to the portion of land that does not overlap the Snake River rights (Sec 11 & 12). This should be done since the rate and volume for the Basin 57 rights of this group were included in the 2-2308 decree (Group 3).

The POU Comparison tool included in this memo shows Group 2 totals 291 acres.

Group 3: Combined use limits decreed on 2-2308 limits this group to 41.41 cfs and 2071 acres. The rate and acre limits are identified in separate conditions, the only difference between the two conditions being the inclusion of 2-7206 in the 41.41 cfs rate limit. 2-7206 is a complete overlap to 2-10187 (which is included in both conditions), and only adds volume to the group. Therefore, 2-7206 should be included in both combined use limits for a rate of 41.41 cfs and 2071 acres.

Like 57-187B and 57-2152, errors arose when evaluating 57-185 and 57-187A. 57-185 has a decreed rate of 0.20 cfs, no volume limit, a 511 ac POU with a 10 ac limit. Conditions on the right state that when combined with 57-187A, the two shall not exceed the irrigation of 511 acres in a season, and that the right is limited to 10 acres.

57-187A has a decreed rate of 0.96 cfs, no volume limit, a 511 ac POU with a 48 ac limit. Conditions on the right state that when combined with 57-185, the two shall not exceed the irrigation of 511 acres in a season, and that the right is limited to 48 acres.

The 2,299.5 af volume limit associated with 57-185 and 57-187A is being disregarded since the rights are determined to only cover 58 acres. The 1.16 cfs authorized under the 2 rights could not produce such a volume during the irrigation season.

There are also conditions on these rights that state that Basin 2 claims for the same purpose at the same place of use will be included at a later date. Any water rights in the Basin 2 report will contain limitations for both rights.

It is believed that since the Snake River rights were decreed at a later time, the 511 acre POU was intended to be a combination of Snake River rights and Basin 57 rights. However, when the Snake River rights were decreed, review of the Basin 57 rights were not considered to complete the 511 acre POU.

The acre limit of 2,071 acres on 2-2308 seems to be the limiting factor for all of these rights in the group; however the 2071 acre limit cannot be duplicated through my overlap review. A water right diagram and QQ analysis attached to this memo suggests the group sums to 1898.5 acres. The POU Comparison tool included in this memo shows Group 3 totals 1898.5 acres.

The 41.41 cfs limit is essentially an inch per acre for 2071 acres. Changes can be made to rights with decreed conditions as long as the changes do not enlarge the minimum limitations of the right.

Rights with a max volume in this group totals 11,327.6 af. Individual rights have a range of af/ac from 1.0 to 5.0 af/ac. Headgate standards of 4.5 af/ac was used to recognize a total maximum diversion of 9,319.5 af on 2,071 ac associated with this group.

Independent Rights: 2-7060B, 2-10202 and 57-2225B are water rights with no POU overlap or combined use limits. These rights represent the face value of the rights which total 2.83 cfs, 622.2 af and 142.7 acres.

The POU Comparison tool included in this memo shows Independent Rights totals 142.7 acres.

Overall Combined Use: The total combined use for all of the rights is a product of adding the limits associated with Group 2, Group 3 and Independent rights together. This brings the maximum diversion associated with the farm to 50.24 cfs, 11,251.2 af on 2,504.7 acres. The rate and volume limits of all the rights are a product of summing three groups, and are within rounding numbers of department standards.

Fee: A fee of \$3,229.60 was paid when the transfer application was received. The required fee of transferring 50.24 cfs is \$2,020 plus \$40 for each additional 1.0 cfs after 20.0 cfs. $50.24 - 20 = \sim 31$ cfs. $31 * 40 = \$1,240$. Then, $2020 + 1240 = \$3,260$. An additional \$30.40 will be requested.

Authority to File

The application was filed in the name of JR Simplot Company. JR Simplot is the current owners to all of the land pertinent to water rights in the transfer. Documents in the transfer application provide information to suggest JR Simplot has authority to act on behalf of JR Simplot Self Declaration Revocable Trust. Water rights currently in the name of Triangle Dairy will be changed through the change in water right ownership process. David Spurling signed the application. ID SOS records indicate Mr. Spurling is Secretary and registered with the company.

If the company wishes to place the 25 rights in the name of JR Simplot Co., they will need to pay the \$625 fee. This will be requested while collecting the remaining transfer fees due.

