

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88126**

This is to certify that: JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-4044	WR/DECREED	7/15/1950	1.000 cfs	284.0 af	N/A	71.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

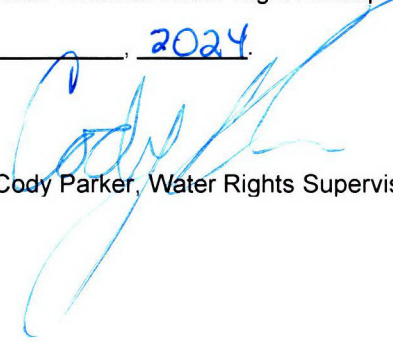
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-4044	NO	NO	YES	NO	NO	NO

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>
61-4044	61-4044	1.000 cfs	284.0 af	N/A	71.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		N/A	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 18th day of JANUARY, 2024.


Cody Parker, Water Rights Supervisor

Transfer No. 88126

WATER RIGHT NO. 61-4044**As Modified by Transfer No. 88126**

In accordance with the approval of Transfer No. 88126, Water Right No. 61-4044 is now described as follows:

Right Holder: J R SIMPLOT CO
1099 W FRONT STPO BOX 27
BOISE, ID 83707-0027

Priority Date: 7/15/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/01	to 11/15	1.000 cfs	284.0 af
STOCKWATER	1/01	to 12/31	0.360 cfs	21.4 af
			1.000 cfs	284.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 31 Twp 04S Rge 03E	ELMORE County	(R)
GROUND WATER	NWSESE	Sec 33 Twp 04S Rge 03E	ELMORE County	
GROUND WATER	SESESW	Sec 33 Twp 04S Rge 03E	ELMORE County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	03E	33											34.0				37.0		71.0

POU Total Acres: 71.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	03E	4	X	X	X	X	X	X	X	X									
			L 1	L 2			L 3	L 4											0

CONDITIONS OF APPROVAL

1. Use of water under this right may 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.161.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 88126

WATER RIGHT NO. 61-4044
As Modified by Transfer No. 88126

CONDITIONS OF APPROVAL

3. 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.
4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
6. Use of this right is combined with water from the Snake River Irrigation District.
7. Stockwater, 1600 range cattle.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 88126

Water Right: 61-4044

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.



- Transfer POD
- Transfer_POU
- Township/Range
- Sections
- QQ



0 1,300 2,600 Feet

RECEIVED

JUN 26 2023

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

RECEIVED

JUN 27 2023

DEPARTMENT OF
WATER RESOURCES**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) J. R. Simplot Company

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 27 2023

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) J. R. Simplot Company Phone 208-336-2110
Mailing address P. O. Box 27 Boise, Idaho 83707 Email vic.conrad@simplot.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

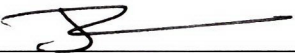
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

 James B. Alderman, Sr. VP and Secretary June 22, 2023
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Change the Stockwater Places of Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☐ Part	61-4044	1.00/ 284	Irrigation	3/1 to 11/15	Groundwater
☐		0.36	Stockwater	1/1 to 12/31	Groundwater
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 1.00 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.36 cubic feet per second and/or acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	3E	33											34				37		71
5S	3E	4	S	S	S	S	S	S	S	S									
S= Stockwater Places of Use																			Total Acres (for irrigation use)
																			71

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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:

For Irrigation Use: No change

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: None

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The location of the Stockwater Use will be moved, the Irrigation Place of Use will continue without change

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

88126

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 6-26-23 Preliminary check by _____ Date _____

