

1997 NOV 26 PM 2:32

DISTRICT COURT-SALIDA
TWIN FALLS COUNTY, IDAHO
FILED _____

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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-02203
_____	)	

On August 25, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02203 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

RECEIVED

AUG 27 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 25 AM 8:39

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *JK*

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

In Re SRBA

Case No. 39576

) Subcase 57-02203 and 57-02203A
)
)
)
)

PRELIMINARY SPECIAL
MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by . The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

Two claims were originally filed for this water right. IDWR designated the claim filed by J.R. Simplot as 57-02203. The claim filed by Little Valley Mutual Irrigation District was designated as 57-02203A. Claim 57-02203 was reported. Claim 57-02203A was reported as disallowed. Upon consideration and as contained in the *Standard Form 5*, the parties mutually agreed that water right 57-02203 should be decreed to Little Valley Mutual Irrigation District.

A *Preliminary Special Master's Report and Recommendation* was issued on June 23, 1997. No motion to alter or amend was filed and the time for such a motion has now expired.

IT IS THEREFORE RECOMMENDED that subcase 57-02203A be decreed as disallowed and that 57-02203 be decreed as recommended in the attached *Special Master's Recommendation for Partial Decree*.

DATED August 25, 1997.

Fritz X. Haemmerle
FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

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

1997 JUN 25 AM 8:39

In Re SRBA)
)
Case No. 39576)
)
)
)
)
)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-02203
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

NAME & ADDRESS: LITTLE VALLEY MUTUAL IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 2.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 57-02202 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1372.5 AFY.

PRIORITY DATE: 05/14/1952

POINT OF DIVERSION: T06S R04E S14 SWNWNE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.04 CFS
DOMESTIC 1 HOME		01-01 12-31	0.04 CFS

PLACE OF USE:	IRRIGATION	Within OWYHEE County			
T06S R04E S10	SWSW 39.0	SESW 31.0	SWSE 39.0	SESE 39.0	
S11	SWNW 39.0	NESW 26.0	NWSW 39.0	SWSW 39.0	
	SESW 26.0	SESE 35.0			
S13	NWNW 35.0	SWNW 26.0	SENW 23.0	NESW 39.0	
	SESW 31.0	SWSE 21.0			
S14	NENE 6.0	NWNE 31.0	SWNE 40.0	NENW 37.0	
	NWNW 39.0	SWNW 39.0	SENW 29.0	NESW 34.0	
	NWSW 39.0	SWSW 40.0	SESW 30.0		
S15	NENE 36.0	NWNE 27.0	SWNE 39.0	SENE 38.0	
	NENW 37.0	NWNW 39.0	SWNW 38.0	SENW 39.0	
	NESW 40.0	NWSW 40.0	SWSW 40.0	SESW 37.0	
	NESE 39.0	NWSE 39.0	SWSE 39.0	SESE 39.0	
S16	NENE 40.0	NWNE 40.0	SWNE 40.0	SENE 36.0	
	NENW 40.0	NWNW 40.0	SWNW 40.0	SENW 40.0	
	NESW 32.0	NWSW 32.0	SESW 23.0	NESE 40.0	
	NWSE 14.0	SWSE 39.0	SESE 39.0		
S22	NENE 40.0	NWNE 40.0	SWNE 37.0	SENE 37.0	
	NWNW 40.0	NESW 40.0	NWSW 40.0	SWSW 31.0	
	SESW 40.0	NESE 37.0	NWSE 37.0	SWSE 40.0	
	SESE 40.0				
S23	NENE 29.0	NWNE 39.0	SWNE 39.0	SENE 39.0	
	NENW 40.0	NWNW 40.0	SWNW 40.0	SENW 40.0	
	NESW 38.0	NWSW 39.0	SWSW 39.0	SESW 39.0	
	NESE 39.0	NWSE 39.0	SWSE 37.0	SESE 38.0	
S24	SWNW 33.0	NESW 40.0	NWSW 40.0	SWSW 39.0	
	SESW 39.0	NWSE 40.0	SWSE 39.0		
S26	NWNE 37.0	SWNE 39.0	NENW 37.0	NWNW 40.0	
	SWNW 40.0	SENW 39.0	NESW 39.0	NWSW 40.0	
	SWSW 38.0	SESW 38.0	NWSE 39.0	SWSE 38.0	
S27	NENE 40.0	NWNE 37.0	SWNE 39.0	SENE 40.0	
	NENW 40.0	NWNW 34.0	NESE 40.0	SESE 40.0	
	4189.0 ACRES TOTAL				

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02203

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 235.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 57-02202 AND THE AFOREMENTIONED BASIN 02 RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4189 ACRES IN A SINGLE IRRIGATION SEASON.