Water Right Validity

The rights were decreed in 2002 & 2009. Water rights total 2,504.7 acres. A shapefile submitted with the application of 2015 irrigation totals 1,847.9 acres. See a letter from the applicant dated September 15, 2016 as defense to forfeiture concerns. Forfeiture is not being cited at this time.

Overlap Analysis

See the attached Overlap Diagram and POU Comparison charts attached to this memo.

Injury to Other Water Rights

None anticipated. Changes to delivery methods or irrigation practices are not being proposed. Changes to rights in the application are citing to clean up the water right records and to reflect a place of use that is currently established on the ground. The irrigation use occurs within the Bruneau – Grandview Ground Water Management Area. Because of this and questions regarding forfeiture, the application will be advertised statewide to provide interested parties and general public the opportunity to protest.

Enlargement of Use

Combined use limits that were decreed will be maintained. Careful overlap review ensures that an enlargement to the water rights does not occur on paper. All diversions for the PPU will be limited to a total rate of 50.24 cfs, an annual volume of 11,251.2 af and 2,504.7 acres.

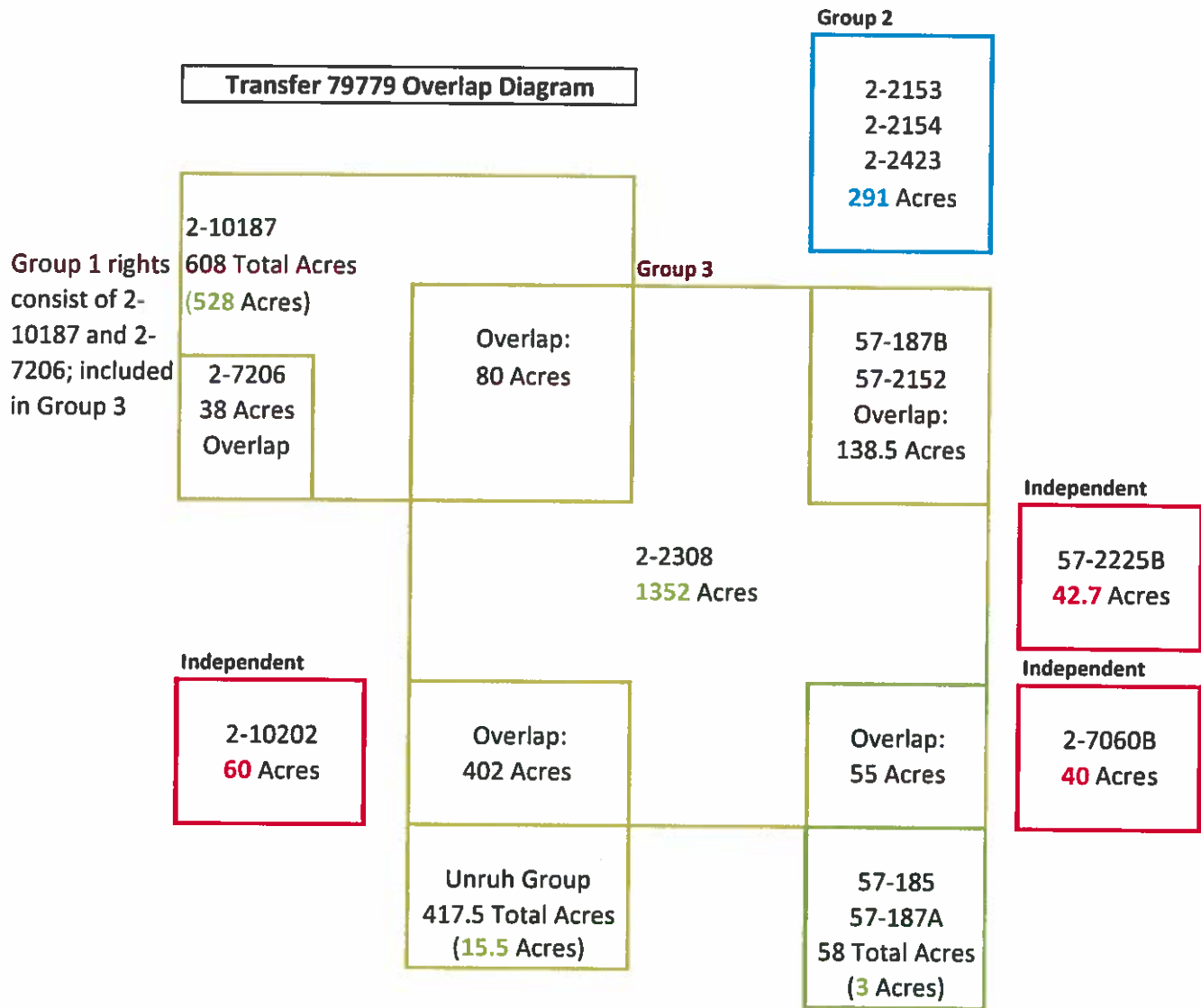
Local Public Interest

No information has been made available to suggest a conflict with 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.



