

RECEIVED

OCT 23 2023

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 88592**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](http://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

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**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

DEPARTMENT OF  
WATER RESOURCES

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.

  
Signature of Applicant or Authorized Representative

James B. Alderman, Sr. VP and Secretary  
Print Name and Title if applicable

October 19, 2023  
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

**A. PURPOSE OF TRANSFER**

- ☐ Change point of diversion  
☐ Change nature of use
 ☒ Add diversion point(s)  
☐ Change period of use
 ☒ Change place 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**.  
Transferring the Place of Use for Supplemental Groundwater Rights and add existing wells as Points of Diversion.

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 63-2758      | 1.14                  | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 63-3282      | 1.04                  | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 63-3559      | 0.56                  | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 63-11756     | 1.74                  | Irrigation    | 3/15 to 11/15 | Groundwater        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 4.48 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 4.48 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 #             |
|-------|-----|---|----|----|-----|-----|-----|--------|-------------|---------------------------------|
|       |     |   | SW | NE | 7   | 4N  | 5W  | Canyon | Groundwater | Existing Well                   |
|       |     |   | NW | NE | 31  | 5N  | 5W  | Canyon | Groundwater | New PODs for these water rights |
|       |     |   |    |    |     |     |     |        |             |                                 |
|       |     |   |    |    |     |     |     |        |             |                                 |

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 |             |
| 5N                               | 5W  | 30  |      |    |    |    |      | L3(30) | L4(30) |    |      |    |    |    |      |    |    |    | 60          |
|                                  | 6W  | 25  |      |    |    |    |      |        |        |    |      |    |    |    | 32   |    |    | 31 | 63          |
|                                  |     | 36  | 30   | 30 | 31 | 29 |      |        |        |    |      |    |    |    |      |    |    |    | 120         |
|                                  |     |     |      |    |    |    |      |        |        |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |        |        |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |        |        |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |        |        |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |        |        |    |      |    |    |    |      |    |    |    | 243         |

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:

Wells, underground pipelines, overhead center pivot sprinkler systems.

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

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

Applicant owns 100% of Agland, Inc.

- 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: \_\_\_\_\_

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:

- 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:

Wilder Irrigation District

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

**A. DESCRIPTION OF RIGHT(S) AS RECORDED**

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 1.  
Insert Part 2A reports into the application following Part 1.

**B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES**

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: \_\_\_\_\_

1. amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per  $\frac{1}{4}$   $\frac{1}{4}$  tract.)

[illegible]

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 (WaterBalance)

- ☐ 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:

POU is irrigated with Wilder Irrigation District water pursuant to the following Wilder account nos.:

1228/ 65.53 acres

1277/ 71.88 acres

844/ 38.02 acres

1197/ 47.84 acres

850/ 38.34 acres

#### FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 11 attachments.

Received by KM Date 10.23.23 Preliminary check by \_\_\_\_\_ Date 10.23.23

Fee paid 820.00 Date 10.23.23 Received by KM Receipt # C117213

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)

9602697

**WARRANTY DEED**

Attac t #2a & #2b

FOR VALUE RECEIVED, J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District, State of Idaho, Ada County, Instrument No. 3T-788 (the "Grantor"), does hereby grant, bargain, sell and convey unto J. R. SIMPLOT COMPANY, a Nevada corporation (the "Grantee"), whose address is 999 Main Street, Suite 1300, P.O. Box 27, Boise, ID 83702, the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record, the lien of that certain mortgage and between Grantor as Mortgagor and William R. Sorrell and Elizabeth A. Sorrell as Mortgagees dated as of January 24, 1996 securing payment of a \$180,000 promissory note of even date, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 19, 1996

**J. R. SIMPLOT SELF-DECLARATION OF REVOCABLE TRUST**, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District, State of Idaho, Ada County, Instrument No. 3T-788

