

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 67838

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

NOV 18 2002

Name of Applicant J. R. Simplot Company Phone 208-336-2110

Department of Water Resources

Post Office address P. O. Box 27, Boise, ID 83707

RECEIVED

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 _____

NOV 18 2002

WATER RESOURCES
WESTERN REGION

Describe the reason for the proposed changes The purposes of this transfer are to (1) identify the current locations for all existing points of diversion for water right nos. 61-2162, 61-2163, 61-2164, 61-2195 and 61-7170 and (2) change the place, season and nature of use for all of water right no. 61-2164 and portions of water right nos. 61-2162 and 61-2165 from irrigation to stockwater.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-2162</u>	<u>1/22/1964</u>	<u>1.55 cfs</u>	<u>Irrigation</u>	<u>4/1 to 10/31</u>
		<u>1.55 cfs</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>61-2163</u>	<u>12/2/1963</u>	<u>3.09 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>61-2164</u>	<u>1/3/1964</u>	<u>5.03 cfs</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>61-2165</u>	<u>12/12/1963</u>	<u>3.12 cfs</u>	<u>Irrigation</u>	<u>3/1 to 11/1</u>
		<u>1.91 cfs</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>61-7170</u>	<u>10/24/1973</u>	<u>7.00 cfs</u>	<u>Irrigation</u>	<u>3/1 to 11/15</u>
		<u>0.26 cfs</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
		<u>0.04 cfs</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>
		<u>7.00 cfs</u>	<u>Div. To Storage</u>	<u>1/1 to 12/31</u>
		<u>10.4 af</u>	<u>Stockwater Storage</u>	<u>1/1 to 12/31</u>

now
61-12039

2. Total amount of water being transferred 18.22 cubic feet per second and/or 5,712.70 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10
		SE	NW	5	5S	4E	Elmore	Well #11 (domestic well)
		SE	SE	31	4S	4E	Elmore	Well #1
		NW	SW	4	5S	4E	Elmore	Well #7
		NW	NW	5	5S	4E	Elmore	Well #2
		SE	NW	5	5S	4E	Elmore	Well #3
		NE	SW	5	5S	4E	Elmore	Well #4
		NE	SE	5	5S	4E	Elmore	Well #5
		NE	SE	5	5S	4E	Elmore	Well #6
		SE	NE	6	5S	4E	Elmore	Well #8

AMENDED

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4S	3E	27										S	S	S	S		S	S	S	
		34	S	S	S	S	S	S								S			S	
		35						S	S			S	S	S	S		S	S		
	4E	31																39	40	79
5S	3E	2					S	S	S	S	S	S								
	4E	5						38	40	35 D	39	40	39	40		37	40			348
		6	39	40	40	40									40	40	S/SS			239
		8	S/SS																	

S = Stockwater
 SS = Stockwater Storage
 D = Domestic

Total Acres _____ 666

PART 1

6. General information:

a. Description of diversion system 9 irrigation wells, 1 domestic well, pumps and underground pipelines

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land from which the water rights are being transferred will no longer be irrigated

d. Remarks f the place of use is changed pursuant to this transfer:
 The land from which the water rights are:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 12 2002

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

Department of Water Resources
See the attached water right documents:
SRBA Partial Decrees: 61-2162, 61-2164
IDWR Water Right Report: 61-2163
Director's Report: 61-2165
IDWR License: 61-7170

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
 - a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

Tax Notice Warranty Deed Other _____

2. Source of water _____ tributary to _____

3. Date or priority _____

4. Water is used for the following purposes:
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

5. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

7. Lands irrigated or place of use:

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

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Water Right No. 61-2162

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.55 cfs for irrigation purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

The points of diversion below are those which need to be added to the decreed points of diversion to accurately describe the location of all existing diversion points.

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10
		NW	SW	4	5S	4E	"	Well #7
		SE	NW	5	5S	4E	"	Well #3
		SE	NE	6	5S	4E	"	Well #8

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	6															40	40	80
		7	40			40													80

Total Acres 160

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.55 cfs for irrigation purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	31	4S	4E	Elmore	Well #1
		NW	NW	5	5S	4E	"	Well #2
		NE	SW	5	5S	4E	"	Well #4
		NE	SE	5	5S	4E	"	Well #5 and Well #6 (Two Wells)

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	6			40	40									40	40			160

