

IDAHO DEPARTMENT OF WATER RESOURCES 09/08/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.38 CFS

PRIORITY DATE: 04/11/1910

POINT OF DIVERSION:

T06S R34E S16 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

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

RECOMMENDED AS RIGHT NO. 29-4088.

EXPLANATORY MATERIAL:

MAY 16 2001

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: **A29-10927**

Date Received: 4/ 2/1990

Receipt No: E012669

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J R SIMPLOT COMPANY
Address: PO BOX 27
BOISE ID

208-336-2110

83707

2. Date of Priority: APR 11, 1910

3. Source: PORTNEUF RIVER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
DITCH AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

A.F.A.

8. Total consumptive use is 47.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 20 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	16	SE	SW		IRR	3.0

MICROFILMED

NOV 14 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		17	SW	NE	IRR	5.0
			NE	SE	IRR	5.0
			NW	SE	IRR	4.0
			SE	SE	IRR	2.0
					Section Acres	16.0
					Total Acres	19.0

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:
NONE

14. Remarks:
THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.
CHANGE IN OWNERSHIP 8-2-96/JT/SB

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 14 1996

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: A29-10927
Date Received: 4/02/1990
Receipt No: E012669
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAUD CREEK RANCHES INC. 208-232-0803
Address: 2470 MICHAUD CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: APR 11, 1910

3. Source: PORTNEUF RIVER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
DITCH AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

8. Total consumptive use is 47.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 20 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	16	SE	SW		IRR	3.0
Section Acres							3.0

A29-10927

Page 1

Date: 04/02/90

MICROFILMED

NOV 16 1992

A2910927



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	17	SW	NE		IRR	5.0
			NE	SE		IRR	5.0
			NW	SE		IRR	4.0
			SE	SE		IRR	2.0
						Section Acres	16.0
						Total Acres	19.0

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:
NONE

14. Remarks:

THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.

15. Basis of Claim: BENEFICIAL USE

(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.

For Organizations:

Mechand Creek Ranch, Inc., that I have signed the foregoing
Organization

Michael Creek Ranches, Inc., and that the statements contained in the
Organization
foregoing document are true and correct. Title
Robert W. Swanson

(Per.) Midland Creek Ranches, Inc.
Title and Organization

4/2/90
Date

State of Idaho)
County of *Booneville*) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of April 19 90 Anthony S.
Notary Public

