STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88592

This is to certify that: J.R. SIMPLOT COMPANY
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
63-11756	WR/LICENSE	3/18/1992	1.740 cfs	N/A	143.8	223.8	GROUND WATER
63-2678	WR/DECREED	1/30/1948	1.140 cfs	554.6 af	120.0	223.8	GROUND WATER
63-3282	WR/DECREED	3/26/1962	1.040 cfs	234.0 af	52.0	223.8	GROUND WATER
63-3559	WR/DECREED	10/27/1966	0.560 cfs	126.0 af	28.0	223.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-11756	NO	NO	YES	YES	NO	NO
63-2678	NO	NO	YES	YES	NO	NO
63-3282	NO	NO	YES	YES	NO	NO
63-3559	NO	NO	YES	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
63-11756	63-11756	1.740 cfs	N/A	143.8	243.0	N/A	N/A	N/A	N/A	N/A
63-2678	63-2678	1.140 cfs	554.6 af	120.0	243.0	N/A	N/A	N/A	N/A	N/A
63-3282	63-3282	1.040 cfs	234.0 af	52.0	243.0	N/A	N/A	N/A	N/A	N/A
63-3559	63-3559	0.560 cfs	126.0 af	28.0	243.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**4.480 cfs**	**N/A**	**223.8**	**243.0**		**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 29th day of May, 2024.

SCOTT STORMS, Water Rights Supervisor

SUPPORT DATA

IN FILE # 63-2678

Transfer No. 88592

WATER RIGHT NO. 63-3282

As Modified by Transfer No. 88592

In accordance with the approval of Transfer No. 88592, Water Right No. 63-3282 is now described as follows:

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 3/26/1962

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to 11/15	1.040 cfs	234.0 af
			1.040 cfs	234.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 7 Twp 04N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	30						30.0	30.0										60.0
								L 3	L 4										
05N	06W	25													32.0			31.0	63.0
05N	06W	36	30.0	30.0	31.0	29.0													120.0

Right Acre Limit: 52.0
POU Total Acres: 243.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 52 acres within the authorized place of use in a single irrigation season.

2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Transfer No. 88592

WATER RIGHT NO. 63-3282

As Modified by Transfer No. 88592

CONDITIONS OF APPROVAL

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 234 af at the field headgate for the place of use.

4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

5. Rights 63-2678, 63-3282, and 63-3559 when combined shall not exceed the irrigation of 160 acres.

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.

7. Use of this right is combined with water from Wilder Irrigation District.

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.

10. 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.

WATER RIGHT NO. 63-3559

As Modified by Transfer No. 88592

In accordance with the approval of Transfer No. 88592, Water Right No. 63-3559 is now described as follows:

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 10/27/1966

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.560 cfs	126.0 af
				0.560 cfs	126.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 7 Twp 04N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	30						30.0	30.0										60.0
								L 3	L 4										
05N	06W	25													32.0			31.0	63.0
05N	06W	36	30.0	30.0	31.0	29.0													120.0

Right Acre Limit: 28.0
POU Total Acres: 243.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28 acres within the authorized place of use in a single irrigation season.

2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Transfer No. 88592

WATER RIGHT NO. 63-3559

As Modified by Transfer No. 88592

CONDITIONS OF APPROVAL

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 126 af at the field headgate for the place of use.

4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

5. Rights 63-2678, 63-3282, and 63-3559 when combined shall not exceed the irrigation of 160 acres.

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.

7. Use of this right is combined with water from Wilder Irrigation District.

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.

10. 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.

11. See remarks for additional conditions of approval.

WATER RIGHT NO. 63-11756

As Modified by Transfer No. 88592

In accordance with the approval of Transfer No. 88592, Water Right No. 63-11756 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: 3/18/1992

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
IRRIGATION	03/01	to 11/15	1.740 cfs
			1.740 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 7 Twp 04N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	30						30.0	30.0										60.0
								L 3	L 4										
05N	06W	25													32.0			31.0	63.0
05N	06W	36	30.0	30.0	31.0	29.0													120.0

Right Acre Limit: 143.8
POU Total Acres: 243.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 143.8 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 63-11756

As Modified by Transfer No. 88592

CONDITIONS OF APPROVAL

2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647 af at the field headgate for the place of use.

4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

5. Rights 63-2678, 63-3282, 63-3559 and 63-11756 when combined shall not exceed a total annual maximum diversion volume of 1007 af at the field headgate, and the irrigation of 223.8 acres.

6. 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.