By: [Signature]  
J. R. Simplot, Trustee

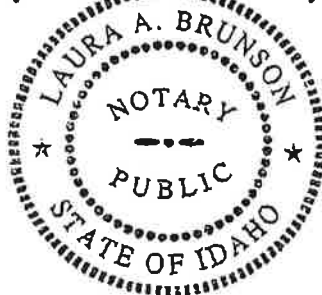
6396v

STATE OF IDAHO )  
 ) : ss  
County of Ada )

On this 19<sup>th</sup> day of January, 1996, before me, a Notary Public in and for said State, personally appeared J. R. SIMPLOT, known to me to be the Trustee of J. R. Simplot Self-Declaration of Revocable Trust, the trust that executed the instrument or the person who executed the instrument on behalf of said trust, and acknowledged to me that such trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public for Idaho  
Residing at: Emmett  
My Commission Expires: 10/29/99



88593

Exhibit "A"

PARCEL I

The Southeast Quarter of the Southeast Quarter of Section 6, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM mineral rights reserved to State of Idaho in State Deed.

PARCEL II

The Northwest Quarter of the Northeast Quarter of Section 7, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM mineral rights reserved to State of Idaho in State Deed.

PARCEL III

The Northeast Quarter of the Northeast Quarter and the South Half of the Northeast Quarter of Section 7, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM mineral rights reserved to State of Idaho in State Deed.

PARCEL IV

The Northeast Quarter of the Northwest Quarter of Section 7, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

9602697

RECORDED

96 JAN 24 PM 1 57

REC'D

CANYON CNTY RECORDER

PIONEER - CALDWELL

REQUEST

TYPE Deed Fee 600

Page \_\_\_\_\_ of \_\_\_\_\_

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

**Current Water Right No.: 63-2678**

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST

Priority Date: 1/30/1948

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15         | 1.14 CFS              | 540 AF               |
| DOMESTIC              | 01/01 to 12/31         | 0.04 CFS              | 14.6 AF              |
|                       | <u>Total Diversion</u> | 1.14 CFS              | 554.6 AF             |

**Location of Point(s) of Diversion**

|               |            |         |          |              |
|---------------|------------|---------|----------|--------------|
| GROUND WATER  | SW1/4NE1/4 | Sec. 7, | Twp 04N, | Rge 05W B.M. |
| CANYON County |            |         |          |              |

**Place of Use**

**IRRIGATION Within CANYON County**

|                    |      |       |              |      |       |
|--------------------|------|-------|--------------|------|-------|
| T04N R05W S6       | SESE | 38.00 | T04N R05W S7 | NENE | 40.00 |
| T04N R05W S7       | NWNE | 33.50 | T04N R05W S7 | SWNE | 35.50 |
| T04N R05W S7       | SENE | 39.00 | T04N R05W S7 | NENW | 37.80 |
| Total Acres: 223.8 |      |       |              |      |       |

**DOMESTIC Within CANYON County**

|              |      |
|--------------|------|
| T04N R05W S7 | NWNE |
|--------------|------|

08502

Conditions of Approval:

1. X01 Domestic use is for watering cattle stock.
2. W59 Use of this right is combined with water from Wilder Irrigation District.
3. 016 See remarks for additional conditions of approval.
4. T07 The right holder shall accomplish the change authorized by Transfer No. 4444 within one (1) year of the date of its approval.
5. Right No. 63-2678 is limited to the irrigation of 120 acres in the place of use described above in a single irrigation season.
6. 803 The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with ground water diverted pursuant to this right.
7. 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.
8. Combined Right Nos. 63-2678, 63-3282, & 63-3559 are limited to the irrigation of 160 total acres in the place of use described above in a single irrigation season.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. S39 The use of water for irrigation under this right may begin as early as March 1, 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 2/6/2009

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

**Current Water Right No.: 63-3282**

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST  
 Priority Date: 3/26/1962  
 Origin: Water Right  
 Status: Active  
 Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15         | 1.04 CFS              | 234 AF               |
|                       | <u>Total Diversion</u> | 1.04 CFS              | 234 AF               |

**Location of Point(s) of Diversion**

GROUND WATER  
 CANYON County

SW1/4NE1/4      Sec. 7,    Twp 04N,    Rge 05W B.M.

