

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 30453**OCT 16 2015****MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**WATER 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: _____

(BAG) 10/16/2015
\$ 580.00 W1043596

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 16 2015

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) J. R. Simplot Company Phone 208-336-2110

Mailing address P. O. Box 27, Boise, Idaho 83707 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

J. R. Simplot Company by David Spurling

Senior Vice President, Secretary
and General Counsel

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

8 OCT 2015

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
For Water Right 2-7103: 0.71 cfs and 178 acft/annum for the irrigation of 35.6 acres will be transferred from Simplot's Aslett Farm to Simplot's Battle Creek Ranch. For Water Right 2-7104, 1.10 cfs and 276 acft/annum for the irrigation of 55.2 acres will be transferred from Simplot's Aslett Farm to Simplot's Battle Creek Ranch.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	2-7103	0.71 / 178	Irrigation	4/1 to 9/15	Snake Rvr/ Columbia Rvr
☐ ☒	2-7104	1.1 / 276	Irrigation	4/15 to 10/15	Snake Rvr/ Columbia Rvr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 12.12 cfs and/or 3,030 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.81 cubic feet per second and/or 454 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 #
			SE	NE	17	6S	5E	Owyhee	Snake River	

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	
2-7103:																			
T.6S	5E	21		7.2	1.0		14.4	13											35.6
2-7104:																			
T.6S	5E	21						20											20
		20	34	1.2															35.2
Total Acres (for irrigation use)																			90.8

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
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☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 12.12 cfs and/or 3,030 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.81 cubic feet per second and/or 454 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 #
			SE	NE	17	6S	5E	Owyhee	Snake River	

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	
2-7103:																			
T.6S	5E	21		8.2			14.4	13											35.6
2-7104:																			
T.6S	5E	21						20											20
		20	34	1.2															35.2
Total Acres (for irrigation use)																			90.8

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:

Existing pump station equipped with flow meter located on pipeline that transports water from the pump station to the place of use.

- b. Who owns the property at the point(s) of diversion? Idaho Power Company

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Idaho Power Company granted Simplot a license authorizing the installation of the pump station and pipeline to deliver water from the point of diversion to the place of use.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land from which the water rights will be transferred will no longer be irrigated.

- 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:

Existing: None. Proposed: 51-2039, 51-2111, 51-2112, 51-2124, 51-2131, 51-2254, 51-6, 51-7279, 51-2015, 51-2113C, 51-2117, 51-2015.

- 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:

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

Current Water Right No.: 2-7103

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
Priority Date: 10/24/1972
Origin: Water Right
Status: Active
Basis: Decreed

<u>Source</u>		<u>Tributary</u>	
SNAKE RIVER		COLUMBIA RIVER	
<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 09/15	6.2 CFS	1550 AF
	<u>Total Diversion</u>	6.2 CFS	1550 AF
<u>Location of Point(s) of Diversion</u>			
SNAKE RIVER		SE 1/4 SW 1/4	Sec. 34, Twp 05S, Rge 04E B.M.
OWYHEE County			

Place of Use

IRRIGATION Within OWYHEE County

T06S R04E S8	NWSW	30.00	T06S R04E S8	SWSW	40.00
T06S R04E S9	SWSW	40.00	T06S R04E S9	SESW	40.00
T06S R04E S9	SWSE	40.00	T06S R04E S9	SESE	40.00
T06S R04E S18	NENE	40.00	T06S R04E S18	NWNE	40.00
Total Acres: 310					

Conditions of Approval:

1. 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 September 15 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.
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. E52 The rights listed below are limited to a total combined diversion rate of 9 cfs. Combined Right Nos.: 2-7103 & 2-7104.

Decreed Date: 9/28/2009

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

Current Water Right No.: 2-7104

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 10/24/1972

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/15

Diversion Rate

5.92 CFS

Annual Volume

1480 AF

Total Diversion

5.92 CFS

1480 AF

Location of Point(s) of Diversion

SNAKE RIVER

SE1/4SW1/4

Sec. 34,

Twp 05S,

Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R04E S7	NESE	35.00	T06S R04E S7	SWSE	35.00
T06S R04E S7	SESE	40.00	T06S R04E S8	SESW	38.00
T06S R04E S17	NWNE	40.00	T06S R04E S17	SWNE	40.00
T06S R04E S17	SENE	28.00	T06S R04E S17	NENW	40.00

