STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88055

This is to certify that: J R SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
43-10590	WR/DECREED	7/12/1955	0.100 cfs	N/A	N/A	N/A	GROUND WATER
43-4021A	WR/DECREED	1/1/1952	0.040 cfs	N/A	N/A	N/A	GROUND WATER
43-4021B	WR/DECREED	4/1/1959	0.060 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-10590	NO	NO	NO	YES	NO	NO
43-4021A	NO	NO	NO	YES	NO	NO
43-4021B	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-10590	43-10590	0.100 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-4021A	43-4021A	0.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-4021B	43-4021B	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.200 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 31ST day of August, 2023.

Southern Region Manager

SUPPORT DATA
IN FILE # 43-4021A

Transfer No. 88055

SCANNED
SEP 06 2023

WATER RIGHT NO. 43-4021A

As Modified by Transfer No. 88055

In accordance with the approval of Transfer No. 88055, Water Right No. 43-4021A is now described as follows:

Right Holder: J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 1/1/1952

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	1/01	to	12/31	0.040 cfs
				0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 34 Twp 11S Rge 26E CASSIA County
GROUND WATER	L1 (NENE)	Sec 3 Twp 12S Rge 26E CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	26E	3	X																

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 88055

SCANNED
SEP 06 2023

WATER RIGHT NO. 43-4021B

As Modified by Transfer No. 88055

In accordance with the approval of Transfer No. 88055, Water Right No. 43-4021B is now described as follows:

Right Holder: J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 4/1/1959

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
DOMESTIC	1/01	to 12/31	0.060 cfs
			0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 34 Twp 11S Rge 26E CASSIA County
GROUND WATER	L1 (NENE)	Sec 3 Twp 12S Rge 26E CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	26E	3	X																

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 88055

SCANNED
SEP 06 2023

WATER RIGHT NO. 43-10590

As Modified by Transfer No. 88055

In accordance with the approval of Transfer No. 88055, Water Right No. 43-10590 is now described as follows:

Right Holder: J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 7/12/1955

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.080 cfs
STOCKWATER	01/01	to	12/31	0.020 cfs
				0.100 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 34 Twp 11S Rge 26E CASSIA County
GROUND WATER	L1 (NENE)	Sec 3 Twp 12S Rge 26E CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	26E	3	X																
			L 1																

