

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75758

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
- ☒ * 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/water/rights/>.
- ☐ ☒ #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: _____

(rec'd 7/23/09)
KW

Superseded by Transfer Rec'd 8/13/2009 -

RECEIVED

JUL 10 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75758

RECEIVED

JUL 13 2009 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) J. R. Simplot Company Phone 208-336-2110Mailing address PO Box 27 Boise, ID 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.

J. R. Simplot Company

By: [Signature]
Signature of Applicant or Authorized RepresentativeTerry T. Uhling, Senior Vice
Print Name and Title if applicable
President, Secretary and
General Counsel

6/26/09

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**. 0.31 cfs out of the 4.22 cfs licensed under water right no. 2-2053 will be transferred to a new point of diversion. 15.63 acres out of the 211 acres licensed for irrigation under water right no. 2-2053 will be transferred to a new 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 ☐ ☒	2-2053	3.91 cfs	Irrigation	3/15 to 11/15	Snake River Tributary to Columbia River
☐ ☒	2-2053	0.31 cfs	Irrigation	3/15 to 11/15	Snake River Tributary to Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.22 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.31 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		NE	SW	SW	8	6S	5E	Owyhee	Snake River	3.91 cfs
	1	NE	NE	NE	36	4S	2E	Elmore	Snake River	0.31 cfs

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	
4S	2E	25											12.37	40	15		40	38	145.37
		36		19			31												50
6S	5E	18							9.13									6.5	15.63

Total Acres (for irrigation use) 211

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: _____

- b. Who owns the property at the point(s) of diversion? United States Bureau of Land Management

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

BLM Right-of-Way for Irrigation Facilities Serial Number 0-12342 (copy attached).

- 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: _____

15.63 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 T.4S R.2E will no longer be irrigated.

- 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: _____

AZIOLO-113
(January, 1961)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

DECISION

Right-of-way Granted

DETAILS OF GRANT

Serial number of grant: Idaho 012342

Name of grantee: DARR H. ONIL

Map showing the location and dimensions of grant:

Map designations: ----

Date filed: April 13, 1961

Permitted use by grantee: Irrigation pipeline and pump

Authority for grant: Act of March 3, 1891 (26 Stat. 1101), as amended.

Regulations applicable to grant:

Code reference: 43 CFR, Part 244, Subparts A and B
Circular numbers: 1913

Date of grant: OCT 19 1961

Expiration date of grant: -----

Rental:

Amount: NONE

When payable by grantee: -----

TERMS AND CONDITIONS OF GRANT

Pursuant to the authority vested in the undersigned by Order No. 541 of the Director, Bureau of Land Management, dated April 21, 1954 (19 F.R. 2473), as amended, a right-of-way, the details of which are shown above, is hereby granted subject to the following terms and conditions:

1. All valid rights existing on the date of the grant.
2. All regulations in the circulars specified above.
3. Filing of proof of construction within five years of the date of the grant.
4. Further terms and conditions as follows:

(a) Pursuant to 43 CFR 244.9 the District Manager, Boise District Office, 230 Collins Road, Boise, Idaho, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to beginning of construction.

- (b) Attached Federal Power Commission Stipulation.
- (c) Attached Idaho Department of Fish and Game

Stipulation.

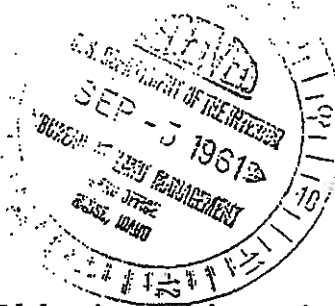
DIRECTOR, BLM
VSS:kk-10/17/61
case file
DM Boise

Michael T. Solan
Michael T. Solan
Manager

STIPULATION

FEDERAL POWER COMMISSION

Right-of-Way Idaho 012542



The SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 6 S., R. 5 E., B.M., Idaho is withdrawn in Power Project No. 2055.

I, Dean Call, accept this right-of-way with the stipulation that the above subdivision is subject to Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 49 Stat. 846; 16 U.S.C. 818) and further subject to the prior rights of the licensee or its successors to use the lands for power purposes in accordance with the terms of the license.

Accepted:

