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AUG 11 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77466

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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Rev. 10/09

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DEPT. OF WATER RESOURCES
SOUTHERN REGION OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) J. R. Simplot Self-Declaration of Revocable Trust Phone 208-336-2110

Mailing address PO Box 27, Boise, Idaho 83707 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ronald N. Graves, Trustee
Signature of Applicant or Authorized Representative

Ronald N. Graves, Trustee
Print Name and Title if applicable

August 8, 2011
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The point of diversion and a small segment of ditch are located on land owned by the BLM. The transfer will move the point of diversion downstream approximately 300 ft. on to land owned by the applicant and a ditch from the new point of diversion will be constructed the applicant's land to transport water to the place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	47-39A	0.72 cfs	Irrigation	4/1 to 11/1	Cedar Creek/ Tributary to
☐ ☐			Stockwater	1/1 to 12/31	Salmon Falls Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.72 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.72 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x		NW	SE	NE	33	14S	13E	Twin Falls	Cedar Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Diversion dam, discharge into an open ditch.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: Subcase 47-39A is pending in the Snake River Basin Adjudication. The BLM has objected to the current point of diversion and a small segment of ditch that are located on BLM land. This transfer will move the point of diversion downstream approximately 300 ft. on to land owned by the applicant. A new segment of ditch will be constructed on land owned by the application to connect the new point of diversion to the existing ditch which crosses land owned by the applicant.

Total Acres (for irrigation use) _____

Add'l Fee Paid _____ Date 1/1 Received by [Signature] Receipt # 100

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 47-39A

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 5/1/1893

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

CEDAR CREEK

Tributary

SALMON FALLS CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION	04/01 to 11/01
STOCKWATER	01/01 to 12/31
	<u>Total Diversion</u>

0.72 CFS
0.02 CFS
0.72 CFS

Location of Point(s) of Diversion

CEDAR CREEK

SW1/4NE1/4

Sec. 33, Twp 14S, Rge 13E B.M.

TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T14S R13E S27	SWSW	0.70	T14S R13E S33	NENE	27.00
T14S R13E S33	SENE	4.00	T14S R13E S34	NWNW	4.30

Total Acres: 36

STOCKWATER Within TWIN FALLS County

T14S R13E S27	SWSW	T14S R13E S33	NENE
T14S R13E S33	SENE	T14S R13E S34	NWNW

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THIS IS BEING -RECORDED TO CORRECT GRANTOR'S NAME

Twin Falls County, Idaho

Recorded for:
TITLEFACT

42466B

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

11:00am Aug. 03, 1999

1999-014420

No. of Pages: 2 Fee: \$8.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CH

Twin Falls County, Idaho

Recorded for:
TITLEFACT

02:53pm Jul. 23, 1999

1999-013794

No. of Pages: 2 Fee: \$8.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SL

**** SPACE ABOVE FOR RECORDER ****

Simplot Pers
579

CORPORATION WARRANTY DEED

**** successor in interest to TEWS ANGUS FARMS, INC. AN IDAHO CORPORATION
FOR VALUE RECEIVED TEWS LAND AND LIVESTOCK, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto J.R. SIMPLOT AS TRUSTEE OF THE J.R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788, Grantee, whose address is: P.O. Box 27, Boise, Idaho 83707, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

PARCEL NO. 2

Township 14 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$, above Flow Line

Section 24: NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33: SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 34: NE $\frac{1}{4}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 35: NW $\frac{1}{4}$

Township 15 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 3: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL NO. 3:

Township 14 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 2: W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$

*Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$ above flow line

*Section 22: NE $\frac{1}{4}$ SE $\frac{1}{4}$ above flow line and SE $\frac{1}{4}$ NE $\frac{1}{4}$ above flow line

Township 13 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho

Section 33: SW $\frac{1}{4}$

PARCEL NO. 6

Township 15 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 14: SW $\frac{1}{4}$

Section 15: SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$

Section 23: S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$

ALL SUBJECT TO: Twin Falls Highway District right of way

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President.

