

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 11 2014

WATER RESOURCES
WESTERN REGION

REQUEST FOR EXTENSION OF TIME
TO COMPLETE TRANSFER

The holder of the water rights listed below requests an additional period of time in which to accomplish change(s) authorized by approval of Application for Transfer of Water Right(s) No. 78656 approved on October 21, 20 13.
Water Right No(s). 61-12291

Number of Year(s) Authorized in which to Accomplish Change(s) ☒ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5)

Number of Additional Year(s) Requested in which to Accomplish Change(s) ☐ (1) ☐ (2) ☐ (3) ☐ (4)
(Not to exceed 5 years total from date of the approval.)

Name(s) of Right Holder: J. R. Simplot Company

(If not the right holder of record, submit a Notice of Change of Water Right Ownership, appropriate fee and documentation.)

Mailing Address: P. O. Box 27

City Boise State ID Zip 83707

Phone No.: 208-336-2110

Email:

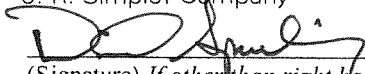
Explain why additional time to complete transfer is needed and show a reasonable cause for the delay:

Three wells have been constructed in and attempt to find enough water for the intended purpose. All three wells were unsuccessful. In addition, most of the water approved under 61-12291 was leased by the Idaho Water Resource Board until December 31, 2014 to a third party and is not available for use by the water right holder until the lease expires.

The water right holder requests an extension to complete the transfer until January 1, 2017 to allow for the Water Bank

Lease to expire and to determine the best location for developing the project. Costing \$ > \$200,000

J. R. Simplot Company



(Signature) If other than right holder, Power of Attorney must be supplied.

10 SEP 2014

(Date)

David Spurling, Senior Vice President, Secretary and General Counsel

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department approved the above referenced Application for Transfer with a condition that it be completed within 1 year(s).

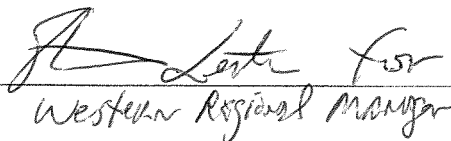
The right holder has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 78656 is granted an extension to JANUARY 1, 20 17 in which to accomplish the transfer. IT IS FURTHER HEREBY ORDERED that this extension does not stay the accumulation of the 5 year period associated with forfeiture of a water right for non-use.

OR Extension is not granted. (See correspondence in water right file.)

Signed this 11th day of September, 20 14.



Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 17, 2014

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

RE: Transfer No. 78656

Extension to Complete Transfer Approval Letter

Dear Water Right Holders:

Enclosed is a copy of an approved Request for Extension of Time to complete the above referenced transfer. Please note that resumption of beneficial use for this right shall occur on or before **JANUARY 1, 2017**.

Section 42-248, *Idaho Code*, requires water right owners to maintain current ownership and address records on file with the Department. Please refer to www.idwr.idaho.gov or contact any office of the Department for the proper form to file a change of ownership of water right and/or a change in address of the owner.

Please contact this office at 208-334-2190 if you have any questions concerning this matter.

Sincerely,

John Westra
Western Regional Manager

Enclosures

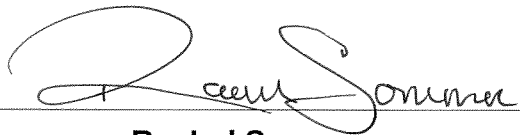
CERTIFICATE OF SERVICE

I hereby certify that on September 18th, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing EXTENSION OF TIME TO COMPLETE TRANSFER to the persons listed below:

RE: WATER RIGHT NO.

63-31346

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

A handwritten signature in black ink, appearing to read "Rachel Sommer", is written over a horizontal line.

Rachel Sommer
Administrative Assistant I

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.



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

CORPORATE HEADQUARTERS

RECEIVED

SEP 11 2014

WATER RESOURCES
WESTERN REGION

September 10, 2014

vw
Kay Walker
Senior Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: IDWR Transfer No. 78656/ Water Right 61-12291.

Dear Kay:

A condition of the approval for the above referenced transfer requires the completion of the changes authorized by the transfer within one year of approval (October 21, 2014). For the reasons expressed on the attached application, Simplot is requesting an extension to complete these changes until January 1, 2017.

Please file the enclosed application and let me know if I can provide any additional information to assist you in considering the attached request.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure