

Transfer No. 75403

Receipt No. 5030111

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707
 (208)336-2110

RECEIVED
FEB 25 2009
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes _____ X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-141	AJC/Decreed	0.20			64.0	SILVER CREEK
37-142	AJC/Decreed	0.40			64.0	SILVER CREEK
37-143	AJC/Decreed	0.40			64.0	SILVER CREEK
37-692A	AJC/Decreed	0.88			64.0	SILVER CREEK
37-939	AJC/Decreed	1.00			64.0	SILVER CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
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

Describe the reason for the proposed changes

To provide the applicant with the flexibility to irrigate different acres from year to year.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-141	0.20 cfs		228.2	
37-142	0.40 cfs		228.2	
37-143	0.40 cfs		228.2	
37-692A	0.88 cfs		228.2	
37-939	1.00 cfs		228.2	
TOTAL	2.88 cfs	64.0	228.2	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

J. R. Simplot Company

By: _____

(Signature of Applicant)

Terry T. Uhling

Senior Vice President, Secretary and General Counsel

(Title or Office)

Subscribed and sworn to before me this 23 day of February, 2009.

Neil J. Vannoy
(Notary Public)

My commission expires 10/29/2014

Superseded

Transfer No. 75403

Receipt No. _____

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

Current Water Right No. 37-141

Priority Date: November 01, 1885
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.20 CFS		
	Total Diversion	0.20 CFS		

Source and 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			26.0	17.0	2.3				6.7					2.7	9.3		64.0
							L 3												

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5,

1984 in the official real property records of Blaine County, Idaho as Instrument

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? No. 256588

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Superseded

Transfer No. 75403

Receipt No. _____

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

Current Water Right No. 37-142

Priority Date: September 01, 1887
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

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 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and 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			26.0	17.0	2.3			6.7							2.7	9.3	64.0
							L 3												

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use Please see the attached copy of the Warranty Deed recorded in the official real property records of Blaine County, Idaho on October 5, 1984 as Instrument No. 256588.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Superseded

Transfer No. 75403

Receipt No. _____

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

Current Water Right No. 37-143

Priority Date: April 01, 1888
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

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 SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and 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			26.0	17.0	2.3					6.7					2.7	9.3	64.0

Total Acres: 64

Conditions/Remarks:

- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- 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.
- Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
- The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use

Warranty Deed recorded in the official real property records of Blaine County, Idaho on October 5, 1984 as instrument no. 256588 attached hereto.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Superseded

Transfer No. 75403

Receipt No. _____

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

Current Water Right No. 37-692A

Priority Date: May 01, 1889
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

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SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.88 CFS		
	Total Diversion	0.88 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 10 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			26.0	17.0	2.3					6.7					2.7	9.3	64.0

Total Acres: 64

Conditions/Remarks:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

7. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.
8. This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use Please see the attached copy of the Warranty Deed recorded in the official real property records of Blaine County, Idaho on October 4, 1984 as instrument no. 256588.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Superseded

Transfer No. 75403

Receipt No. _____

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

Current Water Right No. 37-939

Priority Date: August 01, 1920
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

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SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	1.00 CFS		
	Total Diversion	1.00 CFS		

Source and 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			26.0	17.0	2.3					6.7					2.7	9.3		64.0
							L 3													

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.
5. 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.

6. Water from this right resulted from saved water in Silver Creek.

Documentation of Ownership of the Current Place of Use Please see the attached copy of the Warranty Deed recorded in the official real property records of Blaine County, Idaho as instrument no. 256588.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Superseded

Transfer No. 75403

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-141

Priority Date: November 01, 1885

Origin: Adjudication
Recommendation

Basis: Decreed

Status: Active

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.20 CFS		
	Total Diversion	0.20 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**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		.2	30.0	40.0	4.0					6.0					40.0	34.0	34.0	40.0	228.2
				L 2			L 3														

Total Acres: 228.2

Supervised

Supervised

Transfer No. 75403

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-142

Priority Date: September 01, 1887

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**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	.2		30.0	40.0	4.0			6.0								40.0	34.0	34.0	40.0	228.2
			L 2				L 3															

Total Acres: 228.2

Transfer No. 75403

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-143

Priority Date: April 01, 1888

Origin: Adjudication
Recommendation

Basis: Decreed

Status: Active

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**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		.2	30.0	40.0	4.0				6.0							40.0	34.0	34.0	40.0	228.2
				L 2			L 3															

Total Acres: 228.2

Transfer No. 75403

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-692A

Priority Date: May 01, 1889

Origin: Adjudication
Recommendation

Basis: Decreed

Status: Active

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.88 CFS		
	Total Diversion	0.88 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**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		.2	30.0	40.0	4.0				6.0						40.0	34.0	34.0	40.0	228.2
				L 2			L 3														

Total Acres: 228.2

Transfer No. 75403

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-939

Priority Date: August 01, 1920

Origin: Adjudication
Recommendation

Basis: Decreed

Status: Active

Source: SILVER CREEK**Tributary:** LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	1.00 CRS		
	Total Diversion	1.00 CFS		

Source and Point(s) of Diversion:

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

Describe the proposed diversion system**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		.2	30.0	40.0	4.0		6.0							40.0	34.0	34.0	40.0	228.2
				L 2			L 2													

Total Acres: 228.2

01S20E35

01S20E36

01S21E31

02S20E2

02S20E1

02S21E6

02S20E11

02S20E12

02S21E7

02S20E14

02S20E13

02S21E18

POD (Existing)

Proposed
PPU
(orange)