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

8. 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. 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.

WATER RIGHT NO. 63-2678

As Modified by Transfer No. 88592

In accordance with the approval of Transfer No. 88592, Water Right No. 63-2678 is now described as follows:

Right Holder: J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707-0027

Priority Date: 1/30/1948

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	14.6 af
IRRIGATION	03/15	to 11/15	1.140 cfs	540.0 af
			1.140 cfs	554.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 7 Twp 04N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County
GROUND WATER	NWNE	Sec 31 Twp 05N Rge 05W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	30						30.0	30.0										60.0
								L 3	L 4										
05N	06W	25													32			31	63
05N	06W	36	30.0	30.0	31.0	29.0													120.0

Right Acre Limit: 120.0
POU Total Acres: 243.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season.

2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Transfer No. 88592

WATER RIGHT NO. 63-2678

As Modified by Transfer No. 88592

CONDITIONS OF APPROVAL

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 540 af at the field headgate for the place of use.

4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.

6. 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.

7. Use of this right is combined with water from Wilder Irrigation District.

8. Domestic use is for watering cattle stock.

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

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

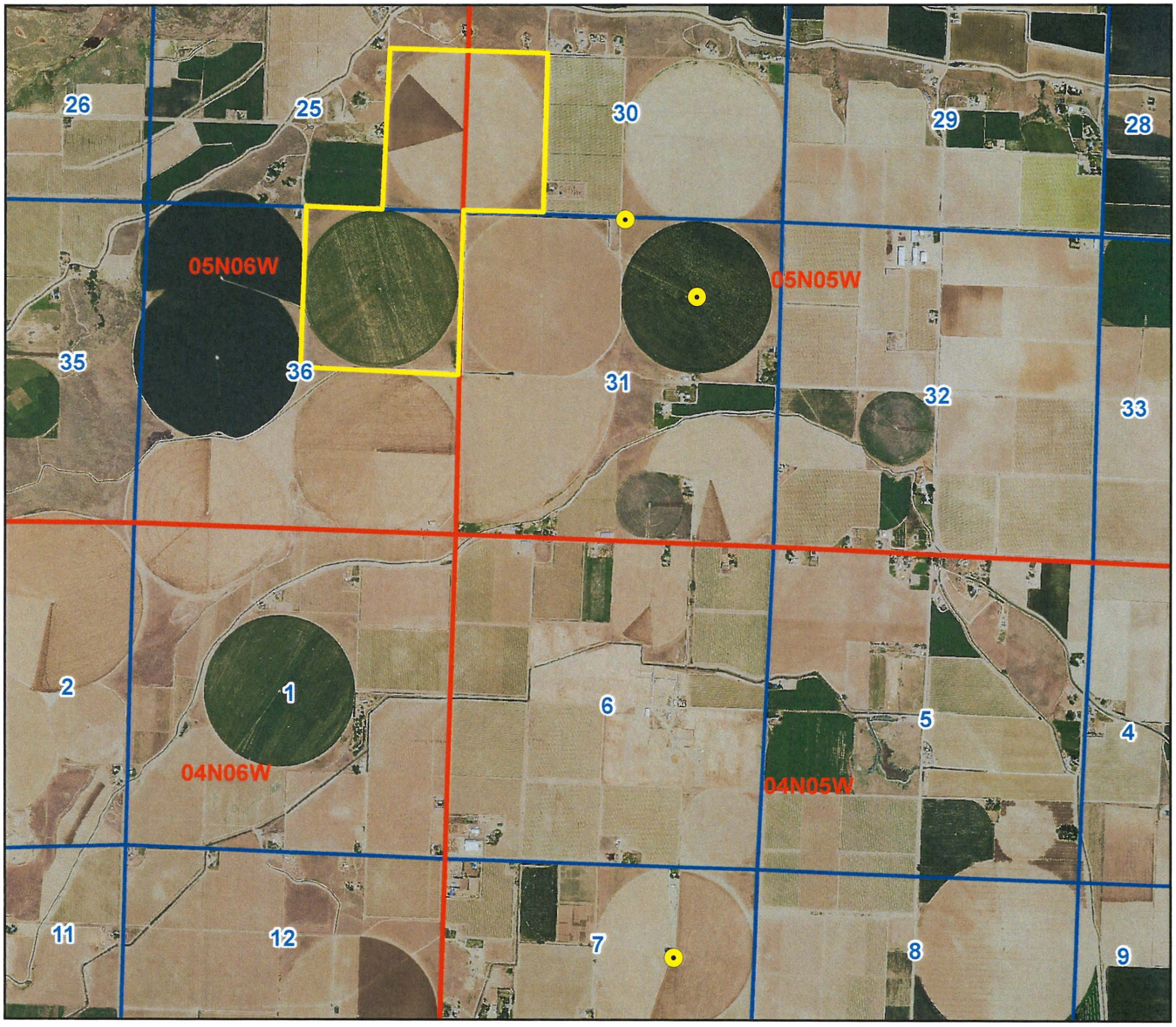
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 88592