Total Acres 160

SRBA PARTIAL DECREE 61-02162

Issued on 10-26-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	J R SIMPLOT COMPANY		
	P O BOX 27		
	BOISE, ID 83707-0027		
SOURCE:	GROUNDWATER		
QUANTITY:	3.10 CFS		
	1440.00 AFY		
PRIORITY DATE:	01/22/1964		
POINT OF DIVERSION:	T04S R04E S31	SESE	Within Elmore County
	T05S R04E S05	NWNW	
		NESW	
		NESE	
	S06	SENE	
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.10 CFS
			1440.00 AFY
PLACE OF USE:	Irrigation		Within Elmore County
	T05S R04E S06	SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S07	NENE 40.0	SENE 40.0
	320.0 Acres Total		

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. I.C. SECTION 42-1412(6).

PART 2

Water Right No. 61-2163

11. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- 1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

The points of diversion identified below are only those which need to be added to the decreed points of diversion to accurately describe the location for all of the existing diversion points.

3. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10
		NW	SW	5	5S	4E	"	Well #7
		SE	NW	5	5S	4E	"	Well #3
		SE	NE	6	5S	4E	"	Well #8

4. Lands irrigated or place of use:

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

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

5. Lands irrigated or place of use:

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

Total Acres _____

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates and Other Information:

Decreed Date: 10/26/2000
State or Federal: S
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:

PART 2

Water Right No. 61-2164

12. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 5.03 cfs for irrigation purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

The points of diversion below are those which need to be added to the decreed points of diversion to accurately describe the location of all existing diversion points.

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10
		NW	SW	4	5S	4E	"	Well #7
		SE	NW	5	5S	4E	"	Well #3
		SE	NE	6	5S	4E	"	Well #8

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	8	40	40	40	40	40	40	40	40									320

Total Acres _____ 320

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	31	4S	4E	Elmore	Well #1
		NW	NW	5	5S	4E	"	Well #2
		NE	SW	5	5S	4E	"	Well #4
		NE	SE	5	5S	4E	"	Well #5 and Well #6 (Two Wells)

7. Lands irrigated or place of use:

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

Total Acres _____

SRBA PARTIAL DECREE 61-02164

Issued on 10-26-2000.

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Choose Landscape Orientation when printing.

NAME AND ADDRESS:	J R SIMPLOT COMPANY		
	P O BOX 27		
	BOISE, ID 83707-0027		
SOURCE:	GROUNDWATER		
QUANTITY:	5.03 CFS		
	1440.00 AFY		
PRIORITY DATE:	01/13/1964		
POINT OF DIVERSION:	T04S R04E S31	SESE	Within Elmore County
	T05S R04E S05	NWNW	
		NESW	
		NESE	
	S06	SENE	
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.03 CFS
			1440.00 AFY
PLACE OF USE:	Irrigation		Within Elmore County
	T05S R04E S08	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0

320.0 Acres Total

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. I.C. SECTION 42-1412(6).

PART 2

13. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.91 cfs for irrigation purposes from 3-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

The points of diversion below are those which need to be added to the decreed points of diversion to accurately describe the location of all existing diversion points.

5. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10

6. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	4										40							40
		5												40				39	79

Total Acres 119

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.12 cfs for irrigation purposes from 3-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

All diversion points identified on the attached Director's Report will remain unchanged. There are 2 wells located in the NE¼SE¼ of Section 5 T.5S R.4E.

8. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

9. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	5										39		39	40		37	40	195

Total Acres 195

SRBA DIRECTORS REPORT 61-02165

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 61-02165

* THIS DIRECTORS REPORT HAS BEEN AMENDED SINCE *
* IT WAS 1ST FILED. *
* *****

IC 42-222 TRANSFER: POINT OF DIVERSION

Name and Address: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

Source: GROUNDWATER

Quantity: 5.03 CFS
1413.00 AFY

Priority Date: 12-02-1963

Diversion Point: T04S R04E S31 SESE Within Elmore County
T05S R04E S04 NWSW
S05 NWNW
SENW
NESW
NESE
S06 SENE

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Irrigation 03-01 TO 11-01 5.03 CFS
1413.00 AFY

Place of Use: Irrigation Within Elmore County
T05S R04E S04 NWSW 40
S05 NESW 39 SWSW 39
SESW 40 NESE 40
NWSE 37 SWSE 40
SESE 39

314 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

PART 2

14. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- 1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

The points of diversion below are those which need to be added to the decreed points of diversion to accurately describe the location of all existing diversion points.