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	26E	34									X								

CONDITIONS OF APPROVAL

1. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 88055

SCANNED
SEP 06 2023

WATER RIGHT NO. 43-10590

As Modified by Transfer No. 88055

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

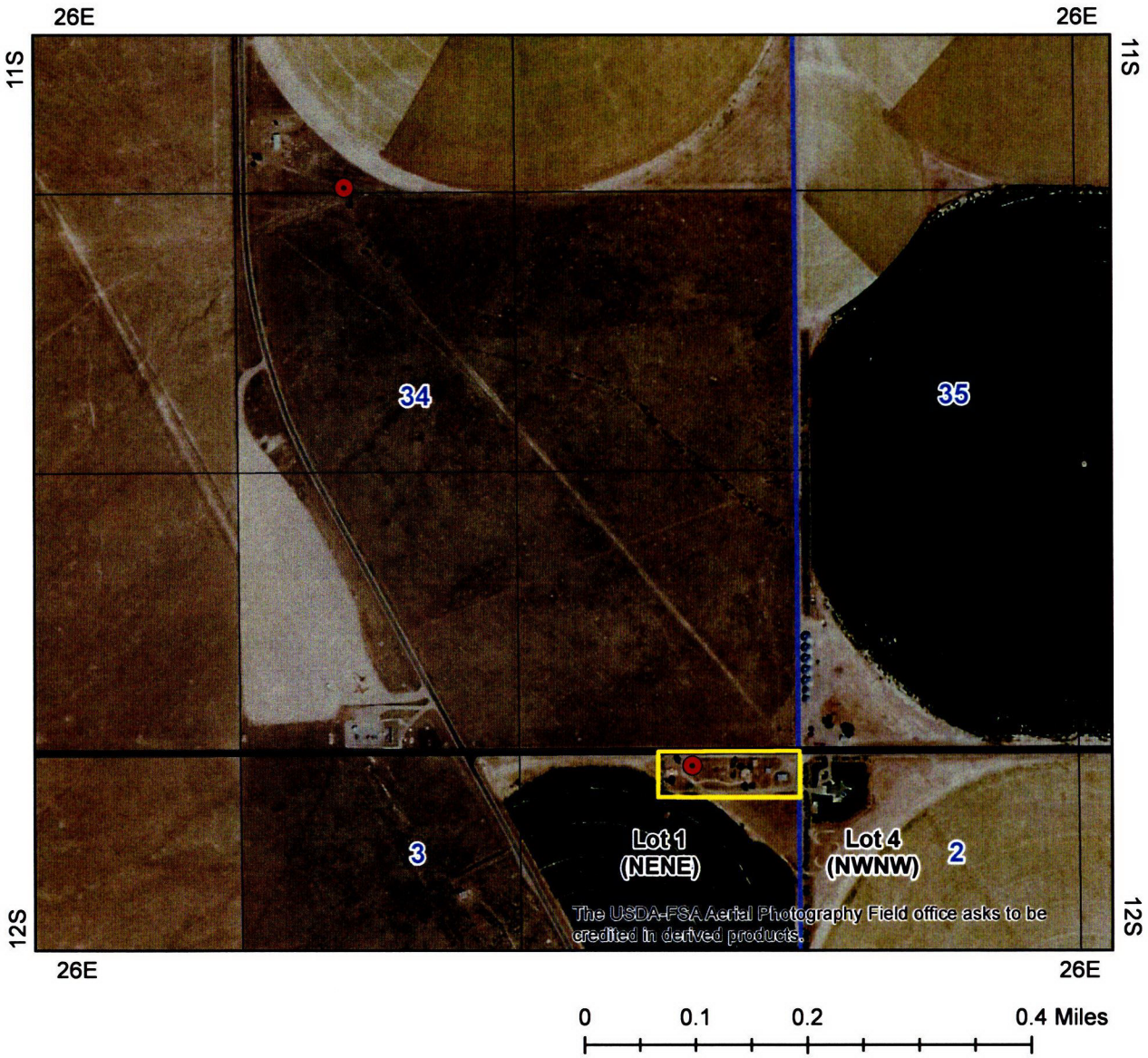
SCANNED
SEP 06 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 88055

43-4021A, 43-4021B, and 43-10590

This map depicts the DOMESTIC place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