63-2678, 63-3282, 63-3559 and 63-11756

This map depicts the IRRIGATION 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

N

0 4,350 8,700 Feet

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OCT 23 2023

DEPARTMENT OF WATER RESOURCES

88592

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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, Part1.
- ☑ * 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: _____

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STATE OF IDAHO
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.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
[signature]	James B. Alderman, Sr. VP and Secretary	October 19, 2023

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☑ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. 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 **Part1A.2**.

3. 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 **Part1A.3**.
   Transferring the Place of Use for Supplemental Groundwater Rights and add existing wells as Points of Diversion.

88593

Rev. 07/18

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.

All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	63-2758	1.14	Irrigation	3/15 to 11/15	Groundwater
☑	☐	63-3282	1.04	Irrigation	3/15 to 11/15	Groundwater
☑	☐	63-3559	0.56	Irrigation	3/15 to 11/15	Groundwater
☑	☐	63-11756	1.74	Irrigation	3/15 to 11/15	Groundwater
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				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 thefuture:
Wells, undergound 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	
☐	☑	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:

Rev. 07/18

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, 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, 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 ¼ ¼ tract.)

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	
																		Total Acres (for irrigation use)	

Rev. 07/18

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 rights(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 Receipted by KM Receipt # C117213

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

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

960297

WARRANTY DEED

Attachment #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: _____
J. R. Simplot, Trustee

6396v

STATE OF IDAHO)
):ss
County of Ada)

On this 19th 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.

Laura A. Brunson
Notary Public for Idaho
Residing at: Emmett
My Commission Expires: 10/24/99

LAURA A. BRUNSON
NOTARY PUBLIC
STATE OF IDAHO

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.

96026697

RECORDED

'96 JAN 24 PM 1 57

CANYON CNTY RECORDER

J Chaney

PIONEER — CALDWELL

REQUEST

TYPE Deed FEE 6.00

88592

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

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

Page _____ of _____

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

Page _____ of _____

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	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	1.04 CFS	234 AF
	Total Diversion	1.04 CFS	234 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

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

Page _____ of _____

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	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.56 CFS	126 AF
	Total Diversion	0.56 CFS	126 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

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 irrgation 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

Page _____ of _____

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	

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
IRRIGATION	03/01 to 11/15	1.74 CFS	
	Total Diversion	1.74 CFS	

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

86502

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

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 • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 06, 2024

ATTN: JAMES B. ALDERMAN
J.R. SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

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

Transfer Approval Notice

Dear Water Right Holder(s):

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) 334-2190.

Sincerely,

Lynne Evans
Administrative Assistant I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 06, 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: 88592
Water Right No(s).: 63-2678, 63-3282, 63-3559, 63-11756

ATTN: JAMES B. ALDERMAN
J.R. SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

Lynne Evans
Administrative Assistant I

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.

MEMORANDUM

TO: Transfer No. 88592
FROM: Scott Storms
DATE:
RE: Evaluation of Application

The purpose of this transfer is to add points of diversion (POD) and move the place of use (POU) for supplemental ground water rights 63-2678, 63-3282, 63-3559, & 63-11756 to a new location for supplemental use. The original POU for the rights received primary surface water for irrigation from Wilder Irrigation District and the proposed POU location will also receive primary surface water from Wilder Irrigation District. The proposed POU is located 1.8 miles NNW of the existing POU for the rights.

Summary of Information Submitted

Authority to File:
The application was submitted by the J.R. Simplot Company and signed by James B. Alderman, Sr. VP and Secretary of the company. Water Right 63-11756 is currently in the name of the J.R. Simplot Company. The remaining rights are in the name of the J.R. Simplot Self Declaration Revocable Trust. Notice of Change in Ownership along with a quitclaim deed conveying ownership to the J.R Simplot Company were submitted with the transfer. There are no concerns over authority to file.

