

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75403**

This is to certify that: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
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

<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>
37-141	AJC/Decreed	11/01/1885	0.2 cfs	N/A	N/A	64.0	SILVER CREEK
37-142	AJC/Decreed	09/01/1887	0.4 cfs	N/A	N/A	64.0	SILVER CREEK
37-143	AJC/Decreed	04/01/1888	0.4 cfs	N/A	N/A	64.0	SILVER CREEK
37-692A	AJC/Decreed	05/01/1889	0.88 cfs	N/A	N/A	64.0	SILVER CREEK
37-939	AJC/Decreed	08/01/1920	1 cfs	N/A	N/A	64.0	SILVER CREEK

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>
37-141	NO	NO	YES	NO	NO	NO
37-142	NO	NO	YES	NO	NO	NO
37-143	NO	NO	YES	NO	NO	NO
37-692A	NO	NO	YES	NO	NO	NO
37-939	NO	NO	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>
37-141	37-141	0.2 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-142	37-142	0.4 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-143	37-143	0.4 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-692A	37-692A	0.88 cfs	N/A	54.0	222.5	N/A	N/A	N/A	N/A	N/A
37-939	37-939	1 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A

COMBINED

TOTALS	2.88 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A	N/A
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SUPPORT DATA

IN FILE # 37-141

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75403

Detailed Water Right Description(s) attached

Dated this 11th day of June, 20 09


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-141
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-141 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: November 01, 1885

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.20 CFS
			0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-141
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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 37M.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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, 2009


For _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-142
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-142 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: September 01, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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							
02S	20E	1			27.0	40.0	1.7					5.8					40.0	34.0	34.0	40.0	222.5
							L 3														

Total Acres: 222.5

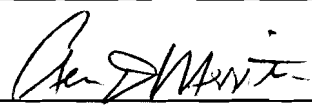
WATER RIGHT NO. 37-142
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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, 2009



For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-143
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-143 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: April 01, 1888

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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	
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-143
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 09



For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-692A
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-692A is now described as follows.

Right Holder: J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707

Priority Date: May 01, 1889

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.88 CFS
			0.88 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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							
02S	20E	1			27.0	40.0	1.7					5.8					40.0	34.0	34.0	40.0	222.5
							L 3														

Total Acres: 222.5

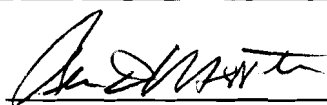
WATER RIGHT NO. 37-692A
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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, 2009


FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 37-939
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-939 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: August 01, 1920

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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	
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-939
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water from this right resulted from saved water in Silver Creek.
6. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in Silver Creek, as established by and subject to the provisions included within Leazenby vs. Chapman Blaine County, Fourth Judicial District Court, 1/2/1921.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for further review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. 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, 2009



FOR Chief, Water Allocation Bureau