

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 51-07346

Priority: October 18, 1993

Maximum Diversion Rate: 20.20 CFS

It is hereby certified that J R SIMPLOT CO
PO BOX 27

BOISE ID 83707 has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated September 14, 1993; and has submitted Proof of Beneficial
Use on June 04, 2009. An examination confirms water is diverted from:

SOURCE

BRUNEAU RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

20.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER NW¼NW¼ Sec. 26, Twp 07S, Rge 06E, B.M. OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 06E 9				21.0									29.0			5.0	55.0
07S 06E 10									13.0	27.0	38.0	33.0					111.0
07S 06E 14							19.0			40.0	40.0						99.0
07S 06E 15		39.0	40.0	40.0	38.0	37.0	.2	29.0					40.0	38.0	26.0	40.0	367.2
07S 06E 22	24.0	.2															24.2
07S 06E 23						34.0			28.0	30.0	34.0	39.0					165.0
07S 06E 26			28.0	32.0	38.0	29.0	13.0	36.0	12.0	.6							188.6

Total Acres: 1010

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. This right does not grant any right-of-way or easement across the land of another and specifically does not grant utilization of the Bruneau-Buckaroo Ditch.

State of Idaho
Department of Water Resources
Water Right License

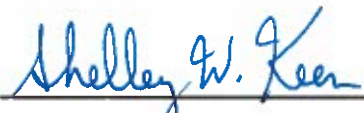
WATER RIGHT NO. 51-07346

CONDITIONS OF APPROVAL CONTINUED

3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. Water delivered by the Bruneau-Buckaroo Cooperative Ditch Company is also used to irrigate 250 acres of the place of use for this right. When Bruneau-Buckaroo Cooperative Ditch Company water becomes available for delivery to the 250 acres, the use of water pursuant to this right shall be reduced to a diversion rate of 15.20 cfs for the irrigation of the remaining 760 acres. Consequently, this right when combined with Bruneau-Buckaroo Cooperative Ditch Company Rights 51-2, 51-3, 51-5, 51-10350, 51-10351 & 51-10271 shall not exceed the irrigation of 3,491.2 acres.
5. Ground water rights 51-2089B, 51-2091, 51-2120, 51-2123, 51-2127, 51-2150, 51-2165, 51-2169, 51-2170, 51-2213B, 51-7047, 51-7058, and 51-7082A are also used to irrigate 760 acres of the place of use for this right. When this right is authorized for use on 1010 acres, it shall not exceed a total combined diversion rate of 21.01 cfs and the irrigation of a combined total of 1050.4 acres when used in combination with the ground water rights listed in this condition. When this right is authorized for use on 760 acres, it shall not exceed a total combined diversion rate of 16.01 cfs and the irrigation of a combined total of 800.4 acres when used in combination with the ground water rights listed in this condition.
6. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

