

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04088

Date Received: 4/18/90

Receipt No: C616377

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: JUN 18, 1902

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	7		NE	SE		BANNOCK
		16		SE	SW		BANNOCK

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	7	NE	SE		IRR	26.0
						Section Acres	26.0

A29-04088

Page 1

Date: 04/13/90

MICROFILMED

NOV 13 1992

A2904088



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	34E	8	NE		SW		IRR	28.0
			NW		SW		IRR	36.0
			SW		SW		IRR	9.0
			SE		SW		IRR	37.0
			NW		SE		IRR	1.0
			SW		SE		IRR	7.0
							Section Acres	118.0
		17	NW		NE		IRR	9.0
			SW		NE		IRR	1.0
			NE		NW		IRR	6.0
							Section Acres	16.0
							Total Acres	160.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-07437

14. Remarks:

SEE TRANS. 2274.

#5. DESCRIPTION OF DIVERSION WORKS: SEC. 7 - HEADGATE, PIPE, DITCHES, AND PUMP; SEC. 16 - DIVERSION DAM, DITCHES
A29-11312 IS DIVERTED AND INTERMINGLES IN SEC. 7 WITH WATER FROM THIS CLAIM AND CLAIM A29-11313.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of _____ Title

J. R. Simplot Company, that I have signed the foregoing Organization document in the space below as Secretary of Title

J. R. Simplot Company and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

04-17-90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern RECORD NUMBER 200762

SITE DATA:

EXAMINER (inv_name) L. Rounds

EXAM DATE 05-12-98 DIVERSION NAME Swanson
(site_visit) (div_name)

GPS FILE 2051219A SITE TAG NUMBER A0007745
(gps_filnam) (site_tagno)

GPS OFFSET (offset) 10' NW

TAG LOCATION (tag_locat) Up in

POD LEGAL (pod) T 6 N(S) R 34 E, Sec 7, NE SE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)

COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2) HOUR METER (7) IRR. FLOWMETER (1)

ALTERNATE (3) OTHER FLOWMETER (8) CRP (9)

AMEND CLAIM (A) OPEN CHANNEL DEVICE (D)

SUITABLE FOR PCC even if other method selected (pcc_ok) YES NO

TRACKING will be required (trkng_reqd) YES NO

Well has ACCESS PORT for water level meas. (wl_access) YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez) YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) J R Simplot Company

ADDRESS _____

OPERATOR (contact) _____

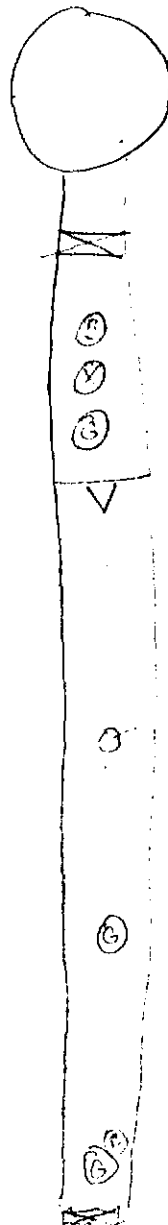
ADDRESS _____

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

CEL Record 200762

PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	



 Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. Bar

Record 200762

meter
installation

WELL/PUMP INFORMATION:

DEPTH OF WELL: _____

WATER LEVELS: _____

PRE-SEASON STATIC: _____
(swl_pre)DURING-SEASON STATIC: _____
(swl_mid)POST-SEASON STATIC: _____
(swl_post)DYNAMIC WATER LEVEL: _____
(pmpng_wl)DATE MEAS: _____
(pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: GESERIAL: CTJ 325120HP: 200

BOOSTER 1 MOTOR

MFG: _____

SERIAL: _____

HP: _____

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

UTILITY KWH METER INFORMATION:

UTILITY: IP
(utility)POLE #: _____
(pole_no)

MAX KW DEMAND _____

KILOWATT HRS 515 x 40
(kwh_1)

(use date of exam for "kwh1_date")

UTILITY ACCOUNT NUMBER _____
(acct_no)

Claim _____

Doc Source East WaterMeasurement DistrictDate 5/3/01 Sig. BACRecord 200762

WELL PUMP

MFG: Layne and BowlerSERIAL: N/ATYPE: VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

KWH METER SERIAL: 02 026 945
(pwrmttr_sn)METER MFG: ABB
(pwrmttr_mfg)Kh DISK CONSTANT 12
(kh)MULTIPLIER est 40
(disk_mult)

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE 1990s 1000
(system_type)

COMMENTS TO DATA-ENTER (exam_notes): _____

FILE-ONLY COMMENTS: _____

meter battery used. (yes) meter is used in the
house. (yes) meter is used in the house. (yes) meter is used in the house.
meter is used in the house. (yes) meter is used in the house. (yes) meter is used in the house.

Claim _____

Doc Source East Water

Measurement District

Date 5/3/01 Sig. Bar

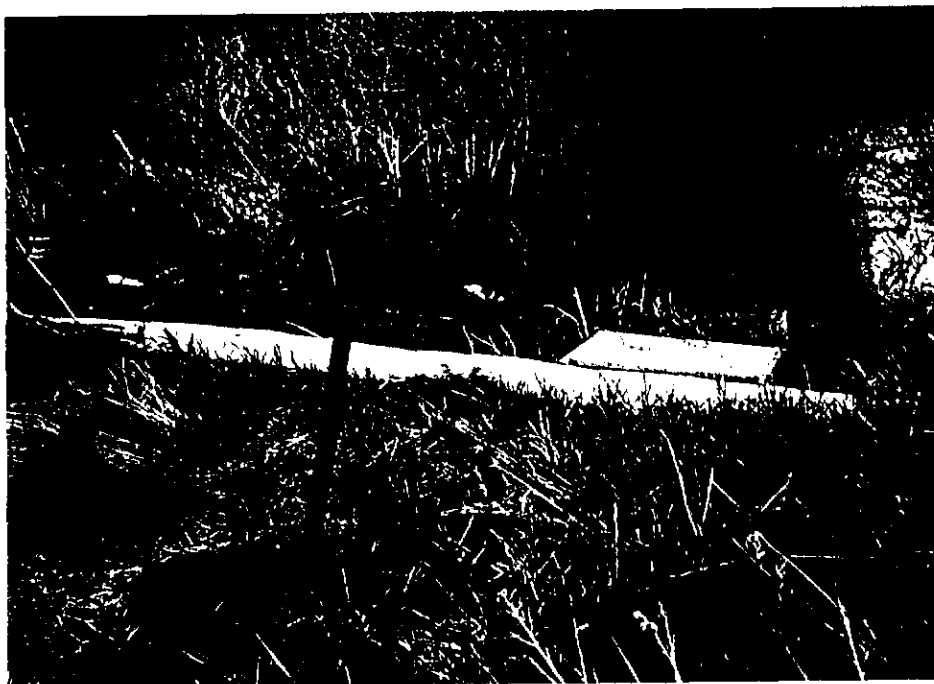
Reward 200762

I certify that the above information is true and correct to the best
of my knowledge and ability and the measurements taken and recorded
are in accordance with the standards and specifications of the
equipment used.

