

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 77900

This is to certify that: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707
(208) 336-2110

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 Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
35-2553B	WR/Decreed	01/08/1959	0.6 cfs	N/A	31.0	387.0	GROUND WATER
35-2351	WR/Decreed	10/01/1953	3.5 cfs	N/A	196.0	387.0	GROUND WATER
35-7372	WR/Decreed	01/18/1974	3.62 cfs	N/A	356.0	387.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2553B	YES	YES	YES	NO	YES	YES
35-2351	YES	YES	YES	NO	YES	YES
35-7372	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2553B	25-14374	0.04 cfs	3.5 af	N/A	N/A	35-14262	0.56 cfs	115.2 af	28.8	359.0
35-2351	25-14375	0.25 cfs	22.9 af	N/A	N/A	35-14260	3.25 cfs	727.2 af	181.8	359.0
35-7372	25-14376	0.26 cfs	41.5 af	N/A	N/A	35-14258	3.36 cfs	1320.8 af	330.2	359.0

COMBINED

TOTALS **0.55 cfs** **45.0 af** **N/A** **N/A** **N/A** **N/A** **N/A** **N/A**

Detailed Water Right Description(s) attached

Dated this 11th day of June, 2012


Water Resources Program Manager

SUPPORT DATA

IN FILE # 25-2351

**WATER RIGHT NO. 35-14258
As Modified by Transfer No. 77900**

In accordance with the approval of Transfer No. 77900, Water Right No. 35-14258 is now described as follows.

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Priority Date: January 18, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.36 CFS	1,320.8 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NWNENW Sec. 8 Twp 05S Rge 31E BINGHAM 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	
05S	31E	5									33.0	33.0	32.0	32.0					130.0
05S	31E	8					39.0	39.0	40.0	40.0	40.0				31.0				229.0

Total Acres: 359

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 330.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14258, 35-14260 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 1436.0 af at the field headgate, and the irrigation of 359.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
4. The following rights are diverted through point(s) of diversion described above: 35-14258, 35-14260, 35-14262.

This water right 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.

Dated this 11th day of June, 2012



 Water Resources Program Manager

**WATER RIGHT NO. 25-14376
As Modified by Transfer No. 77900**

In accordance with the approval of Transfer No. 77900, Water Right No. 25-14376 is now described as follows.

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Priority Date: January 18, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.26 CFS	41.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNE Sec. 14 Twp 02N Rge 38E BONNEVILLE County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	14		X	X														

CONDITIONS OF APPROVAL

1. Rights 25-14376, 25-14375, and 25-14374 when combined shall not exceed a total annual maximum diversion volume of 45.0 af.
2. 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.
3. 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.
4. Prior to diversion and use of water under Transfer approval 77900, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

WATER RIGHT NO. 25-14376
As Modified by Transfer No. 77900

CONDITIONS OF APPROVAL

8. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Industrial use is for a potato fresh pack facility.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right 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.

Dated this 11th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 35-14260
As Modified by Transfer No. 77900

In accordance with the approval of Transfer No. 77900, Water Right No. 35-14260 is now described as follows.

Right Holder: J R SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: October 01, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.25 CFS	727.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENW Sec. 8 Twp 05S Rge 31E BINGHAM County

PLACE OF USE:

Twp	Rge	Sec	IRRIGATION												Totals				
			NE				NW				SW					SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	5									33.0	33.0	32.0	32.0					130.0
05S	31E	8								39.0	39.0	40.0	40.0	40.0				31.0	229.0

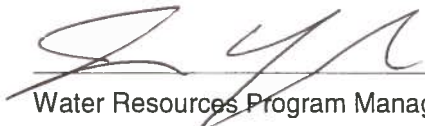
Total Acres: 359

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 181.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14258, 35-14260 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 1436.0 af at the field headgate, and the irrigation of 359.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
4. The following rights are diverted through point(s) of diversion described above: 35-14258, 35-14260, 35-14262.

This water right 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.

Dated this 11th day of June, 20 12



 Water Resources Program Manager

**WATER RIGHT NO. 25-14375
As Modified by Transfer No. 77900**

In accordance with the approval of Transfer No. 77900, Water Right No. 25-14375 is now described as follows.

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Priority Date: October 01, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.25 CFS	22.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNE Sec. 14 Twp 02N Rge 38E BONNEVILLE County

PLACE OF USE:

Twp Rge Sec	INDUSTRIAL				NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
02N 38E 14		X	X																		

CONDITIONS OF APPROVAL

1. Rights 25-14376, 25-14375, and 25-14374 when combined shall not exceed a total annual maximum diversion volume of 45.0 af.
2. 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.
3. 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.
4. Prior to diversion and use of water under Transfer approval 77900, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

WATER RIGHT NO. 25-14375
As Modified by Transfer No. 77900

CONDITIONS OF APPROVAL

8. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Industrial use is for a potato fresh pack facility.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right 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.

Dated this 11th day of June, 2012



Water Resources Program Manager

WATER RIGHT NO. 35-14262
As Modified by Transfer No. 77900

In accordance with the approval of Transfer No. 77900, Water Right No. 35-14262 is now described as follows.

Right Holder: J R SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: January 08, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.56 CFS	115.2 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NWNENW Sec. 8 Twp 05S Rge 31E BINGHAM 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	
05S	31E	5									33.0	33.0	32.0	32.0					130.0
05S	31E	8					39.0	39.0	40.0	40.0	40.0			31.0					229.0

Total Acres: 359

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.8 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14258, 35-14260 and 35-14262 when combined shall not exceed a total annual maximum diversion volume of 1436.0 af at the field headgate, and the irrigation of 359.0 acres.
3. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
4. The following rights are diverted through point(s) of diversion described above: 35-14258, 35-14260, 35-14262.

This water right 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.

Dated this 11th day of June, 2012



 Water Resources Program Manager

**WATER RIGHT NO. 25-14374
As Modified by Transfer No. 77900**

In accordance with the approval of Transfer No. 77900, Water Right No. 25-14374 is now described as follows.

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Priority Date: January 08, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.04 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNE Sec. 14 Twp 02N Rge 38E BONNEVILLE County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	14		X	X														

CONDITIONS OF APPROVAL

1. Rights 25-14376, 25-14375, and 25-14374 when combined shall not exceed a total annual maximum diversion volume of 45.0 af.
2. 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.
3. 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.
4. Prior to diversion and use of water under Transfer approval 77900, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

**WATER RIGHT NO. 25-14374
As Modified by Transfer No. 77900**

CONDITIONS OF APPROVAL

8. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Industrial use is for a potato fresh pack facility.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

This water right 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.

Dated this 11th day of June, 20 12


Water Resources Program Manager