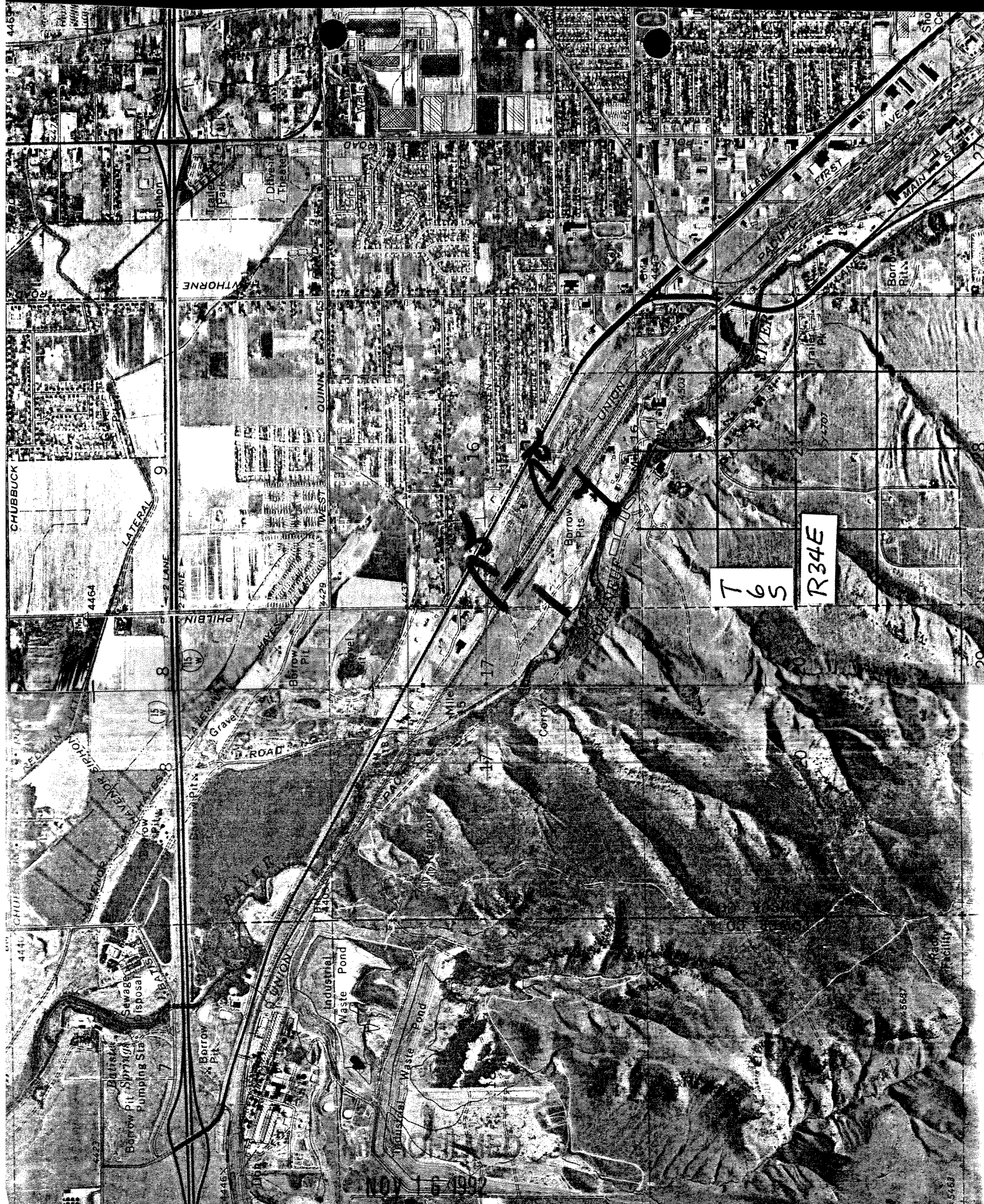
Anthony S. Olcovich
Notary Public

Seal

Residing at Hob Falls

My Commission Expires 9/12/1994

NOV 16 1992





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT COMPANY
C/O VIC CONRAD, LAND DEVELOPMENT
PO BOX 27
BOISE ID 83707

RE: Basin 29 Notices of Error; Water Right Nos. 29-4088 & 29-10927.

Dear Mr. Conrad:

Thank you for sending in your notice of error for the above referenced water rights. In your reply, you mentioned that you disagree with the department's preliminary recommendation for both rights 29-4088 & 29-10927. You indicate that the preliminary recommendation for right no. 29-10927 states that it is "recommended as right no. 29-4088" but that the place of use claimed for right 29-10927 were omitted from the place of use list on the preliminary recommendation for water right 29-4088.

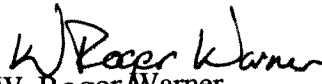
I have reviewed the file concerning this matter and comment the following:

- In a letter from former IDWR Senior Water Right Agent, Bryce Contour addressed to Vic Conrad dated July 24, 2001, Mr. Contour comments that the areas claimed to be irrigated under claim 29-10927 "*...is not and has not been irrigated.*" This comment was the result of a personal visit and conversation with Mr. Norm Self and Mr. Bob Willey, employees of the JR Simplot Company, and Elise Teton, Tribal Engineer, Shoshone-Bannock Tribe. For your convenience, I have included a copy of the letter (minus enclosures).
- This last comment precludes an earlier comment in the same letter in regards to evidence of priority. Apparently, there were questions concerning a letter provided by Mr. Robert W. Swanson indicating whether or not Mr. Swanson had personal knowledge or the date upon which he personally observed beneficial use.
- A follow up letter supplied by Mr. Conrad in regards to 29-4088 shows revised areas of place of use requested to be included in the recommendation none of which contain the areas requested in the referenced notice of error reply. For your convenience, I have included a copy of the revised map that was returned to us.

Based upon this information, I am not inclined to make any changes to the recommendation.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,


W. Roger Warner
Adjudication Specialist

Enclosure(s) Letter from IDWR to JR Simplot Co. Dated July 24, 2001.
Revised Place of Use map returned to IDWR from JR Simplot Co.

February 21, 2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water Right Number: **29-10927**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The IDWR's Recommendation states, "Recommended as right no. 29-4088."

However, the following irrigated place of use contained on claim no. 29-10927 is not identified under the place of use recommended under 29-4088.