Signature _____ Date _____



Pump near
old river
channel



location
where water
is diverted
from river
to old river
channel

PERMIT
NUMBER

Claim _____
Doc Source East Water
Measurement Asmit
Date 5/3/01 Sig. gpc

Record 200762



Old Discussion
hand gets
for this
Lif



old Division
check for
this w2

Claim _____
Doc Source East-West
Mid-Security District
Date 5/3/60 Sig. fr

Rec'd 200762

PERMIT
NUMBER



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2001

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

Re: Claim 29-4307, 29-4311, 29-4334, 29-4489, 29-11312, 29-11313, *29-4088*
Snake River Basin Adjudication

Dear Water User(s):

We are now in the process of reviewing adjudication claims in Administrative Basin 29. Claim filing began a number of years ago, followed by several years of resolving legal issues. We are now in the process reviewing claims in order to make recommendations to the court.

For a long period of time in Idaho's history, a water right could be perfected by simply using water. Unless a dispute were resolved in court, there may never have been a paper record of a legitimate water right. In the 1970's or 1980's, many "statutory" claims were filed to record these existing unrecorded rights, but this process did not involve any investigation by the department. Claims were simply advertised, then recorded. When the adjudication commenced, new adjudication claims were filed, based upon the older statutory claims.

Your claims 29-4307, 29-4311, 29-4334, and 29-4489 fall in this class. Because of the nature of the statutory claims process and the adjudication claims process, these right has never been investigated nor verified by the department. Claims 29-11312 and 29-11313 are also claims for older unrecorded rights, but these did not have the intermediate statutory claim filing. I've enclosed copies of the adjudication claims and the older statutory claims, for your information.

In order to recommend these rights, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of these rights. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confer the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that J. R. SIMPLOT COMPANY

(Name of claimant)

P. O. Box 27, Boise, Idaho 83701

(Claimant's address)

the public waters of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc.) or ground water Portneuf River tributary to Snake River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the water claimed:

Amount <u>3.2 cfs</u>	Use <u>Irr.</u>	Period of Use: From <u>April 1</u> To <u>November 1</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a.f.)	(dom., ind., stock, etc.)	(Both dates inclusive)

(3) Total quantity of water claimed: 3.2 cubic feet per second, or _____ acre feet per annum, and/or _____ per minute.

(4) Priority claimed: (the date water was first put to beneficial use) June 18, 1902

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NX 4, NE 1/4, Sec. 16, Twp. 7S, Rge. 34E, B.M. County of Blaine

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. Canal - length two miles

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	2	3																	
4	5	6																	
7	8	9																	
10	11	12																	
13	14	15																	
16	17	18																	
19	20	21																	
22	23	24																	
25	26	27																	
28	29	30																	
31	32	33																	
34	35	36																	
37	38	39																	
40	41	42																	
43	44	45																	
46	47	48																	
49	50	51																	
52	53	54																	
55	56	57																	
58	59	60																	
61	62	63																	
64	65	66																	
67	68	69																	
70	71	72																	
73	74	75																	
76	77	78																	
79	80	81																	
82	83	84																	
85	86	87																	
88	89	90																	
91	92	93																	
94	95	96																	
97	98	99																	
100	101	102																	

Total No. of acres _____

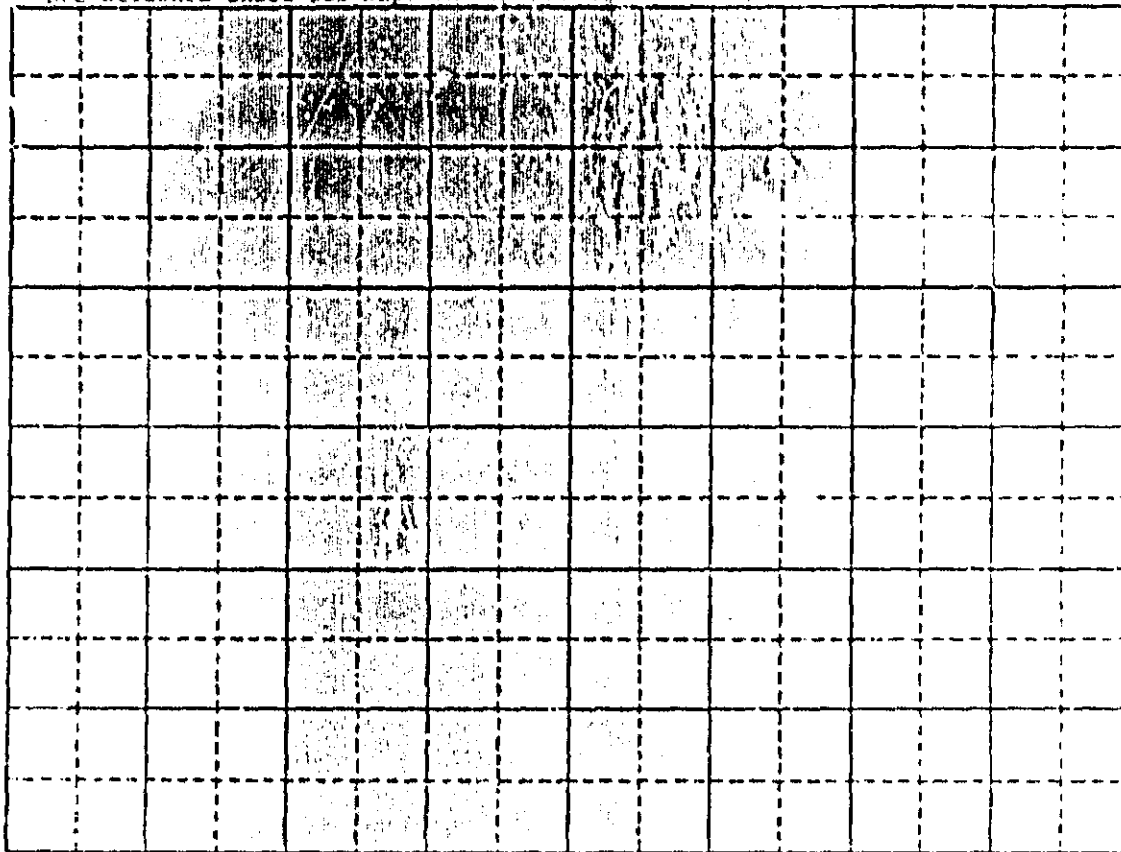
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible