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	31	4S	4E	Elmore	Well #10
		SE	NE	6	5S	4E	"	Well #8

7. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
5S	4E	4											40						40	
		5														40			39	79
		6															40	40	80	
		7	40			40													80	
		8	40	40	40	40	40	40	40	40									320	

Total Acres _____ 599

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 1. amount 7.00 cfs for Irrigation purposes from 3-1 to 11-15
(cfs/ac-ft)
- amount 0.23 cfs for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft)
- amount 0.04 cfs for Domestic (2) purposes from 1-1 to 12-31
(cfs/ac-ft)
- amount 10.4 acre feet for Stockwater Storage purposes from 1-1 to 12-31
(cfs/ac-ft)
- amount 7.0 cfs for Diversion to Storage purposes from 1-1 to 12-31
(cfs/ac-ft)

10. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
								See Points of Diversion identified on attached License

11. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	4E	5						38	40	D 35	39	40	39	40		S 37	40		348
		6	39	40	40	40									40	40			239

D = Domestic; S = Stockwater and Stockwater Storage

Total Acres _____ 587

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 61-07170

Priority: October 24, 1973

Maximum Diversion Rate: 7.00 CFS
Maximum Diversion Volume: 87.7 AF

It is hereby certified that J R SIMPLOT CO
PO BOX 27
BOISE ID 83707 has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated October 24, 1973; and has submitted Proof of Beneficial
Use on January 12, 1979. An examination indicates that the works have a diversion capacity of 19.42 cfs
of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.23 CFS	16.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	7.00 CFS	
STOCKWATER STORAGE	01/01 to 12/31		10.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
IRRIGATION	03/01 to 11/15	7.00 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NW¼	Sec. 5, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	NW¼SW¼	Sec. 4, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	NE¼SE¼	Sec. 5, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE¼SE¼	Sec. 31, Twp 04S, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE¼NW¼	Sec. 5, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	NE¼SW¼	Sec. 5, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	NE¼SE¼	Sec. 5, Twp 05S, Rge 04E, B.M.	ELMORE County
GROUND WATER	SE¼NW¼	Sec. 5, Twp 05S, Rge 04E, B.M.	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 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	39.0	40.0	39.0	40.0	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	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0									320.0

Total Acres: 1265

State of Idaho
 Department of Water Resources
Water Right License

WATER RIGHT NO. 61-07170

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 04E 6														X			
05S 04E 8	X																

PLACE OF USE: STOCKWATER STORAGE, same as Stockwater

PLACE OF USE: DOMESTIC

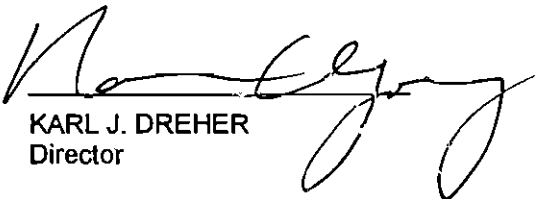
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 04E 5								X									

CONDITIONS OF APPROVAL

1. Rights 61-02162, 61-02163, 61-02164, 61-02165 and 61-07170 when combined shall not exceed a total diversion rate of 18.22 cfs and the irrigation of a total of 1265 acres in a single irrigation season.
2. This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.
3. Domestic use is for 1 home and a shop and does not include lawn, garden, landscape, or other types of irrigation.
4. Rights 61-02162, 61-02163, 61-02164 and 61-02165 are also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of July, 2002.


 Acting for **KARL J. DREHER**
 Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

Please see the attached maps (2):

1. "Points of Diversion" identifies all existing points of diversion. This map shows the existing points of diversion that need to be added to Water Right Nos. 61-2162, 61-2163, 61-2164, 61-2165, 61-7170.
2. "New Place of Use" provides the location for the new Stockwater place of use.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Stockwater</u>	<u>8.49 cfs</u>		<u>1-1</u> to <u>12-31</u> to _____

Quantity and quality of return flows and location of discharge:

Any return flows will be reirculated and reused within the places of use.

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

Other Water User's will not be affected by the proposed change.

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.