Acres Being Approved on
Transfer 79779

Group 2	291
Group 3	2071 *
Independent	142.7
	<u>2504.7</u>

* Water right analysis for Group 3 according to diagram totals 1895.5 acres. Unable to duplicate 2071 acre limit on 2-2308 decree. Recommending to carry decree limit forward.

Total Acres
Represented by
Diagram

Group 2 rights	291
Group 1 rights	528
2-2308	1352
Unruh group	15.5
57-185/187A	3
2-10202	60
57-2225B	42.7
2-7060B	40
	<u>2332.2</u>

Group 1 included in Group 3

GROUP 1: 2-7206	0.76	190.0	38.0
2-10187	12.16	2,035.2	608.0
	12.92	2,225.2	646.0
	12.16	none	608.0

** This group included in GROUP 3 limit.
Not included in sum for TOTAL limit.

GROUP 2: 2-2153	1.55	346.5	77.0
2-2154	2.76	695.0	139.0
2-2423	1.86	465.0	93.0
	6.17	1,506.5	309.0
	6.00	1,309.5	291.0

** 57-187B & 57-2152 acres are being unstacked from the Snake River rights and moved into the "Group 3" limits. 1,309.5 af limit used to reflect headgate volume for 291 acres.

GROUP 3: 2-2308	23.00	6,760.0	1,352.0
2-7206	0.76	190.0	38.0
2-10187	12.16	2,035.2	608.0
57-185	0.20	---	10.0
57-187A	0.96	---	48.0
57-187B	0.30	83.3	18.5
57-2152	2.40	480.0	120.0
57-11632	1.23	176.8	61.5
57-11634	0.56	126.0	28.0
57-11636	0.77	173.3	38.5
57-11638	0.47	105.7	23.5
57-11640	0.50	112.5	25.0
57-11642	1.41	317.3	70.5
57-11644	0.48	108.0	24.0
57-11646	0.24	54.0	12.0
57-11648	0.60	135.0	30.0
57-11650	0.73	164.5	36.5
57-11652	0.41	92.3	92.3
57-11654	0.95	213.7	213.7
	48.13	11,327.6	2,850.0
	41.41	9,319.5	2,071.0

** 2071 acre limit on 2-2308 limits group that would otherwise sum 1895.5 ac
Significant overlap exist among all rights in this group. Unable to duplicate 2071 ac limit.

2-2308	23	6,760.0	1,352.0
2-7206	0.76	190.0	38.0
2-10187	12.16	2,035.2	608.0
	35.92	8,985.2	1,998.0
	35.16	8,460.0	1,880.0

** This group included in GROUP 3 limit.
Not included in sum for TOTAL limit.

57-11632	1.23	176.8	61.5
57-11634	0.56	126.0	28.0
57-11636	0.77	173.3	38.5
57-11638	0.47	105.7	23.5
57-11640	0.50	112.5	25.0
57-11642	1.41	317.3	70.5
57-11644	0.48	108.0	24.0
57-11646	0.24	54.0	12.0
57-11648	0.60	30.0	135.0
57-11650	0.73	36.5	164.5
57-11652	0.41	92.3	92.3
57-11654	0.95	213.7	213.7
	8.35	1,546.1	888.5
	7.49	none **	417.5

** The 1878.8 af limit can only be achieved when combined with 2-2308 & 2-7206.
Should remove the vol limit and include in larger GROUP 3 limit.