Water Right Validity:
All four rights involved in the transfer are conditioned as supplemental ground water rights. The land at the existing POU was serviced by Wilder Irrigation District as the primary source of surface water until about 2017 or 2018. In 2017, J.R. Simplot Co. applied for and was issued water right permit 2-10536 with a POU that fully overlapped that of the water rights involved in the transfer. Once developed, permit (now licensed right) 2-10536 became the primary surface water source at the POU. Continuous irrigation at the POU was confirmed through review of aerial imagery over the last five years. Since a surface water source, either through Wilder Irrigation District or WR 2-10536 was used as the primary source of irrigation before any ground water was used, the rights are considered valid.

Injury to Other Water Rights:
The transfer proposes to continue using the existing well listed as a POD on the rights as well as add two new wells. The new wells currently serves as a PODs for water right 63-10611, authorized for 2.95 cfs and owned by Agland Inc., a JR Simplot Co. subsidiary. Surrounding water rights in the area are primarily owned by the JR Simplot Co or its subsidiaries. There are no concerns of injury to other rights.

Enlargement of Use:
The water rights involved in this transfer have historically been used in conjunction with and as supplemental use to surface water served by Wilder Irrigation District. The proposed POU location is also served by Wilder Irrigation District and the rights will continue to be used as

supplemental to Wilder Irrigation water. There will be no increase to rate or acres served by these rights. There is no concerns of enlargement that could result from this transfer.

Local Public Interest:
No affects are anticipated to fish and wildlife resources, water quality, surrounding landowners or local economic resources. The proposal was advertised for public review and no protests were received. There are no concerns of effects to local public interest.

Beneficial Use/Conservation of Water Resources:
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

<Purpose of this section is to discuss correct data entry, substantive issues not already covered above & any other information. Do not use language suggesting the application should be approved or appears to be approvable etc. before the protest deadline>.

Data entry affected the correct record, list water right nos. and corresponding rightID. Water rights tend to have many appID from past transfers and amendments. This will make sure once approved the transfer tool will change the active water right not some other record.

Discussion

If approved the following changes should be made to the conditions of water right nos. 63-2758, 63-3582, 63-3559, & 63-11756:

Add condition 046 because the proposed new POD is a groundwater well
Update condition S39 to X61
Update condition 803 to 943 & WB7
Update written acre limit condition to X27
Update written combined limits to X35
Add condition R61
Update condition C18 to T19.
Add standard transfer conditions T07 and T08

Storms, Scott

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Tuesday, April 30, 2024 2:46 PM
To: Storms, Scott
Cc: Buyer, Remington
Subject: IDWR Transfer 88592 - Responses to April 18, 2024 Questions

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Scott:
Thank you for your patience. Please see my answers in red below.

On Apr 18, 2024, at 2:58 PM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

[Warning: External Email]

Hello Vic,

I am working on wrapping up transfer 88592 to move the POUs and add PODs to ground water rights 63-2758, 63-3282, 63-3559, & 63-11756 and I just had a couple points of clarifications I want to touch base with you on. On the application map (attached) you show two wells to be added to these rights in the NWNE of Sec. 31, T05N, R05W. In the POD description portion of the application you stated "New PODs for these rights". In reviewing other water rights that are sourced from a well in that QQ, I only see WR 63-10611. This right currently only has one POD listed, and in the backfile for that right I see a transfer in 1997 to drill a replacement well in the NWNE, and the transfer map showed the well in the very northwest corner of that QQ. The map you submitted for the current transfer shows a well in the very northwest corner of the NWNE, and one in the very southeast corner of that QQ. I assume the well in the northwest corner is the well that is also currently associated with WR 63-10611. My question is, is the well in the very southeast corner of the QQ going to be a newly drilled well, or is this an existing well? Both wells shown in the NE¼ of Section 31 are existing wells.

Additionally, on this current transfer you propose to keep the original well in the SWNE of Sec. 7, T04N, R05W, listed as a POD even though it is over 2 miles south of the newly proposed place of use. Is there a plan to connect this well to the new system? The rights involved in the transfer are also the only rights associated with that well at this time. Yes, the well will be connected by underground pipelines. It is common for wells in this area to pump sand which clogs sprinkler nozzles and diminishes the life of the pumps. By connecting the wells, all three can be used to meet water demand without otherwise demanding a higher rate of diversion from any single well – which increases the amount of sand pumped.

As soon as we get this clarified I think I can get this transfer wrapped up.