(7) If you are claiming water as a member of an organization, list name of organization

J. R. SIMPLOT COMPANY

(9) Remarks

See attached sheet for map



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40 acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

J. B. SIMPLOT COMPANY

By [Signature]
Its (Claimant) Secretary

Sworn to before me this 22 day of January, 19 78

Notary Public

Residing at Boise, Idaho

My commission expires May 29, 1979

For Department Use Only

Received by [Signature] Date 2-29-78 Exception filed by: _____ Date _____
Prism check by [Signature] Date 3-1-78 Forwarded to claimant by: _____
\$10.00 fee received by [Signature] Date 2-29-78
Approved for publication by [Signature] Date 3-1-78
Published in Idaho State Journal
Dates 2-29-78 to 3-1-78

NOTICE OF WATER RIGHT LOCATION.
To Whom it May Concern:

Notice is hereby given, that Theodore Swanson and S.C. Winters of Pocatello, County of Bannock State of Idaho has this 18 day of June 1902 appropriated and hereby claim the use of the waters of Portneuf River to the extent of Fifty cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: being a point on the Portneuf River Four hundred and fifty five rods up said river from the south-east corner of the South west quarter of section Eight Township Seven South of Range Thirty four East B.M. in Bannock County, Idaho.

That the special purpose or purposes for which said water is claimed is for irrigation, mining, manufacturing and domestic purposes. The place of its intended use is in the north east quarter of the south east quarter of section seven west half of the south west quarter of section eight South east quarter of south west quarter section eight Township Seven, South of range Thirty-four East Boise Meridian in Bannock County Idaho. That the general course of the proposed canal or conduit is a northwesterly direction. The length of said proposed canal or conduit is two miles.

That it is intended to complete the works for the diversion and use of said water as aforesaid within Two Years.

A copy of this notice was duly posted at or near the point of intended diversion on the 17th day of June 1902.

Witness my hand at Pocatello County of Bannock State of Idaho, this Idaho day of 18th June 1902.

Appropriator and Claimant.

(Theodore Swanson,
(S.C. Winters.

State of Idaho,)
(SS.
County of Bannock.)

Theodore Swanson being first duly sworn, depose and say that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 2:30 o'clock P.M., the 18th day of June 1902.

Theodore Swanson,
Subscribed and Sworn to before me this 23rd day of June 1902.

(SEAL)

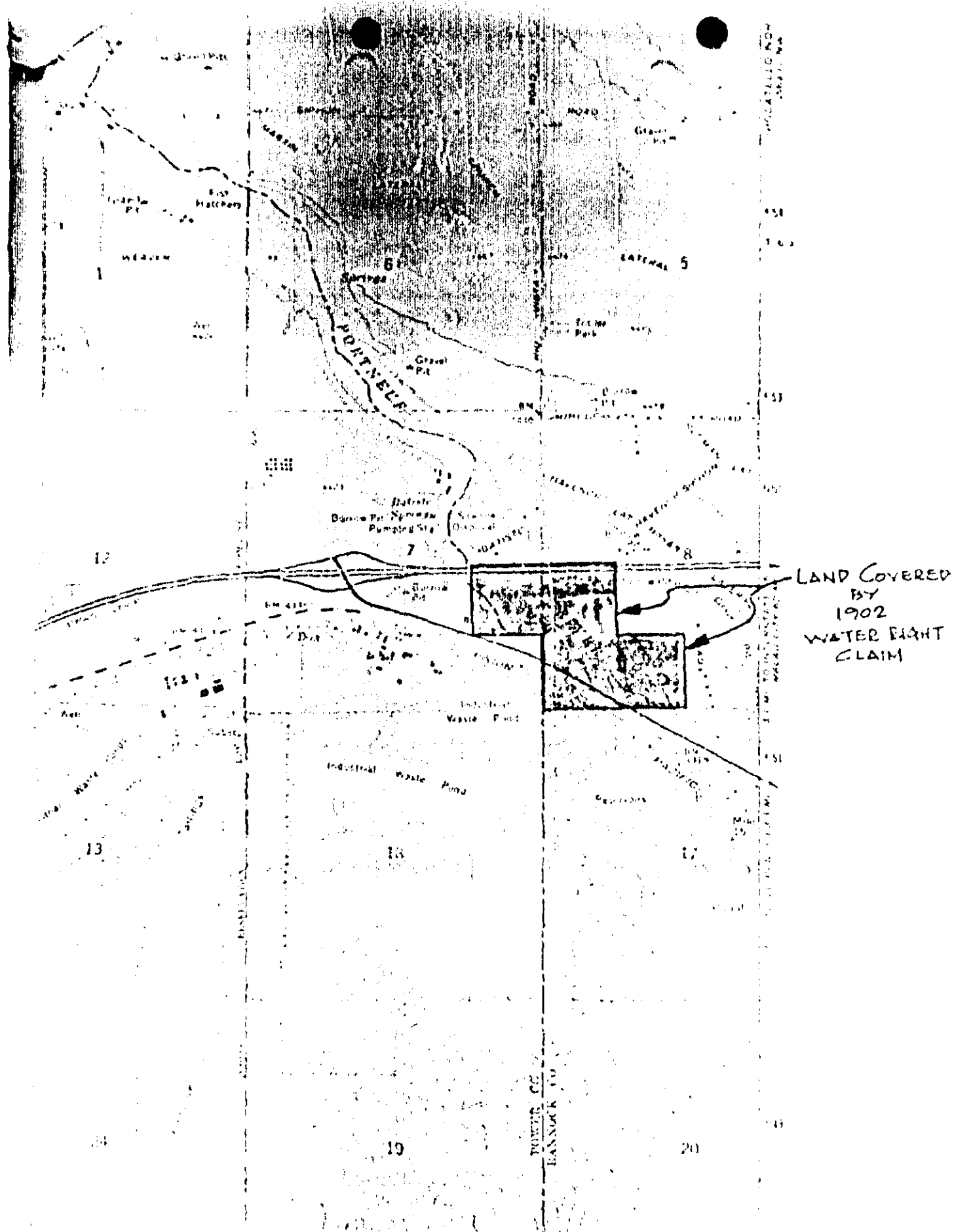
Fred G. Caldwell, Notary Public.

Recorded at request of R.C. Sneed, at 1.05 o'clock P.M. June 24th, 1902

By D.N. Campbell, Deputy. Fee 50¢

J.S. Campbell, Recorder.