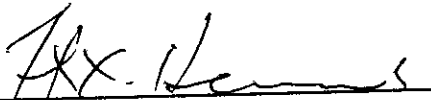
Place of use for DOMESTIC is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. RIGHTS HAVE BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT, RIGHT NO. 57-02202 AND THE BASIN 02 RIGHTS.

DATED:

8/25/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 AUG 25 AM 8:39

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
)
Case No. 39576)
)
_____)

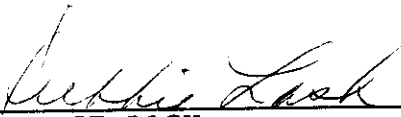
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-02203

On August 25, 1997, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above
subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

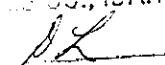
Pursuant to SRBA Administrative Order 1, Section 14b, any party
to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S
REPORT AND RECOMMENDATION within 21 days following the date of
publication of the filing of the Special Master's report in the Docket
Sheet except parties to the subcase who failed to file a Motion to
Alter or Amend before the Special Master (AO1, Section 9f).
The Notice of Challenge shall appear on the Docket Sheet and shall be
served on parties to the subcase(s) covered by the challenged report
and the SRBA Court Reporter.

DATED August 25, 1997.


DEBBIE LASH
Deputy Clerk

1997 AUG 25 AM 8:39

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED 

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

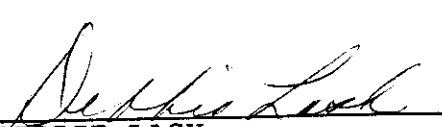
Water Right(s): 57-02203

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 25, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LITTLE VALLEY MUTUAL IRRIG.
C/O BART FLOWERS
PO BOX 160
GRANDVIEW, ID 83624


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/25/97

RECEIVED

JUN 24 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 23 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED OK

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

In Re SRBA	)	Subcase 57-02203 and 57-02203A
	)	
Case No. 39576	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT

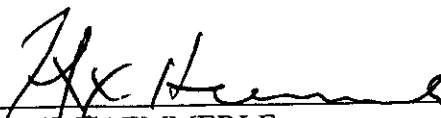
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by . The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

Two claims were originally filed for this water right. IDWR designated the claim filed by J.R. Simplot as 57-02203. The claim filed by Little Valley Mutual Irrigation District was designated as 57-02203A. Claim 57-02203 was reported. Claim 57-02203A was reported as disallowed. Upon consideration and as contained in the *Standard Form 5*, the parties mutually agreed that water right 57-02203 should be decreed to Little Valley Mutual Irrigation District; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-02203A be **decreed as disallowed** and that 57-02203 be **decreed** as recommended in the attached *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED June 23, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-02203

1997 JUN 23 AM 9:2
DISTRICT COURT - SRB
TWIN FALLS CO., IDAH.
FILED *DL*

NAME & ADDRESS: LITTLE VALLEY MUTUAL IRRIGATION CO
C/O BART FOWERS
PO BOX 160
GRAND VIEW ID 83624

SOURCE: GROUNDWATER

QUANTITY: 2.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO. 57-02202 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1372.5 AFY.

PRIORITY DATE: 05/14/1952

POINT OF DIVERSION: T06S R04E S14 SWNWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION DOMESTIC 1 HOME	PERIOD OF USE Irrigation Season 01-01 12-31	QUANTITY 2.04 CFS 0.04 CFS
-------------------------------	---	---	----------------------------------