Dated: July 16, 1999

TEWS LAND AND LIVESTOCK, INC., an Idaho corporation

By: *Gerald Tews*
GERALD TEWS, President

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 5th day of July, 1999, before me, the undersigned, Notary Public in and for said State, personally appeared Gerald Tews, known to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Susie Moore
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 11-28-2002

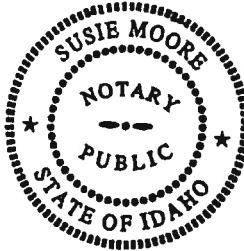
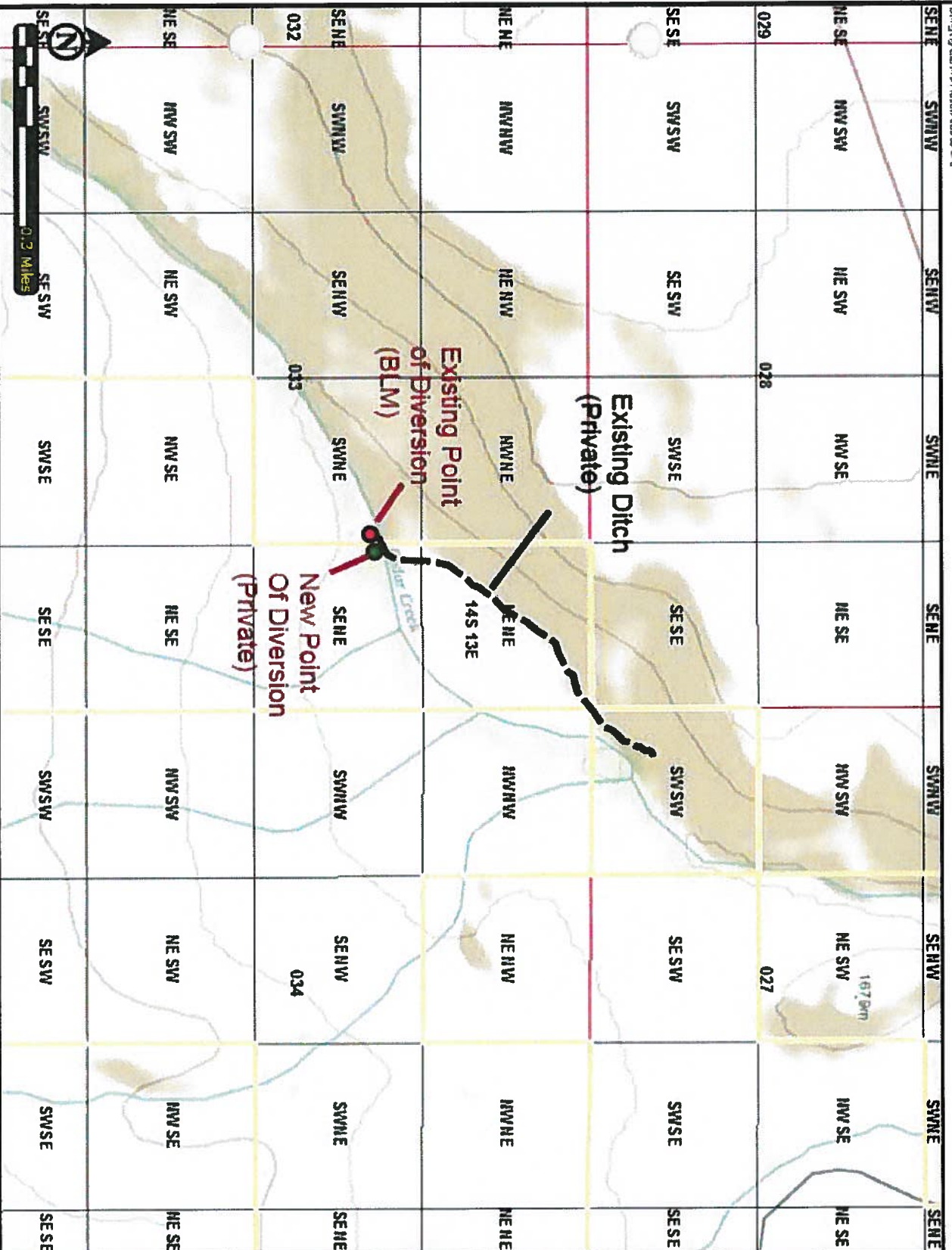


Exhibit #7a. Application for Transfer of 47-39A



Map Notes: Transfer will move the point of diversion onto land owned by the applicant. A small segment of ditch will be constructed on private land to connect the new point of diversion with the existing ditch located on private land.

Confidential - Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

- ### Legend
- US Land Survey
 - Townships
 - Sections
 - Sections_Alternate
 - Sections_Alternate
 - Quarter Quarters
 - Quarter Quarters_Alternate
 - Quarter Quarters_Alternate
 - Texas Survey
 - Simplot Assets
 - Owned Land
 - AB
 - Corp
 - FG
 - LL
 - Family
 - Leased Assets
 - AB
 - Corp
 - FG
 - LL
 - Simplot World Locations
 - AB
 - Corp
 - FG
 - LL
 - WASAPL