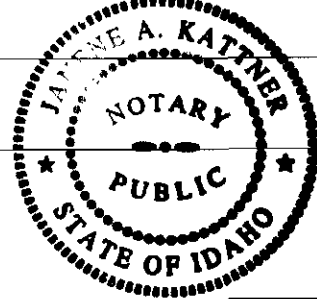
I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. R. Simplot Company

By: [Signature]
(Signature of Applicant)
Ronald N. Graves, Senior Vice President, Secretary and Chief Legal Officer

Subscribed and sworn to before me this 11th day of November, 20 02

[Signature]
(Notary Public)



My commission expires 5/31/02

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 11/12/02 Protest filed by _____

Prelim. Check by _____ Fee _____

Received by [Signature] Date 11/12/02 / 6/20/02 606^{cc} 3-10^{cc} CO65704/CO62881

Published in _____ Copies of protest forwarded by _____

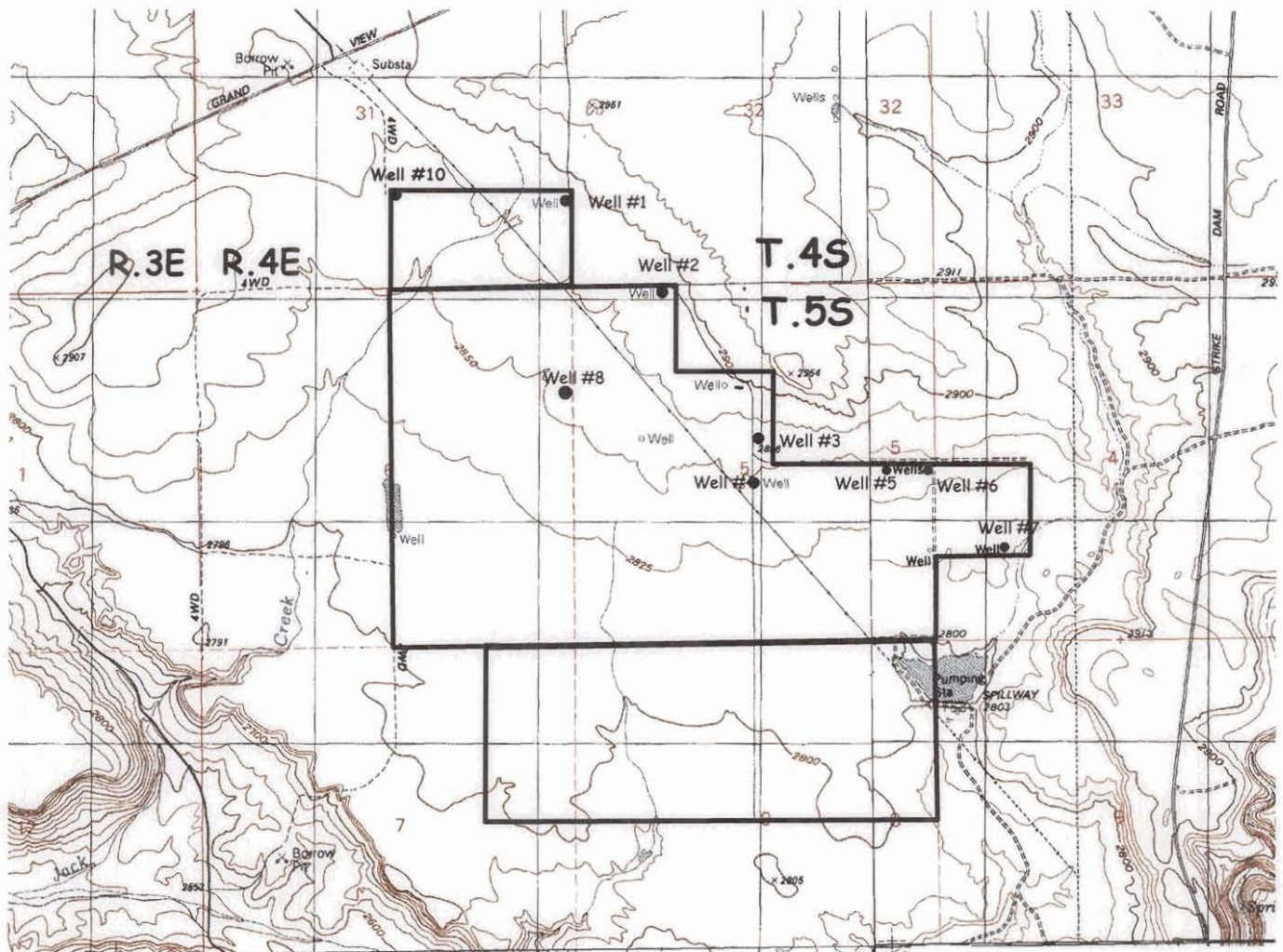
Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for approval denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Points of Diversion



New points of diversion for the following water rights:

Water Right Number

Well Nos.