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T06S R04E S10	SWSW 39.0	SESW 31.0	SWSE 39.0	SESE 39.0
	S11	SWNW 39.0	NESW 26.0	NWSW 39.0	SWSW 39.0
	S13	SESW 26.0	SESE 35.0		
		NWNW 35.0	SWNW 26.0	SENE 23.0	NESW 39.0
	S14	SESW 31.0	SWSE 21.0	SWNE 40.0	NENW 37.0
		NENE 6.0	NWNE 31.0	SENE 29.0	NESW 34.0
		NWNW 39.0	SWNW 39.0	SESW 30.0	
	S15	NWSW 39.0	SWNE 40.0	SWNE 39.0	SENE 38.0
		NENE 36.0	NWNE 27.0	SWNW 38.0	SENE 39.0
		NENW 37.0	NWNW 39.0	SWSW 40.0	SESE 39.0
		NESW 40.0	NWSW 40.0	SWSE 39.0	SENE 36.0
	S16	NESE 39.0	NWSE 39.0	SWNE 40.0	SENE 40.0
		NENE 40.0	NWNE 40.0	SWNW 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0	SESW 23.0	SENE 37.0
	S22	NESW 32.0	NWSW 32.0	SWNE 37.0	SWSW 31.0
		NWSE 14.0	SWSE 39.0	NWSE 37.0	SWSE 40.0
		NENE 40.0	NWNE 40.0	SWNE 39.0	SENE 37.0
		NWNW 40.0	NWSW 40.0	SWNW 40.0	SESE 39.0
	S23	SESW 40.0	SWSE 39.0	SWNE 39.0	SENE 39.0
		NENE 29.0	NWNE 39.0	SWNW 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0	SWSW 39.0	SESE 39.0
		NESW 38.0	NWSW 39.0	SWSE 37.0	SESE 38.0
	S24	NESE 39.0	NWSE 39.0	NWSW 40.0	SWSW 39.0
		SWNW 33.0	NESW 40.0	SWSE 39.0	
		SESW 39.0	NWSE 40.0	NENW 37.0	NWNW 40.0
	S26	NWNE 37.0	SWNE 39.0	NESW 39.0	NWSW 40.0
		SWNW 40.0	SENE 39.0	NWSE 39.0	SESE 38.0
		SWSW 38.0	SESW 38.0	SWNE 39.0	SENE 40.0
	S27	NENE 40.0	NWNE 37.0	NESE 40.0	SESE 40.0
		NENW 40.0	NWNW 34.0		

4189.0 ACRES TOTAL

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02203

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 235.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 57-02202 AND THE AFOREMENTIONED BASIN 02 RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4189 ACRES IN A SINGLE IRRIGATION SEASON.

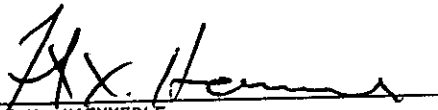
Place of use for DOMESTIC is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. RIGHTS HAVE BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT, RIGHT NO. 57-02202 AND THE BASIN 02 RIGHTS.

DATED:

6/23/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

RECEIVED

JUN 24 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 23 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

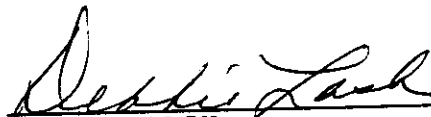
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-02203

On June 23, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before July 07, 1997.

DATED June 23, 1997.


DEBBIE LASH
Deputy Clerk

1997 JUN 23 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

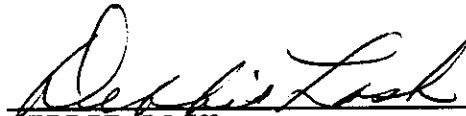
Water Right(s): 57-02203

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 23, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LITTLE VALLEY MUTUAL IRRIG.
C/O BART FLOWERS
PO BOX 160
GRANDVIEW, ID 83624


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/23/97

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY PO BOX 27 BOISE ID 83707 (208) 336-2110	05/14/1952	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	2.04 CFS 0.04 CFS	1057.5 AFA
					TOTAL DIVERSION:	2.04 CFS
					CONSUMPTIVE USE:	1057.5 AFA 822.5 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R04E S14

SWNWNE

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	04E	10	:					:					:					:			20	35	:	55.0
06S	04E	11	:					:			40		:			40	40	:					:	155.0
06S	04E	14	:					:		25			:					:					:	25.0
																						TOTAL ACRES	235.0	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE						
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac
06S	04E	14	:			D		:					:					:				

POU County: OWYHEE

Non-Irrigation Uses: DOMESTIC, 1 HOME

Other Rights: SEE REMARKS

Remarks: RIGHT NO. 57-02202 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 02 RIGHTS. USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM LITTLE VALLEY MUTUAL IRRIGATION COMPANY.

Exam Made Date: 11/25/1991 Verified Date: 03/05/1992
Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
JUL 20 1994

Comments: Date: 12/30/1991 User-ID: HOWERTON Subject: NUMBER CHANGE
J.R. SIMPLOT'S CLAIM SHOWS MORE PROOF OF OWNERSHIP THAN "LITTLE
VALLEY MUTUAL IRRIGATION COMPANIES" CLAIM. THEREFORE, SINCE
J.R. SIMPLOT'S CLAIM IS RECOMMENDED, THE ROOT NUMBER WITHOUT THE
"A" IS RECOMMENDED FOR J.R. SIMPLOT.
LITTLE VALLEY MUTUAL IRRIGATION COMPANY CLAIM IS NOT RECOMMENDED,
AND WILL BE CHANGED FROM NO "A", TO A.