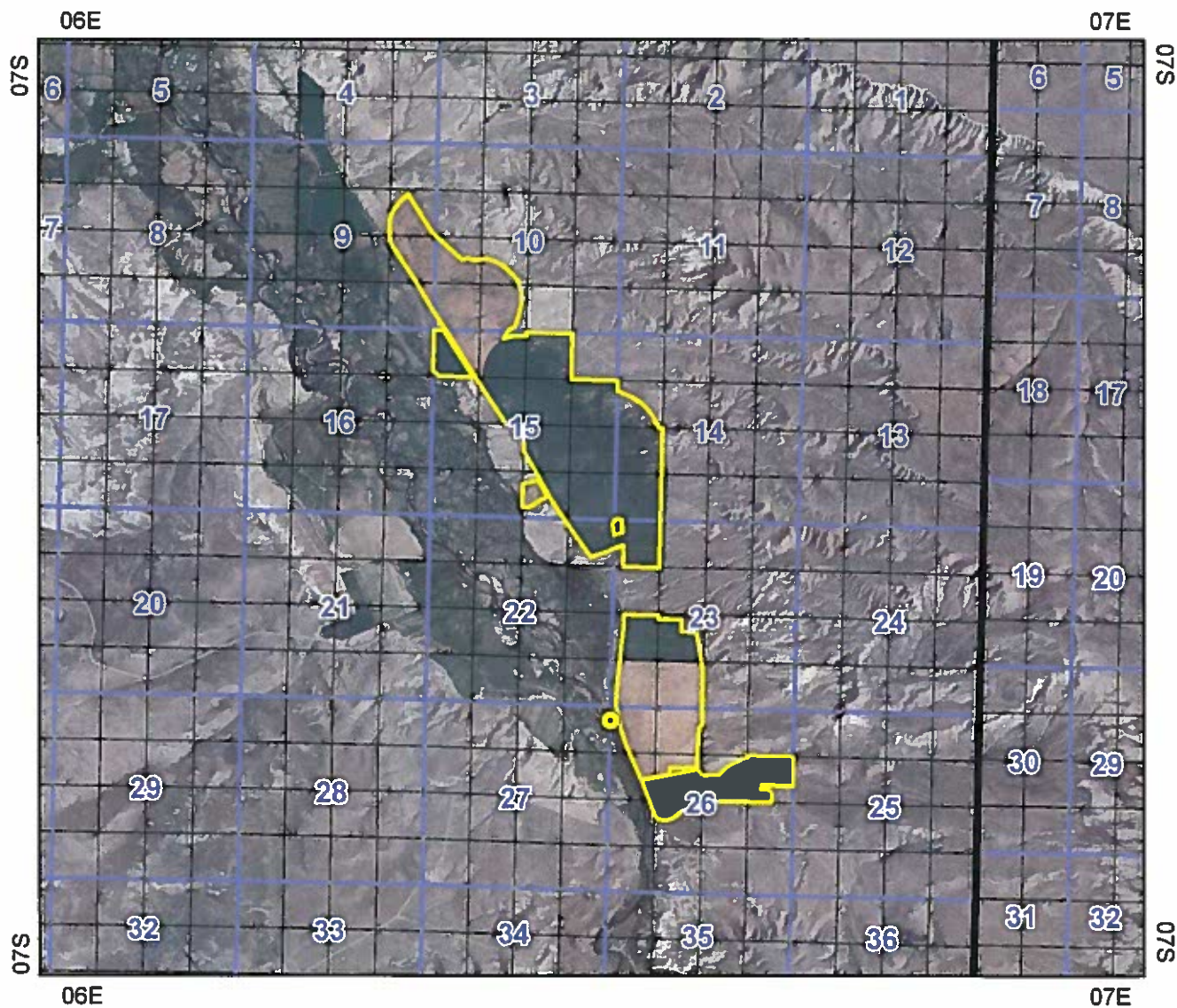
Signed and sealed this 25th day of June, 2015.


for **GARY SPACKMAN**
Director

State of Idaho
Department of Water Resources**Attachment To Water Right License**

51-7346

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-07346

RECEIVED
SEP 19 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: October 18, 1993

Maximum Diversion Rate: 20.20 CFS

Maximum Diversion Volume: 4,040.0 AF

Comes now J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 51-07346, and requests that the permit be changed as follows:

Source: BRUNEAU RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	20.20 CFS	4,040.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BRUNEAU RIVER NW1/4NW1/4 Sec. 26, Twp 07S, Rge 06E, B.M. OWYHEE County

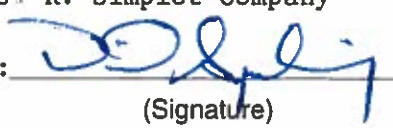
PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 06E 9				21.0									29.0			5.0	55.0
07S 06E 10									13.0	27.0	38.0	33.0					111.0
07S 06E 14							19.0			40.0	40.0						99.0
07S 06E 15		39.0	40.0	40.0	38.0	37.0	.2	29.0					40.0	38.0	26.0	40.0	367.2
07S 06E 22	24.0	.2															24.2
07S 06E 23						34.0			28.0	30.0	34.0	39.0					165.0
07S 06E 26			28.0	32.0	38.0	29.0	13.0	36.0	12.0	.6							188.6

Total Acres: 1010

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 17th day of September, 2014.

J. R. Simplot Company

By: 

(Signature)

David Spurling, Senior Vice
President, Secretary and
General Counsel

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-07346

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$100.00 Received by CS # C099425 Date 9-19-2014