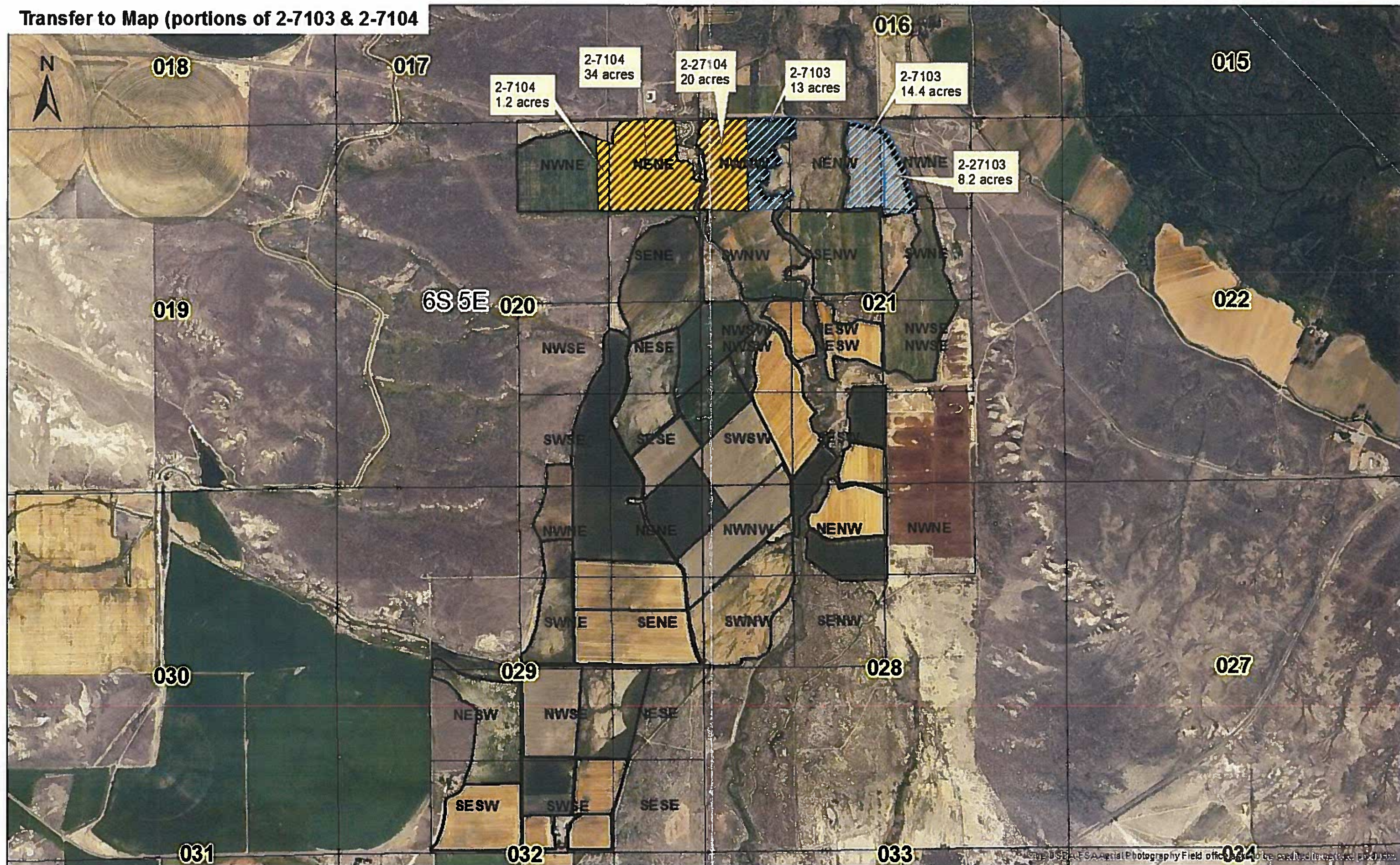
Total Acres: 296

Conditions of Approval:

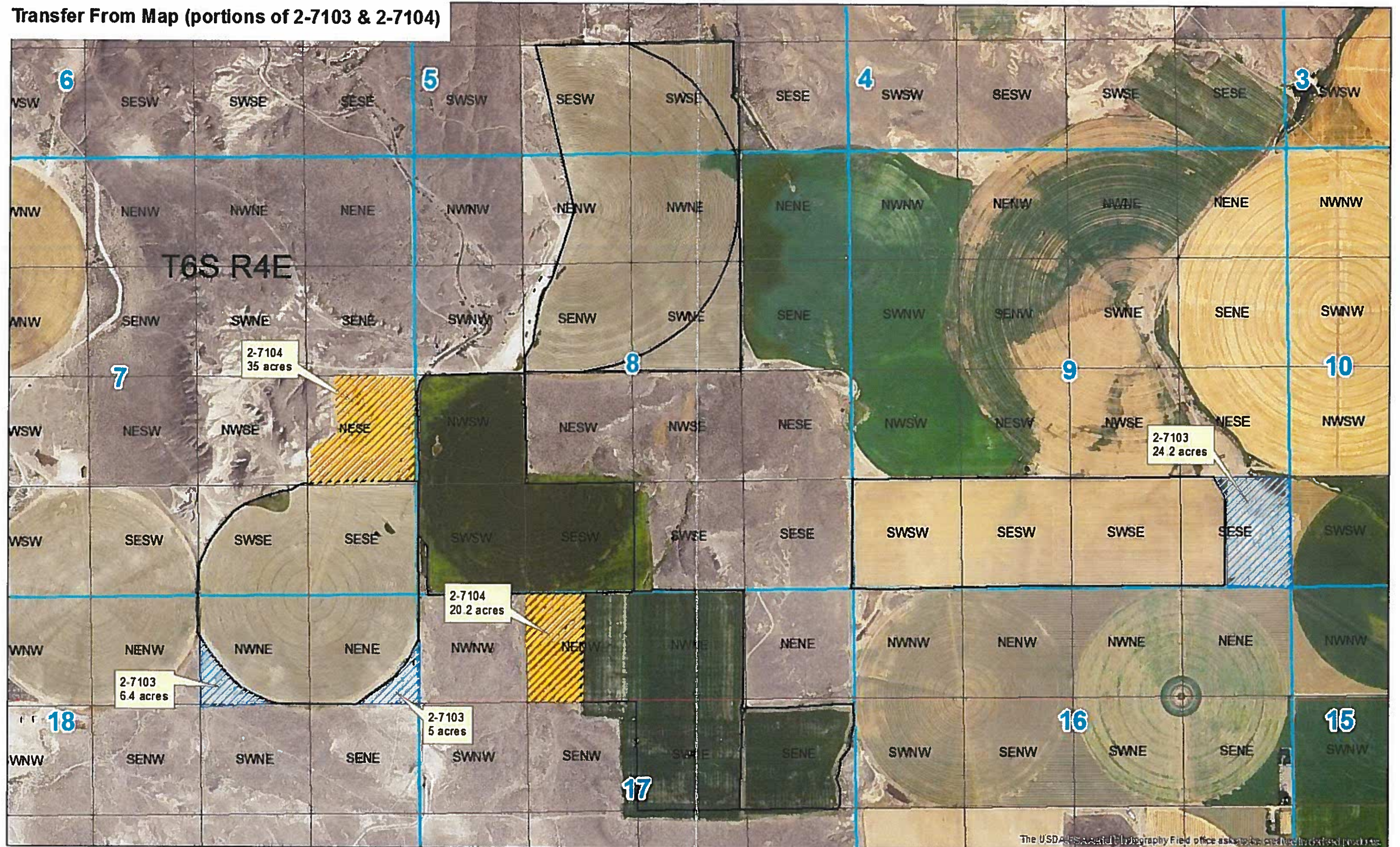
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 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 15 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.
3. E52 The rights listed below are limited to a total combined diversion rate of 9 cfs. Combined Right Nos.: 2-7103 & 2-7104.