Date: 12/30/1991 User-ID: HOWERTON Subject: COPIED FROM REMARKS
VARIABLE FEE PAID ON CLAIM A57-02203

Audit: 12/30/91 HOWERTON 01/09/92 HOWERTON 03/05/92 HOWERTON 07/29/92 PR-PRODM
10/13/92 CPSHAW 12/05/92 ADT-SHAW 04/02/93 CAN-SHAF

MICROFILMED
JUL 20 1994

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: A57-02203
Date Received: 5/11/1989
Receipt No: C006737
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J R SIMPLOT COMPANY 208-336-2110
Address: PO BOX 27
BOISE ID 83707

2. Date of Priority: MAY 14, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	04E	14	SW	NW	NE		OWYHEE

5. Description of diverting works:
WELL, PUMP, POND, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 822.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	04E	10	SW	SE		IRR	20.0
			SE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	55.0
		11	SW	NW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	35.0
					Section Acres	155.0
		14	NW	NW	IRR	25.0
					Section Acres	25.0
					Total Acres	235.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

LITTLE VALLEY MUTUAL IRRIGATION CO. WATER RIGHTS

14. Remarks:

VARIABLE FEE PAID ON CLAIM A57-02203

15. Basis of Claim: LICENSE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RE-NUMBERED TO AS7-02203
CIVIL CASE NUMBER: 39576
Ident. Number AS7-02203A
Date Received 5/11/89
Receipt Number C006737 9

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) J. R. Simplot Company Phone (208) 336-2110
Mailing Address P.O. Box 27, Boise, ID Zip 83707

2. Date of Priority (Only one (1) per claim) May 14, 1952

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 6S Range 4E Section 14 ,
SW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well, pump, pond ditches

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 2.04 or _____

For Domestic purposes from 1-1 to 12-31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 822.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One Household

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	4E	10															20	35	55
		11							40			40	40	35					155
		14						25											25

Total number of acres irrigated 235

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Little Valley Mutual Irrigation Co. water rights or None ()

14. Remarks:

Last Name Simplot Ident No. _____

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Copyrighted Material - Claimant

OCT 07 1992

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a small crosshair pattern consisting of a vertical line, a horizontal line, and a diagonal line from the top-left to the bottom-right. The lines are thin and black, and the squares are separated by thin white gaps. The overall pattern is a dense, repeating geometric design.

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Copies: White-State, Yellow-Claimant
OCT 07 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 57-2203
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments One Map + Red Copies

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Secretary _____
Title _____

of J. R. Simplot Company _____, that I have signed the foregoing
Organization _____

document in the space below as _____ Secretary _____ of J. R. Simplot Company
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X [Signature]

Title and Organization Secretary, J. R. Simplot Company Date 4-28-89

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day of April 19 89

SEAL

Notary Public [Signature]

Residing at _____ Meridian _____

My Commission Expires 11-06-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Simplot Ident. Number _____

MICROFILMED

OCT 6 7 1992
Copies Written Below-Claimant

Water Right Number - 57-02203

Adj. Flag Translation: WATER RIGHT

Old (D) Number - 22771

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JOSEPHSON

LORA A.

1 - 915 3RD AVE. N.

2 -

3 -

City- PAYETTE

State- ID Zip- 83661

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/14/1952 14 ERROR IN REGION L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
06S 04E 14 NW NE (73) OWYHEE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 2.040
43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.040

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
06S 04E 10 SW SE 20.0 01 IRRIGATION (73) OWYHEE
06S 04E 10 SE SE 35.0 01 IRRIGATION (73) OWYHEE
06S 04E 11 SW NW 40.0 01 IRRIGATION (73) OWYHEE
06S 04E 11 NW SW 40.0 01 IRRIGATION (73) OWYHEE
06S 04E 11 SW SW 40.0 01 IRRIGATION (73) OWYHEE
06S 04E 11 SE SW 35.0 01 IRRIGATION (73) OWYHEE
06S 04E 14 NW NW 25.0 01 IRRIGATION (73) OWYHEE

Total Acres: 235.0

- - Diversion Means -

- - Non-Irrigation Use -

- - Other Rights for Same Use -

- - - - - Remarks - - - - - +
No Remarks found.

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OCT 7 1992

Water right number - 57-02203

Adj. flag translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/26/85 05/01/88 CONVERT

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 02/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/07/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

MICROFILMED

0 1 0 7 1992



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

W.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

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,

A handwritten signature in cursive script, appearing to read 'S. Sherman'.

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

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JUL 20 1994



CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

JUL 20 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,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED
JUL 20 1994

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

Attorneys for J. R. Simplot Company

1994 APR - 12 PM 12:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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 No. 39576

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

Petitioner,

v.

NOTICE OF WITHDRAWAL
OF COUNSEL

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

Defendants.

