

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72448

This is to certify that: J R SIMPLOT CO
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>
35-4189	WR/Decreed	11/14/1960	1.783 cfs	N/A	N/A	109.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

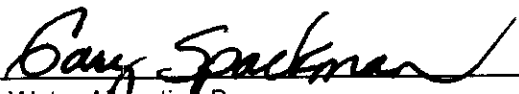
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-4189	NO	NO	YES	NO	NO	NO

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>
35-4189	35-4189	1.78 cfs	1288.7 af	N/A	109.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.78 cfs	1288.7 af	N/A	109.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 35-4189
As Modified by Transfer No. 72448

In accordance with the approval of Transfer No. 72448, Water Right No. 35-4189 is now described as follows.

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

Priority Date: November 14, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	1.78 CFS	1,288.7 AF
IRRIGATION	04/01 to	10/31	1.78 CFS	436.0 AF
			1.78 CFS	1,288.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 33 Twp 05S Rge 31E BINGHAM County

PLACE OF USE: COMMERCIAL

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 30E 1	X	X	X	X									X	X	X	X	
	L 1	L 2															
05S 30E 12	X	X	X	X									X			X	
05S 31E 5									X	X	X	X					
05S 31E 6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05S 31E 7	X	X	X	X	X	X	X	X	X	X	X	X					
05S 31E 8					X	X	X	X	X			X					
05S 31E 27													X	X	X	X	
05S 31E 33	X			X													
05S 31E 34	X	X	X		X	X	X	X									
05S 31E 35									X			X	X	X	X	X	
											L 3				L 2	L 1	

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	
05S 31E 27													30.0	39.0	37.0	3.0	109.0

Total Acres: 109

WATER RIGHT NO. 35-4189
As Modified by Transfer No. 72448

CONDITIONS OF APPROVAL

1. Commercial use is for a potato processing plant
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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 No. 120.
5. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval for commercial use shall not be used for irrigation unless the water is first used in the commercial facility as authorized by this water right.
8. 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).
9. Prior to the diversion and use of water under Transfer approval 72448, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
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 3rd day of March, 20 06


Chief, Water Allocation Bureau