Decreed Date: 9/28/2009

Transfer to Map (portions of 2-7103 & 2-7104)



Transfer From Map (portions of 2-7103 & 2-7104)





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

March 10, 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

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 legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 3/16/2016 and 3/23/2016. 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,

A handwritten signature in black ink, appearing to read 'Rachel Neely', with a long horizontal flourish extending to the right.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 10, 2016 10:14 AM
To: 'Jennifer Stutheit'
Subject: Owhyee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 3/16/16 & 3/23/16.

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

March 10, 2016

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

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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 4/4/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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. 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. 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

Published on 3/16/2016 and 3/23/2016

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 10, 2016 10:14 AM
To: Whitney, Rob
Subject: Application for Transfer No. 80453
Attachments: Watermaster Recommendation Form.docx; Application for Transfer No. 80453 .pdf

March 10, 2016

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

RE: Application for Transfer No. 80453

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by April 4, 2016.

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

Kelly, Patrick

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Tuesday, February 16, 2016 10:37 AM
To: Kelly, Patrick
Subject: RE: Transfer app 80453

Patrick,
This sounds good. Thank you for catching it.

From: Kelly, Patrick [mailto:Patrick.Kelly@idwr.idaho.gov]
Sent: Wednesday, February 10, 2016 11:46 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: Transfer app 80453

Hello Vic,
I am currently processing Simplot transfer app 80453. I have attached a photo for where the split portion of 2-7103 will go. The transfer application identifies 8.2 acres within the NWNE ¼ and does not include the SWNE ¼. The transfer application should be amended to reflect 7.2 acres within the NWNE ¼, and 1.0 acres within the SWNE ¼. Please confirm that you agree with such a change and I can continue processing the transfer.

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

MEMORANDUM

TO: Transfer No. 80453
FROM: Patrick Kelly
DATE: February 9, 2016
RE: Evaluation of Application

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.

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

Additional Information Requested

Aerial imagery and LandSat data suggested that the right had gone through a period of non-use greater than five years. This would disallow any transfer to be completed or associated with the right. An affidavit from the gentleman responsible for irrigation in the area, James Frisch, was received with photos and plant seed invoices indicating that the areas pertinent to transfer application 80453 was irrigated in 2015. This will allow the transfer to be processed.

Summary of Information Submitted

Authority to File: The Application for Transfer of Water Right (Application) was submitted and signed by David Spurling (Applicant) on October 8, 2015. Mr. Spurling is identified as the Sr VP and Secretary according to ID SOS records.

Water Right Validity: Additional information was requested to support evidence of irrigation within the past five years. An affidavit, photos and invoices were received as evidence that the areas proposed to be transferred were irrigated in 2015, and are not subject to forfeiture.

Injury to Other Water Rights: Transfer proposes to change the point of diversion to another pumping station within CJ Strike Reservoir closer to the proposed POU. Changes to water supply will not occur and injury to other water rights is not apparent.

Enlargement of Use: Transfer proposes to move a total of 1.81 cfs, 454 af and 90.8 acres from water rights 2-7103 and 2-7104. Combined use limits are maintained to match pre and post rates and volumes. No enlargement is anticipated as a result of the proposed changes.

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

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

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

Discussion

Overlap review finds no overlapping water rights exist on 2-7103 & 2-7104 pre-transfer. Each individual right carries a 0.02 cfs/ac and 5.0 af/ac limit. However, combined use limits show that the two rights share a limit of 9.00 cfs. This limit places a 0.0148 cfs per acre and will carry over to the post transfer rights. The 90.8 acre change will reduce the 2-7103 & 2-7104 limit to 7.65 cfs and new rights 2-10520 and 2-10521 will carry a limit of 1.35 cfs. Individual rights will maintain the rate and volume per acre standard.

2-7242B & 2-7242D are rights not owned by Simplot but share the 9.00 cfs combined use limit with 2-7103 & 2-7104. See the 9/22/2009 memo by D. Shaff describing the believed error

regarding this limit. Ultimately, since the four rights do not share the same diverting system, 2-7242B & 2-7242D should not be included as associated rights.

Conditions are not usually changed for the unchanged portions of transfer rights. Given the information provided on the combined use error with 2-7242B and 2-7242D, it seems appropriate to correct any error or confusion. Also, the pre-transfer condition E52 should be changed to reflect the reduced post-transfer limits to prevent any enlargement.

Overlapping rights at the Battle Creek Ranch where 2-2103 is being moved include 51-2015, 51-2039, 51-2111, 51-2112, 51-2124, 51-2131 & 51-2254 owned by Simplot out of Jacks Creek. 51-6, 51-7, 51-8 & 51-4096 are South Side Bruneau Canal Co irrigation rights out of the Bruneau River. Because 2-7103 & 2-7104 carry a 5.0 af/ac limit, condition R64 will be modified to reflect a limit of 0.02 cfs/acre.

