Rev. 07/18

RECEIVED
JUN 26 2023
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

Transfer No. ~~RECEIVED~~
JUN 27 2023
DEPARTMENT OF
WATER RESOURCES

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.

- [x] * Completed Application for Transfer of Water Right form, Part1.
- [x] * 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.
- [x] * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- [x] [ ] 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.
- [x] * 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).
- [x] * 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.

- [ ] [x] #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.)
- [ ] [x] #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- [ ] [x] #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.
- [ ] [x] #3 Documentation of authority to make the change if the applicant is not the water right owner.
- [ ] [x] #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- [ ] [x] #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/.
- [ ] [x] #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.)
- [x] * #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.)
- [ ] [x] #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.
- [ ] [x] #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.
- [ ] [x] #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.)
- [ ] [x] #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- [ ] [x] #10 Other. Please describe: _____

Rev. 07/18

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DEPARTMENT OF WATER RESOURCES

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

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**.
   Change the Stockwater Places of Use

98126

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

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

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

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	3E	33											34				37		71
5S	3E	4	S	S	S	S	S	S	S	S									

S= Stockwater Places of Use

Total Acres (for irrigation use) 71

88126

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:
For Irrigation Use: No change

b. Who owns the property at the point(s)of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6.** List the name of the entity and type oflien: None

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

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The location of the Stockwater Use will be moved, the Irrigation Place of Use will continue without change

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

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

Yes No

☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

88126

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: 61-4044

1. amount 0.36 (cfs/ac-ft) for Stockwater purposes from 1/1 to 12/31
   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	
4S	3E	31				S													
		32										S							
		33											S						

Total Acres (for irrigation use)

88126

STATE OF IDAHO

DEPARTMENTOF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

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.

Right Number: 61-4044

1. amount 0.36 (cfs/ac-ft) for Stockwater purposes from 1/1 to 12/31
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ 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	
4S	3E	31				S													
		32										S							
		33											S						

Total Acres (for irrigation use) _____

88126

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:

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and _____ attachments.

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

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

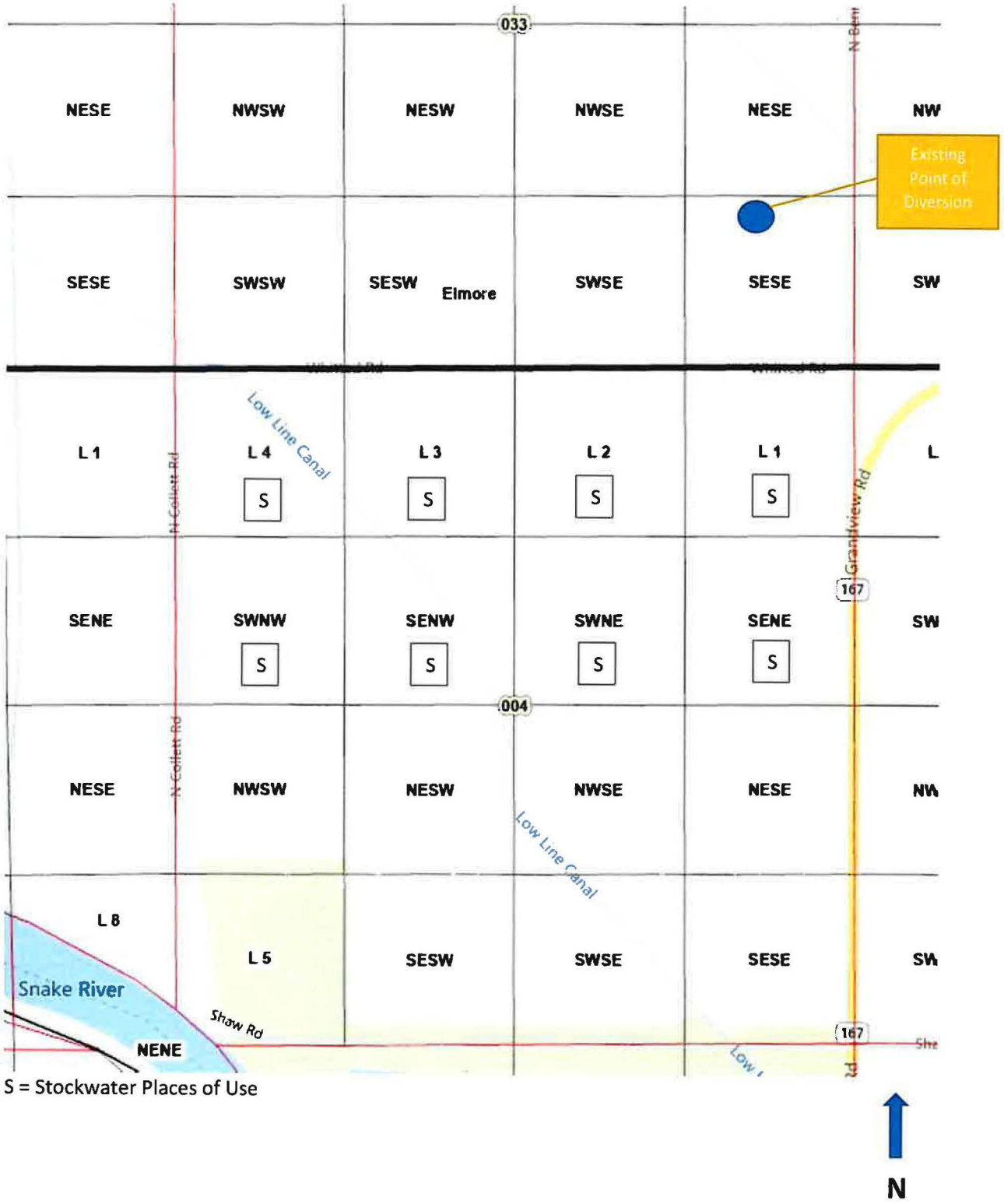
Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

