

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77479

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 rights listed below. This change in water rights 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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10471	WR/Decreed	02/25/1963	23.76 cfs	4752 af	1,188.0	2,640.0	SNAKE RIVER
2-10472	WR/Decreed	02/25/1963	4.80 cfs	960 af	240.0	2,640.0	SNAKE RIVER

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>
2-10471	NO	YES	YES	NO	NO	NO
2-10472	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

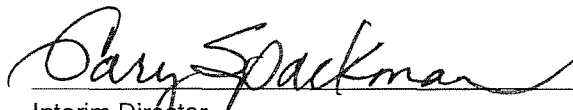
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10471	2-10471	23.76 cfs	4752 af	1188.0	1428.0		N/A	N/A	N/A	N/A
2-10472	2-10472	4.80 cfs	960 af	240.0	1428.0		N/A	N/A	N/A	N/A

COMBINED

TOTALS	28.56 cfs	5712 af	1428.0	1428.0	N/A	N/A	N/A	N/A
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Detailed Water Right Descriptions attached

Dated this 7th day of November, 2011


Interim Director

SUPPORT DATA

IN FILE # 2-10471

WATER RIGHT NO. 2-10471
As Modified by Transfer No. 77479

In accordance with the approval of Transfer No. 77479, Water Right No. 2-10471 is now described as follows.

Right Holder: COTTONWOOD MUTUAL CANAL CO
 C/O RINGERT CLARK CHARTERED
 PO BOX 2773
 BOISE ID 83701

Priority Date: February 25, 1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	23.76 CFS	4,752.0 AF
			23.76 CFS	4,752.0 AF

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L4 (SESWSW) Sec. 22, Twp 05S, Rge 04E, ELMORE 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	
04S 04E 30				40.0					40.0		40.0	40.0	40.0	40.0	40.0	40.0	320.0
04S 04E 31															39.0	40.0	79.0
05S 04E 4									40.0								40.0
05S 04E 5					38.0	40.0	35.0	39.0	40.0	39.0	40.0	40.0	40.0	37.0	40.0	39.0	427.0
05S 04E 6	39.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	319.0
05S 04E 7	40.0			40.0													80.0
05S 04E 8			3.0		40.0	40.0	40.0	40.0									163.0

Total Acres: 1428

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 2-10471
As Modified by Transfer No. 77479

CONDITIONS OF APPROVAL

3. 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.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.
5. This right is limited to the irrigation of 1188 acres within the authorized place of use in a single irrigation season.
6. 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.
7. The following rights are diverted through point of diversion described above: 2-2220, 2-2221, 2-2222, 2-2409, 2-7040, 2-7396, 2-10471 and 2-10472.
8. After specific notification by the Department, the right holder shall install a suitable measuring device 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 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 7th day of November, 20 11


Interim Director

WATER RIGHT NO. 2-10472
As Modified by Transfer No. 77479

In accordance with the approval of Transfer No. 77479, Water Right No. 2-10472 is now described as follows.

Right Holder: WILLIAM F RINGERT And LYNNE K RINGERT
 PO BOX 105
 HAMMETT ID 83627

Priority Date: February 25, 1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	4.80 CFS	960.0 AF
			4.80 CFS	960.0 AF

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L4 (SESWW) Sec. 22, Twp 05S, Rge 04E, ELMORE 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	
04S	04E	30				40.0					40.0		40.0	40.0	40.0	40.0	40.0	40.0	320.0
04S	04E	31															39.0	40.0	79.0
05S	04E	4									40.0								40.0
05S	04E	5					38.0	40.0	35.0	39.0	40.0	39.0	40.0	40.0	40.0	37.0	40.0	39.0	427.0
05S	04E	6	39.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	319.0
05S	04E	7	40.0			40.0													80.0
05S	04E	8			3.0		40.0	40.0	40.0	40.0									163.0

Total Acres: 1428

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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. 2-10472
As Modified by Transfer No. 77479