**Place of Use**

**IRRIGATION Within CANYON County**

|              |      |       |              |      |       |
|--------------|------|-------|--------------|------|-------|
| T04N R05W S6 | SESE | 38.00 | T04N R05W S7 | NENE | 40.00 |
| T04N R05W S7 | NWNE | 33.50 | T04N R05W S7 | SWNE | 35.50 |
| T04N R05W S7 | SENE | 39.00 | T04N R05W S7 | NENW | 37.80 |

Total Acres: 223.8

Conditions of Approval:

1. 803 The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
2. Combined Right Nos. 63-2678, 63-3282, & 63-3559 are limited to the irrigation of 160 total acres in the place of use described above in a single irrigation season.
3. S39 The use of water for irrigation under this right may begin as early as March 1, 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. W59 Use of this right is combined with water from Wilder Irrigation District.
5. T07 The right holder shall accomplish the change authorized by Transfer No. 4444 within one (1) year of the date of its approval.
6. 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.
7. Right No. 63-3282 is limited to the irrigation of 52 acres in the place of use described above in a single irrigation season.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 016 See remarks for additional conditions of approval.

Decreed Date: 2/6/2009

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

**Current Water Right No.: 63-3559**

Current Owner: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST  
Priority Date: 10/27/1966  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15         | 0.56 CFS              | 126 AF               |
|                       | <u>Total Diversion</u> | 0.56 CFS              | 126 AF               |

**Location of Point(s) of Diversion**

GROUND WATER  
CANYON County

SW1/4NE1/4      Sec. 7,    Twp 04N,    Rge 05W B.M.

**Place of Use**

IRRIGATION Within CANYON County

|              |      |       |              |      |       |
|--------------|------|-------|--------------|------|-------|
| T04N R05W S6 | SESE | 38.00 | T04N R05W S7 | NENE | 40.00 |
| T04N R05W S7 | NWNE | 33.50 | T04N R05W S7 | SWNE | 35.50 |
| T04N R05W S7 | SENE | 39.00 | T04N R05W S7 | NENW | 37.80 |

Total Acres: 223.8

Page \_\_\_\_\_ of \_\_\_\_\_

**Conditions of Approval:**

1. 803 The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
2. Combined Right Nos. 63-2678, 63-3282, & 63-3559 are limited to the irrigation of 160 total acres in the place of use described above in a single irrigation season.
3. 016 See remarks for additional conditions of approval.
4. S39 The use of water for irrigation under this right may begin as early as March 1, 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 irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. W59 Use of this right is combined with water from Wilder Irrigation District.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Right No. 63-3559 is limited to the irrigation of 28 acres in the place of use described above in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by Transfer No. 4444 within one (1) year of the date of its approval.
9. 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.

Decreed Date: 2/6/2009

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

**Current Water Right No.: 63-11756**

Current Owner: J R SIMPLOT CO

Priority Date: 3/18/1992

Origin: Water Right

Status: Active

Basis: License

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>  | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15         | 1.74 CFS              |                      |
|                       | <u>Total Diversion</u> | 1.74 CFS              |                      |

**Location of Point(s) of Diversion**

GROUND WATER  
CANYON County

SW1/4NE1/4      Sec. 7,    Twp 04N,    Rge 05W B.M.