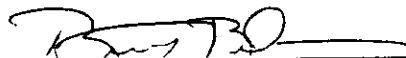
MICROFILMED

JUL 20 1994

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 36-13320
5 57-02203A

6 DATED this 4~~th~~ day of April, 1994.

7
8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
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MICROFILMED
JUL 20 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
STUNZ, FONDA, NICHOLS, KIYUNA,
OKAI, HORTON & FLINDERS
P.O. Box 1565
Nyssa, Oregon 97913

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

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Randall C. Budge
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

MICROFILMED

JUL 20 1994

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
P.O. Box 955
Boise, Idaho 83701

Blair J. Grover
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
P.O. Box 66
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

MICROFILMED

JUL 20 1994

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
18 Burley, Idaho 83318

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

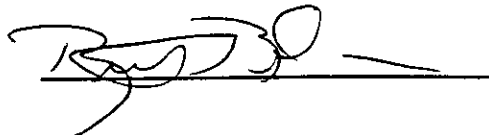
17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
22 Parma, Idaho 83660

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

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

MICROFILMED
JUL 20 1984

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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7 5500v
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MICROFILMED
JUL 20 1994

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

Twin Falls County
Civil Case No. 39576

and

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Cassia County
Civil Case No. 13770-12-83

Petitioner,

NOTICE OF APPEARANCE

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

*Don modified all thru
C.A.N. program.*

of 2-1-92

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY PO BOX 27 BOISE ID 83707 (208) 336-2110	05/14/1952	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	2.04 CFS 0.04 CFS	1057.5 AFA
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.04 CFS 1057.5 AFA 822.5 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T06S R04E S14 SWNWNE Owyhee 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	04E	10	:																	:	55.0
06S	04E	11	:																	:	155.0
06S	04E	14	:							25										:	25.0
																				TOTAL ACRES	235.0

Place of use Legal Description for: DOMESTIC

				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	04E	14	:			0														:	

POU County: Owyhee

Non-Irrigation Uses: DOMESTIC, 1 HOME

Other Rights: SEE REMARKS

Other Water Rights with Same Point(s) of Diversion and Source:
A57-02202 A57-02203 A57-02203A R57-02202 R57-02203A

Other Water Rights Listing Overlapping Place(s) of use:
A02-07030 A02-07068 A57-02203 A57-02203A R57-02203A

Remarks: RIGHT NO. 57-02202 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE BASIN 02 RIGHTS. USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM LITTLE

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=====

Remarks: VALLEY MUTUAL IRRIGATION COMPANY.

Dates: Exam Made Date: 11/25/1991 Verified Date: 03/05/1992

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

Comments: Date: 12/30/1991 User-ID: HOWERTON Subject: NUMBER CHANGE
J.R. SIMPLOT'S CLAIM SHOWS MORE PROOF OF OWNERSHIP THAN "LITTLE
VALLEY MUTUAL IRRIGATION COMPANIES" CLAIM. THEREFORE, SINCE
J.R. SIMPLOT'S CLAIM IS RECOMMENDED, THE ROOT NUMBER WITHOUT THE
"A" IS RECOMMENDED FOR J.R. SIMPLOT.
LITTLE VALLEY MUTUAL IRRIGATION COMPANY CLAIM IS NOT RECOMMENDED,
AND WILL BE CHANGED FROM NO "A", TO A.

Date: 12/30/1991 User-ID: HOWERTON Subject: COPIED FROM REMARKS
VARIABLE FEE PAID ON CLAIM A57-02203

Audit: 00/00/00

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

January 2, 1992

J R Simplot Company
PO Box 27
Boise Idaho 83707

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Claimant:

During normal review and filing of the Notice of Claim to a Water Right No. A57-02203A previously submitted during the Snake River Basin Adjudication it was necessary to change the claim identification number on this notice.

Enclosed is a computer generated copy of your new Notice of Claim to a Water Right No. ~~A57-02203~~. Please review this claim for completeness and if you have any questions or problems, do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Ron Howerton".

Ron Howerton
Senior Water Agent
Adjudication Section

Enclosures
cc:
File

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ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 457-02203A

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	N	Rch 11-25-91	6	N	N		
PT. OF DIV.			1,4				
SOURCE			6				
PL. OF USE			1,4				
DIV. AMOUNT CFS/AF			6				
CONSUMPTIVE USE			ADP cu				
NATURE OF USE			6				
PERIOD OF USE			6				
BASIS OF CLAIM			6				
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: SAME AS CLAIM

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

12-0 OFFICE MATCH

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

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10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

1) Double FILING, HOWEVER, PROOF OF OWNERSHIP
IN THIS FILE. (NO-PROOF ON LITTLE VALLEY MUTUAL
IRRIGATION CO) (JR SIMPLOT OK)

2) RENUMBERED TO 57-02203.