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

2. Describe the changes you wish to make in the proposed recommendation:

a. The Place of Use should be:

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

b. The Quantity should be 0.32 cfs.

c. The Priority should be June 18, 1902.

As an alternative the above place of use and quantity may be added to the place of use and quantity recommended under 29-4088 because they were originally part of the same system of appropriation.

The remaining water right elements should be recommended as claimed.

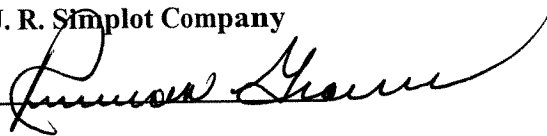
3. Give a brief explanation as to why you disagree with these portions:

The above place of use is situated on land owned by the J. R. Simplot Company. Water diverted from the Portneuf River has been beneficially used to irrigate the place of use since the development of the irrigation system.

_____ I AGREE with this proposed recommendation; no changes need to be made.

J. R. Simplot Company

DATE: April 16, 2003

SIGNATURE: By: 

Please print your name: Ronald N. Graves, Senior Vice President,
Secretary and Chief Legal Officer

IDWR Regional Office, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 (208) 525-7161

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10927 V1

WATER RIGHT NUMBER: 29-10927 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAUD CREEK RANCHES INC
Current Owner	J R SIMPLOT CO
Also Known As	SIMPLOT

Priority Date: 04/11/1910

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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<u>Total Diversion:</u>			0.380 CFS	
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Location of Point(s) of DiversionPORTNEUF RIVER
BANNOCK County

SE1/4SW1/4

Sec. 16, Twp 06S, Rge 34E, B.M.

Place of UseConditions of Approval:Remarks:

1. General RECOMMENDED AS RIGHT NO. 29-4088.

Comments:

1. bcontor 9/8/2001 Disallowal

Comment: POU claimed is not currently irrigated per Mr. Norm Self of JR Simplot. It appears any use under this right has had an accomplished transfer to the same POU as 29-4088. As that claim appears to fully authorize use at that POU, this claim is recommended for disallowal with the code "recommended as 29-4088." See paper file 29-2020 "general" flap for full documentation.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10927 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/8/2001 2:37:45 PM	bcontor			Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	9/8/2001 2:36:05 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? Description for Question 12/13 - See comments

MAY 16 2001



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
~~April 4, 2001~~

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

Re: Adjudication Claim 29-10927

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your adjudication claim to the court, 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 this right. 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

Log for claim A29-10927

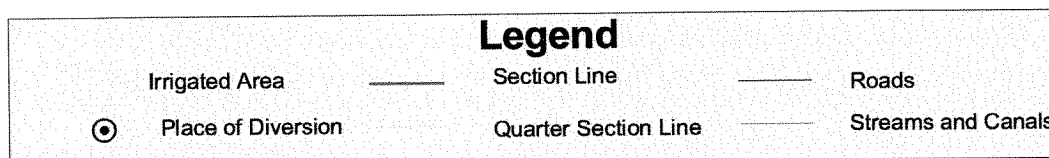
Spatial Dynamics BTD

9/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	16	SESW	3	2.5	
06s34e	17	SWNE	5	11	Indiscernible
06s34e	17	NESE	5	10	Indiscernible
06s34e	17	NWSE	4	4.4	
06s34e	17	SESE	2	5.6	
Totals:			19	33.5	

