

NOV 12 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**  
**TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) WILLIAM A SIMON; SHIRLEY M SIMON**Check 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 #1-9.**

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

NOV 12 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Name of Applicant WILLIAM A SIMON Phone (208)764-2324  
Mailing Address PO BOX 364, FAIRFIELD ID 83327 Email \_\_\_\_\_

Name of Applicant SHIRLEY M SIMON Phone (208)764-2324  
Mailing Address PO BOX 364, FAIRFIELD ID 83327 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.

William A Simon  
Signature of Applicant or Authorized Representative

William A Simon 11/12/15  
Print Name and Title if applicable Date

Shirley M Simon  
Signature of Applicant or Authorized Representative

Shirley M Simon 11/12/15  
Print Name and Title if applicable Date

## A. PURPOSE OF TRANSFER

| 1. | Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|----------|-------|-----|-----|---------|---------------|---------------|
|    | 37-20364 | No    | No  | Yes | No      | No            | No            |
|    | 37-20366 | No    | No  | Yes | No      | No            | No            |
|    | 37-20368 | No    | No  | Yes | No      | No            | No            |

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

Changing the POU to give us the ability to rotate crops between pivots.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 37-20364                              | 0.700 cfs        | 300.1 af           | 214.0      | 588.0       |                                             | N/A               | N/A                 | N/A                     | N/A                      |
| 37-20366                              | 1.650 cfs        | 606.2 af           | 223.0      | 588.0       |                                             | N/A               | N/A                 | N/A                     | N/A                      |
| 37-20368                              | 0.810 cfs        | 159.0 af           | 53.0       | 588.0       |                                             | N/A               | N/A                 | N/A                     | N/A                      |

**COMBINED  
TOTALS**

|           |          |       |       |     |     |     |     |
|-----------|----------|-------|-------|-----|-----|-----|-----|
| 2.220 cfs | 765.2 af | 276.0 | 588.0 | N/A | N/A | N/A | N/A |
|-----------|----------|-------|-------|-----|-----|-----|-----|

2. Total amount of water proposed to be transferred or changed 2.22 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**Part 1 Transfer Right After Requested Changes**

**Proposed Water Right No.** 37-20364

**Current Water Right Owner**

**WILLIAM A SIMON**  
**PO BOX 364**  
**FAIRFIELD, ID 83327**

**Priority Date:** 9/27/1976

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 11/01     | 0.700 CFS             | 300.1 AFA     |                    |
| Total Diversion       |             |           | 0.700 CFS             | 300.1 AFA     |                    |

**Source and Point(s) of Diversion:**

GROUND WATER                                      NWNWSE                      Sec. 5 Twp 01S Rge 15E CAMAS 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 |        |
| 01S | 15E | 5   | 20  | 20  | 40 | 40 | 21  | 21  | 40 | 40 | 40 | 40 |    |    | 40 | 40 | 40 | 40 | 482    |
|     |     |     | L 1 | L 2 |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |
| 01S | 15E | 8   | 40  | 40  | 13 | 13 |     |     |    |    |    |    |    |    |    |    |    |    | 106    |

Right Acre Limit:                      214.0

POU Total Acres:                      588.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 37-20366**

**Current Water Right Owner**  
 WILLIAM A SIMON  
 PO BOX 364  
 FAIRFIELD, ID 83327

**Priority Date:** 7/27/1953

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 11/01     | 1.650 CFS             | 606.2 AFA     |                    |
| Total Diversion       |             |           | 1.650 CFS             | 606.2 AFA     |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER                                      NWNWSE                      Sec. 5 Twp 01S Rge 15E CAMAS 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 |        |
| 01S | 15E | 5   | 20  | 20  | 40 | 40 | 21  | 21  | 40 | 40 | 40 | 40 |    |    | 40 | 40 | 40 | 40 | 482    |
|     |     |     | L 1 | L 2 |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |
| 01S | 15E | 8   | 40  | 40  | 13 | 13 |     |     |    |    |    |    |    |    |    |    |    |    | 106    |

Right Acre Limit: 223.0

POU Total Acres: 588.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 37-20368**

Current Water Right Owner

**WILLIAM A SIMON**  
**PO BOX 364**  
**FAIRFIELD, ID 83327**

AND/OR

**SHIRLEY M SIMON**  
**PO BOX 364**  
**FAIRFIELD, ID 83327**

Priority Date: 10/1/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 11/01     | 0.810 CFS             | 159.0 AFA     |                    |
| Total Diversion       |             |           | 0.810 CFS             | 159.0 AFA     |                    |