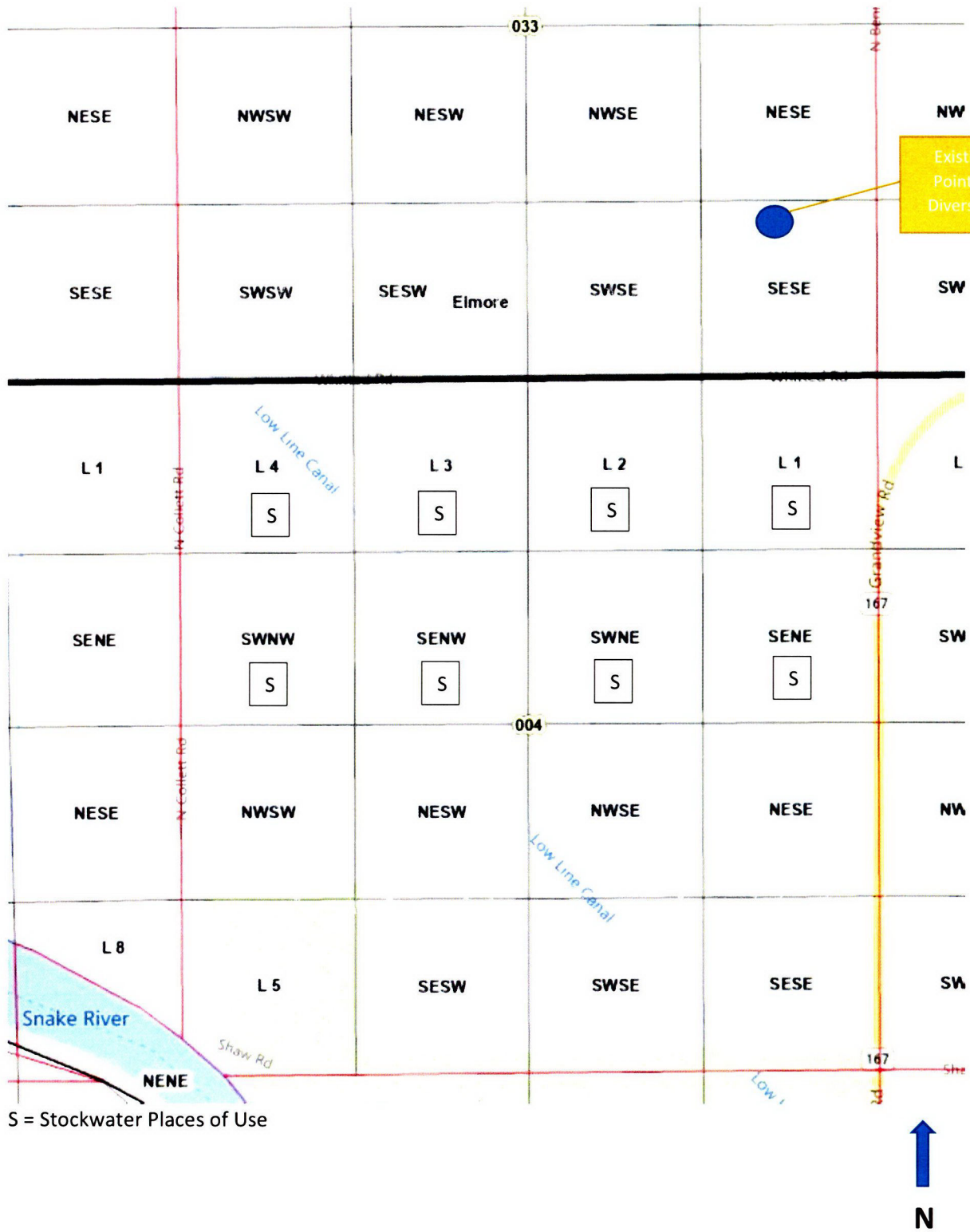
Fee paid \$500 Date 6-26-23 Received by DM Receipt # W051334

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

881260

Part 3.A. Map; Application for Transfer of Stockwater Use, IDWR Water Right No. 61-4044
Existing Point of Diversion and Proposed Stockwater Places of Use





January 19, 2024

JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

Re: Transfer No: 88126
Water Right No(s): 61-4044

Transfer Approval Notice

Dear Water Right Holder:

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.

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) 287-4800.

Sincerely,



Debra Mansfield
Technical Records Specialist

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024 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.: 88126

Water Right No(s): 61-4044

JR SIMPLOT COMPANY

PO BOX 27

BOISE ID 83707



Debra Mansfield
Technical Records Specialist

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.