3) CAG'D. DIV. VOL. PER NEW SEASON/VOL MAP 1/6/92

CKD. WITH GUYAEE CTY ASSESSORS FOR OWNERSHIP 9/3/92

ALL LANDS IN POU & PID DESCRIPTION ARE OWNED BY JR SIMPLOT

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐
MAP ☒
SYSTEM DIAGRAM ☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit
file, see permit file.

DATE EXAM CONDUCTED: 11-25-91

FIELD EXAMINER:

Ron Howerton

Signature

Ron Howerton

RECOMMENDED

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 235 x 0.02 CFS/ACRE = 0.02 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 235 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 822.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 235 x DIVERSION VOL. AF/A FOR AREA 4.5 =

TOTAL DIVERSION VOLUME 1057.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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1b. CALCULATIONS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A5702203A	T06S R04E S10																	55
	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																	
0202085	SNAKE RIVE :	40	40	38	40	40	40	40	38									316
A0202085	SNAKE RIVE :	38	38	39	37	39	39	40	40	29	12			25	37			413
A0202085	SNAKE RIVE :	38	38	39	37	39	39	40	40	29	12			25	37			413
0202096	SNAKE RIVE :	40	40	38	40	40	40	40	38									316
A0202096	SNAKE RIVE :	38	38	39	37	39	39	40	40	29	12			25	37			413
A0202096	SNAKE RIVE :	38	38	39	37	39	39	40	40	29	12			25	37			413
0207030	SNAKE RIVE :												39			39	39	117
A0207030	SNAKE RIVE :												39			39	39	117
A0207030	SNAKE RIVE :												39			39	39	117
0207068	SNAKE RIVE :										39							39
A0207068	SNAKE RIVE :										39							39
A0207068	SNAKE RIVE :										39							39
5702203	GROUNDWATE :															20	35	55
A5702203	GROUNDWATE :															20	35	55
--86 MAP--	C73Q-AA 11 :	39	40	39	39	39	42	41	40	35	24	39	38	40	39	38	38	610

A5702203A	T06S R04E S11							40			40	40	35					155
	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																	
0202085	SNAKE RIVE :							17										17
A0202085	SNAKE RIVE :							10										10
A0202085	SNAKE RIVE :							10										10
0202096	SNAKE RIVE :							17										17
A0202096	SNAKE RIVE :							10										10
A0202096	SNAKE RIVE :							10										10
0207030	SNAKE RIVE :							40			40	40	26					146
A0207030	SNAKE RIVE :							40			40	40	26					146
A0207030	SNAKE RIVE :							40			40	40	26					146
0207068	SNAKE RIVE :									27								27
A0207068	SNAKE RIVE :									27								27
A0207068	SNAKE RIVE :									27								27
0207221	SNAKE RIVE :																36	36
A0207221	SNAKE RIVE :																36	36
A0207221	SNAKE RIVE :																36	36
5702203	GROUNDWATE :							40			40	40	35					155
A5702203	GROUNDWATE :							40			40	40	35					155
--86 MAP--	C73Q-AA 11 :						22	37	01	29	38	37	36	01		04	38	243

A5702203A	T06S R04E S14							25										25
	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																	

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

		NE								NW								SW								SE								
WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
0207030	SNAKE RIVE :											40																				40		
A0207030	SNAKE RIVE :											40																				40		
A0207030	SNAKE RIVE :											40																				40		
0207068	SNAKE RIVE :				31		39			37				39		37		26		39		38		35								321		
A0207068	SNAKE RIVE :				31		39			37				39		37		26		39		38		35								321		
A0207068	SNAKE RIVE :				31		39			37				39		37		26		39		38		35								321		
0207221	SNAKE RIVE :		07																													7		
A0207221	SNAKE RIVE :		07																													7		
A0207221	SNAKE RIVE :		07																													7		
A5702202	GROUNDWATE :									30																						30		
5702203	GROUNDWATE :											25																				25		
A5702203	GROUNDWATE :											25																				25		
--86 MAP--	C73Q-AA 11 :		17		34		38			38		40		40		40		36		40		15		34				03		01		04	380	

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OVERLAP ANALYSIS FOR A57-02202, 2203 & A02-7068, 7030

GROUND WATER

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
2202	65	4E	14					30												30	
			15	30	30															40	70

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
2203	65	4E	10															20	35	55	
			11							40				40	40	35				155	
			14							25										25	235

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
7068	65	4E	14																		

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
7030	65	4E	10															39	39		
			11							40				40	40	20					
			14							40											
			15	40	40																