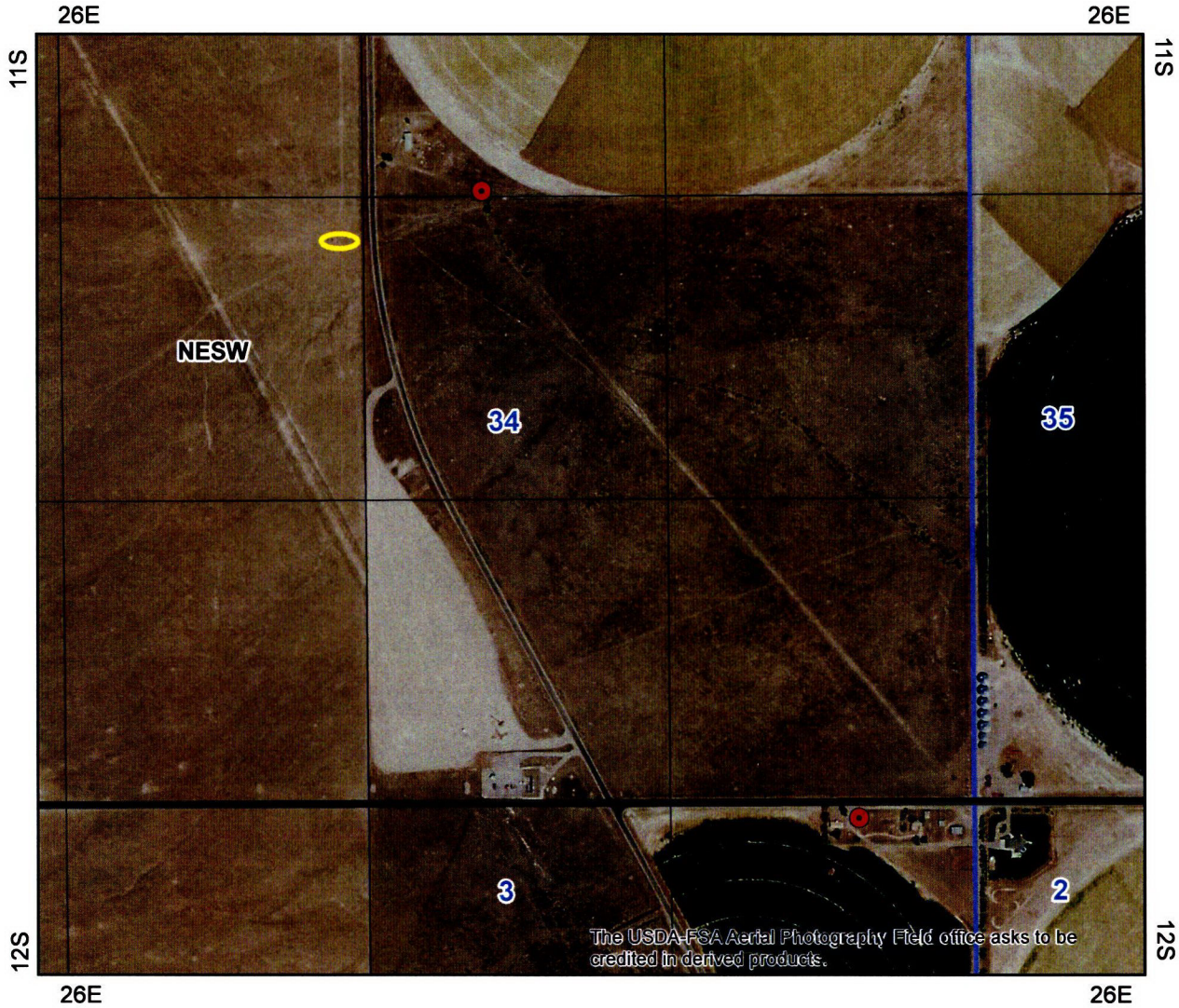
SCANNED
SEP 06 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 88055

43-10590

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.075 0.15 0.3 Miles

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

N

SCANNED
SEP 06 2023

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 12 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s) ☑ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** J. R. Simplot Company Phone 208-336-2110
2. **MAILING ADDRESS** P. O. Box 27 City Boise
   State ID Zip 83707 Email vic.conrad@simplot.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 43-4021A, 43-4021B, 43-10590

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.2 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☑ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources.*

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
New			NE	NE	3	12S	26E	Cassia	Groundwater	Proposed New Well
			SW	NE	34	11S	26E	Cassia	Groundwater	Existing Well

Transfer No. 88055

SCANNED
JUN 29 2023

6. **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:

SOUTHERN REGION

Well, pump, undergound pipelines for transporting water to stockwater troughs and domestic household

b. Who owns the property at the point(s) of diversion? Applicant owns the proposed New Point of Diversion

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

Gail Laverna Turpen owns land with the current point of diversion

c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☑ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
	James B. Alderman, Sr. VP and Secretary	June 8, 2023
Signature of applicant or authorized agent	Print name and title if applicable	Date

9. **FEE** – ☑ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by SG Date 6/12/2023

Fee paid $200.00 Date 6/12/2023 Receipted by SG Receipt # S0398816

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

88055

SCANNED
JUN 29 2023

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

Current Water Right No.: 43-4021A

Current Owner: J R SIMPLOT CO

Priority Date: 1/1/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.04 CFS	
	Total Diversion	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 34, Twp 11S, Rge 26E B.M.
CASSIA County

Place of Use

DOMESTIC Within CASSIA County

T12S R26E S3 NENE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. PARCEL NO. RP0ID170007010A STOCKWATER, 500 RANGE CATTLE, 12 HORSES
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 7/24/1998

