

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/13/2016

Water Right 61-2165

Owner Type **Name and Address**
Current Owner J R SIMPLOT CO
 C/O DAVID SPURLING
 999 MAIN ST STE 1300
 BOISE, ID 83707
 (208)336-2110

After partial abandonment

Priority Date: 12/2/1963
Basis: Decreed
Status: Active
Water Supply Bank Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
03/01	11/01	1.160 CFS
<u>Total Diversion</u>		1.160 CFS

Volume
265.5 AF
265.5 AF

Source and Point(s) of Diversion

GROUND WATER	NWSW	Sec. 4, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	NESW	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SENE	Sec. 6, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SESE	Sec. 31, Twp 04S, Rge 04E, ELMORE County
GROUND WATER	NESE	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SENE	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	NWNW	Sec. 5, Twp 05S, Rge 04E, ELMORE County

Place Of Use

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	5											19.0	40.0					59.0

POU Total Acres: 59.0

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to 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 after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than August 14, 2007.
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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/12/2016

Water Right 61-2165

Owner Type **Name and Address**
Current Owner J R SIMPLOT CO
C/O DAVID SPURLING
999 MAIN ST STE 1300
BOISE, ID 83707
(208)336-2110

Result of transfer

Priority Date: 12/2/1963

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3 /01	11/01	1.160 CFS	339.0 AF
	<u>Total Diversion</u>		1.160 CFS	339.0 AF

Source and Point(s) of Diversion

GROUND WATER	NWSW	Sec. 4, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	NESW	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	NESE	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SENW	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	NWNW	Sec. 5, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SENE	Sec. 6, Twp 05S, Rge 04E, ELMORE County
GROUND WATER	SESE	Sec. 31, Twp 04S, Rge 04E, ELMORE County

Place Of Use

IRRIGATION within ELMORE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	5											19.0	40.0					59.0

POU Total Acres: 59.0

Conditions of Approval:

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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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 13, 2016

J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

RE: Partial Abandonment of Water Right 61-2165

Dear Water Right Holder:

The Department of Water Resources acknowledges your abandonment of a 73.5 af portion of Water Right 61-2165. Your water right has been reduced from an authorized volume of 339.0 af to an authorized volume of 265.5 af in the water rights database managed by the Department. I have attached a printout from the database for your records.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen
Water Rights Section Manager

Cc: IDWR, Western Region



State of Idaho

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January 13, 2016

J R SIMPLOT COMPANY
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BOISE, ID 83707

RE: Partial Abandonment of Water Right 61-2165

Dear Water Right Holder:

The Department of Water Resources acknowledges your abandonment of a 73.5 af portion of Water Right 61-2165. Your water right has been reduced from an authorized volume of 339.0 af to an authorized volume of 265.5 af in the water rights database managed by the Department. I have attached a printout from the database for your records.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Shelley W. Keen
Water Rights Section Manager

Cc: IDWR, Western Region

MEMORANDUM

Date: January 12, 2015
To: Water Right File 61-2165 and 61-12291
From: Michele Edl
Re: transfer calculation error

Intro

While reviewing the above rights for WSB processing, I found an error in the calculations of Transfer 78656. That transfer split and reduced right 61-2165 and created new right 61-12291.

A change in nature-of-use was required for the transfer and the error occurs in those calculations. Prior to the transfer, decreed right 61-2165 was for 4.5 af/ac and 0.016 cfs/ac. After the transfer, reduced right 61-2165 was shown with 1.16 cfs, 339.0 ac-ft, and 59.0 ac or **5.75 af/ac** and ~ **0.02 cfs/ac**. Both the rate per acre and the volume per acre appear to have been changed by the transfer.

Rate

A portion of the rate not required for the industrial use in 61-12291 was concentrated on the remaining irrigated acres under right 61-2165. The resulting concentrated rate is slightly less than 0.02 cfs/ac, and is an acceptable action for the transfer.

Specifically, if parent right 61-2165 had been split proportionally, the industrial use would have received 0.88 cfs, (the proportionate rate for 55 acres of irrigation). Instead, the rate for industrial was reduced by 0.21 cfs to 0.67 cfs and that 0.21 cfs was shifted to the rate for irrigation of the remaining 59 acres under 61-2165.