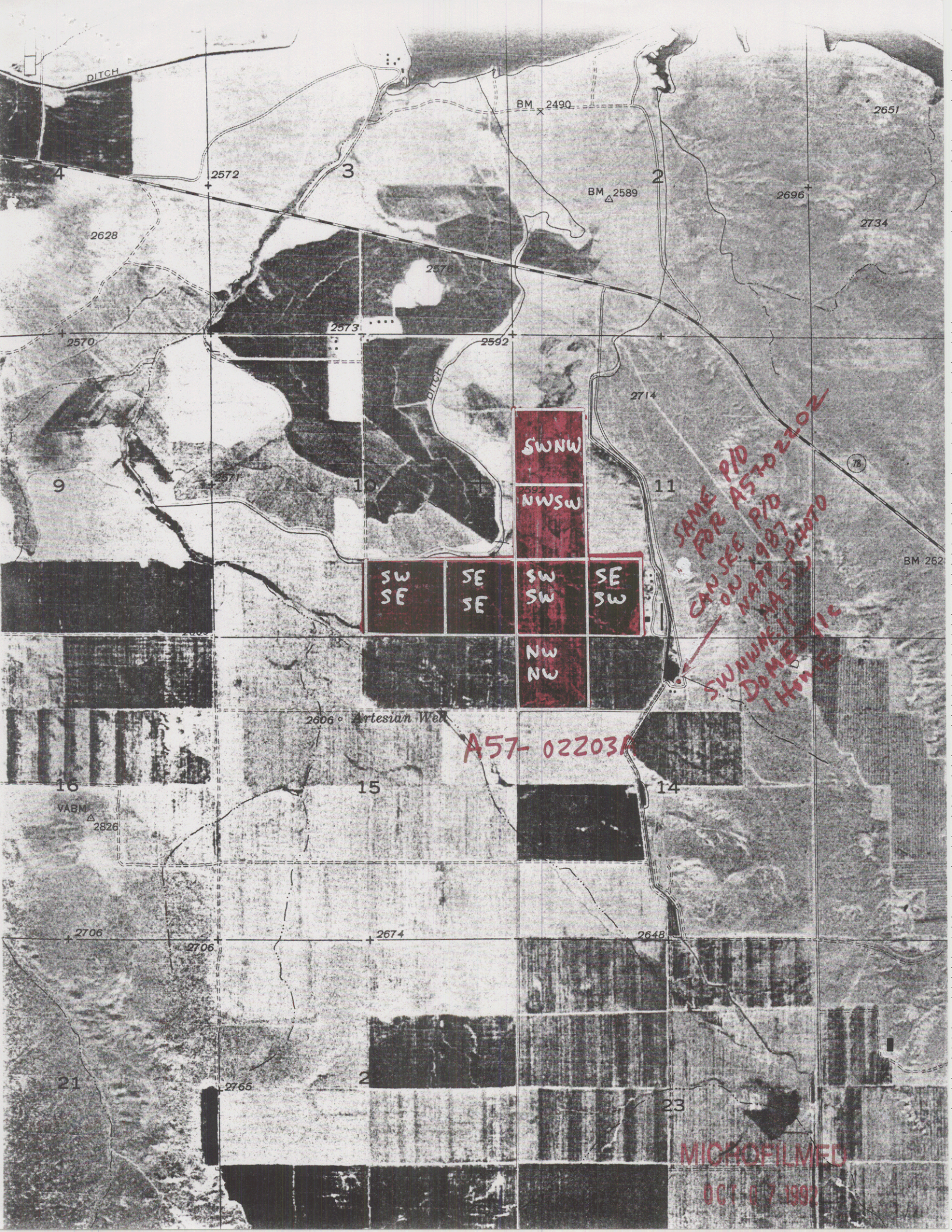
SNAKE RIVER
OVERLAP ONLY

LITTLE VALLEY MUTUAL IRRIG. CO.

7030 COVERED POW IN MARCH 1969

OCT 07 1992

ORIGINAL IN - 2202



DITCH

BM 2490

2651

2572

3

BM 2589

2696

2734

2628

2576

2573

2592

2714

SWNW

NWSW

SAME P/D
FOR A5702202
CAN SEE P/D
ON 1987
NAAP PHOTO
SW NW 1/4
DOMESTIC
HOME

BM 262

SW
SE

SE
SE

SW
SW

SE
SW

NW
NW

2606 Artesian Well

A57-02203A

16

VABM
2826

15

14

2706

2706

2674

2648

21

2765

2

23

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

J.R. SIMPLOT CO.
Corporate Headquarters

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JUL 2 1990

JUL 22 1990

Department of Water Resources
Western Regional Office

Date: 6-21-90

Claimant: J.R. SIMPLOT COMPANY

Dear Claimant,

Processing of your Notice of Claim to a Water Right No. A57-02203A, copy enclosed, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time.