61-02162

10, 7, 3, 8

61-02164

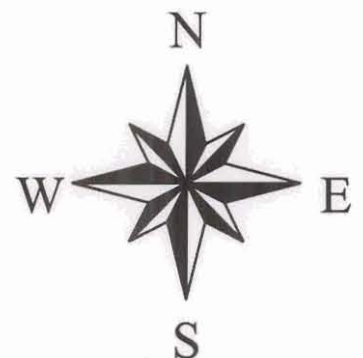
10, 7, 3, 8

61-02165

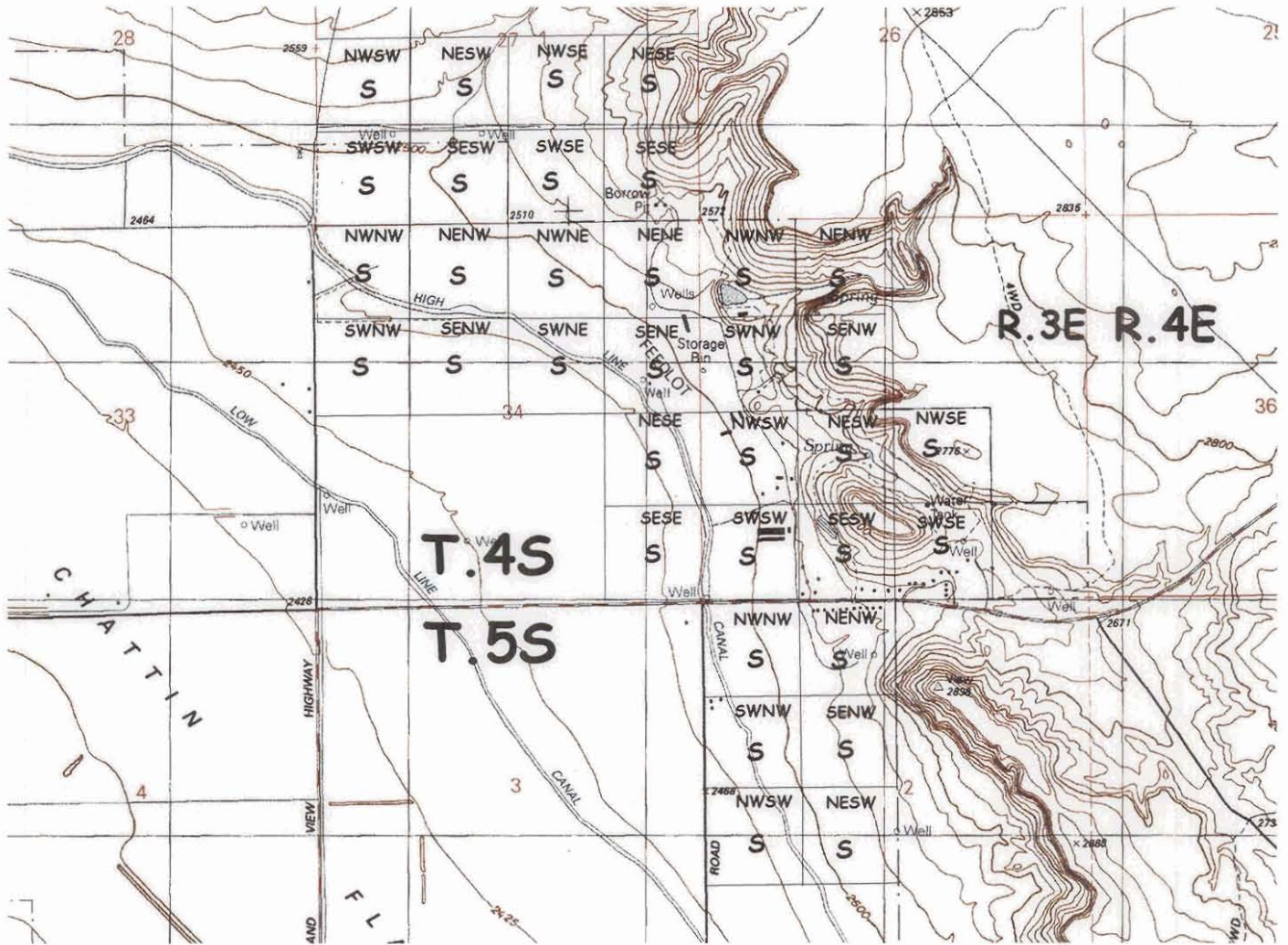
10

61-07170

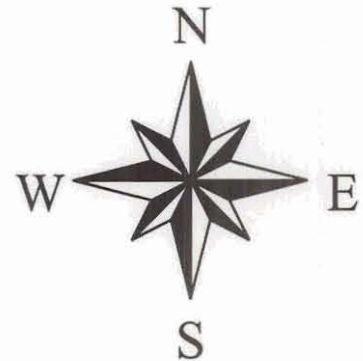
2, 4, 5, 6, 7, 8, 10



New Places of Use



S = Stock water places of use



257482

ELMORE COUNTY, IDAHO, SS

rest of

GUARANTY TITLE, INC.

Time 2:53 P. M.
Date February 12, 1990
Book _____ of _____
Page _____

RAMONA TRAZABAL ^{Re}

By Merla L Becker
Deputy

Fee \$9.00

WARRANTY DEED

GRANTOR, CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, of Meridian, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J.R. SIMPLOT COMPANY, whose current address is 999 Main Street, Suite 1300, County of Ada, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in County of Elmore, State of Idaho:

TRACT I

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 31: S $\frac{1}{2}$ SE $\frac{1}{4}$

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 5: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND LOT 4

SECTION 6: LOTS 1 AND 2

NGM *NWME* *NWNN*

TRACT II

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 6: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

SECTION 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 8: N $\frac{1}{2}$

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances, specifically including but not limited to all mineral rights, hydrocarbon rights, geothermal rights, grazing rights, water rights, and any and all additional rights SUBJECT TO reservations of mineral rights in the U.S. Government's patents on the property.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, its successors, heirs and assigns forever against the lawful claims of all persons.

Thomas T. Nicholson and Carl V. Nicholson are executing this document as well in order to confirm that all water rights appurtenant to the premises are transferred to the Grantee.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this 8 day of February, 1990.

Carl E. Nicholson
Carl E. Nicholson

Blanche Nicholson
Blanche Nicholson

Thomas T. Nicholson
Thomas T. Nicholson

Carl V. Nicholson
Carl V. Nicholson

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/389-21