Thank you,

Scott

Scott Storms
Water Rights Supervisor
IDWR Western Region
<image003.png>
<image001.png> 208-334-2190
<image005.png>
Scott.storms@idwr.idaho.gov
2735 W Airport Way Boise, ID 83705

23100 459753
1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE, ID 83705

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 88592

OBL
LE
1/23/2024

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/query-newtransfers.

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

December 21, 28, 2023
459753

RECEIVED
JAN 02 2024
WATER RESOURCES
WESTERN REGION

AD# 459753

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon and Ada

SHARON JESSEN
of the State of Idaho, being of first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper and on IdahoPublicNotices.com 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 12/21/2023, 12/28/2023

Sharon Jessen

SHARON JESSEN
STATE OF IDAHO

On this 28th day of December, in the year of 2023 before me a Notary Public, personally appeared. SHARON JESSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public of Idaho
My commission expires

COLLEEN R NIELSEN
NOTARY PUBLIC
MY COMMISSION EXPIRES 6-28-2029
STATE OF IDAHO
COMMISSION NUMBER 70215

Storms, Scott

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Wednesday, December 20, 2023 2:59 PM
To: Miller, Nick; Storms, Scott
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592
Attachments: 2023-Dec-20 Water Rights Quitclaim Deed Trust to JR Simplot Company.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Attached is the quitclaim deed you requested to confirm the Trust conveyed water right nos. 63-2678, 63-3282 and 63-3559 to J. R. Simplot Company.

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Thursday, December 14, 2023 4:59 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Here are all of the water rights with an owner that has the word "Simplot" in it. Permits are on one worksheet, and water rights are on the other.

I thought you might want to see everything that is out there across the state in case you see something else that is not right. We can go over the workbook if you want during our phone call if you want to.

From: Miller, Nick
Sent: Thursday, December 14, 2023 4:48 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Yes. That sounds... complicated. I'm available most of tomorrow.

Good luck!

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 4:43 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

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Will tomorrow work? We are moving a Highway in Utah and will have my hands full for a little while this evening.

From: Conrad, Vic
Sent: Thursday, December 14, 2023 4:39 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

And Nick – I still need to discuss the other two pending applications with you.

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 4:36 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Using the cite you provided earlier; I pulled a copy and read it. Confirms that bad facts make bad law – as you know. Thank you. Without going into a long debate about the distinctions in this matter as compared with the case I will round up a quitclaim. Question: It would be helpful if you could provide me with a list of all water rights in your system that have the current owner as the Trust. Can you help me with this list?

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Thursday, December 14, 2023 4:10 PM
To: Conrad, Vic <Vic.Conrad@simplot.com>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Here is a copy of that decision.

Regarding your question, in any transfer we are required to verify that the applicant has the authority to file the application. An agent processing a transfer should run down the details of why the right is in one person's name, but the land is in another person's name.

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 1:26 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

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So,
I want to better understand the facts in First Security Corp v Belle Ranch LLC

How does the IDWR now treat a transfer application by an alleged water right holder (because the name is on the decree) when the proposed transfer moves the POD and POU from land owned by someone else – and the landowner is conducting the beneficial use under the water right on the land described under the decreed water right?

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Thursday, December 14, 2023 11:42 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>; Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Hi Vic,

This is a frustrating concept for all of us. A quick summary of where this idea comes from and why the Department views conveyance prior to the decree as insufficient is adapted below from pages 7 and 8 of the Department's Administrative

Memorandum Records #9 (also attached for your reference). I hope this explanation sheds some light on the topic. If not, we can continue to discuss:

"A court decree resulting from an adjudication of water rights will list the water right owner's name. The decree can be used as evidence of ownership of the water right. In *First Security Corporation v Belle Ranch, LLC.,* the Idaho Supreme Court stated that the ownership is an element of the water right. *First Sec. Corp.,* 165 Idaho at 743. Idaho Code§ 42-1401A defines claimant as "any person asserting ownership of rights to the use of water within the state of Idaho ... " In *First Security Corporation v Belle Ranch, LLC,* the Court stated, "When a court issues a decree in the name of a claimant, it is deciding whether that claimant's assertion of ownership is valid. Therefore, the issuance of the decree inextricably links a claimant with ownership of the water right." *First Sec. Corp.,* 165 Idaho at 743.

Sometimes a claim is filed in an adjudication of water rights and the place of use described under the water right is not owned by the claimant (at the time the claim is filed). If there are no competing claims to the same water right, no other reasons not to recommend the water right be decreed, and no ownership objections to the Department's recommendation, the Department will recommend the water right in the name of the claimant.