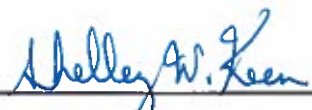
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 51-07346 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. This right does not grant any right-of-way or easement across the land of another and specifically does not grant utilization of the Bruneau-Buckaroo Ditch.
3. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
4. Water delivered by the Bruneau-Buckaroo Cooperative Ditch Company is also used to irrigate 250 acres of the place of use for this right. When Bruneau-Buckaroo Cooperative Ditch Company water becomes available for delivery to the 250 acres, the use of water pursuant to this right shall be reduced to a diversion rate of 15.20 cfs for the irrigation of the remaining 760 acres. Consequently, this right when combined with Bruneau-Buckaroo Cooperative Ditch Company Rights 51-2, 51-3, 51-5, 51-10350, 51-10351 & 51-10271 shall not exceed the irrigation of 3,491.2 acres.
5. Ground water rights 51-2089B, 51-2091, 51-2120, 51-2123, 51-2127, 51-2150, 51-2165, 51-2169, 51-2170, 51-2213B, 51-7047, 51-7058, and 51-7082A are also used to irrigate 760 acres of the place of use for this right. When this right is authorized for use on 1010 acres, it shall not exceed a total combined diversion rate of 21.01 cfs and the irrigation of a combined total of 1050.4 acres when used in combination with the ground water rights listed in this condition. When this right is authorized for use on 760 acres, it shall not exceed a total combined diversion rate of 16.01 cfs and the irrigation of a combined total of 800.4 acres when used in combination with the ground water rights listed in this condition.
6. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Witness my hand this 25th day of June, 2015.


for **GARY SPACKMAN**
Director



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 25, 2015

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: License No. 51-7346

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

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

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

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO.

51-7346

**J R SIMPLOT CO
PO BOX 27
BOISE ID 83707**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Memo to file: Permit 51-7346

From: Michael Ciscell

RE: Intent to void

6/18/2015

After a phone discussion with Vic Conrad and Dan Nelson, on Friday May 15th, I understood that Mr. Conrad had agreed to have the place of use for 51-7346 cover only those areas covered by existing Simplot GW rights: 51-2089B, 51-2091, 51-2120, 51-2123, 51-2127, 51-2150, 51-2165, 51-2169, 51-2170, 51-2213B, 51-7047, 51-7058, and 51-7082A and be limited to 760 acres within the 800.4 acres decreed for the GW rights. I asked Mr. Conrad to send me a letter for the file confirming this. The 760 acres was what was found being irrigated on ground currently irrigated by ground water during the field examination and further analysis. I also sent Mr. Conrad an email, including a map, outlining the rights and extent of the place of use being proposed. That email/map and subsequent emails are in the file. I never received the letter I had requested in our May 15th telephone conversation.

On May 27, 2015, Mr. Conrad sent an email requesting that water from this permit be used on the entire 1010 acres found to be irrigated. This was in contrast to earlier discussions from with Mr. Conrad, who specifically requested that the permit not include any conditions regarding the Buckaroo Ditch Company water rights on the property. Mr. Nelson responded to Mr. Conrad's email, and outlined 5 options for Mr. Conrad to choose from to craft the draft license. Neither Mr. Nelson nor I have heard back from Mr. Conrad since Mr. Nelson's final email.

Mr. Conrad's final email requested the entire 1010 acres be irrigated with conditions that limited a combined use for this permit to the 0.02 cfs when combined with all other water rights. Mr. Nelson's email explained what conditions would be needed if we allow this permit to be used on the entire 1010 acres. Mr. Conrad did not respond after Mr. Nelson sent his email, which we assume he has agreed with conditions including the Buckaroo Ditch Company's water rights in the conditions when licensing this permit. I have used option 2 from Dan's email to craft the license. The acreage and conditions on the license reflect that.

Although Mr. Conrad hasn't given specific guidance, he has hinted at the direction he would like to go through his final email, so we believe he has met the request for guidance in the notice of intent to void. Given the understanding I had from our phone conversation and some response to the emails sent from IDWR, I chose to continue the licensing process and not void the permit.

Ciscell, Michael

From: Nelson, Dan
Sent: Wednesday, May 27, 2015 10:25 AM
To: Conrad, Vic
Cc: Ciscell, Michael
Subject: RE: Proposed POU for 51-7346

Hello Vic,

We can do that, but we would need the condition that combines this water right with the Buckaroo Ditch Company shares. You said you didn't want the permit tied to the canal water at all, so we just combined it with the ground water rights. This right will have a combined condition on it. It is up to you on how you want those conditions to look. Here are the options that we can do:

Option one: We place this permit on only lands irrigated with ground water. This scenario will **probably** have a condition that limits the permits use when combined with the ground water rights to the 800.4 acres and limited to 16.08 cfs (or the capacity of the river pump station + ground water rights capacity) and 3202 acre feet when all of the ground water rights and the permit are combined. There will be no mention of the Buckaroo Ditch Company shares other than a **possible** condition that would state something along the lines of this right can't be used on ground irrigated with Buckaroo Ditch Company water. The permit will be limited to 756 acres at 15.12 cfs (or the capacity of the river system) and 3024 acre feet.

