

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79047**

This is to certify that: **J R SIMPLOT CO**
PO BOX 27
BOISE, ID 83707

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-10422	WR/DECREED	7/31/1987	0.470 cfs	N/A	N/A	437.0	GROUND WATER
35-7169	WR/DECREED	3/9/1971	6.000 cfs	N/A	314.0	437.0	GROUND WATER
35-7373	WR/DECREED	1/18/1974	1.820 cfs	N/A	91.0	437.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-10422	NO	NO	NO	YES	NO	NO
35-7169	NO	NO	NO	YES	NO	NO
35-7373	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-10422	35-10422	0.470 cfs	128.0 af	32.0	437.0	N/A	N/A	N/A	N/A	N/A
35-7169	35-7169	6.000 cfs	1256.0 af	314.0	437.0	N/A	N/A	N/A	N/A	N/A
35-7373	35-7373	1.820 cfs	364.0 af	91.0	437.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.390 cfs	1748.0 af	437.0	437.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 13th day of February, 2014.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 79047

IN FILE # 35-7169

WATER RIGHT NO. 35-7373
As Modified by Transfer No. 79047

In accordance with the approval of Transfer No. 79047, Water Right No. 35-7373 is now described as follows:

Right Holder: J R SIMPLOT CO, A NEVADA CORP
 PO BOX 27
 BOISE, ID 83702-0027

Priority Date: 1/18/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

1.820 cfs

1.820 cfs

Diversion Volume

364.0 af

364.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWSE	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SWSES	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENE	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NENWSW	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENW	Sec 8	Twp 05S	Rge 31E	BINGHAM 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	
05S	31E	6									40.0	39.0	39.0	39.0					157.0
05S	31E	7					39.0	39.0	39.0	40.0	40.0	32.0	12.0	39.0					280.0

Right Acre Limit: 91.0

POU Total Acres: 437.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 91.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1748.0 af at the field headgate, and the irrigation of 437.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 79047

WATER RIGHT NO. 35-7373
As Modified by Transfer No. 79047

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79047, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
8. Right No. 35-10422 is an enlargement of rights 35-7169 and 35-7373 pursuant to Section 42-1426, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-7169**As Modified by Transfer No. 79047**

In accordance with the approval of Transfer No. 79047, Water Right No. 35-7169 is now described as follows:

Right Holder: J R SIMPLOT CO, A NEVADA CORP
PO BOX 27
BOISE, ID 83702-0027

Priority Date: 3/9/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

6.000 cfs

6.000 cfs

Diversion Volume

1256.0 af

1256.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWE	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SWSESW	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENE	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NENWSW	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENW	Sec 8	Twp 05S	Rge 31E	BINGHAM 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	
05S	31E	6									40.0	39.0	39.0	39.0					157.0
05S	31E	7					39.0	39.0	39.0	40.0	40.0	32.0	12.0	39.0					280.0

Right Acre Limit: 314.0

POU Total Acres: 437.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 314.0 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1748.0 af at the field headgate, and the irrigation of 437.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 35-7169
As Modified by Transfer No. 79047

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79047, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
8. Right No. 35-10422 is an enlargement of rights 35-7169 and 35-7373 pursuant to Section 42-1426, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 35-10422**As Modified by Transfer No. 79047**

In accordance with the approval of Transfer No. 79047, Water Right No. 35-10422 is now described as follows:

Right Holder: J R SIMPLOT CO, A NEVADA CORP
PO BOX 27
BOISE, ID 83702-0027

Priority Date: 7/31/1987

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 10/31

Diversion Rate

0.470 cfs

0.470 cfs

Diversion Volume

128.0 af

128.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESWSE	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	SWSES	Sec 6	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENE	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NENWSW	Sec 7	Twp 05S	Rge 31E	BINGHAM County
GROUND WATER	NWNENW	Sec 8	Twp 05S	Rge 31E	BINGHAM 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	
05S	31E	6									40.0	39.0	39.0	39.0					157.0
05S	31E	7					39.0	39.0	39.0	40.0	40.0	32.0	12.0	39.0					280.0

Right Acre Limit: 32.0

POU Total Acres: 437.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 32.0 acres within the place of use described for this right.
2. Rights 35-7169, 35-7373 and 35-10422 when combined shall not exceed a total diversion rate of 6.39 cfs, a total annual maximum diversion volume of 1748.0 af at the field headgate, and the irrigation of 437.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO. 35-10422
As Modified by Transfer No. 79047

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 79047, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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 place of use.
8. This right is based upon an enlargement of Rights 35-7373 and 35-7169 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.