Source and Point(s) of Diversion:  
GROUND WATER

NWNWSE

Sec. 5 Twp 01S Rge 15E CAMAS 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 |        |
| 01S | 15E | 5   | 20  | 20  | 40 | 40 | 21  | 21  | 40 | 40 | 40 | 40 |    |    | 40 | 40 | 40 | 40 | 482    |
|     |     |     | L 1 | L 2 |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |
| 01S | 15E | 8   | 40  | 40  | 13 | 13 |     |     |    |    |    |    |    |    |    |    |    |    | 106    |

Right Acre Limit: 53.0

POU Total Acres: 588.0

**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  
Currently using PCCs to measure water. There will be straight sections of pipe to accommodate a meter.

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

William A. Simon

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land will be dried up.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

There are no rights on the ground that the water is being transferred to. All other rights involved are in the transfer.

- f. 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:

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

**Current Water Right No.** 37-20364

**Current Water Right Owner**

WILLIAM A SIMON  
 PO BOX 364  
 FAIRFIELD, ID 83327

**Priority Date:** 9/27/1976

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 11/01     | 0.700 CFS             | 300.1 AFA     |                    |
| Total Diversion       |             |           | 0.700 CFS             | 300.1 AFA     |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER

NWNWSE Sec. 5 Twp 01S Rge 15E CAMAS 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   |        |
| 01S              | 15E | 5   |       |    | 39.0 | 37.0 |    |    |    |    |    |    |    |    | 30.5 | 31.5 | 38.5 | 37.5 | 214.0  |
| POU Total Acres: |     |     | 214.0 |    |      |      |    |    |    |    |    |    |    |    |      |      |      |      |        |

**Conditions/Remarks:**

1. The rights listed below are limited to a total combined annual diversion volume of 606.2 af. Combined Right Nos.: 37-20364 & 37-20366.
2. The rights listed below are limited to a total combined diversion rate of 2.22 cfs. Combined Right Nos.: 37-20364, 37-20366, & 37-20368.
3. Rights 37-20364 and 37-20366 when combined shall not exceed the irrigation of 223 acres.
4. 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**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2A**

**Current Water Right No. 37-20368**

**Current Water Right Owner**

**WILLIAM A SIMON**  
**PO BOX 364**  
**FAIRFIELD, ID 83327**

**And/Or**

**SHIRLEY M SIMON**  
**PO BOX 364**  
**FAIRFIELD, ID 83327**

**Priority Date: 10/1/1973**

**Origin: Water Right**

**Basis: Decreed**

**Status: Active**

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 11/01     | 0.810 CFS             | 159.0 AFA     |                    |
| Total Diversion       |             |           | 0.810 CFS             | 159.0 AFA     |                    |

**Source and Point(s) of Diversion:**  
**GROUND WATER**

**NWNWSE**

**Sec. 5 Twp 01S Rge 15E CAMAS 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 |        |
| 01S              | 15E | 8   | 26.0 | 27.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 53.0   |
| POU Total Acres: |     |     | 53.0 |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**Conditions/Remarks:**

1. The rights listed below are limited to a total combined diversion rate of 2.22 cfs. Combined Right Nos.: 37-20364, 37-20366, & 37-20368.
2. 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.

☐ 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 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**.