The transfer application required an amendment to correct the POU description on page 3. The application identifies 8.2 acres within the NWNE QQ of Section 21. The application map identifies a field that extends into the SWNE QQ of Section 21 and should be reflected in the transfer. A change of 7.2 and 1.0 acres was proposed to Vic Conrad of JR Simplot, and Mr. Conrad concurred with such a change.

The partial decree for was issued 9/28/2009. Adjudication records were migrated prior to the processing of this transfer. No further action required.

Summary

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



CORPORATE HEADQUARTERS

RECEIVED

JAN 11 2016

WATER RESOURCES
WESTERN REGION

January 7, 2016

Patrick Kelly
Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: IDWR Transfer No. 80453; Water Right Nos. 2-7103 and 2-7104.

Dear Patrick:

In response to your December 18, 2015 letter requesting verification of the irrigation of the place of use to be transferred from under the above referenced transfer application, I am enclosing the Affidavit of James Frisch, who was responsible for accomplishing the irrigation of this land during the 2015 irrigation season. In addition, I am also enclosing images taken in April 2015 of one of the connections used to supply water for one of the mainlines that transported water for the places of use shown on Exhibit A attached to the Affidavit.

Also enclosed are copies of the invoices for the seed that was planted on this land, together with the fertilizer and herbicide applications required to raise the 2015 crop.

I am not clear about the source, timing or algorithms that may have been used to develop the images that you sent to me with your December 18, 2015 letter. However, if these images are intended to be used to dispute that the land was not irrigated in 2015, they are not accurate. Should you want to visit the places of use to confirm the crop raised during 2015, residue of the crop remains in the fields at this time. Please let me know if a visit will be helpful and we will make arrangements for you to see these parcels.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

AFFIDAVIT OF JAMES FRISCH

RECEIVED

JAN 11 2016

WATER RESOURCES
WESTERN REGION

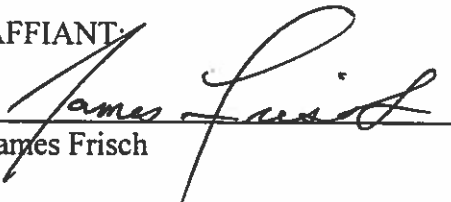
STATE OF IDAHO)
) S.S.
ELMORE COUNTY)

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

1. My name is James Frisch, and I reside on a farm near Grand View, Idaho. This affidavit is based upon my personal knowledge of the contents herein.
2. My current mailing address is 32506 Mud Flat Road, Grand View, Idaho 83624.
3. I have been farming in Owyhee County near Grandview Idaho since 1972. In 2000 I became employed by J. R. Simplot Company ("Simplot") who owns the irrigated farm land identified by Idaho Department of Water Resources ("IDWR") water right nos. 2-7104 and 2-7103 south of Grand View, Idaho in Owyhee County. Since I became employed by Simplot, I have managed Simplot's farming operations on this land.
4. In April, 2015, I arranged for hand line sprinkler systems to be installed within certain portions of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17; and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18 all within T. 6S R.4E B.M. During the 2015 irrigation season, these hand line sprinkler systems were used to irrigate the areas shown in crosshatched on the map attached hereto as Exhibit A. During the 2015 irrigation season Simplot raised forage barley on these areas.
5. The barley grown on the fields irrigated with the hand line sprinkler systems was left in the field to graze by cattle during the winter of 2015 and 2016.

Further the affiant sayeth not.

AFFIANT:

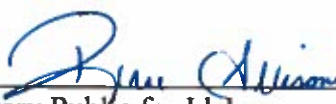

James Frisch

STATE OF IDAHO)
) S.S.
COUNTY OF ELMORE)



On this 5 day of January, 2016, before me, a Notary Public in and for said State, personally appeared **James Frisch**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