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/8/2008.
5. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
6. 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.
7. The following rights are diverted through point of diversion described above: 2-2220, 2-2221, 2-2222, 2-2409, 2-7040, 2-7396, 2-10471 and 2-10472.
8. After specific notification by the Department, the right holder shall install a suitable measuring device 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 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 7th day of November, 20 11


Interim Director



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
Interim Director

November 7, 2011

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

LYNNE K RINGERT
And/Or
WILLIAM F RINGERT
PO BOX 105
HAMMETT ID 83627

COTTONWOOD MUTUAL CANAL CO
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701

RE: Transfer No.: 77479
Water Right No(s): 2-10472 2-10471

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 (IC). A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

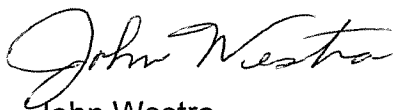
Please note, water right 02-10471 was leased to the Water Supply Bank (bank) on March 22, 1991. In accordance with the water supply bank lease acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. The right will remain in the bank until indefinitely unless released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Condition of Approval No. 1 states the right holder shall accomplish the change authorized within 5 years of the date of the approval. As a courtesy, the Department requests the right holders provide the Department with a yearly update on the status of the change authorized. Be reminded, the extended change period (5 yrs.) does not prevent forfeiture for non use pursuant to sections 42-222 & 42-223 IC.

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 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "John Westra".

John Westra
Western Regional Manager

Enclosure(s)

cc: DANIEL V STEENSON
CHARLES L HONSINGER

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77479
WATER RIGHTS NOS. 2-10472 2-10471

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

DANIEL V STEENSON
CHARLES L HONSINGER
RINGERT LAW
PO BOX 2773
BOISE ID 83701

LYNNE K RINGERT
And/Or
WILLIAM F RINGERT
PO BOX 105
HAMMETT ID 83627

COTTONWOOD MUTUAL CANAL CO
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley
Office Specialist II

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.

Walker, Kay

From: Dan Steenson [dan@ringertlaw.com]
Sent: Thursday, November 03, 2011 5:19 PM
To: Conrad, Vic
Cc: Walker, Kay; Westra, John; Young, Gray; Uhling, Terry
Subject: Re: Draft Approval #2 - Transfer 77479

The proposed transfer is acceptable to Cottonwood as well. Dan

Sent from my iPhone

On Nov 3, 2011, at 4:58 PM, "Conrad, Vic" <Vic.Conrad@simplot.com> wrote:

Kay,

The proposed transfer approval as revised is fine with Simplot. Thank you.

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Wednesday, November 02, 2011 8:52 AM
To: Daniel Steenson; Conrad, Vic
Cc: Walker, Kay; Westra, John
Subject: Draft Approval #2 - Transfer 77479

Gentlemen:

Attached is a revised version of the proposed transfer approval I sent to you on October 28th. Please note that we have revised Condition #1, allowing 5 years to accomplish this change, and added Condition #8 (measuring device) to this draft.

If you have any questions in this matter, please feel free to contact me, or John Westra, at 334-2190.

Sincerely,

KAY WALKER

Sr. Water Resource Agent

Idaho Dept. of Water Resources

<<2nd Draft Approval 77479.pdf>>

Walker, Kay

From: Walker, Kay
Sent: Friday, October 28, 2011 10:16 AM
To: Vic Conrad; Daniel Steenson
Cc: Walker, Kay; Westra, John
Subject: Draft Approval of Transfer 77479

Gentlemen:

Attached is the draft approval of Transfer 77479. Please be advised that we have received all the affidavits of publication and will be able to finalize this transfer once we know you are in agreement with the draft. If we don't hear from you by November 4th, we will prepare the final document for signature, as drafted.

If you have any questions in this matter please feel free to contact me, or John Westra, at 334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Idaho Dept. of Water Resources



Draft Approval
Trans. 77479.pd...