For the circumstances described above, the decree can be used as evidence of ownership of the water right as of the date of the decree. However, sometimes a change in property ownership occurs during the pendency of a claim, but the new owner fails to submit a timely *Notice of Change in Water Right Ownership* as required by statute. As a result, the court decrees the appurtenant water right in the previous owner's name. In the past, the Department considered conveyance documents that post-dated the filing of the claim but pre-dated the decree to be sufficient evidence for a *Notice of Change in Water Right Ownership* filed after the date of the decree. In *First Security Corporation v. Belle Ranch, LLC,* the Idaho Supreme Court held that challenges to ownership of a water right could and should be brought during the pendency of an adjudication by filing of a *Notice of Change in Water Right Ownership* or competing claim prior to issuance of the adjudication decree (partial or final). The Supreme Court also held that the ownership determination in a water right decree supersedes all claims of ownership based on actions pre-dating the decree. For that reason, Department staff should carefully evaluate water right ownership disputes during the claim investigation and notice of error phases of the adjudication process, i.e., prior to issuance of an adjudication court decree. In addition, the Department should not process an ownership change received after issuance of an adjudication decree (partial or final) if it is based on conveyance evidence that pre-dates the decree (partial or final).

Landowners may express frustration when they cannot change the water rights they are using on their land into their names on the basis of conveyance documents pre-dating the partial decrees for the water rights. One solution is for the decreed water right owner to quitclaim their interest in the water rights to the landowner. Conveyance of the water rights may be more complicated if the decreed water right owner cannot be contacted. Either way, Department staff members should advise the landowners that getting the water right ownership records updated is important and that the landowners may need to consult legal counsel about obtaining conveyance documentation. Department staff should also document the water right file(s) with correspondence or a memorandum sufficient to explain why the Department could not process the ownership change notice."

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 11:20 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

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Please help me understand how you arrived at the conclusion that the rights were severed from the land? Court case? Statute?

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Thursday, December 14, 2023 11:03 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

The issue at hand is that the court decreed the rights in the name of the J.R. Simplot Self-Declaration Revokable Trust, which is final determination of ownership by the court. As such, the rights then belong to the trust, regardless of land ownership at the time of the decree. In essence, when a right has been decreed in a name other than the current land owner, the right was severed from the land by the decree and therefore is no longer an appurtenance of the land. The best way to correct this would be through quit claim deed from the Trust to the J.R. Simplot Company.

- Scott

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 10:56 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

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All three water rights (63-2678, 63-3282 and 63-3559) were licensed prior to the decree and claimed in the SRBA as such. Consequently the water rights were appurtenant to the land prior to and after the decree.

From: Conrad, Vic
Sent: Thursday, December 14, 2023 10:39 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Were these licensed rights prior to the decree?

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Thursday, December 14, 2023 10:34 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: RE: [EXTERNAL] Ownership Change Information for Transfer 88592

Scott:
Is there a problem with the appurtenance provision in the deed?

TO HAVE AND TO HOLD the said said Grantee, its successors and assigns fo

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Thursday, December 14, 2023 9:29 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: [EXTERNAL] Ownership Change Information for Transfer 88592

[Warning: External Email]
Hello Vic,

In reviewing the ownership information included with transfer application 88592 for water rights 63-2678, 63-3282, 63-3559, and 63-11756, I realized that, although the land that the rights are appurtenant to was quit claimed from the J.R. Simplot Self-Declaration Revokable Trust to the J.R. Simplot Company, the date of that quit claim (1/19/1996) pre-dates the decree for all of these rights. Since three of these rights (63-2678, 63-3282 & 63-3559) were decreed in the name of the J.R. Simplot Self-Declaration Revokable Trust after the date of the quit claim for the land, the Department will now need a quit claim deed from the J.R. Simplot Self-Declaration Revokable Trust to the J.R. Simplot Company specifically for these rights. Right 63-11756 is actually already in the name of the J.R. Simplot Co., so it does not need to be included in that quit claim deed, and in fact I will make sure to refund the $25 ownership change fee once we receive the quit claim for the other rights.

Feel free to reach out if you have further questions.

Scott

IDAHO DEPARTMENT OF WATER RESOURCES

Scott Storms
Water Rights Supervisor
IDWR Western Region
208-334-2190
Scott.storms@idwr.idaho.gov
2735 W Airport Way Boise, ID 83705

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 • Web: 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 • Web: 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

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 refernced 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 entery 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

RECEIVED
OCT 23 2023
DEPARTMENT OF
WATER RESOURCES

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

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