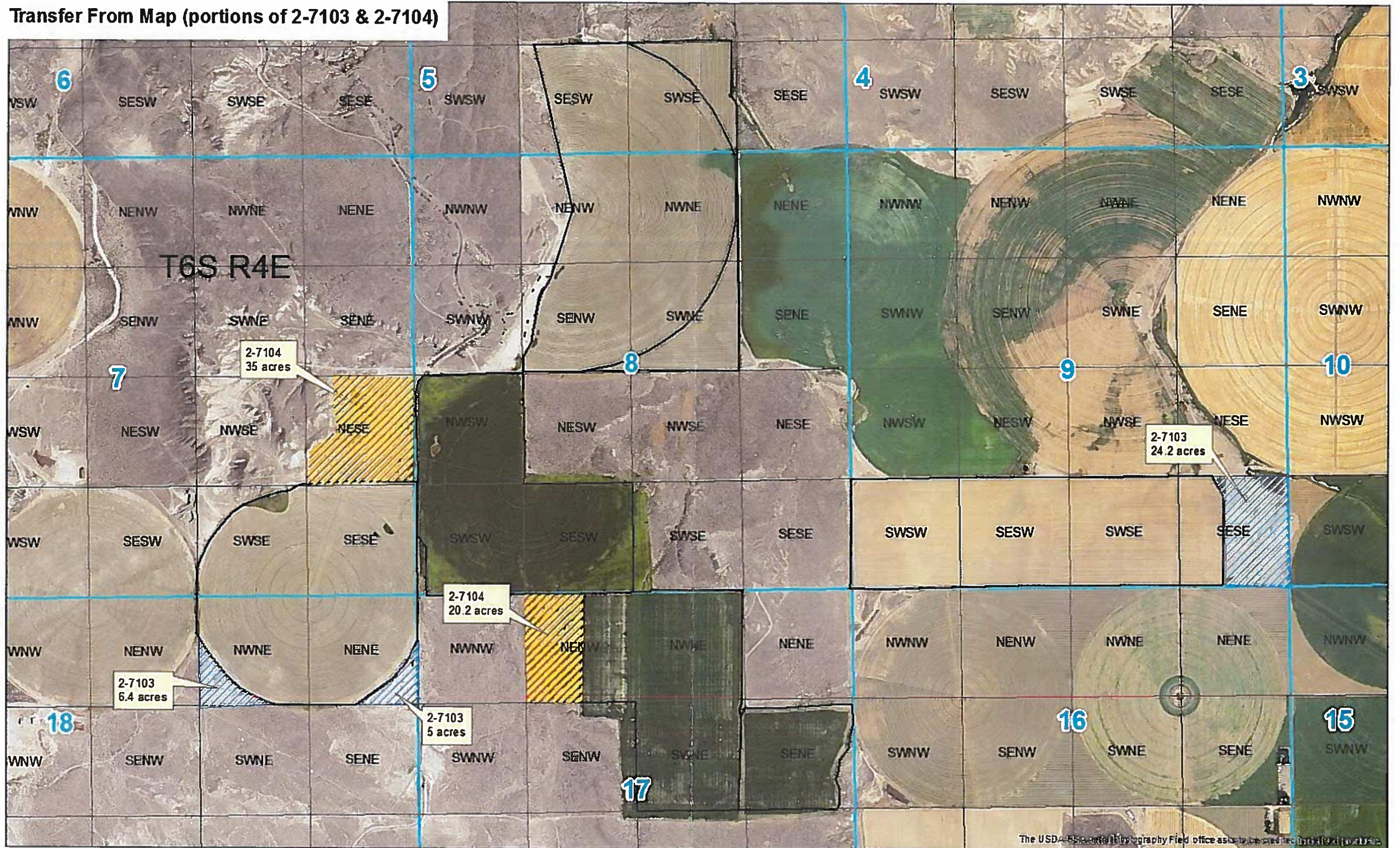
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at: Grand View, ID
My Commission Expires: 10-7-17

Exhibit A

Transfer From Map (portions of 2-7103 & 2-7104)









Western Stockmens Seed
223 Rodeo Ave
Caldwell ID 83605
(208)455-4854 Fax: (208)455-4919



Shipping Via.

Invoice

410007911

Bill To: SIMPLOT GRAND VIEW FARMS & L&L RANCHES
% OFFSET CODE 541 1178 531 A
1301 HWY 67
GRAND VIEW, ID 83624

Invoice Date 02/18/2015
Due Date 03/15/2015 15th following month
Customer ID 112835
Customer P.O. 1407879
Salesperson HOUSECORP
Shipping Loc. 5050

Ship To: SIMPLOT GRAND VIEW FARMS & L&L RANCHES
% OFFSET CODE 541 1178 531 A
1301 HWY 67
GRAND VIEW, ID 83624

Ticket(s) 1410001171

Comments: ADD SHIP TO

Quantity	Description	Unit Price	Total \$
101.060 CWT	BARLEY MILLENIUM CERT, BULK NO TREAT Lot# 33-8A	16.14 /CWT	1,631.11 Book

Total Invoice Weight = 10106.000 Lbs



All charges are due and payable on the 15th of the month following the end of the billing cycle in which purchases were made, or a FINANCE CHARGE, a "Periodic Rate" of ONE AND THREE-QUARTERS PERCENT PER MONTH, an ANNUAL PERCENTAGE RATE OF 21% will be charged on the unpaid balance of your account one month from the closing date of the billing cycle in which purchases were made after first deducting current payments and credits.

In the event the account is not paid within one month of the closing date of the billing cycle in which purchases were made, the seller may assign the same for collection and the customer agrees to pay all costs including reasonable attorney's fees necessary to collect the same.

Sub Total 1,631.11
Amount Due 1,631.11

CUSTOMER'S SIGNATURE

X _____

TD

Remit To: Western Stockmens
% JR Simplot Company
PO Box 413058
Salt Lake City UT 84141-3058

SIMPLOT GRAND VIEW FARMS & L&L RANCHES

Invoice

410007911

SGS Grandview

1005 HWY 78

Grandview ID 83624

(208)834-2418 Fax: (208)834-2405

Pest Lic#: 653

**Invoice****710019311**

Bill To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Invoice Date 03/10/2015
Due Date 04/20/2015

Customer ID 2397
Tax Exempt # 82-0196611
Customer P.O. 1413079
Salesperson volkersj
Shipping Loc. 1008
Field ID Asl-2 Aslett, Fld 2

Ship To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Acres 65
Ticket(s) 371007570

Comments: planter mix

Quantity	Description	Unit Price	Total \$
403.077 Gal	06-24-06 SIMPLOT ONE (BG)	6.25 /Gal	2,519.23
2.031 Gal	AVAIL LIQUID [2.5G]	225.00 /Gal	456.98

Offset 1008.1089
SLA 531

Sub Total 2,976.21

Amount Due 2,976.21

Interest of 1.5% per month or maximum allowable by state law will be charged on the amount of this invoice remaining unpaid one Day from the date on which the same becomes due.

It is understood and agreed that in the event this account is not paid in full within one month from the date on which the same becomes due the seller may assign the same for collection and the customer agrees to pay all costs including reasonable attorney's fees necessary to collect the same. Invoices with credit balances are redeemable for goods or cash.

Products listed herein are sold AS IS WITH ALL EXISTING FAULTS. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE OF THE PRODUCT LABEL and seller makes no warranty, expressed or implied as to the MERCHANTABILITY of the product. The customer assumes all risk of loss or liability resulting from the use of the above listed products.