Walker, Kay

From: Skaggs, Pam
Sent: Friday, October 28, 2011 9:29 AM
To: Walker, Kay
Cc: 'dan@ringertlaw.com'; Spackman, Gary; Keen, Shelley
Subject: RE: Transfer 77479

Kay,

Please complete your final review & edits of the draft approval for Transfer 77479. Send a copy to both Dan & Vic for review while you are waiting for all the affidavits to be submitted.

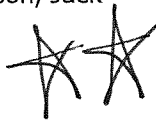
Pam

From: Spackman, Gary
Sent: Friday, October 28, 2011 8:19 AM
To: Keen, Shelley; Skaggs, Pam
Cc: 'dan@ringertlaw.com'
Subject: FW: Transfer status

Shelley & Pam,

Could you assign someone on your staff to track this application for transfer and coordinate with Dan Steenson and Vic Conrad? Thanks. Gary

From: Dan Steenson [<mailto:dan@ringertlaw.com>]
Sent: Thursday, October 27, 2011 12:56 PM
To: Spackman, Gary; Peterson, Jack
Cc: Conrad, Vic
Subject: Transfer status



Gary & Jack,

The protest deadline for the Simplot transfer was Monday, October 24th. No protests were filed. I talked to Kay Walker Monday. She said that IDWR had received 1 affidavit of publication and is waiting for a few more that she would expect to come in 1-2 weeks. She said that, after all affidavits are received, IDWR will be able to finalize the transfer approval. I requested that IDWR send us a copy of a draft approval for review prior to issuance of a final. She said she would do so. If a draft could be sent to us asap, this may facilitate final approval with no need for changes afterward.

Dan

Daniel V. Steenson
RINGERT LAW CHARTERED
455 South Third Street
P.O. Box 2773
Boise, ID 83701-2773
Tel: (208) 342-4591
Fax: (208) 342-4657
dan@ringertlaw.com



RECEIVED

OCT 14 2011

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

County of Elmore } ss
State of Idaho

I, **Coleen W. Swenson**, do solemnly swear
that I am the Publisher of the:

Mountain Home News

A weekly newspaper of general circulation,
published once a week, in Mountain Home,
Idaho, that the notice attached hereto which is
a part of publication thereof; was published in
said newspaper for 2 consecutive weeks,
the first publication having been made on the
5th day of Oct, 2011, and the last
publication having been made on the
12th day of Oct, 2011; every
Wednesday issue of the paper during the
period and time of publication and that the
notice was published in the paper proper and
not in a supplement thereof.

And I further swear that the said Mountain
Home News has been continuously and
uninterruptedly published in said Elmore
County during the period of 78 consecutive
weeks prior to the first publication of the
attached notice.



Publisher

Subscribed and sworn to me this 12th day
of Oct, 2011.



Notary Public

Residing in Mountain Home, Elmore County,
Idaho.

My commission expires **11-17-2011**.

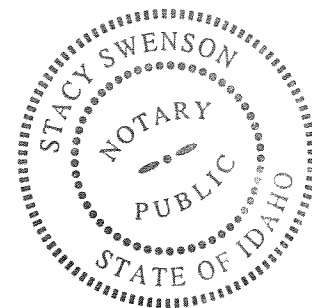
PROPOSED CHANGE OF WATER RIGHTS

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed Application No. 77479 to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
First Publication: October 5, 2011.
Last Publication: October 12, 2011.

VOK
88 10/19/11



OCT 14 2011

WATER RESOURCES
WESTERN REGION**LEGAL PROOF OF PUBLICATION**

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000570852	LEGAL NOTICE	SVRanchLLC	\$172.95	2	51

Attention: Steve Lester

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE ID 83705

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHTS**

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed Application No. 76740 to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78 in Owyhee County.