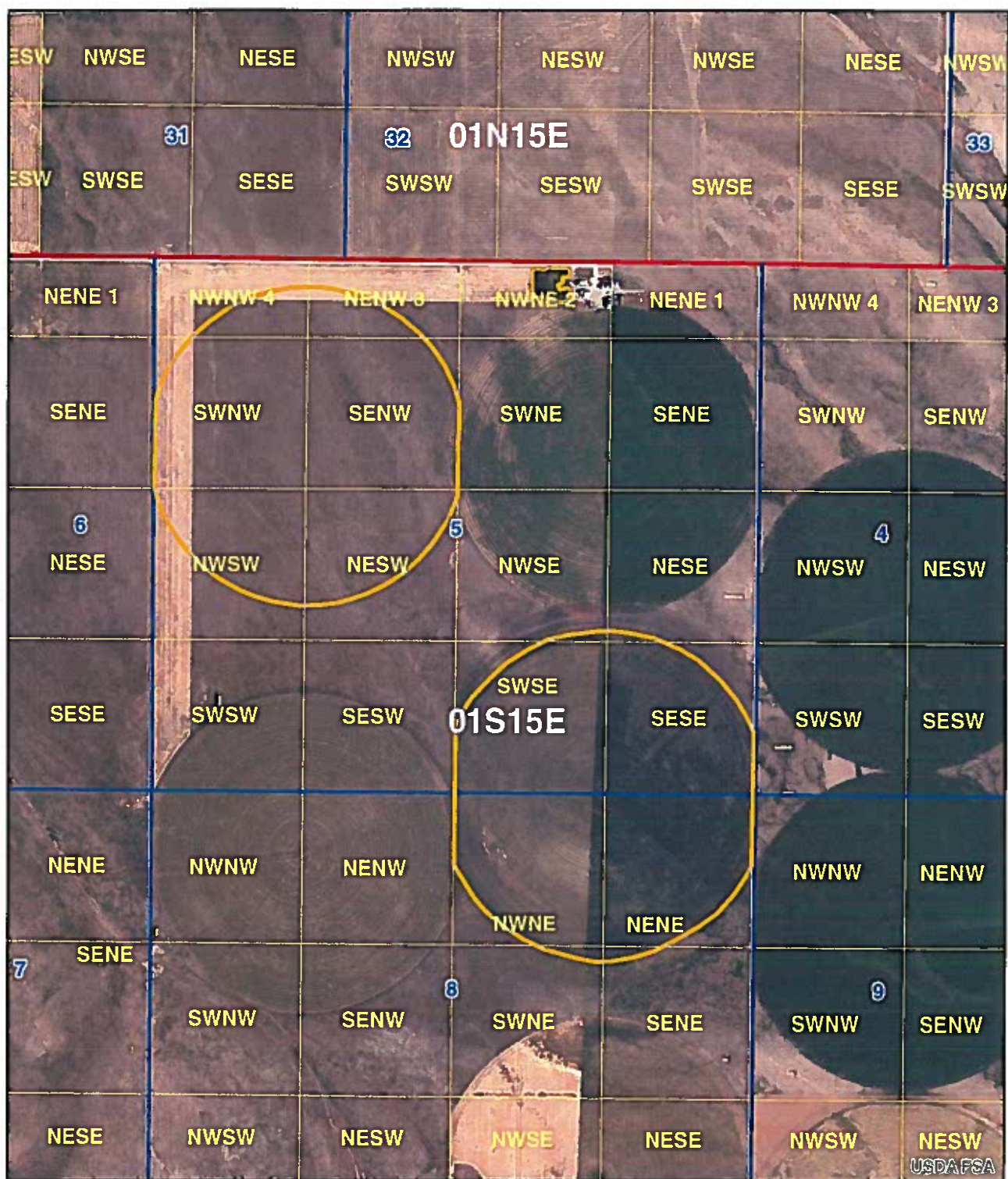
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

[illegible]

Transfer Contains 11 pages and 1 attachments.  
 Received By JB Date 11-12-15 Prelim. Check By Jim B. Date 11-12-15  
 Fee Paid \$660.00 Date 11-12-15 Received By DM Receipt # 5035100  
 Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_



# Simon Transfer - 80444



## Legend

- 206Shape
- Township/Range
- Sections
- QQ

Map depicting 2016 irrigated acres for rights 37-20364, 37-20366, and 37-20368



**TRANSFER 80444**

0 0.15 0.3 0.6 Miles

50053SM

TitleFact, Inc.  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

Record at the vest of  
First American Title  
at 4:10 P.M.  
April 1, 2004  
34  
Deeds  
By: Baldie D. Walker  
Fees \$ 15.00

76974

## CORPORATION WARRANTY DEED

FOR VALUE RECEIVED BAUSCHER RANCH, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto SELBY CROSSING, LLC, an Idaho Limited Liability Company, Grantee, whose address is: P.O. Box 364, Fairfield, ID 83327, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

### SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: March 9, 2004

BAUSCHER RANCH, INC.