By

Dean Call
Dean Call

Dated

8/25/61

CASE FILE COPY



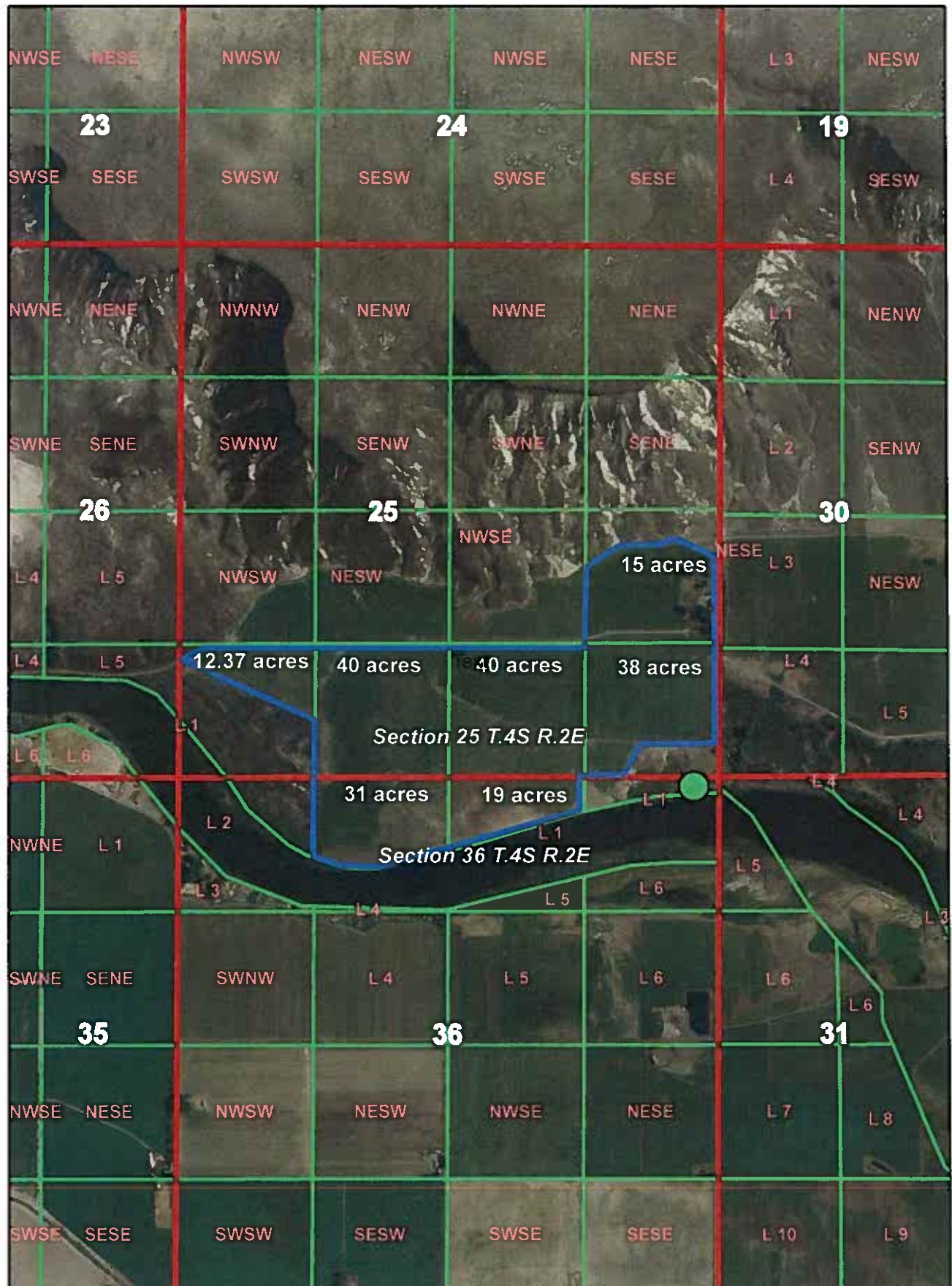
SPECIAL STIPULATIONS
PIPELINE AND DITCH RIGHT-OF-WAY

Location on:

SW 1/4, Section 8, Township 5 South, Range 5 East, Boise Meridian, Idaho

1. That a 50-foot public road right-of-way crossing be provided for on and over the pipeline and ditch right-of-way, the center line of which crossing would be located South 60°03' West a distance of 80 feet from the point of diversion of said pipeline and ditch right-of-way as indicated on the applicant's map dated December 15, 1960.
2. That no buildings be permitted on the pipeline and ditch right-of-way other than the minimum sized building necessary for housing the pumping installation.
3. That no other use shall be made of the right-of-way except the installation, repair, maintenance, and/or removal of the pipeline and pumping installations.
4. That the Idaho Department of Fish and Game, as applicant for withdrawal of the lands under the provisions of the Coordination Act, Bureau of Land Management serial No. I-05080, shall not be denied entry on, over, and across the pipeline and ditch right-of-way for the purposes of laying pipelines, constructing canals, or making other improvements that may be proposed for wildlife management or public recreation purposes.
5. That the public shall not be prohibited from entry on and over said pipeline and ditch right-of-way.

Application for Transfer of Water Right No. 2-2053



-  = Place of Use
-  = Point of Diversion

Section 18 T.6S R.5E

9.13 acres

6.5 acres

Text



 = Place of Use
 = Point of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-2053

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.220 CFS

PRIORITY DATE: 02/22/1946

POINT OF
DIVERSION: T04S R02E S36 NENENE Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	4.220 CFS
PLACE OF USE:	<u>IRRIGATION in ELMORE County</u>		
	T04S R02E S25 Lot 1 SWSW	28.00	T04S R02E S25 SESW 40.00
	T04S R02E S25 NESE	15.00	T04S R02E S25 SWSE 40.00
	T04S R02E S25 SESE	38.00	T04S R02E S36 Lot 1 NWNE 19.00
	T04S R02E S36 Lot 2 NENW	31.00	

211 ACRES TOTAL

Use of this right with Right No. 2-2118 is limited to the irrigation of a combined total of 252 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described above: 2-76, 2-2139, and 2-2118.

Place of use is within the area served by Snake River Irrigation District.

Transfer contains _____ pages and _____ attachments.

Received by S.O. by DB Date 7-10-09 Prelim. Check by _____ Date _____

Fee Paid \$250- Date 7-10-09 Received by S.O. by DB Receipt # C088963

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____