**Place of Use**

IRRIGATION Within CANYON County

|              |      |       |              |      |       |
|--------------|------|-------|--------------|------|-------|
| T04N R05W S6 | SESE | 38.00 | T04N R05W S7 | NENE | 40.00 |
| T04N R05W S7 | NWNE | 33.50 | T04N R05W S7 | SWNE | 35.50 |
| T04N R05W S7 | SENE | 39.00 | T04N R05W S7 | NENW | 37.80 |

Total Acres: 223.8

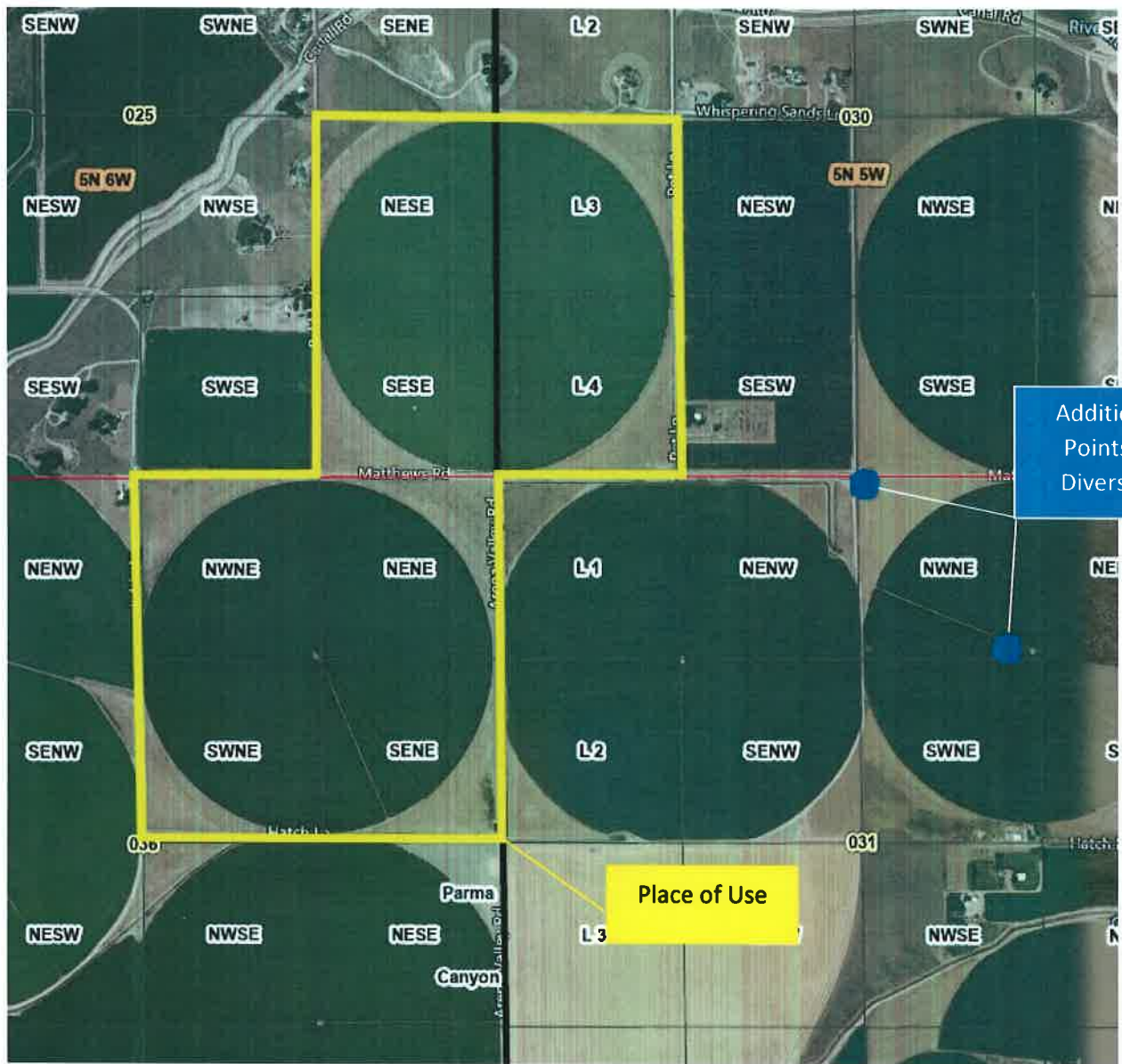
Conditions of Approval:

1. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. 103 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. F06 The following rights are diverted through point of diversion described above: 63-2678, 63-3282, 63-3559 and 63-11756.
6. X27 This right is limited to the irrigation of 143.8 acres within the place of use described above in a single irrigation season.
7. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. 01M 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.
9. X35 Rights 63-2678, 63-3282, 63-3559 and 63-11756 when combined shall not exceed a total annual maximum diversion volume of 1007.0 af at the field headgate, and the irrigation of 223.8 acres.