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.

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, January 19, 2024 9:32 AM
To: 'Birdhunter2462@hotmail.com'
Subject: Transfer Approval Notice, JR Simplot Company
Attachments: 88126 Transfer & Supporting Documents.pdf

Hello Ed,

Please see the attachment for the Transfer Approval Notice in the name of JR Simplot Company, Transfer No. 88126 for Water Right No. 61-4044.

Thank you,

Debra Mansfield | Technical Records Specialist 1
IDWR – State Office
322 E Front St, Boise ID 83702-7371
(208) 287-4921 | Debra.Mansfield@idwr.idaho.gov

Parker, Cody

From: Howe, Bob
Sent: Friday, August 25, 2023 1:33 PM
To: Birdhunter2462@hotmail.com
Subject: Comment Requested for Purposed Transfer 88126- Right 61-4044
Attachments: 88126 Transfer Map.pdf; Transfer 88126 JR Simplot Co.pdf; 88126 Transfer Review Memo.pdf

Good Afternoon Ed Van Etten,

The Department of Water Resources is seeking comment from you, regarding application for Transfer 88126. The applicant purposes to move the Stockwater place of use for Right 61-4044 to parcels adjacent to the south of the current place of use, within Water District 161. A copy of the purposed transfer, the transfer map, and memo are attached for your reference.

Please submit your comments within 14 days, no later than September 8th, 2023. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to or concerns pertaining to the issuance of this transfer.

Comments are preferred to be received by e-mail to bob.howe@idwr.idaho.gov. However, comments by regular mail and/or FAX to 208-287-6700 are acceptable.

If you have any questions, don't hesitate to contact me at the State Office at (208) 287-4847.

Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent
322 E Front St, PO Box 83720, Boise, ID 83720
(208) 287-4800 | www.idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 88126 for Right 61-4044
FROM: Bob Howe, Water Resource Agent
DATE: 07/24/2023
RE: Evaluation of Application for Transfer

The application and processing fee for transfer 88126 were received on June 26th, 2023, submitted, and signed by James B. Alderman, Sr. VP and Secretary, JR Simplot Co. The application proposes to move the stockwater place of use (POU) for Right 61-4044, to the north half of Section 4, south of the SESE of section 33 (the southeastern extent of the current POU).

Summary of Information Submitted

Authority to File:

The 2023, JR Simplot Co. annual report form on the Idaho Secretary of State lists James B. Alderman as an authorized signatory.

Water Right Validity:

Water right no 61-4044 is presumed to be valid because the GIS imagery shows evidence of stock yards in the SENE of section 31, the NWSW of section 32, and the SWSW of section 33 (see Figures 1, 1a, 1b, & 2).