FAX COVER LETTER

Transmittal Time:

TO:		DATE:	
Sharla Curtis		November 12, 2002	
COMPANY:		No. of pages including cover sheet:	
IDWR		8	
FROM:	Direct Dial Number	FAX NO.	
Vic Conrad	(208)389-7359	(208) 389-7333	
<p>CONFIDENTIALITY NOTICE: <u>This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law.</u> If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.</p>			
RE: BLM Right-of-Way.			
<p>Message: Attached is the approval from the BLM for the pipeline that will be installed to transport water identified in the Basin 61 transfer. We are also working on a permit from the Idaho State Department of Lands authorizing the installation across land owned by the State. When I receive the State permit please let me know where you would like me to forward a copy (to you or Western Region?).</p>			
If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.			

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-33995

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Simplot Livestock Company
HC 85 Box 275
Grand View, ID 83624

receives a right to construct, operate, maintain, and terminate a(n) 10" buried water pipeline, on public lands described as follows:

Boise Meridian, Idaho

T. 4 S., R. 3 E., section 35: S $\frac{1}{4}$ NE $\frac{1}{4}$,
T. 4 S., R. 4 E., section 31: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

(as shown on the attached Exhibit A)

b. The right-of-way area granted herein is 15 feet wide, 5,742 feet long and contains 1.977 acres, more or less. A temporary use area of 5,742 feet long, 30 feet wide, 15' from centerline to follow the same centerline alignment as the right-of-way is also granted for a term of one year.

c. This right-of-way instrument shall terminate on , or 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. At the discretion of the authorized officer this instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems

necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 182 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated July 5, 2002, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Simplot LIVESTOCK Co

By: Mike B Jones

(Signature of Holder)

Agent

(Title)

7-12-02

(Date)