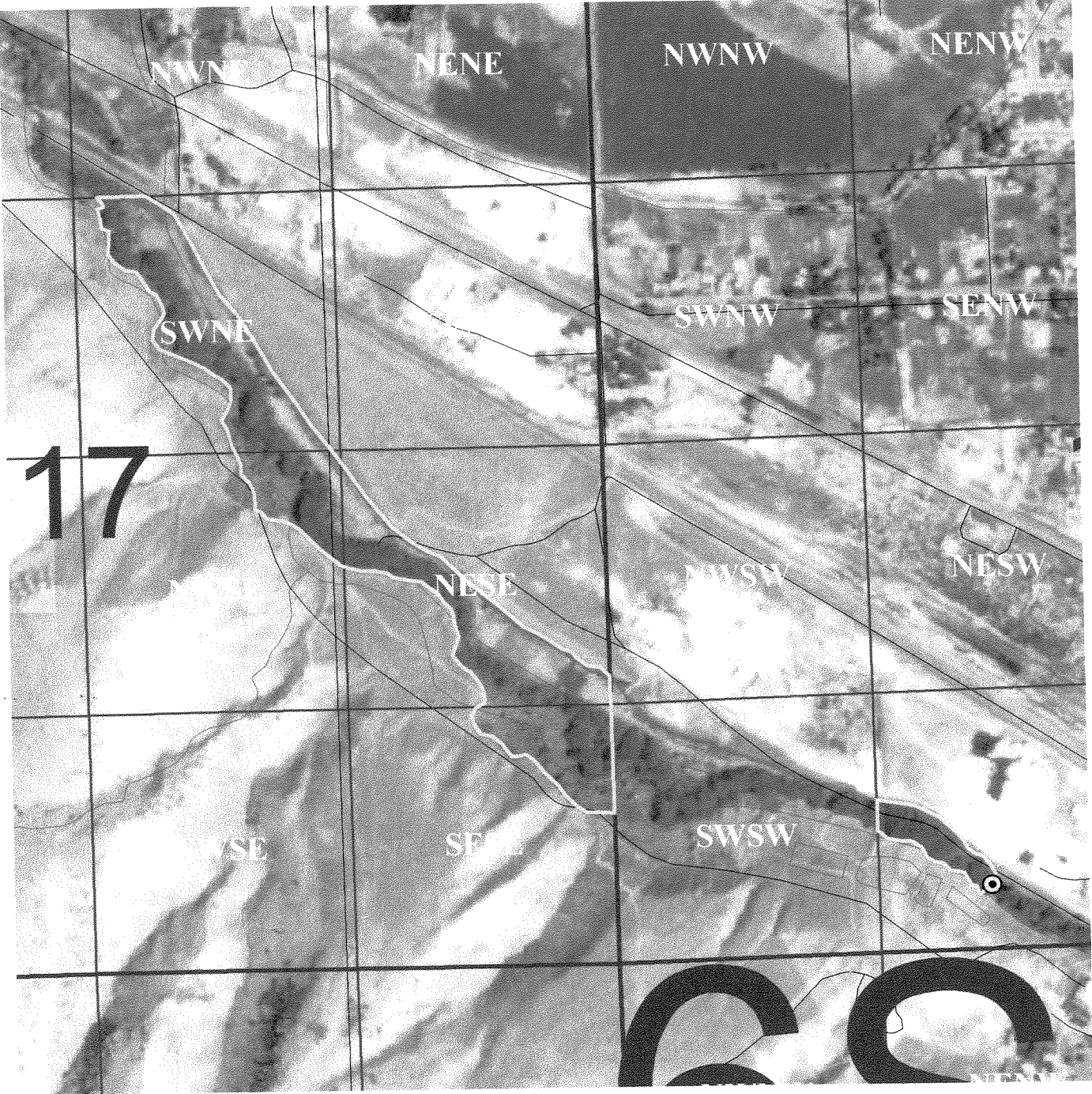
Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000



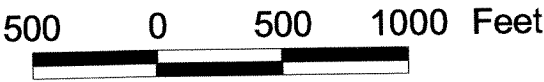
Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000



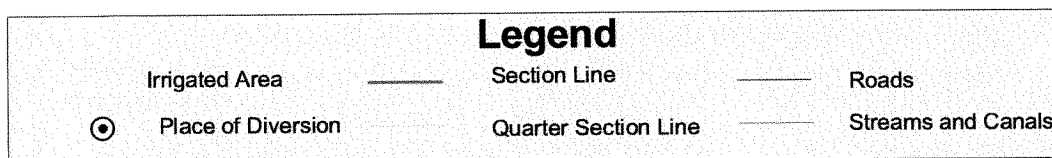
Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000



AJ5809NP
No. A29-10927

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 163

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 (208) 336-2110	04/11/1910	IRRIGATION	04-01 11-01	0.380 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.380 CFS	47.50 AFA

Water Source: PORTNEUF RIVER
Tributary to: SNAKE RIVER
Stage: BENEFICIAL USE
Points(s) of Diversion: T06S R34E S16 SESW
BANNOCK County

Place of use Legal Description for: IRRIGATION																																							
NE				NW				SW				SE																											
T	R	S	:	NENE	NWNE	SWNE	:	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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac												
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POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 20 CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04088 A29-07504 A29-11313

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04088

Remarks: GEN THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.
CHANGE IN OWNERSHIP 8-2-96/JT/SB