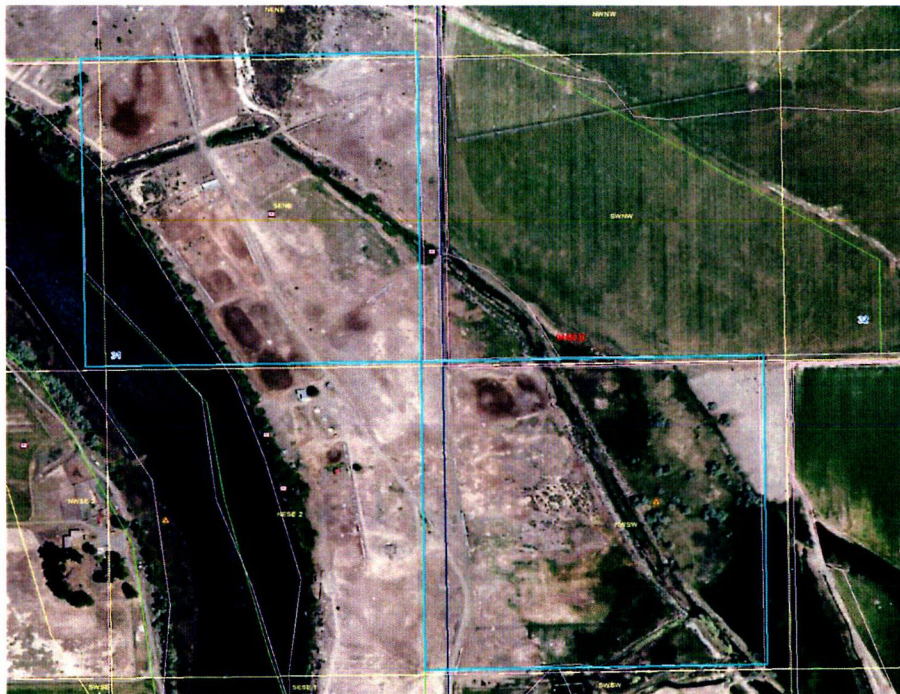


Figure 1- 2021 GIS imagery of POU with Stockyards visible as darkened areas, irrigation in the SE corner of the NWSW.

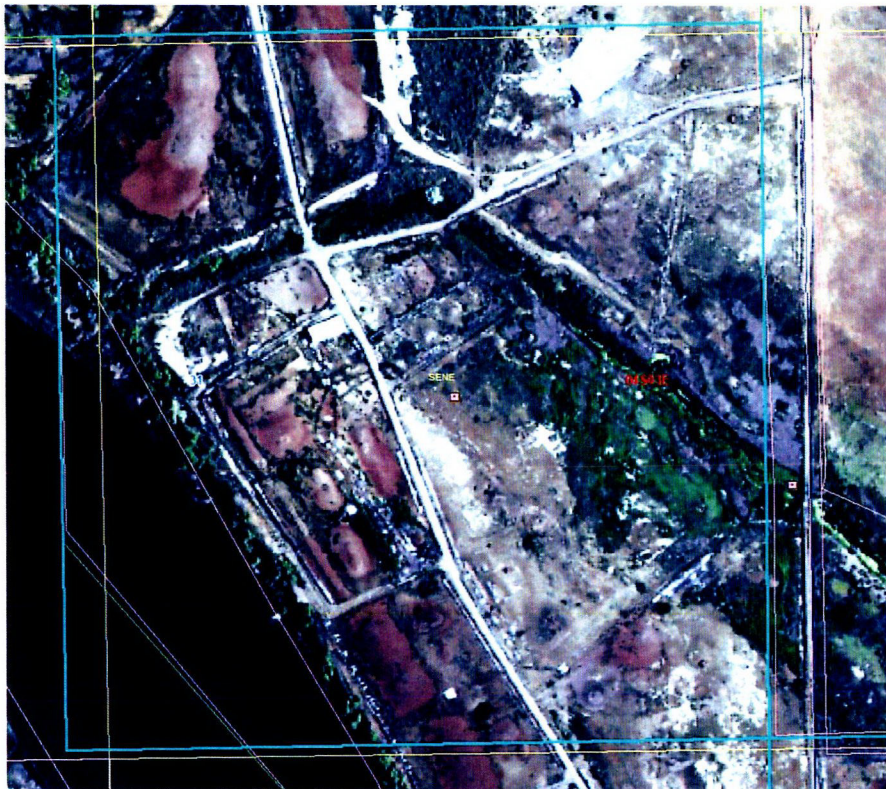


Figure 1a- 2017 GIS image of the SENE of section 31-stock areas visible as dark areas.