BY: Randy Bauscher  
RANDY BAUSCHER, President

BY: Allen Bauscher  
ALLEN BAUSCHER, Vice-President

BY: Paula B. Forney  
PAULA FORNEY, Secretary

\* \* \* \* \*

STATE OF IDAHO  
County of Twin Falls

On this 9<sup>th</sup> day of March, 2004, before me, the undersigned, Notary Public in and for said State, personally appeared RANDY BAUSCHER, known to me to be the President; ALLEN BAUSCHER known to me to be the Vice-President and PAULA FORNEY known to me to be the Secretary of the corporation that executed this instrument, or the persons who executed the 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

Susan Moore  
Notary Public for Idaho  
Residing at: Twin Falls  
My Commission expires 11-28-2008



TRANSFER 80444

184

✓ Township 1 South, Range 15, East of the Boise Meridian.  
Section 5:

Lots 3 and 4, S1/2NW1/4, SW1/4

Parcel II

Township 1 South, Range 15, East of the Boise Meridian.  
Section 7:

All of that portion lying north of the Railroad right-of-way, and that portion of the

S1/2SE1/4 lying South of the Railroad right-of-way, except that portion of the Highway right-of-way to the State of Idaho as described in a Deed recorded in Book 15 of Deeds, Page 57, and recorded as Instrument No. 13935, records of Camas County, Idaho.

Also Described as Follows:

A parcel of land located in Section 7, Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho, generally described as that land in the Southeast Quarter of said Section 7 lying South of the land formerly known as the Central Idaho Railroad Right-of-Way, and more particularly described as follows:

Commencing at the Southeast corner of said Section 7, from which the East Quarter corner of said Section 7 bears North 00°21'21" East, 2630.18 feet; thence North 00°21'21" East along the East boundary of said Section 7 for a distance of 40.00 feet to a point on the Northerly Right-of-Way of US Highway 20 as described in Right-of-Way Deed Instrument No: 13935 filed in Camas County Records on March 28, 1931, and being the Point of Beginning; thence North 89°40'04" West along said Northerly Right of Way of US Highway Number 20 for a distance of 2,643.09 feet to a point on the Westerly boundary of the SE1/4 of said Section 7; thence North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 713.80 feet to a point on the Southerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Frances M. Selby, Grantor, to Central Idaho Railroad, Grantee, Book 80, Page 36 of Blaine County Records; thence South 89°32'47" East along said Central Idaho Railroad Right-of-Way for a distance of 2,642.83 feet to the Easterly boundary of the SE1/4 of said Section 7; Thence South 00°21'21" West along the Easterly boundary of the SE1/4 of said Section 7 for a distance of 708.20 feet to the Point of Beginning.

Said Parcel is subject to a county road easement, 30 feet in width along and adjacent to the East boundary of said Section 7.

Also

A parcel of land located in Section 7, Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho, generally described as that land in said Section 7 lying North of the land formerly known as the Central Idaho Railroad Right-of-Way, and more particularly described as follows:

Commencing at the Southeast corner of said Section 7, from which the East Quarter corner of said section 7 bears North 00°21'21" East, 2630.18 feet; thence North 00°21'21" East along the East boundary of said Section 7 for a distance of 40.00 feet to a point on the Northerly Right of Way of US Highway 20 as described in

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COVER ARE ATTACHED

ALTA Plain Language Commitment  
Form No.: 1344-A (1982)  
(K27546.PFD/K27545/28)

**SCHEDULE A**

(Continued)

Order No.: K27545

Right-of-Way Deed, recorded as Instrument No. 13935 filed in Camas County records on March 28, 1931; thence

North 89°40'04" West along said Northerly Right-of-Way boundary of U.S. Highway Number 20 for a distance of 2,643.09 feet to a point on the Westerly boundary of the SE1/4 of said Section 7;

thence

North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 813.79 feet to a point on the Northerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Frances M. Selby, Grantor, to Central Idaho Railroad, Grantee, Book 80, Page 35 of Blaine County Records and in Warranty deed between Bernhard Schweers, Grantor, to Central Idaho Railroad, grantee, Book 77, Page 69 of Blaine County Records, and being The Point of Beginning; thence

North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 25.00 feet to a point on the Northerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Bernhard Schweers, grantor, to Central Idaho Railroad, Grantee, Book 77, Page 71 of Blaine County records; thence

North 89°32'47" West along said Railroad Right-of-Way boundary for a distance of 2,641.97 feet to a point on the Westerly boundary of the SW1/4 of said Section 7; thence North 00°32'07" East along the Westerly boundary of said SW1/4 for a distance of 1,748.87 feet to the West Quarter corner of Said Section 7; thence

North 00°17'27" East along the Westerly boundary of the NW1/4 of said Section 7 for a distance of 2,684.92 feet to the Northwest corner of said section 7, thence

South 89°02'25" East along the Northerly boundary of the NW1/4 of said Section 7 for a distance of 2,641.30 feet to the North Quarter corner of said Section 7; thence

South 89°02'25" East along the Northerly boundary of the NE1/4 of said Section 7 for a distance of 2,641.31 feet to the Northeast corner of said Section 7; thence

South 00°21'21" West along the Easterly boundary of the NE1/4 of said Section 7 for a distance of 2,630.15 feet to the East Quarter corner of said Section 7; thence

South 00°21'21" West along the SE1/4 of said Section 7 for a distance of 1,781.96 feet to a point on the Northerly boundary of said Railroad Right-of-Way; thence

North 89°32'47" West along said Railroad Right-of-Way for a distance of 2,642.79 feet to a point on the Westerly boundary of the SE1/4 of said Section 7 and the Point of Beginning.