Blue Valley LLC of 24681 La Plaza #380, Dana Point, CA 92629 filed Application No. 77125 to transfer one water right with a 1977 priority date from ground water totaling 0.70 cfs and 240 afa. The purpose of the transfer is to change ownership, place of use and points of diversion, and change nature of use of 0.30 cfs and 12 afa for diversion to storage and aesthetic storage. The nature of use change is to offset evaporation from the on-site pond. Water will be used at the current place of use in Boise for Blue Valley home park southwest of Eisenman Road and Blue Ridge Lane, Ada County.

The City of Garden City, City Hall, 6015 Glenwood St, Garden City ID 83714, filed Application No. 77404 to transfer 11 water rights with 1951 to 1990 priority dates from ground water totaling 24.91 and 438 afa. The purpose of the transfer is to incorporate all of the points of diversion into the City's municipal diversion system and municipal service area. The transfer also changes ownership and nature of use from domestic and fire protection to municipal use for one right the City recently acquired. Water will be used at the current place of use in the City's municipal service area in Ada County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed Application No. 77479 to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFile.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Pub. Oct. 6, 13, 2011

0000570852-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 10/06/2011Ending issue of: 10/13/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

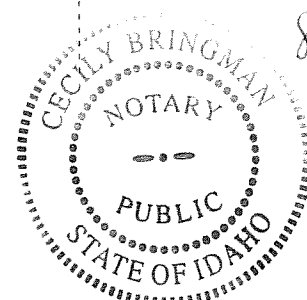
On this 13 day of October in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ OK
8/13 10/17/11

**Proof of Publication
The Post Register**

RECEIVED

OCT 17 2011

State of Idaho
Bonneville County:

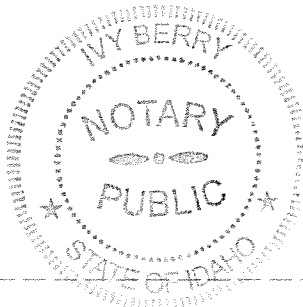
WATER RESOURCES
WESTERN REGION

I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **422942**, for **2** consecutive (days) weeks, between **10/06/2011** and **10/13/2011**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 13 day of October 2011



[Signature]
Notary Public

My Commission expires: 1/10/2015

----- attached jurat -----

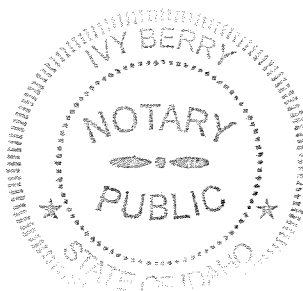
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 13 day of October 2011, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 1/10/2015

PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed **Application No. 76740** to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78, Owyhee County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed **Application No. 77479** to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published: October 6 and 13, 2011 (422942)

V OK
SB 10/17

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>10/13/2011</u>	INVOICE NO.	<u>48928</u>
Account No.	<u>964760</u>		
Description	<u>48928 PROPOSED</u>		
Times	<u>2</u>	Lines	<u>72</u>
		Tab. lines	

**LEGAL ADVERTISING
INVOICE**

RECEIVED

\$ 102.60

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

OCT 17 2011

PO#

WATER RESOURCES
WESTERN REGION

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**PROPOSED CHANGE OF
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Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 48928 PROPOSED attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune.

2 time(s). Publication being on 10/06 or once a 10/06/2011 for 2 consecutive the first publication thereof being on the 10/06/2011 and the last publication thereof being on the 10/13/2011 and said 48928 PROPOSED was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 13th day of October in the year of 2011, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Carol L. Peterson

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017

✓ OK
SB 10/17

RECEIVED

OCT 17 2011

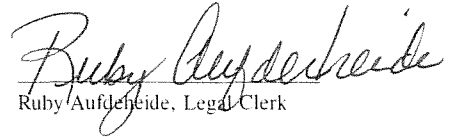
WATER RESOURCES
WESTERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 6th day of October, 2011 and ending with the issue dated 13th day of October, 2011

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterrupted.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.