WATER RIGHT BOOK 2
PAGE 156



Log for claim A29-04088

Spatial Dynamics BTD

9/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	7	NESE	26	28	
06s34e	8	NESW	28	27	
06s34e	8	NWSW	36	31	
06s34e	8	SWSW	9	21	
06s34e	8	SESW	37	40	
06s34e	8	NWSE	1	0	
06s34e	8	SWSE	7	3.8	
06s34e	17	NWNE	9	4.3	
06s34e	17	SWNE	1	0	
06s34e	17	NENW	6	5.2	
Totals:			160	160.3	

AJ5809NP
No. A29-04088

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 66

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707	06/18/1902	IRRIGATION	03-15 11-15	3.200 CFS	
TOTAL DIVERSION:					3.200 CFS	
CONSUMPTIVE USE:						480.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T06S R34E S07 NESE
S16 SESW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	34E	7	:																	:	26.0
06S	34E	8	:											28	36	09	37			:	118.0
06S	34E	17	:			09	01				06									:	16.0
TOTAL ACRES																				:	160.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-07437

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02502 A29-07504 A29-10927 A29-11312 A29-11313

Other Water Rights Listing Overlapping Place(s) of Use:
A29-10927

Remarks: GEN SEE TRANS. 2274.
#5. DESCRIPTION OF DIVERSION WORKS: SEC. 7 - HEADGATE, PIPE,
DITCHES, AND PUMP; SEC. 16 - DIVERSION DAM, DITCHES
A29-11312 IS DIVERTED AND INTERMINGLES IN SEC. 7 WITH WATER FROM
THIS CLAIM AND CLAIM A29-11313.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/19/90 PEPPERSA 04/02/93 CAN-SHAF 05/19/94 CAN-SHAF 07/19/94 THOMPSON
03/29/95 POST-STD 04/13/00 CVANDERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED
Department of Water Resources

Name of applicant SIMPLOT INDUSTRIES, INC. Phone (208) 336-2110
Post office address P.O. Box 27 Boise, Idaho 83707 - Attn: Ronald N. Graves

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 29-4088 Amended on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Copy of Deed Attached.

3. Source of water Portneuf tributary to Snake River

4. Date of priority June 18, 1902

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE 1/4 of SW 1/4 of Section 16
Township 6 S Range 34 E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	34 E	7													26				26
6 S	34 E	8									28	36	9	37		1	7		118
6 S	34 E	17		9	1		6												16

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purposes as described above _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ %, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE % SE %, Section 7 Township 6 S
Range 34 E, B.M., Bannock County
Additional points SE 1/4 SW 1/4, Sec. 16, T. 6 S., R. 34 E.
 - c. Description of diverting works Pump, pipeline and sprinkler system to replace canal
 - d. Describe the reasons for applying for a change in the point(s) of diversion To eliminate canal and install a pump and sprinkler system.

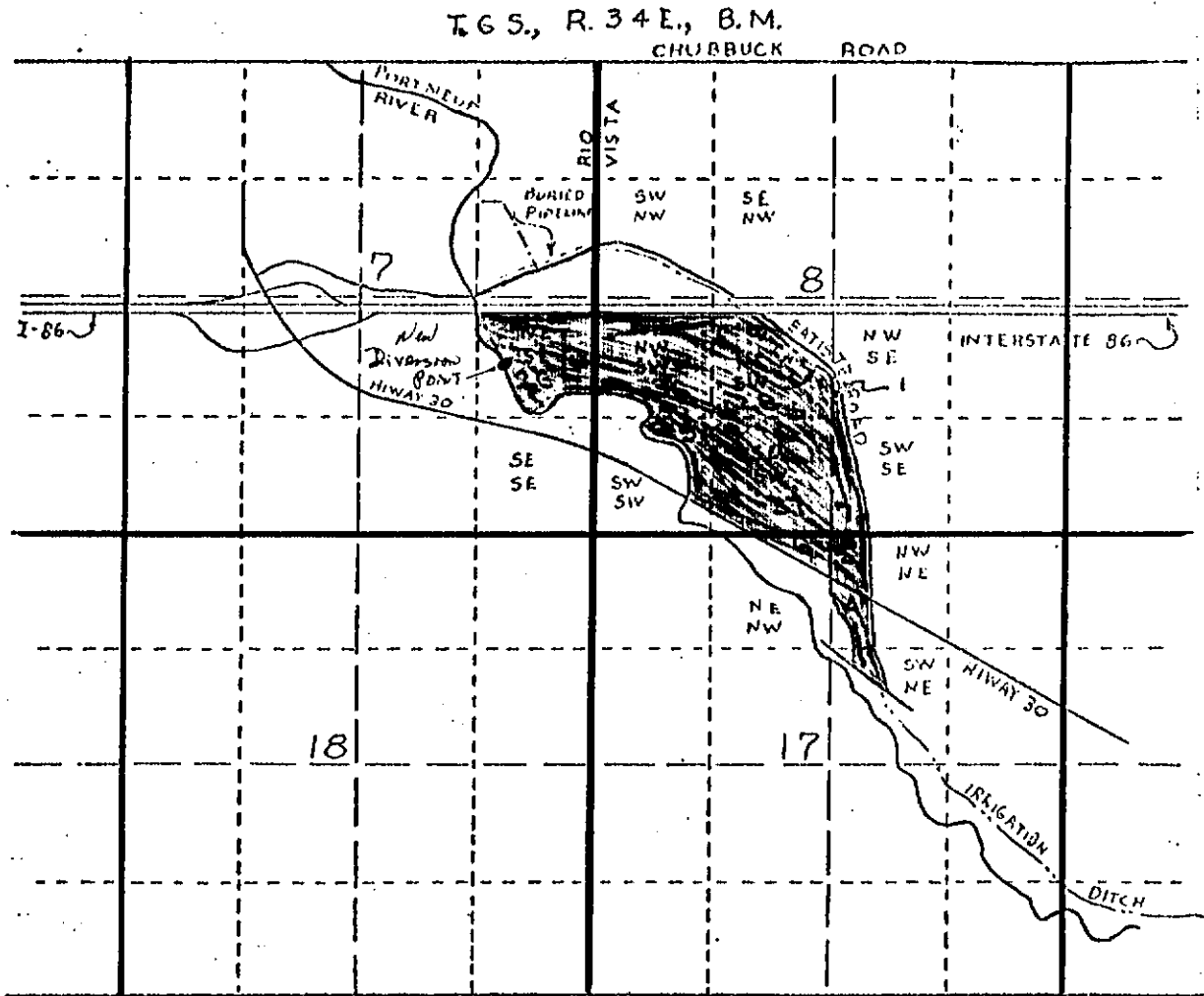
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred: NO CHANGE

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	34 E	7													26				26
6 S	34 E	8									20	36	9	37		1	7		118
6 S	34 E	17		9	1		6												16
																			160

TOTAL NO. OF ACRES 160

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

SIMPLON INDUSTRIES, INC.

BY Ronald L. Jones
Its (Signature of applicant) Secretary

Subscribed and sworn to before me this 31st day of January, 1980.