INDEPENDENT: 2-7060B	0.80	160.0	40.0
2-10202	1.18	270.0	60.0
57-2225B	0.85	192.2	42.7
	2.83	622.2	142.7

	cfs	af	ac
TOTAL:	50.24	11,251.2	2,504.7

Total limits = Group 2 + Group 3 + Independent



CORPORATE HEADQUARTERS

September 15, 2016

Nick Miller
Western Regional Manager
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

SEP 19 2016

WATER RESOURCES
WESTERN REGION

Re: IDWR Transfer Application No. 79779 (Response to Nick Van Dyke's Letter of May 23, 2016)

Dear Nick:

In November, 2014, Corbin Knowles, IDWR's Technical Hydrologist and as Watermaster of Water District 02, provided Simplot's farm manager, James ("Kent") Frisch, with comments that his analysis of the State's Geographic Information System indicated the irrigated land on Simplot's Triangle Dairy did not fully match the described places of use for the water rights for this property that had been decreed in the Snake River Basin Adjudication ("SRBA"). As a result of various irrigation system changes Simplot constructed to improve labor and water use efficiencies, the irrigated areas no longer were identical to the decreed places of use that were based claims made for the water rights issued prior to 1987. Corbin's recommended solution was to file a water right transfer application to update the irrigated areas. Kent relayed Corbin's comments and we immediately began preparing the transfer application.

Complexities of Combined Use Limits.

While preparing the transfer application, we encountered incomprehensible combined use limits recommended by IDWR then decreed in the SRBA. Many of these combined use limits were carried over from the initial licensing decisions. Water used to irrigate Triangle Dairy originates from two sources: the Snake River and groundwater. Due to declining aquifer conditions, the groundwater supply is no longer a reliable source to irrigate the decreed places of use throughout the entire irrigation season. As a result, Simplot is more reliant on water diverted from the Snake River to complete the irrigation season.

To provide context for some of the complexities contained in the combined use limits, the groundwater rights appurtenant to the farm were partially decreed with the director's reporting in IDWR Basin 57. These include IDWR water right nos. 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, and 57-11654 with a combined acreage limit of 417.50 acres; and 57-187B and 57-2225B with a combined use limit when added to the previous 417.50 acres of 511 acres; then 57-187B for 18.5 acres and 57-2225B for 42.7 acres. We cannot explain how IDWR arrived at the combined use limit of 511 acres when

57-187B and 57-2225B are combined with the group limited to 417.5 acres. With the addition of 57-187B and 57-2225, are we limited to a grand total of 572.2 acres to be irrigated from groundwater? Further contributing to the confusion are extraordinary recommendations for individual water rights such as water right 57-187B with a decreed diversion rate of 0.3 cfs, an acreage limit of 335 acres and an annual consumptive volume of no more than 1,172.5 acre feet. When faced with these combined use limits, what quantity, volume, and acreage should Simplot use as limits?

When preliminary recommendations were made by IDWR for the Basin 57 water rights, Simplot recommended postponing the partial decree of the groundwater rights until the related water rights from the Snake River could be reviewed by IDWR. IDWR chose to proceed with the recommendations for the groundwater rights independent of any analysis of the Snake River Water Rights. As a result, the already difficult to understand combined use limits for the groundwater rights became even more difficult to understand when considering the related combined use limits for the Basin 02 water rights (2-7206, 2-10187, 2-2308, 2-2153, 2-2154, 2-2423, 2-7060B and 2-10202).

When IDWR issued its Director's Report for the Snake River Water Rights in the SRBA, the recommended combined use limits added further confusion. Simplot objected to IDWR's recommendations. During several hours spent with IDWR attempting to resolve the ambiguity, Simplot and IDWR made some changes that improved the circumstances. However, Simplot and IDWR were limited to the statutory remedies available to correct the ambiguities and limited by the requirement to accept the terms of existing licenses. Both Simplot and IDWR recognized a "fix" would be needed at some future date in order to modify the rights to provide clarity for (i) IDWR to administer the water rights, and (ii) Simplot to know the limits within which it can operate this farm.

One of Simplot's goals in filing the transfer was resolving the confusing combined use limits contained on the individual water rights. For this reason, Simplot applied for a permissible place of use ("PPU") identifying acreage, volume and diversion rate limits Simplot determined to be within the levels described in the partial decrees. Simplot is not a strong advocate for using PPUs generally. However, anticipating future irrigation system improvements and in the interests of efficiency Simplot does not want to re-visit the complex individual combined limitations each time Simplot installs further improvements to the irrigation system. The PPU will also provide IDWR with clear limits that can then be used to administer and regulate these water rights. Without the changes contemplated by the transfer, administration of the rights would be difficult and in some cases impossible.