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

88126

Attachment #7b

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



88126

Parker, Cody

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

Good Afternoon Ed Van Etten,

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

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

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

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

Regards,

Bob Howe

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

MEMORANDUM

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

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

Summary of Information Submitted

Authority to File:

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

Water Right Validity:

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

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

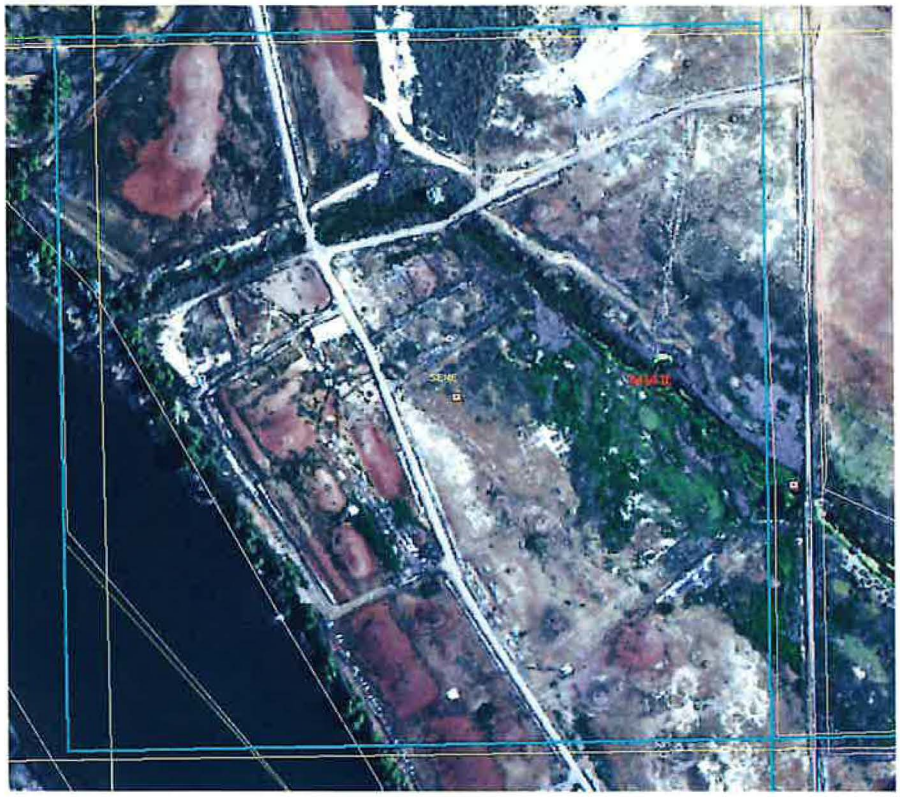


Figure 1a- 2017 GIS image of the SENE of section 31-stock areas visible as dark areas.

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

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

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

Injury to Other Water Rights:

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

Enlargement of Use:

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

Local Public Interest:

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

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

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

Summary

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

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

Discussion

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

Update condition C18 to T19.
Update condition C15 to X63.
Add standard transfer conditions T07 and T08

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