

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80453

This is to certify that: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-7103	WR/DECREED	10/24/1972	6.200 cfs	1550.0 af	N/A	310.0	SNAKE RIVER
2-7104	WR/DECREED	10/24/1972	5.920 cfs	1480.0 af	N/A	296.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-7103	YES	YES	YES	NO	NO	NO
2-7104	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-7103	2-10520	0.710 cfs	178.0 af	N/A	35.6	2-7103	5.490 cfs	1372.0 af	N/A	274.4
2-7104	2-10521	1.100 cfs	276.0 af	N/A	55.2	2-7104	4.820 cfs	1204.0 af	N/A	240.8
COMBINED TOTALS		1.350 cfs	454.0 af	N/A	90.8		7.65 cfs	2576.0 af	N/A	515.2

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of November, 2016.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 2-7103

Transfer No. 80453

WATER RIGHT NO. 2-7103**As Modified by Transfer No. 80453**

In accordance with the approval of Transfer No. 80453, Water Right No. 2-7103 is now described as follows:

Right Holder: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

Priority Date: 10/24/1972

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From
04/01

To
to 09/15

Diversion Rate

5 490 cfs
5 490 cfs

Diversion Volume

1372.0 af
1372.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SESW

Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	8										30.0	40.0						70.0
06S	04E	9											40.0	40.0			40.0	15.8	135.8
06S	04E	18	35.0	33.6															68.6

POU Total Acres: 274.4

CONDITIONS OF APPROVAL

1. Rights 2-7103 and 2-7104 when combined shall not exceed a total diversion rate of 7.65 cfs.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/28/2009.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-10520**As Modified by Transfer No. 80453**

In accordance with the approval of Transfer No. 80453, Water Right No. 2-10520 is now described as follows:

Right Holder: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

Priority Date: 10/24/1972

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 09/15

Diversion Rate

0.710 cfs

0.710 cfs

Diversion Volume

178.0 af

178.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 17 Twp 06S Rge 05E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	21		7.2	1.0		14.4	13.0											35.6

POU Total Acres:

35.6

CONDITIONS OF APPROVAL

1. Rights 2-10520 and 2-10521 when combined shall not exceed a total diversion rate of 1.35 cfs.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/28/2009.

Transfer No. 80453

WATER RIGHT NO. 2-10520
As Modified by Transfer No. 80453

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 2-7104**As Modified by Transfer No. 80453**

In accordance with the approval of Transfer No. 80453, Water Right No. 2-7104 is now described as follows:

Right Holder: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

Priority Date: 10/24/1972

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/15

Diversion Rate

4.820 cfs

4.820 cfs

Diversion Volume

1204.0 af

1204.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SESW

Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	7															35.0	40.0	75.0
06S	04E	8												38.0					38.0
06S	04E	17		40.0	40.0	28.0	19.8												127.8

POU Total Acres: 240.8

CONDITIONS OF APPROVAL

1. Rights 2-7103 and 2-7104 when combined shall not exceed a total diversion rate of 7.65 cfs.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/28/2009.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-10521**As Modified by Transfer No. 80453**

In accordance with the approval of Transfer No. 80453, Water Right No. 2-10521 is now described as follows:

Right Holder: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

Priority Date: 10/24/1972

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/15

Diversion Rate

1.100 cfs

1.100 cfs

Diversion Volume

276.0 af

276.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 17 Twp 06S Rge 05E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	20	34.0	1.2															35.2
06S	05E	21						20.0											20.0

POU Total Acres: 55.2

CONDITIONS OF APPROVAL

1. Rights 2-10520 and 2-10521 when combined shall not exceed a total diversion rate of 1.35 cfs.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/28/2009.