SCANNED
JUN 29 2023

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

Current Water Right No.: 43-4021B

Current Owner: J R SIMPLOT CO

Priority Date: 4/1/1959

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.06 CFS	
	Total Diversion	0.06 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 34, Twp 11S, Rge 26E B.M.
CASSIA County

Place of Use

DOMESTIC Within CASSIA County

T12S R26E S3 NENE

Conditions of Approval:

1. PARCEL NO. RP0ID170007020A STOCKWATER, 500 RANGE CATTLE, 12 HORSES
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 7/24/1998

SCANNED
JUN 29 2023

Page _____ of _____

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

Current Water Right No.: 43-10590

Current Owner: J R SIMPLOT CO

Priority Date: 7/12/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	01/01 to 12/31	0.02 CFS	
DOMESTIC	01/01 to 12/31	0.08 CFS	
	Total Diversion	0.1 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4NE1/4 Sec. 34, Twp 11S, Rge 26E B.M.
CASSIA County

Place of Use

STOCKWATER Within CASSIA County

T11S R26E S34 NESW

DOMESTIC Within CASSIA County

T12S R26E S3 Lot 1 NENE

Conditions of Approval:

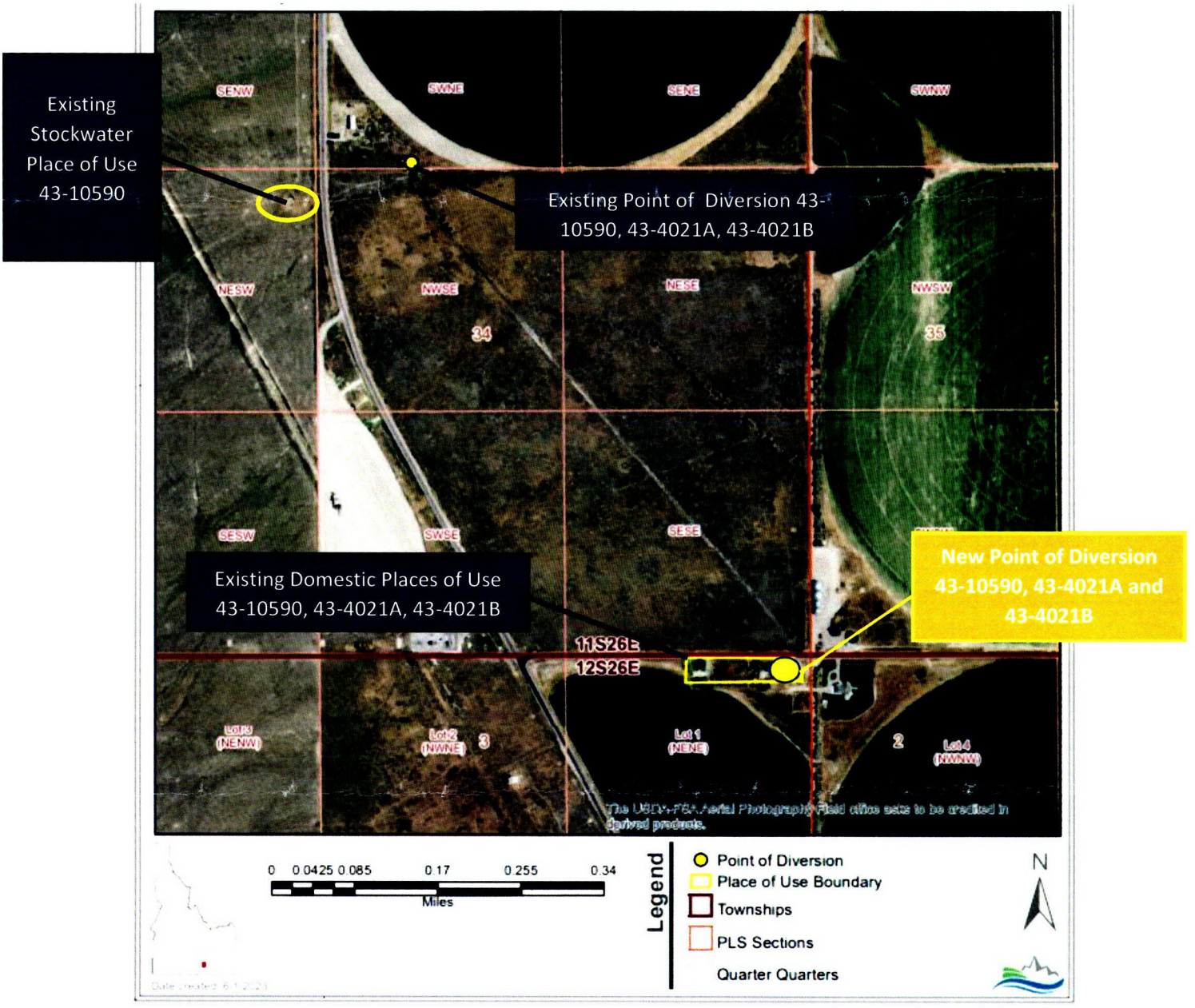
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed Date: 1/29/2003