Said Parcel is subject to county road easements, 30 feet in width along and adjacent to the East boundary of said Section 7, and 25 feet in width along and adjacent to the West boundaries of said Section 7.

Parcel III

Township 1 South, Range 15, East of the Boise Meridian Camas County, Idaho.  
Section 8:

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Form No.: 1344-A (1982)  
(K27545.PFD/K27545/28)

**SCHEDULE A**

(Continued)

Order No.: K27545

NW1/4, N1/2 of the SW1/4  
and that portion of the SW1/4SW1/4 more particularly described as follows:

Being a parcel of land in the SW1/4 of the SW1/4 of Section 8:  
Beginning at the Northwest corner of the SW1/4 of the SW1/4, thence  
East following the 1/16 section line common to the SW1/4SW1/4 and the NW1/4SW1/4 to  
the north east corner of the SW1/4SW1/4, thence  
South, following the 1/16 section line common to the SW1/4SW1/4 and the SE1/4SW1/4 to its  
intersection with the north line of the O.S.L.R.R. right-of-way a distance of 480.50 feet.,  
thence  
West, following this right-of-way line to its intersection with the section line common to  
Section 7 and 8, Township 1 South Range 15 East, thence  
North, following this section line to the NW corner of the SW1/4SW1/4 of section 8,  
Township 1 South, Range 15 East of the Boise Meridian a distance of 482 feet to the  
Point of Beginning.

Together with the following parcel of Land more particularly described as follows:

Being a parcel of land in the SE1/4 of the SW1/4 of Section 8:  
Beginning at the Northwest corner of the SE1/4SW1/4, thence  
East, following the 1/16 section line common to the SE1/4SW1/4 and the NE1/4SW1/4, to  
the Northeast corner of the SE1/4SW1/4, thence  
South, following the North-South 1/4 Section line to its intersection with the north line of  
the O.S.L.R.R. right-of-way a distance of 479 feet., thence  
West following this right-of-way line to its intersection with the 1/16 section line common  
to the SW1/4SW1/4 and the SE1/4SW1/4, thence  
North, following the 1/16 Section line to the Northwest corner of the SE1/4SW1/4 of  
Section 8, Township 1 South, Range 15 East of the Boise Meridian, a distance of 480.50  
feet to the Point of Beginning.

Excepting therefrom the following described parcel:

A parcel of land located in the Southwest Quarter of Section 8, Township 1 South, Range  
15 East, Boise Meridian, Camas County, Idaho, and more particularly described as  
follows:

Commencing at the Southwest corner of said Section 8, from which the West Quarter  
corner of said Section 8 bears North 00°21'21" East, 2,630.16 feet; thence  
North 00°21'21" East along the west boundary of the SW1/4 of said Section 8 for a  
distance of 848.20 feet to the Northerly Boundary of the land formerly known as the Union  
Pacific Railroad right-of-way and the Point of Beginning; thence  
South 89°32'47" East along said Railroad right-of-way a distance of 911.00 feet; thence  
North 00°21'21" East and parallel with the West boundary of the SW1/4 of said Section 8  
for a distance of 618.72 feet to an existing fence line; thence

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(K27545.PFD/K27545/28)

**SCHEDULE A**

(Continued)

Order No.: K27545

North 88°28'19"West along said fence line for a distance of 911.19 feet to a point on the west boundary of the SW1/4 of said Section 8; thence South 00°21'21"West along the West boundary of the SW1/4 of said Section 8 for a distance of 835.80 feet to the Point of Beginning.

Subject to the rights of a public road which affects the Westerly 30.00 feet thereof.

Parcel IV

Township 1 South, Range 15 East, Boise Meridian in Camas County, Idaho.