Transfer No. 80453

WATER RIGHT NO. 2-10521

As Modified by Transfer No. 80453

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

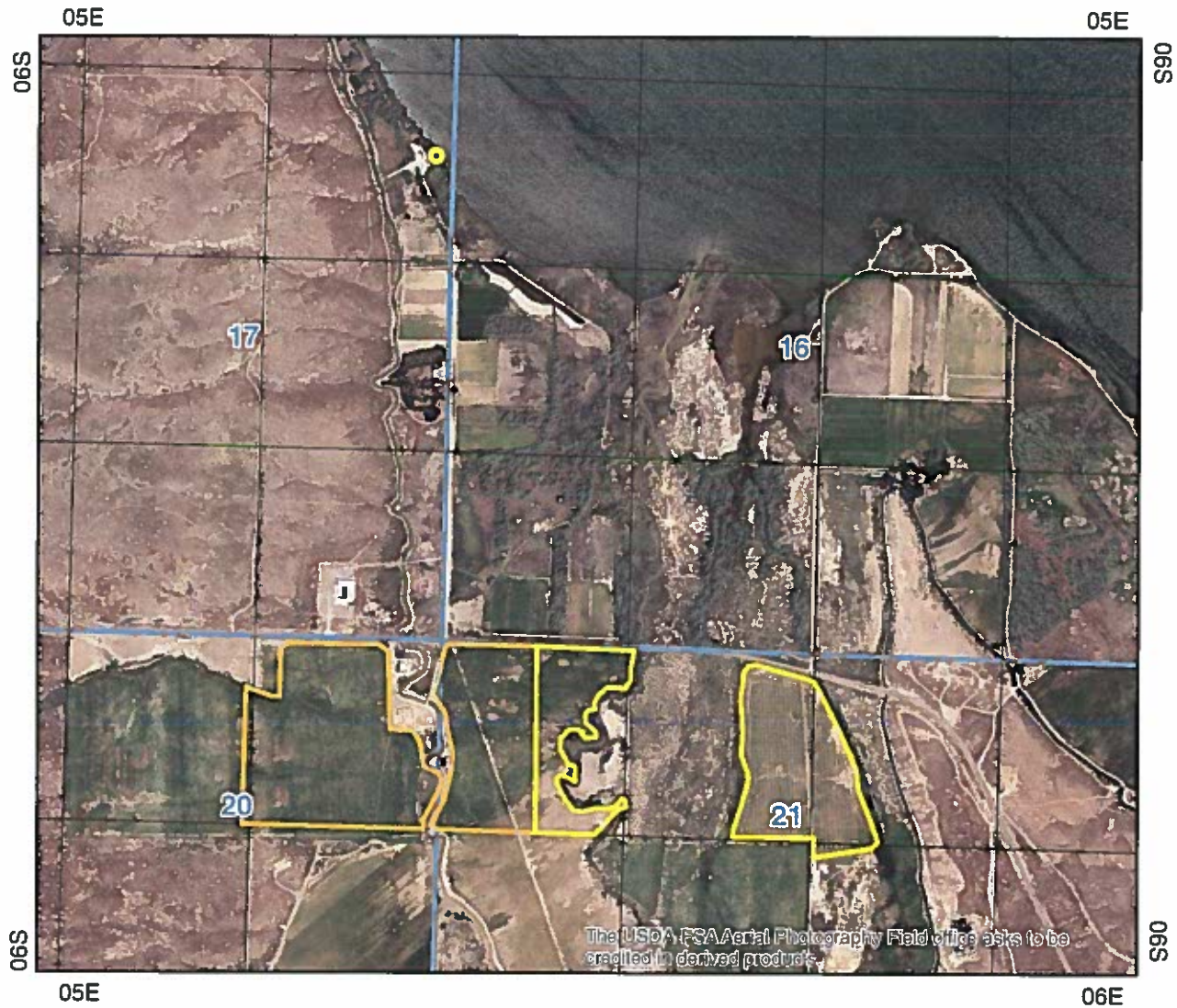


State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80453

2-10520 and 2-10521

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



-  Point of Diversion
-  2-10521 Place of Use
-  2-10520 Place of Use
-  Townships
-  PLS Sections