88055

SCANNED
JUN 29 2023

Proposed New Point Of Diversion; Existing Point of Diversion; Existing Stockwater Place of Use and Existing Domestic Places of Use Water Right Nos. 43-4021A, 43-4021B and 43-10590



SCANNED
JUN 29 2023

0005063040

STATE OF IDAHO
Office of the secretary of state, Phil McGrane
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: $0.00

For Office Use Only
-FILED-
File #: 0005063040
Date Filed: 1/12/2023 9:39:24 AM

Entity Name and Mailing Address:

Entity Name:	J. R. SIMPLOT COMPANY
Foreign Name (name in home jurisdiction):	J. R. SIMPLOT COMPANY
The file number of this entity on the records of the Idaho Secretary of State is:	0000098318
Address	PO BOX 27 BOISE, ID 83707-0027

Entity Details:

Entity Status	Active-Good Standing
This entity is organized under the laws of:	NEVADA
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	C28407

The registered agent on record is:

Registered Agent	CORPORATION SERVICE COMPANY Commercial Registered Agent Physical Address 1305 12TH AVE RD NAMPA, ID 83686 Mailing Address 1305 12TH AVE RD NAMPA, ID 83686

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
Garrett C. Lofto	President	1099 W. FRONT STREET BOISE, ID 83702
James B. Alderman	Secretary	1099 W. FRONT STREET BOISE, ID 83702
~~Mark McKellar~~	~~Vice President~~	~~1099 W. FRONT STREET~~ ~~BOISE, ID 83702~~
Douglas M. Stone	Vice President	1099 W. FRONT STREET BOISE, ID 83702
Garrett C. Lofto	Director	1099 W. FRONT STREET BOISE, ID 83702
Scott R. Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
Gay C. Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
John Edward Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702

B0769-8548 01/12/2023 9:39 AM Received by Office of the Idaho Secretary of State

SCANNED
JUN 29 2023

John Don Simplot	Director	1099 W. FRONT STREET BOISE, ID 83702
John Simplot Otter	Director	1099 W. FRONT STREET BOISE, ID 83702
Stephen A. Beebe	Director	1099 W. FRONT STREET BOISE, ID 83702
Richard M. Hormaechea	Director	1099 W. FRONT STREET BOISE, ID 83702
Terry T. Uhling	Director	1099 W. FRONT STREET BOISE, ID 83702
Jeremy Haynes	Treasurer	1099 W. FRONT STREET BOISE, ID 83702
+ Graham Dugdale	Vice President	1099 W. FRONT STREET BOISE, ID 83702
+ Lori Downing	Vice President	1099 W. FRONT STREET BOISE, ID 83702

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

James B. Alderman — Sign Here

01/12/2023 — Date

B0769-8549 01/12/2023 9:39 AM Received by Office of the Idaho Secretary of State

SCANNED
JUN 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

September 1, 2023

J R SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

Re: Transfer No: 88055
Water Right No(s).: 43-4021A, 43-4021B, 43-10590

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
SEP 06 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