Section 18: Lots 1, 2, E1/2NW1/4, NE1/4, Except the Highway right-of-way to the State of Idaho as described in a Deed recorded in Book 15 of Deeds, Page 57, as Instrument No. 13934, records of Camas County, Idaho, and except Highway Right-of-Way to the State of Idaho as described in a Deed recorded in Book 19 of Deeds, Page 235, as Instrument No. 31427, records of Camas County, Idaho, and except Highway right-of-way to the State of Idaho as described in Book 29 of Deeds, Page 123, as Instrument No. 58535, records of Camas County, Idaho.

According to the County Assessor's office, the above described property is commonly known as:

Sections 5, 7, 8 and 18, Township 1 South, Range Camas County Idaho 83327

VALID ONLY IF SCHEDULE B AND  
COVER ARE ATTACHED

ALTA Plain Language Commitment  
Form No.: 1344-A (1982)  
(K27545,PFD/K27545/28)

THIS INDENTURE, Made this 1st day of February, in the year of our Lord  
one thousand nine hundred and eighty-nine between Simon Farms Inc.

a corporation duly organized and existing under the laws of the State of Idaho

and having its principal office in Idaho at Fairfield

in the County of

Camas, partly of the first part, and William A. Simon and Shirley M.  
Simon, husband and wife,

of Fairfield

, County of Camas

, State of

Idaho

parties of the second part,

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of  
Directors, for and in consideration of the sum of one dollar and other valuable considerations

DOLLARS,

lawful money of the United States of America, to it in hand paid by the said parties of the second part, the receipt  
whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey  
and confirm unto the said parties of the second part, and to their heirs and assigns forever, all  
the following described real estate situated in, County of Camas

State of Idaho, to-wit:

Township 1 S, Range 15 EBM:

Section 8: E1/2.

Section 9: S1/2 NE1/4.

Said real property consisting of approximately 400 acres.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise  
appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate,  
right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurten-  
ances, unto the parties of the second part, and to their heirs and assigns forever. And the said party of the  
first part, and its successors, the said premises in the quiet and peaceable possession of the said parties of the second  
part their heirs and assigns, against the said party of the first part, and its successors, and against all and

every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Simon Farms Inc.

By William A. Simon

Its ✓ President.

Attest Shirley May Simon

Its ✓ Secretary.

STATE OF IDAHO,

COUNTY OF Camas

ss.

On this 10 day of February

in the year 1989, before me

, a Notary Public in and for the said State,

personally appeared

William A. Simon  
Shirley May Simon  
Persons

known to me to be the

of the corporation that executed this instrument

or the person who executed the 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.

Donal Hubler

Notary Public for the State of Idaho,  
Residing at Payfield, Idaho.

mMAIL TAX NOTICE TO:

Name William A. Simon

Address P.O. Box 364

City & State Payfield Id.

No. -84896

Corporation Warranty Deed

for

-TO-

Dated

19

STATE OF IDAHO,

COUNTY OF Camas

ss.

I hereby certify that this instrument was filed for record at request of

William A. Simon

at 10 minutes past 10

o'clock A.M., this 10<sup>th</sup> day

of Feb, A.D. 1989

in my office, and duly recorded in Book 26

of Deeds at page 7607

ROLLIE SCHMIDT

By Cindy Ostrom Ex-Officio Recorder.

Fees, \$ 1.00 Deputy.

Mail to

STANDARD CO., Boise

## WATER SHARING AGREEMENT

SELBY CROSSING LLC agrees to allow William A. Simon, owner of water rights No. 37-20364 and 37-20366, and William A. Simon and Shirley Simon, owners of water right No. 37-20368 to use these water rights on their adjacent property in section 5, T01S, R15E, in Camas County, Idaho.

SELBY CROSSING LLC , whose owners are William A. Simon, David A. Simon and William R. Simon, agree to use the above stated water rights on the NW ¼ and the SW ¼ of Section 5 in T1S, R15E, in Camas County, Idaho. This adjacent property is owned by SELBY CROSSING LLC. The parties to this agreement acknowledge that the above stated water rights will remain the property of William A. Simon and/or Shirley Simon

This agreement is entered into on October 17 2015.

SELBY CROSSING LLC

Members:

William R. Simon

*William R. Simon*

David A. Simon

*David A. Simon*

William A. Simon

*William A. Simon*

WILLIAM A. SIMON

*William A. Simon*

SHIRLEY SIMON

*Shirley Simon*

## WATER SHARING AGREEMENT

William A. Simon agrees to allow William A. Simon and Shirley Simon, owners of water right No. 37-20368, to use this water right on his adjacent property in section 5, T01S, R15E, in Camas County, Idaho.