In addition, while Simplot prepared the transfer application, , Simplot also discovered that the number of acres currently irrigated are less than the amount authorized under the water rights, even under the most conservative interpretation of the combined use limits. Anticipating the outcome of the transfer proceedings would confirm the difference, Simplot informed IDWR in its transmittal cover letter of Simplot's intentions to lease the differential to the Water Supply Bank (copy of letter attached). During the spring of 2015 Simplot was fully prepared to rent this water

from the Water Supply Bank for diversion from another location on the Snake River or to transfer it to other land owned by Simplot. All Simplot needed was IDWR to confirm through the transfer proceeding the amount of the difference available for either Water Supply Bank leasing, or water right transfer. Simplot never intended to forfeit or abandon any water rights. Due to the complexities of the various combined use limits Simplot was forced to wait for the transfer to be completed before knowing which water rights were available for leasing/transfer and the quantity available for leasing/transfer.

With this approach, and following the instructions of Corbin Knowles, on January 21, 2015, Simplot mailed the transfer application to IDWR together with a check in the amount of \$3,226.60 to cover IDWR's filing fee. In follow-up calls to find out the status of the transfer processing Simplot was informed that IDWR's Steve Lester was working on the transfer application. Shortly after Steve began his review of the transfer application, Steve retired from his position with IDWR. In calls from Simplot to IDWR after Steve retired Simplot was repeatedly informed that IDWR would check to see who was working on the transfer. Simplot was not informed of the agent resuming processing of the transfer application until April, 2016.

On April 12, 2016, nearly 16 months after the filing of the transfer application, Simplot received a call from IDWR's Nick Van Dyke asking to meet to discuss the transfer application. On April 19, 2016, at IDWR's Western Region, I met with Nick to discuss how to proceed with the processing of the transfer application. Recognizing the combined use limits are beyond interpretation, we spent more than 2 hours and several follow-up emails to arrive at mutually acceptable limits for the number of acres, quantity and volume available for diversion and beneficial use. During these discussions, Simplot agreed to concede on some of the amounts (acres, diversion rates, volume) that could otherwise be interpreted to be available to Simplot under the decreed limits.

The complexities involved in unraveling the combined use limitations on these rights is further demonstrated by the time it has taken to resolve the pending transfer. The complexities of the transfer application resulting from the combined use limits and the time it has taken for IDWR and Simplot to unravel these complexities are clearly circumstances beyond Simplot's control. Against Simplot's recommendation, the water rights were decreed in two independent stages of the SRBA (Basin 57 and Basin 02). The combined use limits recommended by IDWR and decreed in the SRBA (Simplot did object in the SRBA to the recommendations) are impossible to interpret and contributed to the delay of IDWR's processing. Simplot's stated objectives in filing the transfer were:

1. To bring the place of use current with the land actually irrigated,
2. To confirm and clarify the limits of the water rights,
3. To determine the amount of water available for leasing/transfer, and
4. To transfer water not needed at this farm to other property where it is needed.

Without completing the transfer application filed in January 2015, IDWR simply cannot administer the water rights in their current form or determine which water rights are at risk of forfeiture.

Entire Quantity Diverted into the Bybee Canal.

Simplot obtains its Snake River Water Rights available for the Triangle Dairy Farm from the Bybee Canal, a Lateral Water User's Association of which Simplot is a member. The diversion from the Snake River into the Bybee Canal is located within Government Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 34 Township 5 South, Range 4 East, B. M. The sum of the quantity for all water rights, including Simplot, that can be diverted from this location is a grand total of 143.79 cfs. This full quantity was diverted into the Bybee Canal prior to, during and after the filing of the transfer application. Please see the attached letter dated July 11, 2016, from Doug Norton, Ditch Rider for the Bybee Lateral Water User's Association confirming the full quantity of the Lateral Water Users Association members' rights was diverted on numerous occasions during the last 3 years. Because there were no interruptions in the diversion of the full quantity available, no injury was caused to any other water right holders prior to, during or after the filing of this transfer application, nor could anyone rely on obtaining these rights.

The Triangle Rights have not been Abandoned or Forfeited.

Abandonment of a water right requires a showing that a water user subjectively intended to give up all future use of that water right. Intent to abandon must be established by clear and convincing evidence. *Jenkins v. State*, 103 Idaho 384, 388-89 (1982). Simplot's actions detailed in this letter show every intent to maintain these water rights. Forfeiture requires a continuous period of non-use, but is subject to several statutory exceptions. *Jenkins*. Forfeitures are not favored and must be shown by clear and convincing evidence. *Jenkins*. Even if there has been non-use for more than five years, and even if none of the exemptions apply, if use is resumed before a third party relies on that water, no forfeiture will be declared. *Jenkins*.