J R SIMPLOT CO
ENV & REGULATORY AFFAIRS
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE ID 83707-0027

SCANNED
SEP 06 2023

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88055
Water Right No(s).: 43-4021A, 43-4021B, 43-10590

J R SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

J R SIMPLOT CO
ENV & REGULATORY AFFAIRS
1099 W FRONT ST
PO BOX 27
BOISE ID 83707-0027

J R SIMPLOT CO
C/O JAMES B ALDERMAN
PO BOX 27
BOISE ID 83707-0027

Denise Maline

Denise Maline
Administrative Assistant

SCANNED
SEP 06 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
SEP 06 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
SEP 06 2023

* Proof of Publication *

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES Southern Region
Denise Maliine Adminisrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 139380

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 13 day of July in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-26

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88116

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323 has filed Application No. 88116 for changes to the following water rights within CASSIA County(s): Right No(s). 43-4040, 43-4041, 43-4053, 43-4054. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a point of diversion to four irrigation ground water rights (5.94 cfs and 321 acres when combined). A new well will be drilled to replace an existing well that will be removed from the water rights and abandoned. The existing well to be abandoned is located approximately 2.5 miles north and 7.4 mile east of Malta. The proposed well will be located approximately 0.3 miles southwest of the existing well to be abandoned.

TRANSFER NO. 88119

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323 has filed Application No. 88119 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a point of diversion to ten irrigation ground water rights (23.07 cfs and 1579 acres when combined). A new well will be drilled to replace an existing well that will be removed from the water rights and abandoned. The existing well to be abandoned is located approximately 8.2 miles north and 1.2 mile west of Malta. The proposed well will be located approximately 0.1 mile southwest of the existing well to be abandoned.

TRANSFER NO. 88055

J R SIMPLOT COMPANY, C/O VIC CONRAD, 1099 W FRONT ST, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 88055 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10590, 43-4021A, 43-4021B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to two domestic rights and one domestic & stockwater right with a total flow rate of 0.20 cfs. The current POD is an existing well located approximately 8.0 miles north and 1.4 miles west of Malta. The proposed new well is to be located approximately 0.6 mile southeast of the existing well.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before July 24, 2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 6th & 13th, 2023

RECEIVED
JUL 17 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES 09/04/2026

Section: Legals
Category: 50 Legal
PUBLISHED ON: 07/06/2023, 07/13/2023

TOTAL AD COST: 205.06
FILED ON: 7/13/2023

OK DM 7-18-2023

SCANNED
SEP 06 2023

MEMORANDUM

Date: July 27, 2023

To: J. R. Simplot Company Transfer #88055 File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to add a point of diversion (POD) to two domestic rights and one domestic/stockwater right with a total flow rate of 0.20 cfs. The current POD is an existing well located approximately 8.0 miles north and 1.4 miles west of Malta. The proposed new well is to be located approximately 0.6 mile southeast of the existing well.

The transfer is within Water District 143, but is excluded from the Water District because the rights are de minimus stockwater and domestic, so Watermaster comments were not solicited. The transfer is located within the Raft River Critical Ground Water Management Area so it was advertised. No protests were filed.

The rights in the transfer are: 43-10590 (stockwater and domestic, 0.1 cfs), 43-4021A (domestic, 0.04 cfs), and 43-4021B (domestic, 0.06 cfs).

- **Authority to File:**
  The Department's database indicates that the three rights are owned by J. R. Simplot Company, the applicant. The application was signed by James B. Alderman, Senior Vice President and Secretary of the J. R. Simplot Company.