Option two: We place this permit on the entire 1010 acres. This scenario **could have** a condition that limits its use when combined with the ground water rights and the Buckaroo Ditch Company shares to the 1010 acres and limited to 20.20 cfs (or the capacity of the river pump station + ground water rights capacity + Buckaroo Ditch Company shares) and 4040 acre feet when all of the ground water rights, the Buckaroo Ditch Company Shares and the permit are combined. The permit will be limited to 1010 acres at 20.20 cfs (or the capacity of the river system) and 4040 acre feet. There **could** also be a condition that states that you can only irrigate 756 acres when Buckaroo Ditch Company shares are available.

Option three: You tell us that all of the Buckaroo Ditch Company water has been moved off the property prior to the development period, and that you don't have any Buckaroo Ditch Company shares on that farm any longer. This would also work for a reduced amount of shares on the property. Then we would condition it to the amount of water still on the farm. I can't give you any estimated numbers on this until we know how many acres are irrigated under the Buckaroo Ditch Company water.

Option four: We could allow this permit for 756 acres within the permissible place of use of 1010 acres with a **possible** condition stating that it cannot be used on ground irrigated by Buckaroo Ditch Company shares.

Option five: You could agree to option one above, and then after the permit is licensed, you could file a water right transfer that allows this permit and the ground water to be used on 800.4 acres within a permissible place of use. That way you could irrigate 756 acres anywhere within the place of use you determine.

I am paraphrasing the conditions right now, because we don't know which way the you want to go with this permit, so we haven't been able to compose any of the conditions and get them approved. I can tell you that they will be very similar, but I can't give you the exact wording. We will let you look at the conditions before we move it forward for licensing.

Unfortunately, our hands are pretty much tied at this point. We cannot have Buckaroo Ditch Company water on the same lands as this permit without a condition that limits the combined use of those water rights from the same water source. We are required to do include a condition that avoids a possible enlargement of the use of water from the

Bruneau River. According to the existing water rights on the property, the ground water irrigates 800.4 acres and the Buckaroo Ditch irrigates 250 acres of this farm. This permit can cover the irrigation of the entire farm until Buckaroo Ditch Company water is available unless it has been moved off the property or something. We have never been told how much of this farm is irrigated using the Buckaroo Ditch Company shares, so we have to assume it is the 250 acres described in Buckaroo Ditch Company's water right 51-5.

I hope this helps Vic. We are at a point where we need an answer so we can move forward with the licensing process. Hopefully, these options will give you an idea of what we can and cannot do. We can make this permit look like you want, but it will have conditions that prevent the possibility for an enlargement of the water used from the Bruneau River. I look forward to hearing from you by the end of the week.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, May 27, 2015 7:33 AM
To: Ciscell, Michael; Nelson, Dan
Subject: RE: Proposed POU for 51-7346

Mike,
Last week I asked Dan to explain why certain places that the water is used are excluded from the Place of Use. It seems to me that the Department could condition the use preventing any diversion from the source to no more than 0.02 cfs/acre; regardless of the water right. I want to use the permit on this land when there is no water in the canal – or use the canal water elsewhere in the place of use for the Ditch Company when water is available under this permit.

From: Ciscell, Michael [<mailto:Michael.Ciscell@idwr.idaho.gov>]
Sent: Tuesday, May 26, 2015 2:20 PM
To: Nelson, Dan; Conrad, Vic
Subject: RE: Proposed POU for 51-7346

Vic,

We still haven't received the letter you said you would send. This letter should state that this permit will cover only those lands already covered by Simplot's GW rights 51-2089B , 51-2091, 51-2120, 51-2123, 51-2127, 51-2150, 51-2165, 51-2169, 51-2170, 51-2213B, 51-7047, 51-7058 and 51-7082A as shown in the map previously.

We are going ahead with a proposed draft license. This will include proposed conditions for this draft. We will have our water rights supervisor review the draft license prior to sending it to you. However we can't send it to you until we receive the letter. Hopefully we'll have the letter by Friday, May 29th. so we can move this forward.