Wickie Kay Kelley
(Notary public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-4088
and said application is hereby approved, subject to the following limitations and conditions:
(1) Approval of this Transfer does not validate items set forth in the claim.

Witness my hand this 8TH day of April, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

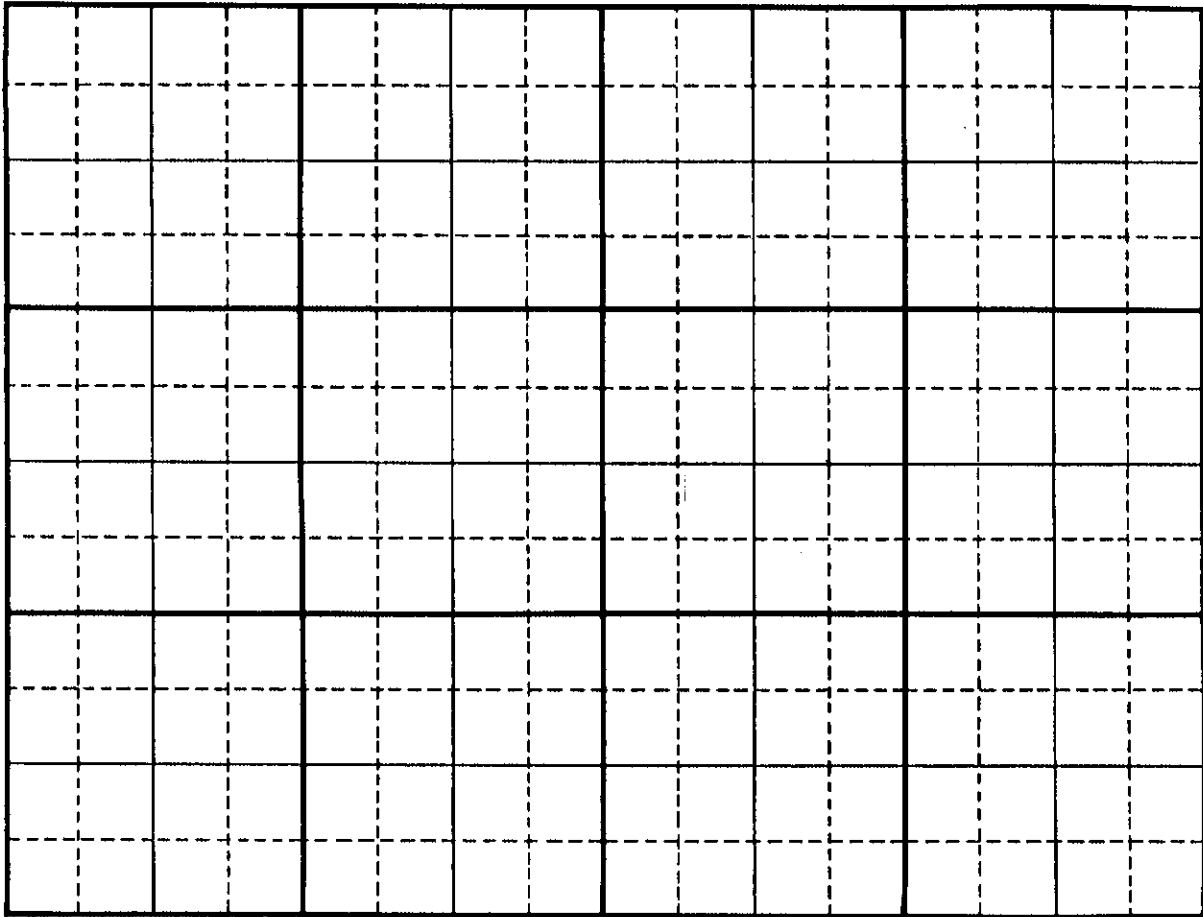
Received by kw Date 2/4/80 Protest filed by _____
DRT 2-1-80
Prelim. check by EMC Fee 2000
Receipted by kw Date 2/5/80 #15568
Published in Idaho State Journal Copies of protest forwarded by _____
Pub. dates 2/28 & 3/6/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by EMC Jim DRT

CLAIM TO A WATER RIGHT

AMENDED

(7) If you are claiming water as a member of an organization, list name of organization: **J.R. SIMPLOT CO.**

(8) Remarks See attached sheets.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

SIMPLOT INDUSTRIES INC.

By Ronald D. Howe
Its (Claimant) Secretary

Sworn to before me this 13th day of February, 19 80.

Vickie Kay Kelley
Notary Public
Residing at Boise, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by _____ Date _____
Published in _____
Dates _____

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
 To Change the Point of Diversion and/or the Place of Use

Name of applicant Simplot Industries, Inc. Phone (208) 336-2110
 Post office address P. O. Box 27, Boise, Idaho 83707 - Attn: Ronald N. Graves

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree to _____ (Name)
 in case of _____ vs _____
 dated _____ in _____ county of _____
 (Name of court)
 - b. License No. _____ issued by the Idaho Department of Water Resources
 - c. Claim No. 29-4088 on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Copy of Deed attached
3. Source of water Portneuf River tributary to Snake River
4. Date of priority June 10, 1902
5. Water is used for the following purposes:
 amount 3.2 cfs for irrigation purposes from April 1 to Nov. 1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day - both dates inclusive)
6. Total amount of water under right: a. 3.2 cubic feet per second
 &/or
 b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16
 Township 6 S Range 34 E, B.M., in Bannock County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	34 E	7													40				40
6 S	34 E	8									40	40	40						120

Total number of acres to be irrigated 160

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE ¼ SE ¼, Section 7 Township 6 S
Range 34 E, B.M., Bannock County
Additional points SE¼ SW¼ Section 16, Township 6 S, Range 34 E
 - c. Description of diverting works pump, pipeline and sprinkler system
to replace canal
 - d. Describe the reasons for applying for a change in the point(s) of diversion
to eliminate canal and install a pump and sprinkler system.