First, there can be no showing by clear and convincing evidence of forfeiture of any of these rights because there would have to be a showing that a particular right was not put to use on a particular acreage for each of the five years. With the stacking of the rights and the combined use limitations of the rights with one another and the groundwater rights, no such showing for any one right could be made.

There can be no forfeiture for non-use if the water supply is not available during the period of time necessary for a forfeiture. Since that is clearly the case with the groundwater rights, none of these rights can be determined to have been forfeited.

We recognize that Simplot can protect water from forfeiture by putting it into the water bank. Indeed, we told you that is what we wanted to do when we filed the transfer application; but we were prevented from using that avenue because the transfer had to be completed before we could segregate out the rights, or portions of rights that would be put into the bank.

We also believe that to the extent there was any non-use, it resulted from water conservation practices we have described in this letter. There can be no forfeiture of any of these water rights as a result of Simplot's voluntary water conservation practices.

Lastly, the water represented by these water rights has been diverted into the Bybee Canal throughout the last several years. No other user could have relied on any unused water to establish any other water rights or use, so Simplot is entitled to put that water to use, as soon as the transfer can be completed.

Rule by Footnote in Internal Administrative Memo?

In May, 2016, Simplot was informed that it is the policy of IDWR that the filing of a water right transfer does not toll forfeiture. In response to Simplot's inquiry for the authority used to arrive at this conclusion, Simplot was provided a copy of an Administrator's Memorandum dated March 5, 2012 (copy attached). The only reference to the treatment of a transfer filing and a forfeiture appears in a footnote at the bottom of page 2 of this Memorandum, "¹ Filing an application for transfer does not toll the statutory period of forfeiture of a water right due to non-use."

We question whether this footnote correctly states the law of the State of Idaho. Forfeitures are disfavored, indeed abhorred, and are not lightly determined to have occurred. The SRBA court has determined in the *Facilities Volume* case that filing a claim in the SRBA tolls the running of the forfeiture period. While the SRBA case did not deal with a transfer application, the court cited to a previous Idaho Supreme Court case that did involve a transfer. *Federal Land Bank of Spokane v Union Central Life Ins. Co.*, 51 Idaho 490, 6 P.2d 486 (1931). The reasoning of the SRBA court in the *Facilities Volume* case is that the filing of the claim was necessary to determine the scope of the right and that it was incumbent on anyone claiming forfeiture to become involved in the subcase. The same factors are true here, as well.

Of course, this memo does not override the statutory exemptions to forfeiture and we have shown how the lengthy time that IDWR has taken to process this transfer was beyond Simplot's control and deprived Simplot of the ability to put the water to use during the statutory period. Even if this general guideline that a transfer in and of itself does not toll the running of the statutory period applies in a typical circumstance, this clearly is not a typical circumstance to which this footnote might apply.

Are we now promulgating rules and policy by footnotes contained in internal memorandums? This is the first time Simplot became informed of this new policy. If accurate, the policy is substantially different than the official policy of other western states adjacent to Idaho. How is it possible that such an important policy, with such enormous impacts on private property rights, can be considered official without the proper vetting through rule promulgation or official notice? Since the guideline was not promulgated as a formal rule it does not carry with it the weight of a rule.

Nick Miller
Department of Water Resources
September 15, 2016
Page 6

If IDWR can defer the processing of transfer applications, and then later allege forfeiture based in part on the time period it has taken to process the application, at best, it is unfair, arbitrary and capricious, and at worst it constitutes an administrative takings without compensation.

Simplot filed the transfer application at the direction of an employee of IDWR who was also serving in the role of Watermaster. The complexities of the multiple conditions imposed on Simplot's water rights were beyond Simplot's control. These complexities, together with the retirement of IDWR Steve Lester contributed to the delay in IDWR's processing of this transfer application. Simplot is in a very difficult position as its property rights are threatened due to the delays of the administrative processing of this transfer application. In addition, the unintelligible combined use limits made it impossible to proceed with an application to avoid forfeiture, application to lease water to the Water Supply Bank or an application to transfer water rights until IDWR confirmed the quantities available for such applications after completing the transfer processing.

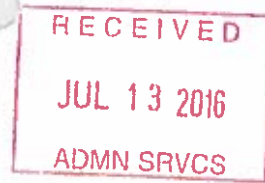
With these circumstances, Simplot could not proceed with all the appropriate measures to protect its water rights until the transfer application is approved. We look forward to your prompt response so we can move through the administrative process as soon as possible.