Ruby Aufderheide, Legal Clerk

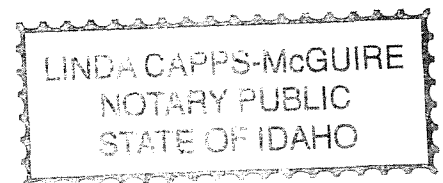
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 14th day of October, 2011, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



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GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011

✓ OK
SJB 10/17

MEMORANDUM

TO: Transfer No. 77479
FROM: Kay Walker *Kay*
DATE: September 20, 2011
RE: Evaluation of Application

This transfer proposes to move two water rights from their current point of diversion and place of use to lands owned by the transfer applicant.

The proposed site is located approximately 8 miles southwest of Mountain Home Air Force Base. The water rights were decreed for use in the Black Mesa area, south of Pasadena Valley but had been enrolled in the Water Supply Bank and not used for some time.

Contact person for the applicant is Daniel Steenson, Ringert Law Office, P.O. Box 2773, Boise, ID, 83702, phone 208-342-4591.

Deviations from Transfer Policy Standards

The transfer application appears to be in good form. It is large enough that we will have to publish notice statewide.

Summary of Information Submitted

Authority to File:

The transfer applicant has filed the application with the stipulation that they will purchase the water rights upon approval of the transfer. The rights will remain in the current owners name until the transfer is approved and then the applicant will submit an ownership change with a copy of the deeds to the rights. The Cottonwood Canal Company rights have been considered not appurtenant to the lands they are tied to for many years and many other transfers; therefore we do not need current landowners consent per IDWR records.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period on April 8, 2008.

Injury to Other Water Rights:

There should be no injury to other rights in the proposed area of use. There are only ground water rights currently appurtenant to the proposed place of use. The applicant will use an existing pumping plant to divert the water. The applicant has a right of way agreement with the BLM to utilize the land where the point of diversion is located. A copy of that agreement is attached to the transfer application.

Enlargement of Use:

No enlargement of use is proposed under this transfer. The rights are currently appurtenant to 1428 acres within a ppu of 2640 acres. The applicant proposes to irrigate 1428 acres, which will be one inch to the acre under these rights. A permissible place of use (ppu) is proposed, each right will be limited to the number of acres shown in the remarks on the rights as decreed.

Local Public Interest:

It is within the public interest to allow the change in these rights to the proposed area. The rights have been enrolled in the Water Supply Bank in their entirety and once eligible, will be removed from the bank and used to their full extent upon the proposed ppu.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Watermaster comments are not applicable since a water district has not been formed on this portion of the Snake River at this time. A water district is in the works and will be created in the near future so regulation will be forth coming.

Data entry affected the correct records. The rights were decreed in the SRBA in 2008 and the records have been migrated to the water right data base.

Overlapping rights at proposed POD are rights in the transfer applicants name. The applicant has an existing pumping station on the Snake River and will utilize that to divert the water under these rights if the transfer is approved. There is no capacity limitation on the rights at this time. The applicant holds a right-of-way agreement with the BLM to utilize the proposed point of diversion. The existing point of diversion has not been utilized to pump water for these rights for years since the rights were enrolled in the Water Supply Bank since 1991. There should be no problem with the transfer of the rights to a new point of diversion.

Overlapping rights at the proposed POU consist of ground water rights. There are no surface water rights for the place of use. The priority dates of the ground water rights are 1963 through 1980 vintage. The proposed place of use is located within the Mountain Home Ground Water Management Area. The addition of Snake River water to this area may be beneficial to the declining aquifer if that is possible.

Water Bank issues are familiar to the applicant. They have knowledge of the rights being enrolled in the bank and of the portion of the rights that have been leased from the bank. Some of the applicants ground water rights, for this property, are also enrolled in the water supply bank at this time so they know how the bank is operated.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.