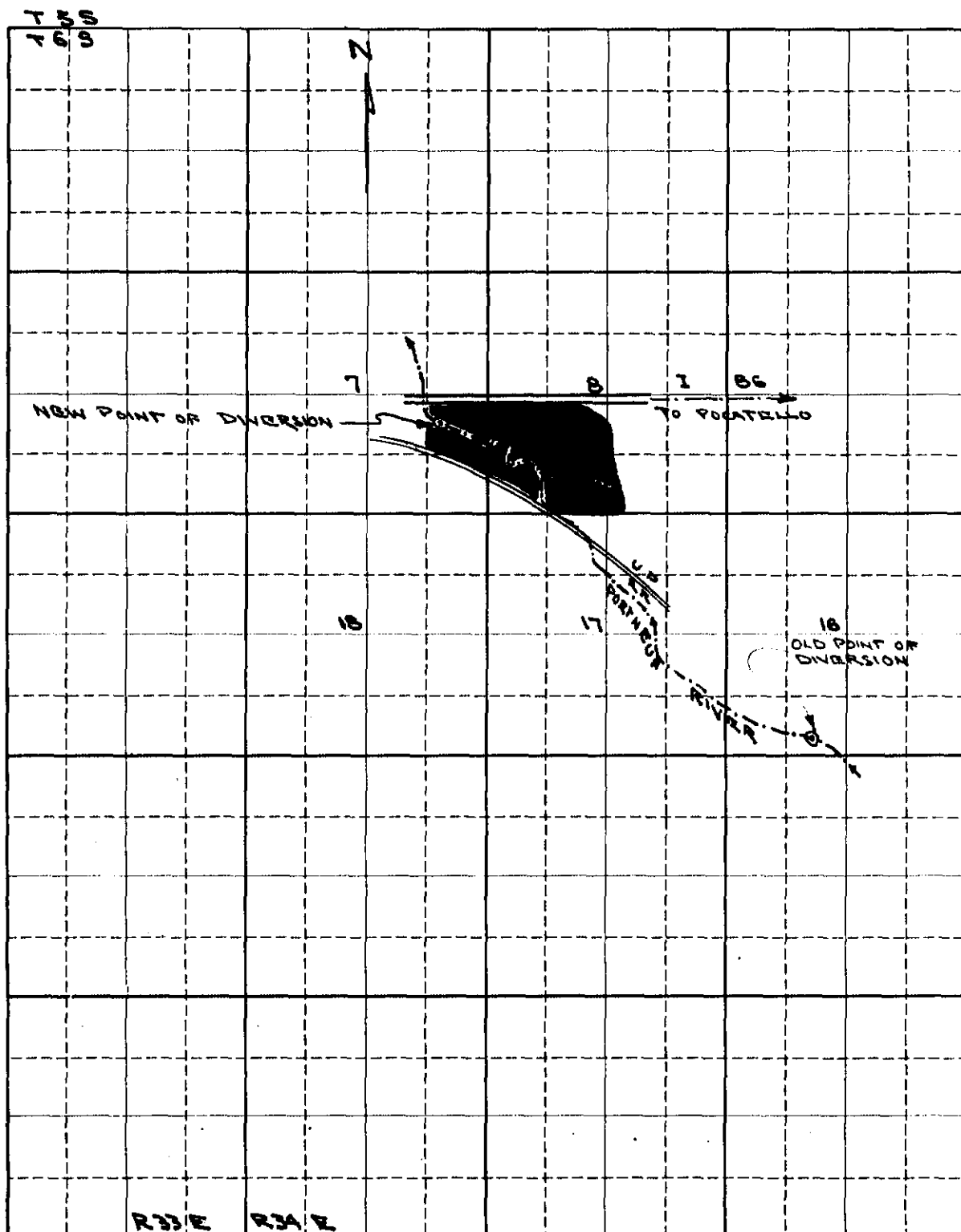
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 S	34 E	7													30			3	33
6 S	34 E	8									30	30	24	40		1	2		127

Total number of acres to be irrigated 160

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks Original claim to water right claimed lands were in
Township 7 South when in fact the lands are in Township 6
South

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

SIMPLOT INDUSTRIES, INC.

By *Russell H. Gower*
Its (Signature of applicant) Secretary

Subscribed and sworn to before me this 6th day of July, 19 78

Paula V. Haldenork
(Notary public)

My commission expires 11-23-81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____,
and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by BP Date 7-17-78
BP 7-11-78
Prelim. check by EMC Fee \$35.00
Receipted by CW Date 8-01-78
Published in Idaho State Journal
Pub. dates Aug. 10 & 17, 1978
Watermaster recommendation requested on U.S.
_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____
by _____

AMENDED CLAIM TO A WATER RIGHT AMENDED

Notice is hereby given that Simplot Industries, Inc.
(name of claimant)

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>3.2 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | | Use | | Period of Use: | From | | To | |
| Amount | | Use | | Period of Use: | From | | To | |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- Additional points of diversion:** _____

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Canal - length two miles

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 160

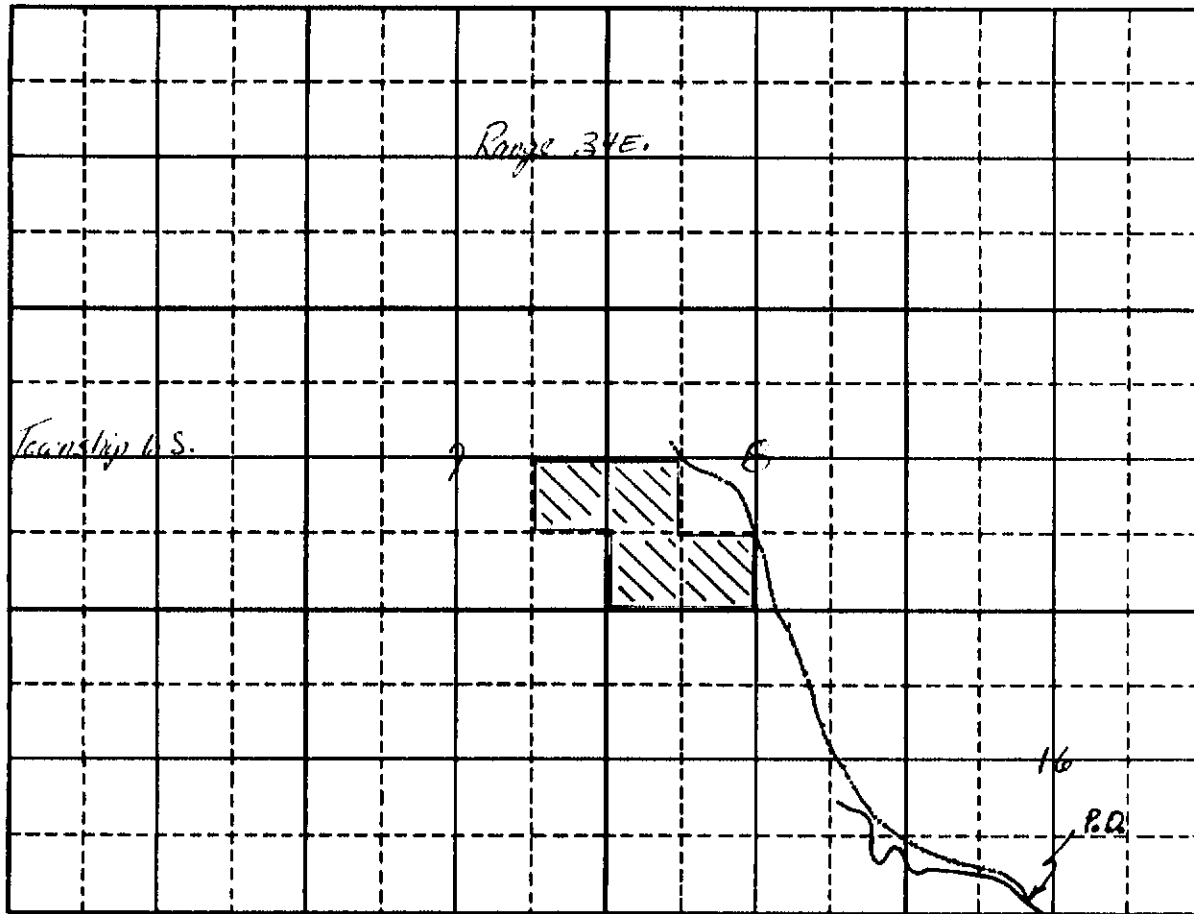
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