Sincerely,



Vic Conrad
Land, Water & Asset Recovery

Enclosures



July 11, 2016

Re: Diversions into Bybee Canal.

To Whom it May Concern:

My name is Doug Norton and I am the Ditch Rider for the Bybee Lateral Water User's Association. Among my responsibilities is operating the pumping system that is used to divert water from CJ Strike Reservoir into the Bybee Canal located within Government Lot 9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 34 Township 5 South Range 4 East, B.M. I have been serving in this role since 2007.

It is my understanding that the sum of the diversion rates for all water rights authorized to divert water from the Snake River at this location is 144 cubic feet per second (cfs) excluding any water rights members lease through the Water Supply Bank.

There is a rated section of the Bybee Canal which measures the flow diverted into the Canal from the river. 144 cfs is the maximum flow rate and I am very familiar with the reading of the gage that identifies a flow of 144 cfs. On numerous occasions during the last 3 years 144 cfs has been diverted into the Bybee Canal from the reservoir at this location.

Sincerely,

A handwritten signature in blue ink, appearing to be "DN", with a long horizontal line extending to the right.

Doug Norton

Ditch Rider

Bybee Lateral Water User's Association



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 12, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

J.R. SIMPLOT COMPANY
VIC CONRAD
P.O. BOX 24
BOISE ID 83707

RE: Application for Transfer No. 79779

Vic,

In response to your letter dated July 8th, 2016, the Department will interrupt processing for six months as you have requested, from the date of my May 23rd, 2016, letter (copies enclosed). As we discussed recently, a meeting with Department staff could be beneficial to streamline the processing of this transfer application.

Please contact me at (208) 334-2190 or nick.vandyke@idwr.idaho.gov to schedule a meeting or let me know if you have any questions in regards to this letter.

Sincerely,

Nicholas Van Dyke
Sr. Water Resource Agent

Enclosure(s)

c. Nick Miller



CORPORATE HEADQUARTERS

RECEIVED

JUL 11 2016

WATER RESOURCES
WESTERN REGION

July 8, 2016

Nicholas Van Dyke
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Transfer No. 79779.

Dear Nick:

As described in your May 23, 2016 letter, there are many circumstances contributing to the complexity of this transfer application. The application was filed in an attempt to resolve many of these circumstances and we need additional time to provide you with the explanation you are seeking.

Please interrupt the processing of this application for the six months described in your letter. I am making the request for the full 6 month postponement anticipating our response will be available for you within the next 45 days. If you will please confirm your acceptance of this request, we will continue to work on our response.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

c: A. Barker
J. Kelly



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

May 23, 2016

J.R. SIMPLOT COMPANY
VIC CONRAD
P.O. BOX 24
BOISE ID 83707

RE: Application for Transfer No. 79779

Dear Vic:

As promised in my May 4th, 2016 email to you, I discussed your questions about forfeiture with department management. Specifically, you questioned whether forfeiture of a water right should be found through review of a transfer application filing, though said application was timely filed before the date forfeiture protection would expire as described under Idaho Code § 42-222. In other words, does filing the application for transfer provide the applicant some protection from forfeiture? In short, the conclusion is any acreage not irrigated before forfeiture protection expired would be considered forfeited. The filing of an application for transfer does not toll the statutory period for forfeiture of a water right due to nonuse per current policy of the department. However, the Department does not favor forfeiture and would consider defense(s) to forfeiture as described under Idaho Code § 42-223. Further supporting evidence of beneficial use or a defense to forfeiture can be submitted for consideration. See the attached administrative memorandum that discusses department policy regarding forfeiture review.

I am not including in this letter acreage amounts or locations that may be found forfeited if the application is pursued as currently filed. As you have stated and I am also aware from my own review, the combined limits for the rights involved are complex and to a degree murky. Rather than pursue a forfeiture analysis at this time to estimate an acreage amount and locations, I think it would be more appropriate to provide an opportunity for response to the conclusion above regarding the forfeiture issue in question. Specifically, please provide either, 1) evidence that the full number of acres authorized to be irrigated under the rights were irrigated after the decrees were issued and before the end of the forfeiture period, or 2) an explanation as to why not all acres were irrigated. The explanation should comport with one or more defenses to forfeiture provided in Idaho Code § 42-223.

Please provide a written response within sixty (60) days of the date of this letter. Additional time to provide the information can be made by a written request to interrupt processing for up to six months. As always, please feel free to call me at (208) 334-2190 or email at nick.vandyke@idwr.idaho.gov.