- **Water Right Validity:**
  The water rights were decreed in the SRBA and aerial imagery appears to show cattle congregating near the stockwater POU and homes at the domestic POU, so forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. Neither flow rates nor volumes will increase with this transfer.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated. The transfer was advertised.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
SEP 06 2023

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 139380**

Southern Region

Publication	**Times News**		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	205.06
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	205.06
Fax			
Section	Legals	Start/End Dates	07/06/2023 - 07/13/2023
SubSection		Insertions	2
Category	50 Legal	Size	121
Ad Key	139380-1	Salesperson(s)	Legal Notices
Keywords	RE: Transfer No. 88116	Taken By	Amy Packham
Notes			

Ad Proof

Proof of legal notice received from Times News 6/29/2023 (2 pgs)

✓ DM 6/29/2023

SCANNED
JUN 29 2023

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 139380**

Southern Region

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88116

HARPER VALLEY LAND LLC, 2045 E 850 S, DECLO, ID 83323 has filed Application No. 88116 for changes to the following water rights within CASSIA County(s): Right No(s). 43-4040, 43-4041, 43-4053, 43-4054. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a point of diversion to four irrigation ground water rights (5.94 cfs and 321 acres when combined). A new well will be drilled to replace an existing well that will be removed from the water rights and abandoned. The existing well to be abandoned is located approximately 2.5 miles north and 7.4 mile east of Malta. The proposed well will be located approximately 0.3 miles southwest of the existing well to be abandoned.

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before July 24, 2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 6th & 13th, 2023

SCANNED
JUN 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

June 29, 2023

J R SIMPLOT COMPANY
C/O VIC CONRAD
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707-0027

RE: Transfer No. 88055
Water Right No(s). 43-10590, 43-4021A, 43-4021B

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/6/2023 and 7/13/2023**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of $25.00 for each application, on or before **July 24, 2023**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

SCANNED
JUN 29 2023

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 29, 2023 10:24 AM
To: Times News
Subject: LEGAL NOTICE - ACCOUNT # 164-60002276
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on July 6th & 13th, 2023. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under account number 164-60002276.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

SCANNED
JUN 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

June 29, 2023

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 88116
Water Right No(s). 43-4040, 43-4041, 43-4053, 43-4054

RE: Transfer No. 88119
Water Right No(s). 43-10037, 43-2309, 43-2312A, 43-2385, 43-2391, 43-2564, 43-4009, 43-4091, 43-4092, 43-4141

RE: Transfer No. 88055
Water Right No(s). 43-10590, 43-4021A, 43-4021B

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 24, 2023. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
JUN 29 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88116

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GARY SPACKMAN, Director
Published on July 6th & 13th, 2023

SCANNED
JUN 29 2023

TRANSFER SYNOPSIS

Date: June 23, 2023

To: J. R. Simplot Company Transfer #88055 File

From: Jim Bitzenburg

Re: Summary of transfer

Application for transfer proposes to add a point of diversion (POD) to two domestic rights and one domestic/stockwater right with a total flow rate of 0.20 cfs. The current POD is an existing well located approximately 8.0 miles north and 1.4 miles west of Malta. The proposed new well is to be located approximately 0.6 mile southeast of the existing well.

The transfer is within Water District 143, but is excluded from the Water District because the rights are de minimus stockwater and domestic, so Watermaster comments will not be solicited. The transfer is located within the Raft River Critical Ground Water Management Area so it will be advertised.

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SCANNED

JUN 29 2023

FEE MEMORANDUM

Date: June 23, 2023

To: J. R. Simplot Company Transfer #88055 File

From: Jim Bitzenburg

Re: Receipting/disposition of fees paid

This transfer was filed on June 12, 2023, and its purpose is to add a point of diversion to two domestic rights and one domestic/stockwater right with a combined flow rate of 0.20 cfs, so a $200.00 fee will be applicable. The fee was paid by check #00029208 from Simplot at the time of filing. The IDWR receipt number is S039816.

SCANNED

JUN 29 2023

J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

RECEIVED
JUN 12 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

June 8, 2023

Jim Bitzenburg, Southern Region
State of Idaho
Department of Water Resources
650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858

Re: Transfer Application; IDWR Water Right Nos.434021A, 43-4021B and 43-10590.

Dear Jim:

Enclosed for filing is an Application for Transfer to add a point of diversion to the above referenced water rights. Please apply the $200.00 check toward your fee for filing this application.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

SCANNED
JUN 29 2023