If you are claiming water as a member of an organization, list name of organization: _____

J. R. SIMPLOT COMPANY

SECRET

(8) Remarks SEE ATTACHED SHEETS



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Adair) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 26th day of

X Ronald H. Graves
(Claimant) Secretary
July, 1978.
Frank J. Holbrook
Notary Public
Residing at Boise, Idaho

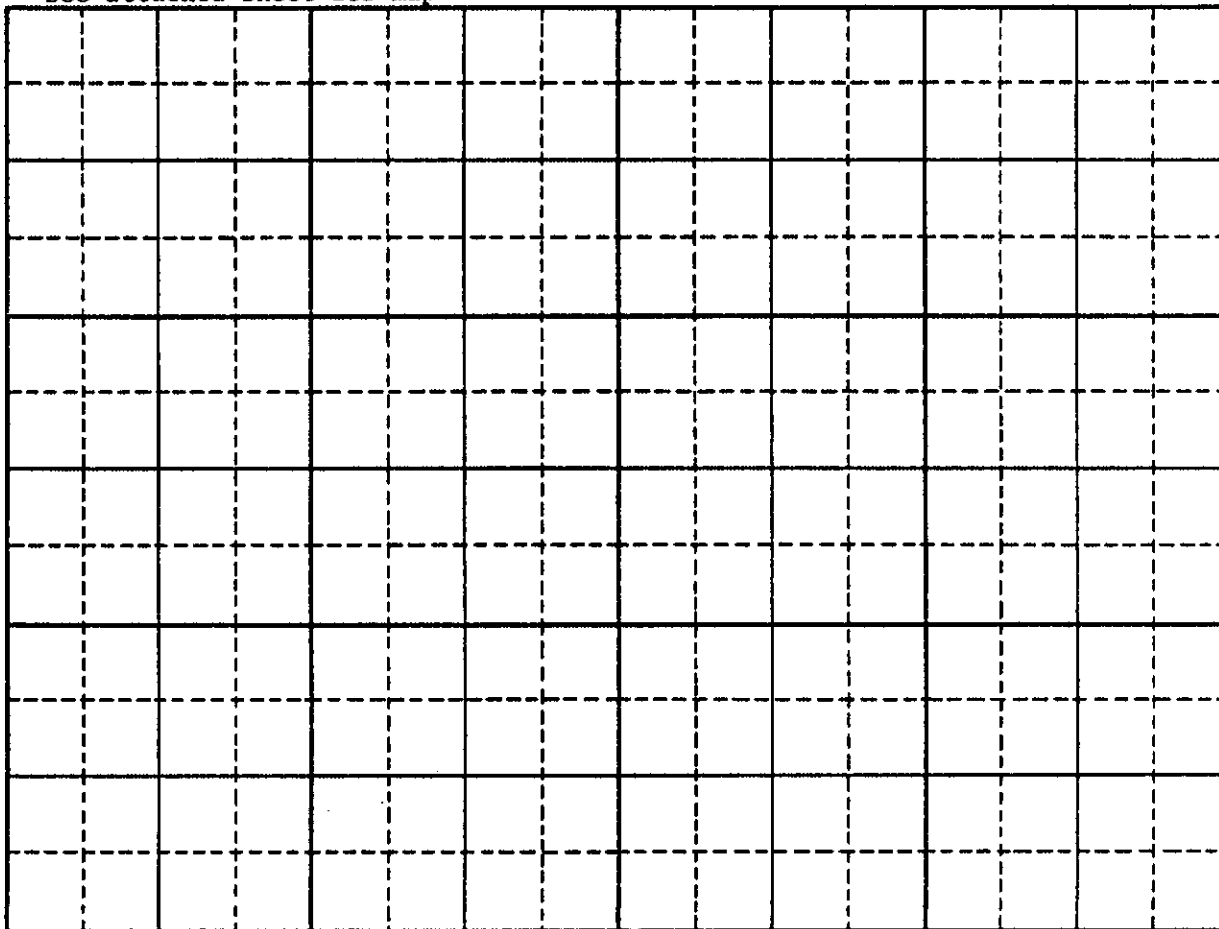
My commission expires 11-23-81

For Department Use Only

Received by <u>B.P.</u>	Date <u>7-27-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>7-27-78</u>		claimant by:	
\$10.00 fee received by <u>N.A.</u>	Date			
Approved for publication by <u>[Signature]</u>				
Published in <u>Idaho State Journal</u>				
Dates <u>Aug 10 & 17-1978</u>				

(8) Remarks SEE ATTACHED SHEETS

See attached sheet for map



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

J. R. SIMPLOT COMPANY
BY [Signature]
ITS (Claimant) Secretary

Sworn to before me this 10th day of January, 19 78.

[Signature]
Notary Public

Residing at Boise, Idaho

My commission expires May 29, 1979

For Department Use Only

Received by <u>[Signature]</u>	Date <u>2-09-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>1-18-78</u>		claimant by:	
\$10.00 fee received by <u>[Signature]</u>	Date <u>2-09-78</u>			
Approved for publication by <u>[Signature]</u>	Date <u>3-2-78</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>Feb. 16 & 23, 1978</u>				



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

E.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

HOLLY PEPE
LEGAL DEPARTMENT
J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

RECEIVED
MAY 24 1994

RE: Snake River Basin Adjudication (SRBA)
Co-counsel for J. R. Simplot Company

Department of Water Resources
Eastern District Office

Dear Ms. Pepe:

Our records were modified May 19, 1994, to reflect Terry Uhling and Gray Young as co-counsel for J. R. Simplot Company. Bruce Belzer was removed from the water right claim records on which he appeared as counsel.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

NOV 13 1994

CORPORATE HEADQUARTERS

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached.
-Jal*

RE: Snake River Basin Adjudication
Case No. 39576 and Subcase Nos. 36-13320 & 57-02203A

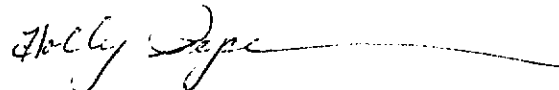
Dear Mr. Shaff:

In response to your letter of March 24, 1994, please modify your records to reflect that Terry T. Uhling and Gray Young are co-counsel of record in the above referenced matter. Mr. Uhling and Mr. Young are in-house counsel for J. R. Simplot Company, and, therefore, would be apprised of all matters relating to the claims of Simplot and its related company subsidiaries and affiliates as a matter of course. The attached Exhibit A does represent all water rights we are aware of at this time to which the Notice applies.