Volume

Approximately 55 acres of irrigation use was converted to industrial use, (meat packing) in 61-12291. When calculating a change in nature-of-use only the consumptive use volume is considered. The headgate volume associated with 55 acres of irrigation was reduced to the consumptive use volume. The difference between the headgate volume and the consumptive use volume should have been excised from both rights. Instead, that volume difference was reduced from one right 61-12291 but added back into the other, 61-2165.

Specifically, for 55 acres of irrigation under 61-2165, the headgate volume would be 247.5 af (=55 ac x 4.5 af/ac). The nature-of-use calculations converted that 55 ac of irrigation to industrial and reduced the volume associated with those 55 acres by 73.5 af from 247.5 to 174.0 af. 174.0 af is the consumptive portion of the irrigation volume.

The 59-acres-worth of irrigation which remained under 61-2165 should have had a volume of 265.5 af (=4.5 af/ac x 59 ac). Instead, the post transfer volume for 61-2165 was shown as 339.0 af or 73.5 af more than expected.

Summary

The amounts for reduced right 61-2165 should be 1.16 cfs (0.019 cfs x 59 ac), 265.5 ac-ft (4.5 af/ac x 59 ac) and 59.0 ac. These amounts recognize the standard 4.5 af/ac proportion which was set by the 2007 SRBA decree of parent right 61-2165, and also recognizes the concentrated rate authorized by Transfer 78656.

No changes to the calculations are necessary for right 61-12291.

I have shared my findings with J R Simplot Company personnel and encouraged them to abandon that portion of reduced right 61-2165 which was in excess of the maximum standard.



CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

RECEIVED

DEC 31 2015

DEPARTMENT OF
WATER RESOURCES

December 29, 2015

Michele Edl
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Re: Water Right 61-2165.

Dear Ms. Edl:

As you requested I am enclosing a Notice of Abandonment of 73.5 acre feet inadvertently added to water right 61-2165 in an approval of Transfer No. 78656.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

Edl, Michele

From: Edl, Michele
Sent: Thursday, December 17, 2015 12:01 PM
To: 'Vic.Conrad@simplot.com'
Subject: lease rental 61-2165 & 61-12291

Mr. Conrad,

I have been assigned to process a couple of JR Simplot Company's lease-rental packages for the upcoming year. One of them is the package which requests stockwater for an operation anticipated to begin in January or February 2016 near Mountain Home.

In my review, I found that there was an error in the calculations for Transfer 78656 (approved October 21, 2013). That transfer split 61-2165, reducing it and creating new right 61-12291.

A change in nature-of-use was required for the transfer and the error occurs in those calculations. Prior to the transfer, decreed right 61-2165 was for 4.5 af/ac and 0.016 cfs/ac.

After the transfer, the reduced remainder of 61-2165 was shown as 1.16 cfs, **339.0 ac-ft**, and 59.0 ac or **5.75** af/ac and 0.02 cfs/ac. The volume of 61-2165 was not reduced correctly. To maintain the proportions set by the SRBA decree, the reduced remainder of 61-2165 should be 1.16 cfs, **265.5 ac-ft** (4.5 af/ac x 59 ac) and 59.0 ac.

It appears that J R Simplot Company intends that both 61-2165 and 61-12291 be fully leased to the Boards Water Supply Bank. As you know, WSB fees are based on volume. So the incorrect volume presents problems with the lease and rental of the rights.

IDWR cannot authorize any use of that excess quantity and J R Simplot cannot legally use it, so that excess volume will eventually be forfeited.

To expedite processing of the lease-rental package on 61-2165/61-12291, it would help me to have the correct amounts associated with each of the two rights. The cleanest, and quickest way to achieve that result is for J R Simplot to abandon the incorrectly large volume portion of right 61-2165.

Here is a link to the appropriate form <http://idwr.idaho.gov/files/water-rights/notice-of-abandonment-of-water-right.pdf>

Don't hesitate to call me with your questions.

Sincerely,
Michele Edl
287-4946