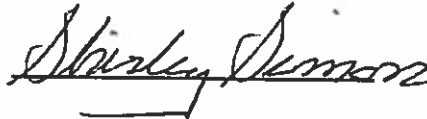
William A. Simon agrees to use the above stated water right on the NE ¼ and the SE ¼ of Section 5 in T1S, R15E, in Camas County, Idaho. This adjacent property is owned by William A. Simon. The parties to this agreement acknowledge that the above stated water right will remain the property of William A. Simon and Shirley Simon

This agreement is entered into on October 17, 2015.

WILLIAM A. SIMON



SHIRLEY SIMON



## WATER SHARING AGREEMENT

William A. Simon and Shirley Simon agree to allow William A. Simon, owner of water rights No. 37-20364 and 37-20366, to use these water rights on their adjacent property in section 8, T01S, R15E, in Camas County, Idaho.

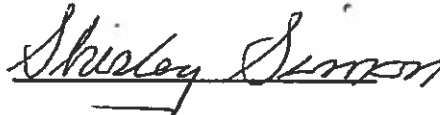
William A. Simon and Shirley Simon agree to use the above stated water right on the NE ¼ of Section 8 in T1S, R15E, in Camas County, Idaho. This adjacent property is owned by William A. Simon and Shirley Simon. The parties to this agreement acknowledge that the above stated water rights will remain the property of William A. Simon.

This agreement is entered into on October 17, 2015.

WILLIAM A. SIMON

A handwritten signature in cursive script, appearing to read "William A. Simon", written over a horizontal line.

SHIRLEY SIMON

A handwritten signature in cursive script, appearing to read "Shirley Simon", written over a horizontal line.

|                                                                                                                                                        |                                                                                                                                                 |                                                                                                                                                            |                                                        |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------|
| No. <b>W 27376</b>                                                                                                                                     | <b>Due no later than Dec 31, 2014<br/>Annual Report Form</b>                                                                                    |                                                                                                                                                            | <b>2. Registered Agent and Address<br/>(NO PO BOX)</b> |                           |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | <b>1. Mailing Address: Correct in this box if needed.</b><br><br>SELBY CROSSING LLC<br>DAVID A SIMON<br>PO BOX 545<br>FAIRFIELD ID 83327<br>USA |                                                                                                                                                            | DAVID A SIMON<br>500 E 50 S<br>FAIRFIELD 83327         |                           |
|                                                                                                                                                        |                                                                                                                                                 |                                                                                                                                                            | <b>3. <u>New</u> Registered Agent Signature:*</b>      |                           |
| <b>4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.</b>                                                    |                                                                                                                                                 |                                                                                                                                                            |                                                        |                           |
| Office Held                                                                                                                                            | Name                                                                                                                                            | Street or PO Address                                                                                                                                       | City                                                   | State Country Postal Code |
| MEMBER                                                                                                                                                 | WILLIAM A SIMON                                                                                                                                 | PO BOX 364                                                                                                                                                 | FAIRFIELD                                              | ID 83327                  |
| MEMBER                                                                                                                                                 | WILLIAM R SIMON                                                                                                                                 | PO BOX 403                                                                                                                                                 | FAIRFIELD                                              | ID 83327                  |
| MEMBER                                                                                                                                                 | DAVID A SIMON                                                                                                                                   | PO BOX 545                                                                                                                                                 | FAIRFIELD                                              | ID 83327                  |
| <b>5. Organized Under the Laws of:</b><br><br><b>ID</b><br><b>W 27376</b>                                                                              |                                                                                                                                                 | <b>6. Annual Report must be signed.*</b><br><br>Signature: David A. Simon<br>Name (type or print): David A. Simon<br><br>Date: 10/18/2014<br>Title: Member |                                                        |                           |
| Processed 10/18/2014                                                                                                                                   |                                                                                                                                                 | * Electronically provided signatures are accepted as original signatures.                                                                                  |                                                        |                           |

TRANSFER 80444



815 N College Rd  
Twin Falls, ID 83301-3484  
Voice: 208.732.1000 Fax: 208.732.1005

RECEIVED

NOV 16 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

November 12, 2015

Idaho Department of Water Resources  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301-5858

Re: Water Right Transfer Selby Crossing LLC/ William Simon

To Whom It May Concern:

This letter will serve as notice to the Department of Water Resources that Northwest Farm Credit Services does not have a security interest in water rights 37-20364, 37-23066, and 37-20368 and therefore has no objection to the water sharing agreement requested by William A. Simon and Selby Crossing LLC. Should you need anything further please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Eric Bennett".