John Sullivan

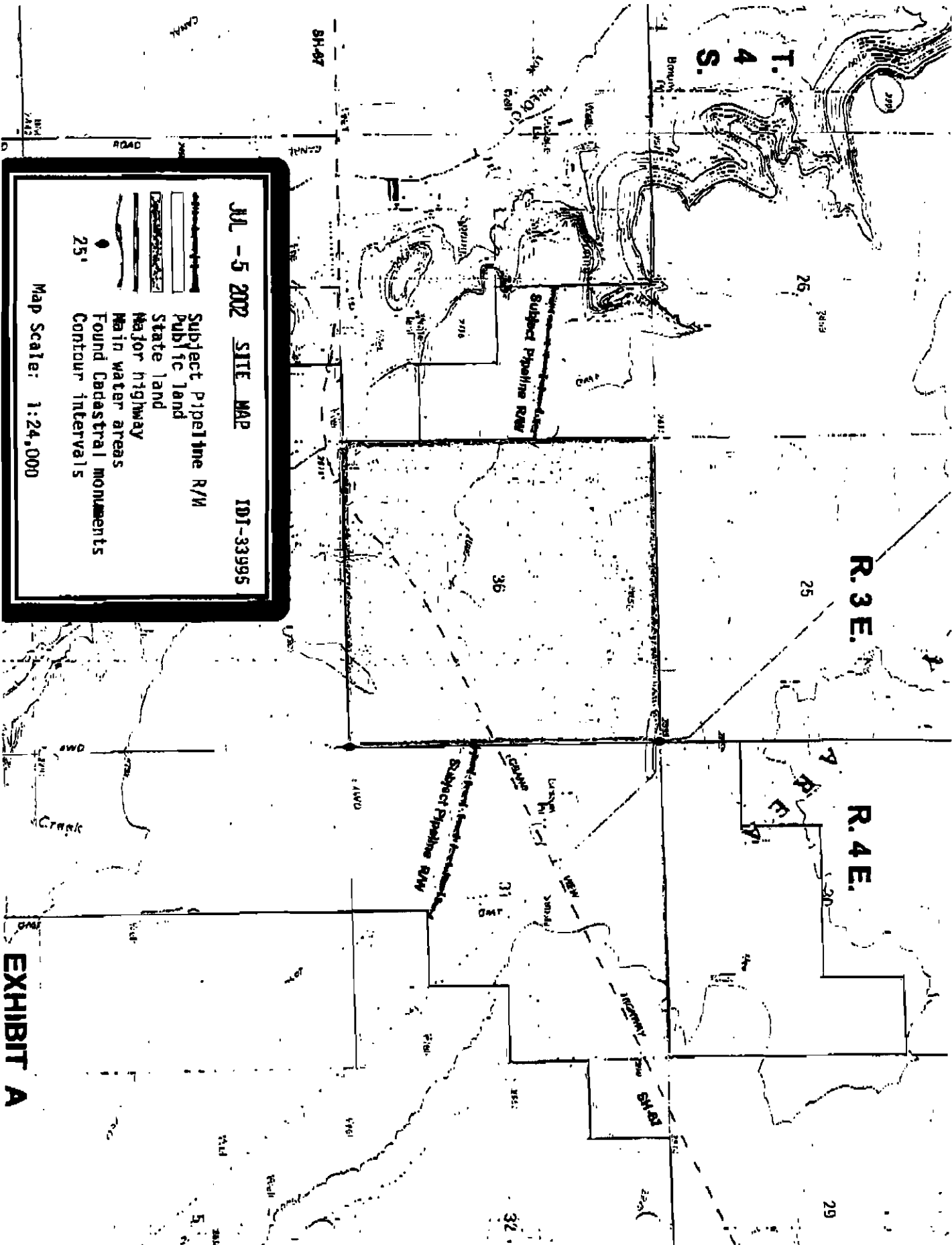
(Signature of Authorized Officer)

National Conservation Area Manager








(Title)

7-18-02

(Effective Date of Grant)



JUL -5 2002 SITE MAP ID1-33995

-  Subject Pipeline R/W
-  Public Land
-  State Land
-  Major highway
-  Main water areas
-  Found Cadastral monuments
-  Contour intervals 25'

Map Scale: 1:24,000

EXHIBIT A

JUL - 5 2002

EXHIBIT B
IDI-33995
Page 1 of 3

SPECIAL STIPULATIONS
Simplot Livestock Pipeline Right-of-Way
Right-of-Way IDI-33995