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/02/90 DUNN 08/04/94 THOMPSON 03/29/95 POST-STD 08/02/96 JTHOMPSON		
	04/12/00 CVANDERM 04/13/00 CVANDERM		



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 2, 1996

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: CHANGE IN OWNERSHIP FOR A29-10927

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 14 1996

48015-AKE

96009187

RECEIVED

JUN 06 1996

Department of Water Resources

CORPORATION WARRANTY DEED

MICHAUD CREEK RANCHES, INC., an Idaho corporation, with its principal office at 2470 Michaud Creek Road, Pocatello, Idaho 83204 ("Grantor"), hereby CONVEYS, GRANTS, BARGAINS, SELLS and WARRANTS to the J. R. SIMPLOT COMPANY, a Nevada corporation, whose address is at P.O. Box 27, Boise, Idaho 83707 ("Grantee"), for the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the real property described in the attached Exhibit A located in Bannock County, Idaho, TOGETHER WITH all water rights, mineral rights, easements, hereditaments and appurtenances thereto.

The conveyance hereby made is subject to the lien for general taxes for the year 1996 and subsequent years, and all easements, encumbrances, covenants, restrictions and other matters of record.

Grantor will warrant and defend the quiet and peaceable possession of the above-described real property by Grantee and Grantee's heirs, successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor, pursuant to authority given by its Board of Directors, has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this ____ day of May, 1996.

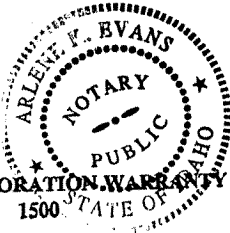
MICHAUD CREEK RANCHES, INC.

By Ron Dawson
Its President

STATE OF IDAHO)
) ss.
County of Bannock)

On this 4th day of June, 1996, before me, a Notary Public in and for said State, personally appeared Robert Dawson, the President of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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



Arlene K. Evans
Notary Public for Idaho
Residing at: Heathelp
My Commission Expires: 8/22/98
0405c

CORPORATION WARRANTY DEED - 1
040496 1500 STATE OF IDAHO

NO 96009187
RECORDED AT REQUEST OF
PIONEER TITLE
'96 JUN 4 AM 10 58
FRIDAY JUN 4 1996
BANNOCK COUNTY IDAHO
LARRY W GIAN RECORDERS
FEE 3.00 DEPUTY 3

Form 42-1409(7)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

JUN 06 1996

DATE OF CLOSING: May 31, 1996

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____

Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____

Lot _____ Block _____ Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

See Attached Copy of Warranty Deed

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

Department of Water Resources
Eastern District Office

- [] Water Right Number(s)

Assigned by IDWR:

A29-10927

- [] Name and Address of Former
Owner/Claimant(s)(Seller):

Michaud Creek Ranches, Inc.

2470 Michaud Creek Road
Pocatello, ID 83204

- [] New Owner/Claimant
(Purchaser):

J. R. Simplot Company

- [] New Mailing Address:

P.O. Box 27

Boise, ID 83707

- [] New Telephone Number:

(208) 336 - 2110

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.

- [] Attach proof of
ownership, describe
proof attached:

Copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New
Owner/Claimant(s)

J.R. Simplot Company
By: *[Signature]*

Date

Date 6-3-96

- [] Signature of Former
Owner/Claimant(s):

Michaud Creek Ranches, Inc.
By: *[Signature]*

Date

Date 6/4/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 6-10-96 By: SB

Further Action Needed:

Further Action Taken

Date: 8/1/96 By: S Bull

Final Review and Data Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



A Pioneer Company

RECEIVED

JUN 10 1996

JUN 06 1996

PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 N. ARTHUR • P.O. 1057
POCATELLO, IDAHO 83204

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE MAIL
BOISE, IDAHO 83720
ATTN: ADJUDICATION BUREAU

ESCROW NO. 48015
RE: Michaud Ranch/Simplot
DATE: 6/4/96

In connection with the above numbered Escrow, we enclose the following:

- () Statement of Receipts and Disbursements
- () Our check # in the sum of \$
- () Deed recorded Instrument No.
- () Deed of Trust recorded Instrument No.
- () Note dated in the sum of \$
- () Title Insurance Policy No.
- () Fire Insurance Policy in the amount \$
- (X) NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP & COPY OF WARRANTY DEED
- ()

Any other documents to which you are entitled will be forwarded as soon as they are available.