0 0.15 0.3 0.6 Miles

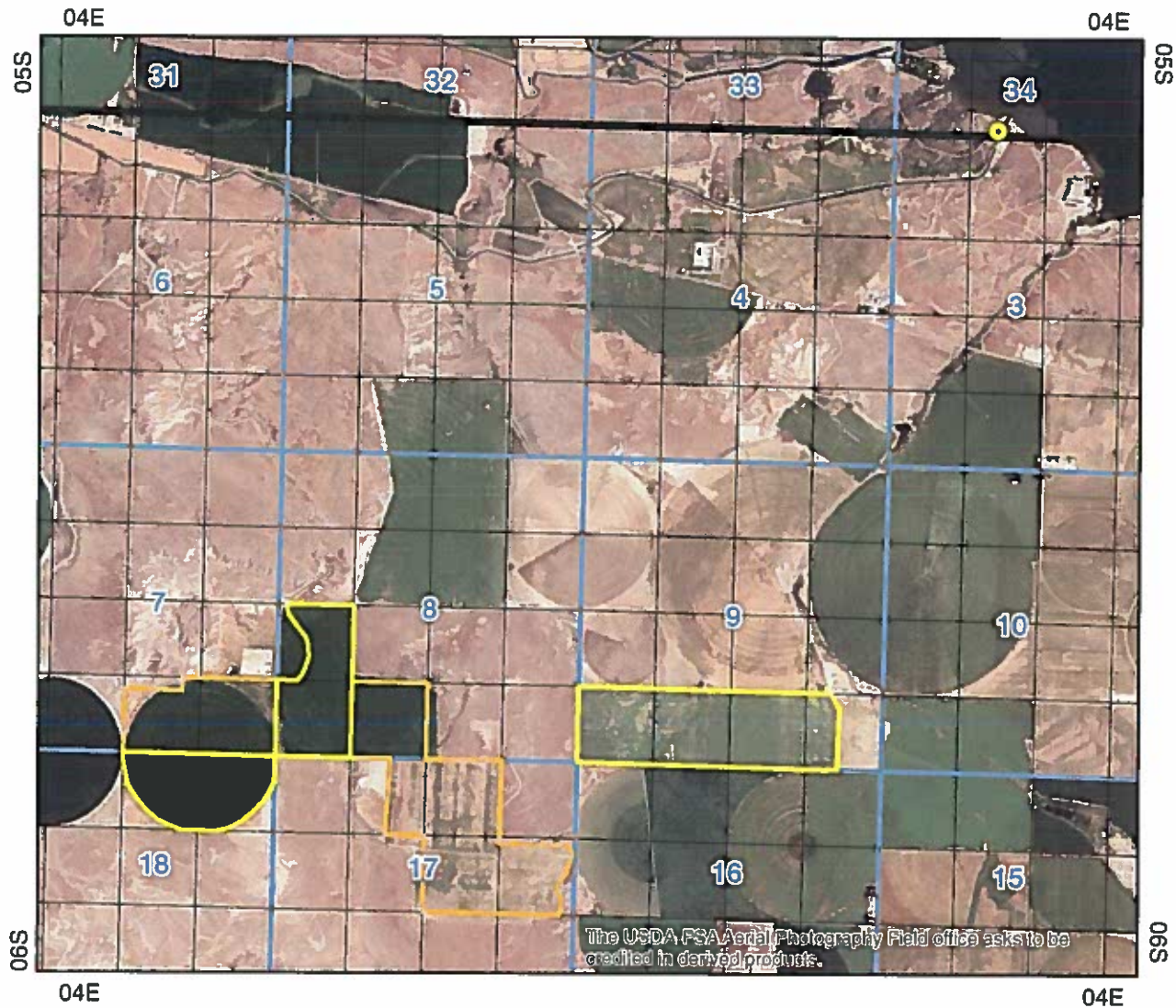


State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80453

2-7103 and 2-7104

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



-  Point of Diversion
-  2-7103 Place of Use
-  2-7104 Place of Use
-  Townships
-  PLS Sections

0 0.375 0.75 1.5 Miles





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

November 14, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Re: Transfer No: 80453
Water Right No(s): 2-7103, 2-7104

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

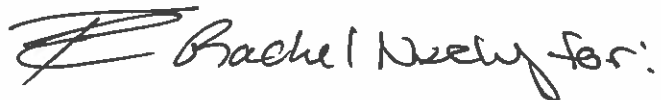
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Rachel Newby for:". The signature is written in a cursive style with a large, stylized initial "R".

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80453
Water Right No(s): 2-7103, 2-7104

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

ROB WHITNEY
WATERMASTER OF DISTRICT 2
IDWR STATE OFFICE



Rachel Neely
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

APR 04 2016

WATER RESOURCES
WESTERN REGION

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

MARCH 16, 23, 2016

SIGNED: [Signature]

STATE OF IDAHO }
COUNTY OF OWYHEE }

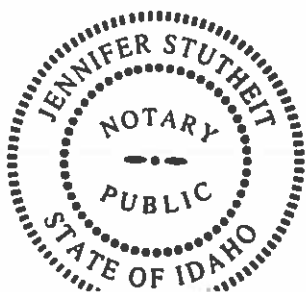
On this 31 day of Mar. in the year of 2016 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public of Idaho

Residing at HOMEDALE, IDAHO

My commission expires: JANUARY 3, 2021



THE FOLLOWING
APPLICATION HAS BEEN
FILED TO APPROPRIATE
THE PUBLIC WATERS OF
THE STATE OF IDAHO:

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT,
TRANSFER NO. 80453

J R SIMPLOT CO, PO BOX
27, BOISE, ID 83707; has filed
Application No. 80453 for changes
to the following water rights
within OWYHEE County(s):
Right No(s). 2-7103, 2-7104; to
see a full description of these
rights and the proposed transfer,
please see [www.idwr.idaho.gov/
apps/wr/QueryNewTransfers/
QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The
transfer proposes to move a total
of 1.81 cfs, 454 af and 90.8 acres
from water rights 2-7103 and
2-7104 used on Simplot's Aslett
Farm to Simplot's Battle Creek
Ranch.. Simplot Battle Creek
Ranch is located seven miles east
of Simplot's Aslett Farm, directly
south of CJ Strike Reservoir.

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](http://www.idwr.idaho.gov/WaterManagement/WaterRights).
Protests may be submitted based
on the criteria of Idaho Code §
42-222. Any protest against the
proposed change(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 4/4/2016. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
3/16/23/16

OK
RN
4/5/16