The following information will allow us to correct this error:

1. Please mark the appropriate item regarding the described property and water right. Are you the:

Current Owner X
Previous Owner _____
Other _____

If "Other", please explain: _____

2. If you are the previous owner, please give the name of the new owner (as far as you know):

New Owner: _____

3. Do you believe that you own a portion of this water right?

Yes X No _____

If yes, please explain: J.R. Simplot Company owns the water right in its entirety

pursuant to land owned by J.R. Simplot Company and evidenced by IDWR License 57-2203.

If you are the previous owner, and did not withhold the water rights in the sale, the new owner should be making the filing. If you filed in error, you may use the enclosed Request for Withdrawal form to correct this duplicate filing.

I apologize for any inconvenience, however, in order to protect your water right, the Notice of Claim must be accurate. If you would return this letter by July 5th, 1990, we will proceed with the necessary corrections. Please do not hesitate to contact this office if you have any questions.

Sincerely,

Ron Howerton

RON HOWERTON

Sr. Water Resource Agent

Enc: Copy of orig. claim
Request for Withdrawal form

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CONVERSATION MEMORANDUM

DATE JAN 25, 1990FILE A57-02203 (A)

NAME OF PARTY GREY YOUNG / REP for SIMPLOT & ANDREW HARRINGTON
EMPLOYEE RON HOWERTON FOR LITTLE VALLEY
MUTUAL IRREV COMPANY

RE: TALKED WITH SIMPLOT REP AND HE ADVISED
ME THAT THERE WAS GOING TO BE A MEETING EITHER
NEXT WK OR FIRST WEEK OF FEBRUARY '91 OF THE
LITTLE VALLEY MUT. IRR. Co. SO MAYBE I COULD CALL
MR. HARRINGTON TO BRING THIS TO HIS ATTENTION
AND MAYBE HE COULD GET THINGS GOING TO
RESOLVE DUPLICATE FILING. (HE SAID THEY HAD
A VERBAL AGREEMENT ON THE DECISION.)
ANDREW HARRINGTON - 342-4591.

CALLED ATTORNEY ANDREW H. 11AM - HE FELT
THAT THIS PROBLEM MIGHT BE RESOLVED AT
THIS MEETING HE THOUGHT THAT MR. SIMPLOT'S
ATTORNEY OR REP. WOULD BE THERE. HE (ANDREW)
WAS GOING TO CALL JR'S ATTORNEY TO CK IF
HE WAS INVOLVED OR GOING TO THIS MEETING.

I SENT MR. HAR' COPY OF TEN DATES FOR
REPORT. & OUTLINE WANTS NEXT? BY FAX
THAT WOULD CLEAR-UP SOME QUESTIONS HE HAD.
HE THOUGHT HE WOULD CALL BACK TO ME
WHEN (AFTER) THE IRREV MEETING WAS OVER.

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FOR VALUE RECEIVED, The Mutual Life Insurance Company of New York, a New York corporation, (hereinafter referred to as "Grantor"), does hereby grant, bargain, sell and convey unto J. R. Simplot Company, a corporation, whose current address is P. O. Box 27, Boise, Idaho 83707, (hereinafter referred to as "Grantee"), the following described premises in Owyhee County, Idaho, to-wit:

The North Half of the Southwest Quarter, the West Half of the Southeast Quarter and the Southwest Quarter of the Northwest Quarter, Section Eleven (11), the Northwest Quarter and the West Half of the Northeast Quarter of Section Fourteen (14), and the Northeast Quarter of Section Fifteen (15), all in Township Six (6) South, Range Four (4) East, B.M. Owyhee County, Idaho,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs 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 they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever arising by, through or under Grantor.

Dated this 21st day of April, 1989.

The Mutual Life Insurance
Company of New York

Attest

By: Clara Cosby
Clara Cosby, Assistant Secretary

By: Neal R. Goplen
~~DM~~ NEAL R. GOPLEN
Director of Agricultural Investments

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On this 21st day of April, 1989, before me, a Notary Public in the State of Missouri, personally appeared Neal R. Goplen, to me personally known, who being by me duly sworn did say that he is Director of Agricultural Investments of said corporation, The Mutual Life Insurance Company of New York, a New York corporation, that the seal affixed to said instrument is the seal of said The Mutual Life Insurance Company of New York, a New York corporation, and that said instrument was signed and sealed on behalf of the said corporation by authority of its board of directors and the said Neal R. Goplen acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

David M. Brown

Notary Public, State of Missouri
My Commission Expires: August 27, 1991

David M. Brown

Printed Name of Notary

GRAN-IA.DED