Licensed Date: 11/7/2012

J08503

# Attachment #7B





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

December 15, 2023

J.R. SIMPLOT COMPANY  
PO BOX 27  
BOISE ID 83707-0027

RE: Transfer No. 88592  
Water Right No(s). 63-11756, 63-2678, 63-3282, 63-3559

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 PRESS TRIBUNE on 12/21/2023 and 12/28/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Lynne Evans  
Administrative Assistant I



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

December 15, 2023

WILDER IRRIGATION DISTRICT  
709 CLEVELAND BLVD  
CALDWELL ID 83605-4148

RE: Transfer No. 88592

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find more information about the application at:

<https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Lynne Evans  
Administrative Assistant I

## Evans, Lynne

---

**From:** Evans, Lynne  
**Sent:** Friday, December 15, 2023 9:42 AM  
**To:** Legals@idahopress.com  
**Subject:** Legal Notice: Transfer No. 88592; Water Right No(s). 63-11756, 63-2678, 63-3282, 63-3559  
**Attachments:** Legal Notice.docx

Please publish the enclosed legal notice in the Press Tribune on the dates indicated (12/21 & 12/28, 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 1/8/2024. Your cooperation is appreciated.

Thank you,

**Lynne Evans** | Administrative Assistant I  
IDWR - Western Region  
2735 W Airport Way, Boise ID 83705  
(208) 334-2190 | [lynne.evans@idwr.idaho.gov](mailto:lynne.evans@idwr.idaho.gov)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 88592

J.R. SIMPLOT COMPANY, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 88592 for changes to the following water rights within CANYON County(s): Right No(s). 63-11756, 63-2678, 63-3282, 63-3559; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

To add a point of diversion in the NWNE Sec. 31, T05N, R05W, and move the place of use to 243 acres in Sec. 30, T05N, R05W, and Secs. 25 & 36, T05N, R06W, just south of the Riverside Canal.

For additional information concerning the property location, contact the Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 1/8/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 12/21/2023 and 12/28/2023

## MEMORANDUM

**Date:** December 1, 2023

**To:** Transfer 88592

**From:** Scott Storms

**Re:** Comment/Analysis

Page 3 of the application listed WR 63-2758, however the cover letter referenced 63-2678 and the WR report for 63-2678 was included in the application packet. 63-2678 is also one of the rights included in the combined limits on the other rights. Given all this information, a clarification was made during data entry to include WR 63-2678 and not 63-2758

Comment/Analysis  
12/1/2023



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

**October 19, 2023**

State of Idaho  
Department of Water Resources  
322 E. Front Street, Suite 648  
P. O. Box 83720  
Boise, Idaho 83720-0098

RECEIVED  
OCT 23 2023  
DEPARTMENT OF  
WATER RESOURCES

**Re: Application for Transfer and Notice of Change of Water Right ownership for  
IDWR Water Right Nos. 63-2678, 63-3282, 63-3559 and 63-11756.**

Enclosed for filing is a Transfer Application to move the place of use and add 2 points of diversion for the above referenced water rights. The 2 proposed points of diversion are existing wells. There are no new wells proposed under this application.

In addition, a Notice to update the ownership of the above referenced water rights is also enclosed for filing together with the related deed to confirm current ownership.

A check in the amount of \$920.00 is also enclosed to cover the filing fees for the Transfer and Notice (Transfer Application Fee of \$820.00; and Notice fee of \$100.00).

Sincerely

Vic Conrad  
Land Water & Asset Recovery

Enclosure

c: N. Spencer, IDWR Western Region by Email