NOTICE OF AGRICULTURAL SUPPLIER'S LIEN: Notice is hereby given that a Supplier's lien may be filed on all products sold and services performed.

Recommendation Was Made By or Provided to the Seller. Yes No
GRANDVIEW FARMS

Invoice**710019311**

SGS Grandview

1005 HWY 78

Grandview ID 83624

(208)834-2418 Fax: (208)834-2405

Pest Lic#: 653

**Invoice****710019312**

Bill To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Invoice Date 03/10/2015
Due Date 04/20/2015

Customer ID 2397
Tax Exempt # 82-0196611
Customer P.O. 1413301
Salesperson volkersj
Shipping Loc. 1008
Field ID Asl-2 Aslett, Fld 2

Acres 65
Ticket(s) 371007572

Ship To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Comments: Aslet 2 corners roundup

Quantity	Description	Unit Price	Total \$
65.000 Acre	THIRD-PARTY APPLICATION-CHEMICAL [1A]	10.00 /Acre	650.00

Offset 1008.1089
SLA 531

Interest of 1.5% per month or maximum allowable by state law will be charged on the amount of this invoice remaining unpaid one Day from the date on which the same becomes due.

It is understood and agreed that in the event this account is not paid in full within one month from the date on which the same becomes due the seller may assign the same for collection and the customer agrees to pay all costs including reasonable attorney's fees necessary to collect the same. Invoices with credit balances are redeemable for goods or cash.

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NOTICE OF AGRICULTURAL SUPPLIER'S LIEN: Notice is hereby given that a Supplier's lien may be filed on all products sold and services performed.

Sub Total 650.00

Amount Due 650.00

Recommendation Was Made By or Provided to the Seller. Yes No

GRANDVIEW FARMS

Pesticide # Randy Hipwell 3598 LS SF CH Exp. Date 12/31/2015

Invoice**710019312**

SGS Grandview
1005 HWY 78
Grandview ID 83624
(208)834-2418 Fax: (208)834-2405
Pest Lic#: 653



Invoice

710019265

Invoice Date 03/03/2015
Due Date 04/20/2015

Customer ID 2397
Tax Exempt # 82-0196611
Customer P.O. 1409612
Salesperson volkersj
Shipping Loc. 1008
Field ID Asl-1 Aslett, Fld 2

Acres 64
Ticket(s) 371007513

Bill To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Ship To: GRANDVIEW FARMS
ATTN SHARI HUTCHINS
1301 HWY 67
GRAND VIEW, ID 83624

Comments: Sprayed

Quantity	Description	Unit Price	Total \$
15.000 Gal	ROUNDUP POWER MAX [2.5G] EPA# 524-549	29.06 /Gal	435.90
5.000 Gal	WETCIT [2.5G] EPA# 72662-50001	76.25 /Gal	381.25
5.000 Gal	LOAD UP, PHT [2.5G]	25.31 /Gal	126.55

Offset 1008.1089
SLA 531

Interest of 1.5% per month or maximum allowable by state law will be charged on the amount of this invoice remaining unpaid one Day from the date on which the same becomes due.

It is understood and agreed that in the event this account is not paid in full within one month from the date on which the same becomes due the seller may assign the same for collection and the customer agrees to pay all costs including reasonable attorney's fees necessary to collect the same. Invoices with credit balances are redeemable for goods or cash.

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NOTICE OF AGRICULTURAL SUPPLIER'S LIEN: Notice is hereby given that a Supplier's lien may be filed on all products sold and services performed.

Sub Total 943.70

Amount Due 943.70

Recommendation Was Made By or Provided to the Seller. Yes No
GRANDVIEW FARMS

Invoice

710019265



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

December 18, 2015

JR SIMPLOT COMPANY
ATTN VIC CONRAD
PO BOX 27
BOISE IS 83707

COPY

RE: Additional Information Request for Transfer 80453

Dear Applicant:

On October 16, 2015, you filed a transfer application #80453 to move 1.81 cfs and 454.0 af from water rights 2-7103 & 2-7104. Part of our review during the transfer process is rights subject to forfeiture. Idaho Statute 42-222 states in part:

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

I am now trying to verify the water use under 2-7103 & 2-7104. I have attached LandSat data which would suggest the areas being proposed for transfer are subject to forfeiture. We will need to verify the irrigation use in these areas to complete processing of the transfer application.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly

Water Resource Agent

208.287.4933 phone

208.287.6700 fax

patrick.kelly@idwr.idaho.gov

Enclosure(s): LandSattelite imagery maps 2010-2015

Grimm, Angie

From: Grimm, Angie
Sent: Wednesday, October 21, 2015 10:51 AM
To: 'Conrad, Vic'
Subject: RE: Transfer No. 80453 - WRs 2-7103 & 2-7104

Vic,

No additional information is necessary at this time. During processing, I'll have the reviewer follow up with any necessary evidence (affidavits, etc) request to show the current place of use for rights 2-7103 & 2-7104 on the Aslett Farm proposed for transfer was irrigated in 2015. I just thought I'd mention this now rather than later in case an Extension to Avoid Forfeiture request was needed before 12/31/15. Sounds like you don't believe it is needed so we're all covered for now. Thanks for taking a few minutes to discuss with me now to potentially avoid future issues.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, October 21, 2015 10:45 AM
To: Grimm, Angie
Subject: RE: Transfer No. 80453 - WRs 2-7103 & 2-7104

Yes,
I have photographs of the crops that were removed Corbin Knowles can confirm. Not sure when the 2015 landsat was shot, but but are prepared to file affidavits if necessary. Please let me know what you need.