1. The Holder's use herein is subject to all valid existing rights and shall not excuse the Holder from obtaining any additional approvals lawfully required by other Federal, state and local agencies.
2. There is reserved to the Secretary of Interior, or his lawful delegate, the right or grant additional easements or use for compatible uses on, over, under or adjacent to the land involved in this right-of-way. A non-exclusive use is being authorized with this grant.
3. The Holder shall conduct all construction, operation and use activities in a manner that will avoid or minimize degradation of air, land and water quality. Toxic or hazardous materials shall not be released polluting either air, land or water resources in violation of any environmental laws, rules or regulations. All construction work and subsequent use shall be consistent with applicable Federal, state and local laws and regulations relating to safety, water quality, and public health.
4. Holder shall rehabilitate all disturbed areas by first smoothing to the original contour and then broadcast seed and harrow a 12 lbs/ac. seed mixture approved by the authorized officer. The seed mixture required for all rehabilitation shall consist of Fourwing saltbush (4 lbs/ac.), Siberian wheatgrass (6 lbs/ac.), and Bozoiisky Russian wildrye (2 lbs/ac.). This seeding shall be completed in the fall, in the year construction activities occur, between November 1st and December 15th. If the seeding is unsuccessful, additional plantings may be required until, in the judgement of the authorized officer, the planting has been established.
5. Holder shall protect all survey monuments, witness corners, and reference monuments within this right-of-way, against disturbance during construction, operation, maintenance, and rehabilitation. If any monuments, corners or accessories are destroyed, obliterated or damaged during construction, operation or maintenance the Holder shall secure the services of a Registered Land Surveyor to restore the disturbed monuments, corners or accessories at the same location, using surveying procedures found in the manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and shall send a copy to the Bureau of Land Management, authorized officer.
6. All construction, maintenance, or use activities shall be confined to the minimum area necessary and shall not exceed the right-of-way area granted herein. The exterior boundaries of the right-of-way shall be clearly flagged prior to any surface disturbing activity when construction occurs.

JUL - 5 2002

EXHIBIT B

IDI-33995

Page 2 of 3

7. Title to water associated with this grant shall continue to be legally authorized by the Idaho State Department of Water Resources (IDWR). Failure of the Holder to remain in compliance with IDWR requirements regarding the use of water to the satisfaction of the Bureau of Land Management Authorized Officer will result in the automatic termination of this grant, in accordance with 43 CFR §2803.4(a). No rights to the public lands accrue due to their description as the place of use, place of crossing, or point of diversion in conjunction with a water right, beyond those described specifically by this grant nor beyond the term of this grant.
8. Evidence, by providing a copy of a water right, water permit, or decree from the Idaho State Department of Water Resources (IDWR) for water associated with this grant must be submitted within 30 days of the grant issuance. Failing to provide such showing will be cause for the right-of-way to be terminated.
9. The Holder shall do everything reasonably within its power and shall require its employees, agents, assignees, and contractors to do everything reasonable within their power, both independently and upon request of the authorized officer to prevent and suppress fires on or near the lands to be occupied or on other nearby public lands that is adjacent to lands currently owned by the Holder. No public lands shall be used as a firebreak to suppress the spread of wildfires.
10. The Holder shall comply with the applicable Federal and state laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/ operations under this grant. The permittee shall obtain from the authorized officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location of or storage and disposal of containers; and other information that the authorized officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. If need for emergency use of pesticides is identified, the use must be approved by the authorized officer. The use of substances on or near the permit shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be stored on public lands authorized for use under this grant.
11. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the Holder.

JUL -5 2002
EXHIBIT B
IDI-33995
Page 3 of 3

12. The Holder is responsible for the control of noxious weeds that results or would result from the construction or maintenance of their right-of-way. Before construction or maintenance equipment moving onto the right-of-way area, the equipment shall be cleaned off using power or high-pressure cleaning to remove all mud, dirt and plant parts. During the term of the grant, whenever known noxious weeds are observed along the right-of-way, the Holder shall spray such weeds with an herbicide approved by the county weed authorities. The spraying shall be done during recommended periods, using the prescribed type and quantities of spray recommended by the chemical manufacturer. The Holder shall follow the prescribed application methods required by state and local authorities.

13. This grant shall be subject to cancellation upon failure by the Holder to observe any conditions or terms required by this grant. The cancellation shall become effective as provided by 43 CFR §2803.4 and the Holder shall quietly and peaceably deliver to the United States possession of the premises upon completion of such do process.

14. The Holder shall have all construction work completed within 1 year of grant issuance, at which time, the Holder shall file proof-of-construction unless this proof can be filed within 90 days of project's completion, whichever is sooner. Failure to construct as specified shall be grounds for termination

15. The Holder shall notify the authorized officer of any change of address, name or if this grant is to be assigned to another person within 30 days of such event.