Michael

From: Nelson, Dan
Sent: Wednesday, May 20, 2015 12:12 PM

To: Conrad, Vic; Ciscell, Michael
Subject: RE: Proposed POU for 51-7346

Hello Vic,

We only included those areas that are covered by the ground water rights. If we only put this permit on the lands covered by ground water, we can only use the acres found within the ground water place of use. The drawn in areas on the map are not in the place of use described by the ground water rights. The ground water rights don't have a Permissible Place of Use, they limited to a specific 801.4 acres.

Dan

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Wednesday, May 20, 2015 10:25 AM
To: Ciscell, Michael; Nelson, Dan
Subject: RE: Proposed POU for 51-7346

Gents:
Why aren't the areas outlined in red included in the POU for 51-7346?

From: Ciscell, Michael [<mailto:Michael.Ciscell@idwr.idaho.gov>]
Sent: Friday, May 15, 2015 4:15 PM
To: Conrad, Vic; Nelson, Dan
Subject: Proposed POU for 51-7346

Vic,

I've attached a map of the proposed 760 acre POU for 51-7346. In addition, it shows the location of decreed Simplot GW rights and acreage allowed under each right. The one thing I didn't show is the last right, 51-7082A, has an acre limit of 152.4 within the 800.4 acres. All others are for the entire 800.4 acres.

It also shows the 1311 acre area called out in Bruneau-Buckaroo Ditch Co's WR 51-5. The 250 acres of irrigation shown in that file within the 1311 acres are directly northwest of the proposed POU for 51-7346.

Please contact Dan, 287-4856, next week with questions or comments. I will be back in the office Tuesday, the 26th and will work up the draft license for your review.

Michael



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 9, 2015

VIC CONRAD
C/O J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 51-7346

Dear Mr. Conrad:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. On May 29, 2014 I conducted an examination to verify the water use developed under permit 51-7246. Following this field examination, I noticed that this permit is in conflict water right 51-5 for the Bruneau Buckaroo Ditch Company. Water right 51-5 states that a portion of the lands irrigated for this property must be irrigated by the Buckaroo Ditch Company. The condition from water right 51-5 states the following:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2731.2 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE BRUNEAU BUCKAROO DITCH CO. COMBINED RIGHT NOS.: 51-00002, 51-00003, 51-10350, 51-10351 & 51-10271. THE PORTION OF THIS RIGHT UTILIZED BY OWEN RANCHES OR ITS SUCCESSORS OR ASSIGNS LOCATED ABOVE THE BRUNEAU BUCKAROO DITCH IS LIMITED TO 250 ACRES WITHIN THE 1311 ACRES AS DESCRIBED BY THE TRANSFER #4265 APPROVED 3/9/1994. EACH YEAR PRIOR TO THE IRRIGATION SEASON OWEN RANCHES OR ITS SUCCESSORS OR ASSIGNS SHALL ADVISE THE DEPARTMENT OF WATER RESOURCES AND THE BRUNEAU BUCKAROO COOPERATIVE DITCH CO AS TO THE SPECIFIC 250 ACRES TO BE RECEIVING WATER UNDER THIS RIGHT DURING THE IRRIGATION SEASON THAT YEAR.

We must determine the acres irrigated by the Buckaroo Ditch to determine the number of acres that are allocated to this permit. We contacted you on February 24, 2015 asking for clarification of this issue with no response. You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

The letter dated February 24, 2015 gives two options in which you can proceed to resolve this issue. If you believe a water right license should be issued to you, please supply information for one of the options listed in the February 24, 2015 letter. If I do not receive the requested information from you within fourteen (14) days, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ciscell", with a stylized flourish at the end.

Michael Ciscell

Senior GIS Analyst

Idaho Department of Water Resources

Telephone # (208) 287-4915

Fax (208) 287-6700 (C/O Michael Ciscell)

Email michael.ciscell@idwr.idaho.gov

Attachments – Relinquishment form

February 24, 2015 letter requesting additional information



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
SEP 19 2014
DEPARTMENT OF
WATER RESOURCES

September 18, 2014

State of Idaho
Department of Water Resources
Mr. Michael Ciscell, Senior GIS Analyst
P. O. Box 83720
Boise, ID 83720-0098

RE: Application for Amendment
Water Right(s) #51-07346

Mr. Ciscell,

Enclosed please the executed Application for Amendment for Water Right #51-07346 along with the appropriate filing fee.

Please let me know if you have any questions, and a final executed copy to my attention for our records is appreciated. I can be reached at (208) 389-7258 or diana.gastanaga@simplot.com.

Thank you for your assistance.

Sincerely,

Diana Gastanaga
Property Administrator