From: Grimm, Angie [<mailto:Angie.Grimm@idwr.idaho.gov>]
Sent: Wednesday, October 21, 2015 10:38 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: Transfer No. 80453 - WRs 2-7103 & 2-7104

Vic,

The existing place of use for 2-7103 & 2-7104 proposed for transfer (pivot corners and fields outlined on attached maps) on the Aslett Farm or the proposed new place of use on the Battle Creek Ranch were irrigated in 2015? I've attached a few landsat images from 2015 which appear to indicate no irrigation on the existing place of use land proposed to be transferred...

Angie

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, October 21, 2015 9:29 AM
To: Grimm, Angie
Subject: RE: Transfer No. 80453 - WRs 2-7103 & 2-7104

The place of use was irrigated during the 2015 irrigation season.

From: Grimm, Angie [<mailto:Angie.Grimm@idwr.idaho.gov>]
Sent: Wednesday, October 21, 2015 9:21 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: Transfer No. 80453 - WRs 2-7103 & 2-7104

Vic,

Good morning! I'm doing a quick initial review on a transfer application we received Oct 16 proposing to move portions of rights 2-7103 and 2-7104 from Simplot's Aslett Farm to Simplot's Battle Creek Ranch. It appears these rights were decreed in 2009. According to the Department's current policy memo regarding forfeiture review (copy attached), if the rights have gone unused since being decreed in 2009, use would need to resume BEFORE the end of calendar year 2015 to avoid forfeiture. Unfortunately, I'm afraid we will not be able to complete processing of this transfer before the end of calendar year 2015 and even if we did I'm guessing use of these rights at the new place of use will not occur until 2016 irrigation season. Recognizing this may add an intermediary step you did not anticipate, I recommend JR Simplot Co. file an Extension to Avoid Forfeiture request (form attached) for each right to avoid any question of forfeiture. The Extension to Avoid Forfeiture applications would need to be submitted prior to 12/31/2015 to avoid forfeiture. Please call me with any questions or if you'd like to discuss further. I appreciate your attention to this matter and look forward to hearing from you.

Regards,
Angie

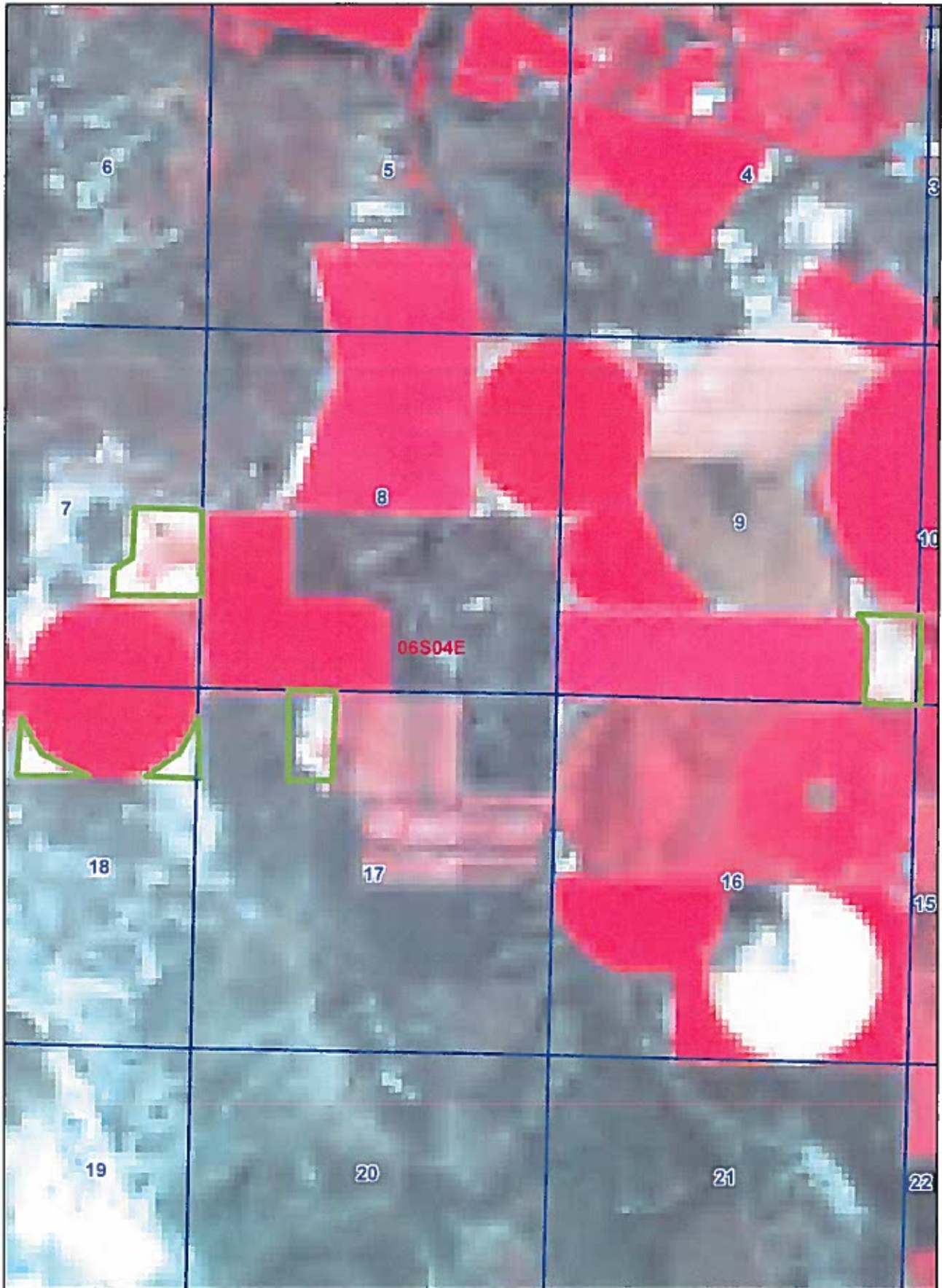
Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

Transfer No. 80453 J.R. Simplot Co.