Regards,

Nicholas Van Dyke
Sr. Water Resource Agent

CORPORATE HEADQUARTERS

RECEIVED

JAN 22 2015

WATER RESOURCES
WESTERN REGION

January 21, 2015

Steve Lester
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer; Triangle Dairy, Owyhee County, Idaho.

Dear Steve:

During the last several years, Simplot completed number of changes to the systems used to irrigate Simplot's Triangle Dairy Farm. Most of these changes involved replacing hand line and wheel sprinkler systems with overhead center pivot irrigation systems. There were no changes to any of the points of diversion that are used to irrigate the Triangle Dairy Farm.

As a result of these changes, I am enclosing an application to bring the places of use current for the following water rights:

Triangle Dairy Water Rights:

Water Right Number	Nature of Use	Period of Use			Source & Tributary
2-7206	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-10187	Irrigation	1-Apr	to	31-Oct	Snake River/ Columbia River
2-2153	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-2154	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-2423	Irrigation	1-Mar	to	30-Nov	Snake River/ Columbia River
57-187B	Irrigation	1-Mar	to	15-Nov	Groundwater
57-2152	Irrigation	1-Mar	to	15-Nov	Unnamed Stream/Shoofly Creek
2-2308	Irrigation	1-Mar	to	30-Nov	Snake River/ Columbia River
57-11642	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11640	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11638	Irrigation	1-Mar	to	15-Nov	Groundwater

57-11636	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11634	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11632	Irrigation	1-Mar	to	15-Nov	Groundwater
57-187A	Irrigation	1-Mar	to	15-Nov	Groundwater
57-185	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11644	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11646	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11648	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11650	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11652	Irrigation	1-Mar	to	15-Nov	Groundwater
57-11654	Irrigation	1-Mar	to	15-Nov	Groundwater
57-2225B	Irrigation	1-Mar	to	15-Nov	Groundwater
2-10202	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River
2-7060B	Irrigation	15-Mar	to	15-Nov	Snake River/ Columbia River

During the Snake River Basin Adjudication, a number of conditions were imposed on the use of these water rights under various combinations. After accounting for these combined use limits, the maximum number of acres that can be irrigated during any irrigation season using water diverted from the Snake River under water right numbers 2-7206, 2-10187, 2-2308, 2-2153, 2-2154, 2-2423, 2-7060B is 2,289 acres.

For groundwater right nos. 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, 57-11654, 57-185, 57-187A, 57-187A and 57-2225B it is difficult to arrive at an annual combined acreage limit due to the complex combinations imposed. However, after considering the various conditions, it is our conclusion that 572.2 acres can be irrigated with groundwater during each irrigation season.

To correct the places of use for these water rights, the attached transfer application seeks approval for a permissible place of use ("PPU") limiting the number of acres that can be irrigated each season from each source (Snake River: 2,289 acres; Groundwater: 572.2 acres). The enclosed transfer application identifies the PPU within which the maximum number of acres irrigated with water from either source can be irrigated.

During the 2015 irrigation season, Simplot will irrigate a total of 1,843.31 acres within the PPU. As part of the enclosed transfer application, I am enclosing digital shape files on a compact disk for your use in confirming the location and number of acres to be irrigated within each farm field during the 2015 irrigation season. At this time we intend to lease to the Water Supply Bank the additional water rights that will not be required to accomplish the irrigation of these fields during the 2015 season.

The combined limits imposed under these water rights are complex. In the interests of efficacy, it may be best to schedule a meeting with the agent who is designated to work on the enclosed transfer application to review the analysis conducted to arrive at the acreage limits described

earlier. I can be available any time to meet with you or your designated agent to discuss the analysis of these combined use limits.

With the transfer application I am including two copies of the oversized map showing the fields that will be irrigated during the 2015 irrigation season within the PPU. The second copy is enclosed for your use as a work copy. Should you need any additional large format maps to assist with working on the application, please let me know.

Our analysis shows that the maximum instantaneous flow rate for all rights combined is limited to 50.24 cfs. Using this amount, enclosed is a check in the amount of \$3,229.60 to cover your fee for filing the enclosed transfer application. I think you will find this set of water rights challenging. We are open to considering any alternative method for filing this application that you believe will improve the outcome. I am available anytime to assist with the review.

Sincerely,



Vic Conrad
Land Water & Asset Recovery

Enclosures