Eric Bennett  
Relationship Manager  
208-732-1077  
eric.bennett@northwestfcs.com

TRANSFER 80444

Here to Help You Grow

RECEIVED

NOV 16 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

## WATER SHARING AGREEMENT

SELBY CROSSING LLC agrees to allow William A. Simon, owner of water rights No. 37-20364 and 37-20366, and William A. Simon and Shirley Simon, owners of water right No. 37-20368 to use these water rights on their adjacent property in section 5, T01S, R15E, in Camas County, Idaho.

SELBY CROSSING LLC , whose owners are William A. Simon, David A. Simon and William R. Simon, agree to use the above stated water rights on the NW ¼ and the SW ¼ of Section 5 in T1S, R15E, in Camas County, Idaho. This adjacent property is owned by SELBY CROSSING LLC. The parties to this agreement acknowledge that the above stated water rights will remain the property of William A. Simon and/or Shirley Simon

This agreement is entered into on October 17 2015.

SELBY CROSSING LLC

Members:

William R. Simon

*William R. Simon*

David A. Simon

*David A. Simon*

William A. Simon

*William A. Simon*

WILLIAM A. SIMON

*William A. Simon*

SHIRLEY SIMON

*Shirley Simon*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 19, 2015

RUSTY KRAMER  
WATER DISTRICT #37-B  
PO BOX 591  
FAIRFIELD, ID 83327

RE: Transfer No. 80444  
Water Right No(s). 37-20364, 37-20366, 37-20368

Dear Rusty:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

## **FEE MEMORANDUM**

**Date:** November 16, 2015  
**To:** Simon 80444 transfer file  
**From:** Jim Bitzenburg  
**Re:** Receipting of fees paid

---

This transfer intends to change the place of use for three groundwater rights (37-20364, 0.70 cfs, 214 acres; 37-20366, 1.65 cfs, 223 acres; and 37-20368, 0.81 cfs, 53.0 acres) to create a 588 acre PPU. Currently the rights cover 276 acres, so to go from 276 acres to 588 acres is an increase of 312 acres. This is in excess of 100% of the acres being changed, so the entire cfs amount should be charged, and in this case, the three rights have a combined diversion rate of 2.22 cfs, which equates to a fee of \$660.00 from the transfer fee schedule. Fee was paid on 11/12/2015 by Simon Farms, Inc., receipt S035100.

# MEMORANDUM

**Date:** November 16, 2015  
**To:** Transfer 80444, Simon File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application for transfer proposes to modify the place of use (POU) for ground water rights 37-20364 (0.70 cfs, 214.0 acres), 37-20366 (1.65 cfs, 223.0 acres), and 37-20368 (0.81 cfs, 53.0 acres) to create a 588.0 acre Permissible Place of Use (PPU) to allow for the ability to rotate the irrigation system to fallow ground without continually filing new transfers. The proposed PPU is located 4.0 to 5.0 miles east and 0.6 to 1.9 miles north of the intersection of Soldier Road and U.S. Highway 20 in Fairfield.

The transfer should not be subject to public notice per the March 18, 2009 memo by Allen Merritt pertaining to advertising guidance.

- **Authority to File:**  
The Department's database indicates that water rights 37-20364 and 37-20366 are owned by William A. Simon and right 37-20368 is owned by William A. and Shirley Simon. Signed agreements to use the water on ground owned by Selby Crossing, LLC, William A. Simon, and William A. and Shirley Simon are in the transfer file.
- **Water Right Validity:**  
Water rights 37-20364, 37-20366, and 37-20368 were decreed in September of 2010. . Aerial imagery indicates that irrigation has occurred on the ground within the past five years, so forfeiture is not an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. An irrigation pivot will be moved back and forth every few years to fallow ground, so no increase in acres or flow rate or volume will occur. The parcels are immediately adjacent to each other. POD will not change.
- **Enlargement of Use:**  
None anticipated. There will be no increase in acres or water use.
- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

## **Legal Notice Not Required Memo**

**Legal Notice Not Required**

**Transfer 80444, William A. and Shirley Simon**

**11/16/2015**

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

The transfer should not be subject to public notice per the March 18, 2009 memo by Allen Merritt pertaining to advertising guidance. The change of POU is to contiguous land.