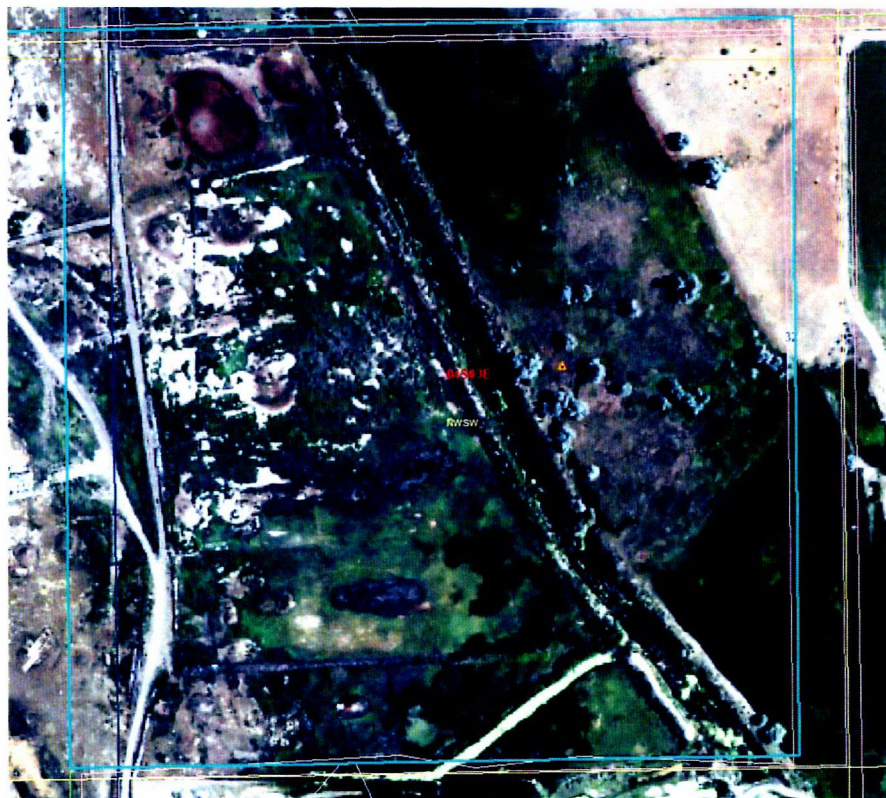


Figure 1b- 2017 GIS image of NWSW of section 32, stock and irrigation visible.



Figure 2- 2017 GIS image of SWSW of section 33, stock area in the NW corner evident.

The partial decree for water rights no. 61-4044 was issued in 1950. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery and google earth images.

Injury to Other Water Rights:

None anticipated. The transfer would allow the existing groundwater point of diversion to deliver stockwater to the northern 320 acres in the north half of section 4. The transfer does not change the rate of diversion or volume elements of the decreed water right. Continuing use of the right diverting groundwater at locations in closer proximity to the well site (in the SESE of section 33) than the existing POU would not impact the neighboring water rights differently than the historic use of the water right. The POD and POU are both within Water District 161. Comment was solicited from the Watermaster, Ed Van Etten.

Enlargement of Use:

As the transfer does not change the rate of diversion or the volume it only purposes to move the place of use for Stockwater to a location in closer proximity to the point of diversion. There are not enlargement concerns regarding the stockwater POU move.

Local Public Interest:

The purposed would not change any element of the current use or the Water District of the use (the POD will not move) and can be properly administered. Stockwater use is within local public interest.

Beneficial Use/Conservation of Water Resources:

The purposed transfer would allow beneficial use to continue closer to the POD, and therefore in a more efficient manner, while still allowing proper administration. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

The purposed transfer would move a stockwater place of use from three largely separated quarter/quarters to a place of use comprised of 8 adjoining quarter/quarters, which are adjacent to the POD in the SESE of section 33. The number elements limiting the total head of livestock able to be provided for under the water right is unchanged. No neighboring rights would be negatively impacted by moving a stockwater place of use closer to the point of diversion. The data was entered for Transfer 88126, on July 26th, 2023, relocating the stockwater place of use for right 61-4044 to the northern half of section 4 as outlined in the transfer application.

Water Right Overlap

The only rights overlapping right 61-4044 are right 61-4045 at the pre-transfer POU (owned by JR Simplot Co) for domestic and stockwater use in the SWSW of section 33, right 61-10552 (also owned by JR Simplot Co) for stockwater use in the SWNE of section 4 (part of the purposed transfer POU), and rights 2-79 and 2-78 which are Snake River Irrigation District Rights. The POD for the overlapping POU of 61-4045 is well in the SWSW of section 33. The POD for right 61-10552 is a well in the SWNE of section 4. Right 61-10552 is for stockwater use with a groundwater source within its POU. Both the right purposed for transfer and 61-10552 have the same owner, separate well PODs, and are for stockwater use. However, stockwater use is only limited to the number of head each right can service based on each right's elements. There are no concerns regarding a negative impact due to transferring a POU, resulting in an overlap of established stockwater rights with no change to the groundwater sources.