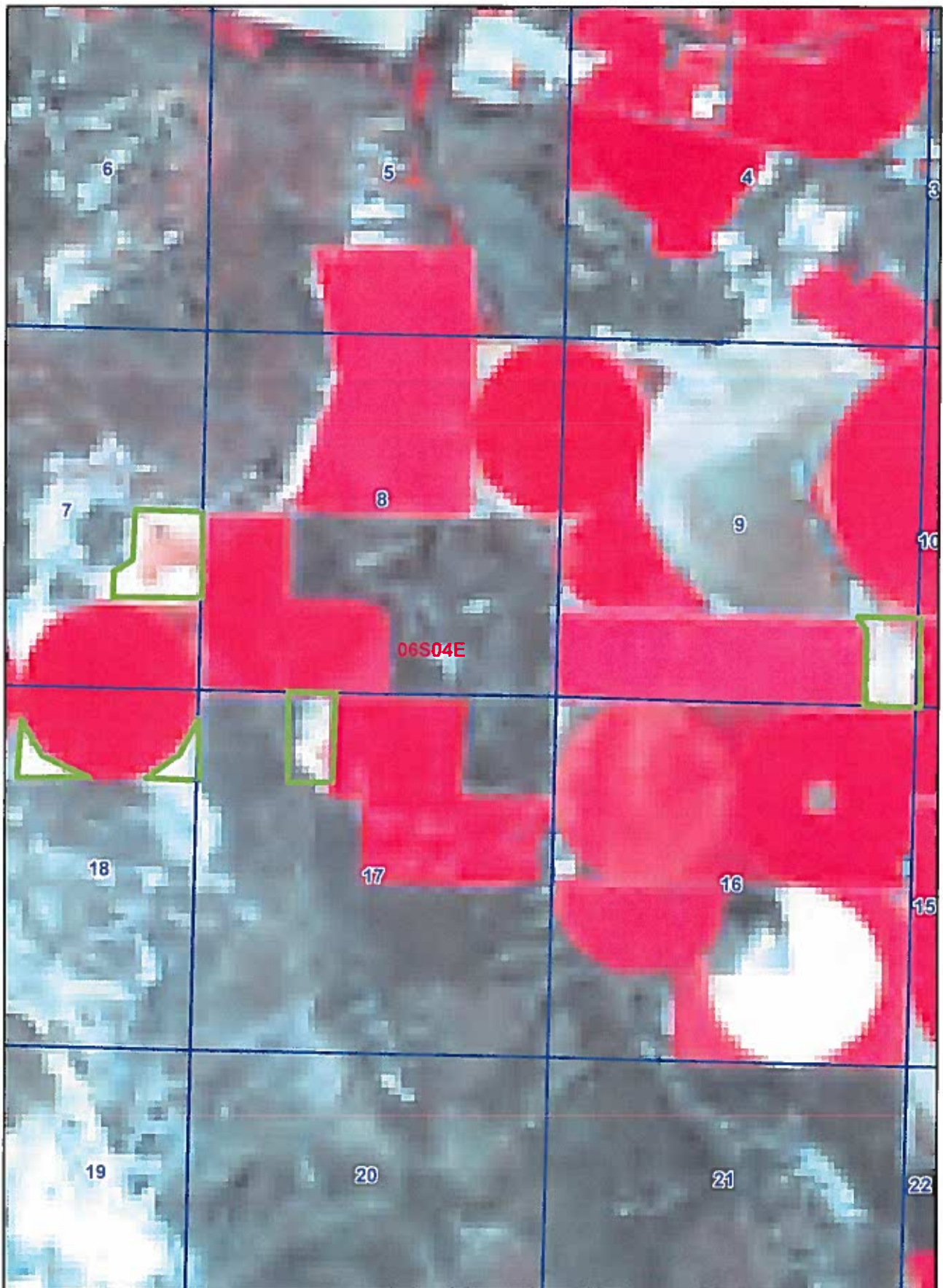
7_6_2015 Landsat Image - Acres proposed for transfer outlined in green.
Red indicates irrigated lands vs. green/grey indicates non-irrigated lands.

Transfer No. 80453 J.R. Simplot Co.



8_23_2015 Landsat Image - Acres proposed for transfer outlined in green.
Red indicates irrigated lands vs. green/grey indicates non-irrigated lands.

Transfer No. 80453 J.R. Simplot Co.



9_08_2015 Landsat Image - Acres proposed for transfer outlined in green.
Red indicates irrigated lands vs. green/grey indicates non-irrigated lands.



CORPORATE HEADQUARTERS

RECEIVED

OCT 16 2015

WATER RESOURCES
WESTERN REGION

October 14, 2015

Nick Miller
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83707

Re: Water Right Nos. 2-7103 and 2-7104 Transfer Application and Notice of Change of Water Right Ownership.

Dear Nick:

Enclosed is an application to change the point of diversion and place of use for certain portions of the above referenced water rights. I am also enclosing a Notice of Change of Water Right ownership for the all of each of these water rights.

To cover your filing fees I am enclosing a check in the amount of \$630.00. Please apply \$580.00 of the enclosed check toward your fee for filing the enclosed transfer application and the remaining \$50.00 towards your fee for filing the enclosed ownership change notice.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

c: M. Clements
J. Frisch