For your information, I have also enclosed a copy of a letter and attached Notice of Withdrawal from Diana Delaney, Chief Deputy Clerk of the Snake River Basin Adjudication Clerk's Office, which indicates that Bruce Belzer never was recorded as being counsel for J. R. Simplot Company.

If you have any questions, feel free to call me at 389-7201.

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

NOV 13 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED
APR 14 1994
Department of Water Resources



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

Gray Young
Terry Uhling
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. - Sel

RE: Appearance of J. R. Simplot in Subcase Nos. 36-13320 and 57-02203A

Dear Mr. Young and Mr. Uhling:

Enclosed I am returning your *Notice of Withdrawal of Counsel* which was received by the court on April 5, 1994, and which stated that Bruce L. Belzer was withdrawing as counsel for J. R. Simplot Company in the above-referenced subcases.

After a search of the files for the above subcase, I am unable to locate any appearance by Bruce L. Belzer. However, on January 28, 1994, a *Notice and Entry of Appearance* was filed on behalf of J. R. Simplot in these subcases. That notice listed Gray Young and Terry Uhling as counsel for J. R. Simplot.

Sincerely,

A handwritten signature in cursive script, reading "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Chief, Natural Resources Division
U.S. Department of Justice

1007 13 1000

1 GRAY YOUNG, Assistant General Counsel
2 TERRY T. UHLING, Assistant General Counsel
3 Environmental & Regulatory Affairs
4 J. R. SIMPLOT COMPANY
5 P.O. Box 27
6 999 Main Street, Suite 1300
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

1994 APR - 5 PM 2:52
DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED

10 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

12 In Re the General Adjudication)
13 of Rights to the Use of Water)
14 from the Snake River Basin)
Water System.)

Civil Case No. 39576

15)
16 The State of Idaho, ex rel.)
17 R. Keith Higginson in his)
18 official capacity as director)
of the Idaho Department of)
Water Resources,)

19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

22 The United States; the State of)
23 Idaho; and all claimants to the)
24 use of water from the Snake)
River Basin Water System,)

25)
26)
27)
28)
Defendants.)

1 **PLEASE TAKE NOTICE** that Bruce L. Belzer hereby withdraws as
2 counsel of record for J. R. Simplot Company in the above entitled matter
3 and the following listed subcases:
4

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
12
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NOT 13 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1994, I caused to be served a true and correct copy of the foregoing by United States mail, postage prepaid, addressed to the following:

James Annest
Law Office of James Annest
1742 Overland Avenue
Burley, Idaho 83318

Richard F. Smith
P.O. Box 70
Rexburg, Idaho 83440

Josephine P. Beeman
MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
First Security Bank Building
911 West Idaho
P.O. Box 829
Boise, Idaho 83701

Brad A. Flinders
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OKAI, HORTON & FLINDERS
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Nyssa, Oregon 97913

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YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
P.O. Box 450
Fruitland, Idaho 83619

Kent W. Foster
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Idaho Falls, Idaho 83405

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RACINE, OLSON, NYE,
COOPER & BUDGE, CHARTERED
201 East Center, Suite 2A
P.O. Box 1391
Pocatello, Idaho 83204-1391

Randall C. Fredricks
COSHO, HUMPHREY, GREENER &
WELSH, P.A.
Carnegie Building
815 West Washington Street
Boise, Idaho 83702

Rebecca Craven
Deputy Counsel
Robert T. Anderson
Staff Attorney
Nez Perce Tribal Executive
Committee
Office of Legal Counsel
P.O. Box 305
Lapwai, Idaho 83540-0305

Raymond D. Givens
Jeffrey C. Fereday
Michael C. Creamer
Christopher H. Meyer
Roy L. Eiguren
GIVENS, PURSLEY, & HUNTLEY
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

REV 13 1995

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
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Boise, Idaho 83701

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Grover Law office, Chartered
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036

5 John D. Hansen
6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
P.O. Box 51718
Idaho Falls, Idaho 83402-1718

Roger D. Ling
LING, NIELSEN & ROBINSON
615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
P.O. Box 389
Twin Falls, Idaho 83303-0389

J. Dee May
MAY & MAY LAW OFFICES
516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303

13 Cecil D. Hobdey
14 HOBDEY & HOBDEY
15 Attorneys at Law
16 125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83330

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY, TROXELL, ENNIS & HAWLEY
877 West Main Street
P.O. Box 1617
Boise, Idaho 83701

18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

Bert L. Osborn
26 South Ninth Street
P.O. Box 158
Payette, Idaho 83661

23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
26 P.O. Box 66
27 Twin Falls, Idaho 83303-0066

David B. Lincoln
Scott L. Campbell
ELAM & BURKE
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701

1 William A. Parsons
2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

Jerry R. Rigby
Ray W. Rigby
RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, CHARTERED
25 North Second East
P.O. Box 250
Rexburg, Idaho 83440

6 William F. Ringert
7 Daniel V. Steenson
8 RINGERT, CLARK, CHARTERED
9 455 South Third Street
10 P.O. Box 2773
11 Boise, Idaho 83701-2773

John A. Rosholt
James C. Tucker
ROSHOLT, ROBERTSON & TUCKER
142 Third Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

10 James P. Speck
11 HOGUE, SPECK & AANESTAD, P.A.
12 120 East Avenue
13 P.O. Box 987
Ketchum, Idaho 83340

Larry Sullivan
SCHROEDER, HUTCHENS & SULLIVAN
P.O. Box 220
Vale, Oregon 97918

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
Burley, Idaho 83318

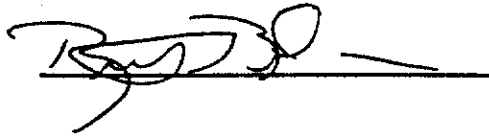
Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
Parma, Idaho 83660

22 **Addresses Under A.O.1., Section 7.d(2)**

23 Chief, Natural Resources Division
24 Office of the Attorney General
25 State of Idaho
26 P.O. Box 44449
Boise, Idaho 83711-4449

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Forth Street, Box 33
4 Boise, Idaho 83724

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6

7 5500v
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NOV 13 1991