Discussion

If approved the following changes should be made to the conditions of water right no. 61-4044:

Update condition C18 to T19.

Update condition C15 to X63.

Add standard transfer conditions T07 and T08

The application can be approved as reflected by the draft approval.

TRANSFER TRACKING SHEET

Transfer # 88126

Name Bob Howe

Date / Person

7/24/BA Initial Checklist

7/24+26/BA Initial Review

7/24/BA 30-Day Deficiency Letter Sent _____

7/26/BA Any rights leased to the Water Supply Bank? X No

_____ Yes attachment included

_____ Yes attachment requested

_____ Attachment received

7/26/BA Initial Data Entry Done

☒ Received Date Entered

☒ Receipt No. Entered

☒ Status Changed to Active

☒ Currently in Data Entry Un-checked

☒ Wild & Scenic Data Entry

☒ Legal Notice Required

7/26/BA Comment Letters Request or ☒ N/A

☒ Water Master(s)
(Water District 61) ~~not entered~~

☐ Fish & Game

☐ DEQ

☐ Canal Company

☐ IDWR Planning

☐ Security Interest Holder

☐ Wild & Scenic

☐ Other -Provide Address

7/26/BA Legal Ad Prepared Statewide Y X N (Y if any WR >10 cfs or 1000 af)

Newspaper(s) _____

Protest Deadline _____

_____ Affidavit of Advertising Received and Published Correctly

_____ Approval Data Entry Done

☐ New POD and/or POU entered

☐ Shapes Updated

☐ Map Created

☐ Conditions Complete

7/26 BA Evaluation Memo Completed

7/26 BA Conditions Completed

_____ Protests Entered into Workflow

_____ Withdrawal of Protest / Application

OPTIONAL PAGE -- CONDITIONS & NOTES**GROUNDWATER:**

DRILLING PERMIT - 046 (new or existing well)
 * DP upgrade req'd Y N
 < 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs/others - R02, 01P or No MD (ref. MD flowchart)
 > 0.20 cfs - R43
 WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 < 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

Volume only - R58/R59/R60/R61

Supplemental - 065, 105 & WB&

STOCKWATER - R37 (all BLM/USFS)

MINING - 054-106

FISH PROP - 029 (70's basins only)-007-122-106

HEAT/COOL - R07 (injection well)

FIRE PROT. - 077

DAIRY - 082 (zoning if a concern)-106-WD8

POWER - 17H-17K (+uses)-025-106

MUNICIPAL

Restricted area - 022-075 RAFN - 007-109-X64

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

>1 in restricted area - 070/071/075 (no parks/common areas, etc)

Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop

T08 - comply or rescind

WD8 - land application of waste water

01Q - use instead of 01M when WR is outside WD and WR has another measuring condition

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in PPU

X35 - Combined limits of multiple WRs

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

205 - use when quantity reduced by xFer approval

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X63 - replaced C12 through C17 - replaced by C18. Replace with T19

Apply one to chg'd & unchg'd

WR that were subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)

T19 - replaces C18

(if at Directors Report or Partial Decree stage)

T20 - use only on unchg'd WR not subject to SRBA

Notes:

- Transfer doc has 0 on the Stockwater total acres field, unable to change

- Gaudreau Farms owned by JR simplest, still as owner on Transfer Plan



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

RECEIVED

1099 West Front Street
Boise, Idaho 83702

JUN 26 2023

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

WATER RESOURCES
WESTERN REGION

June 23, 2023

Nick Miller
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: IDWR Water Right No. 61-4044.

Dear Nick:

Enclosed for filing is an application for transfer of the stockwater place of use under the above referenced water right. Please apply the enclosed \$500 check toward your fee for filing the enclosed transfer application.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures



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