Yours very truly,

Pioneer Title Company
of Bannock County

By:

Robert H. Evans

MICROFILMED

NOV 14 1996

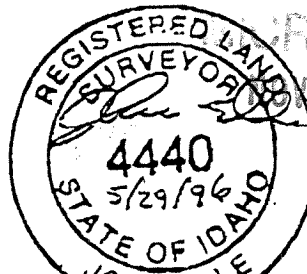
EXHIBIT "A"

96009187

A parcel of land located in the SW 1/4 of the SW 1/4 of Section 16, and in Section 17, all in T 6 S, R 14 E, S. M., Bannock County, Idaho, being more particularly described as follows:

Beginning at the West 1/16 corner on the South line of said section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°08'50" E along the West 1/16 line of section 17, 2629.42 feet to the West 1/16 corner on the latitudinal centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence continuing N 0°25'08" E along said West 1/16 line of section 17, 2249.67 feet to a point on the Southwest right-of-way of the Union Pacific Railroad, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 56°36'03" E along the Southwest right-of-way of the Union Pacific Railroad, 1337.21 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 11°21'02" E along the Southwest right-of-way of the Union Pacific Railroad, 28.16 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 56°36'03" E along the Southwest right-of-way of the Union Pacific Railroad, 630.17 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing N 33°23'57" E along the Southwest right-of-way of the Union Pacific Railroad, 20.00 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 56°36'03" E along the Southwest right-of-way of the Union Pacific Railroad, 141.66 feet to a point on the Northeast bank of an irrigation canal, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence Southeast along the Northeast bank of an irrigation canal, the following ten courses and distances (all angle points in the canal being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"); S 21°52'28" E, 267.87 feet; S 30°43'41" E, 1457.94 feet; S 40°27'08" E, 201.74 feet; S 34°06'17" E, 136.24 feet; S 43°50'53" E, 311.03 feet; S 55°07'18" E, 664.68 feet; S 42°27'08" E, 177.06 feet; S 59°48'13" E, 180.11 feet; S 71°50'17" E, 699.97 feet; S 72°36'36" E, 428.65 feet to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 0°03'36" W along the West 1/16 line of section 16, 183.14 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence N 59°39'12" W, 189.75 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence N 81°05'17" W, 411.34 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 20°38'28" W, 232.42 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 69°36'19" E, 695.85 feet to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 0°03'36" W along the West 1/16 line of section 16, 165.00 feet to the West 1/16 corner on the South line of section 16, said corner being marked by a 5/8-inch dia. rebar with an aluminum cap stamped "LS 968"; thence S 88°29'39" W along the South line of section 16, 1327.37 feet to the Southeast corner of section 17, said corner being marked by a Bannock County brass cap alongside the original stone monument; thence N 89°03'39" W along the South line of section 17, 1316.86 feet to the East 1/16 corner on the South line of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°19'06" E along the East 1/16 line of section 17, 1313.58 feet to the Southeast 1/16 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°10'17" W along the South 1/16 line of section 17, 1311.36 feet to the South 1/16 corner on the meridional centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence S 0°32'09" W along the meridional centerline of section 17, 1311.08 feet to the South 1/4 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°35'22" W along the South line of section 17, 1285.41 feet to the true point of beginning. Said parcel containing 266.6 acres, more or less.

Said parcel to include all water rights and any rights of ingress and egress which the grantor may have.



DEED RECORD

Instrument No. 103

THIS INDENTURE, Made the 17th day of December, in the year of our Lord one thousand nine hundred and six (1906) between Effie A. Swanson, a married woman, the wife of Theodore Swanson, of Pocatello County of Idaho, the part Y of the first part, and Theodore Swanson, of Pocatello County of Idaho, the part Y of the second part,

WITNESSETH That the said part Y of the first part, for and in consideration of the sum of TWO THOUSAND FIVE HUNDRED (\$2500.00) Dollars, lawfully money of the United States of America, to her in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, do hereby present, grant, bargain, sell and convey and confirm unto the said part Y of the second part and to his heirs and assigns forever All that certain lot 8 piece 8 or parcel 8 of land, situate, lying and being in the County of Bannock and State of Idaho, bounded and more particularly described as follows, to wit:

Lot numbered seven of section seven; and the west half of the southwest quarter and the east half of the southeast quarter of section eight; and the northeast quarter of the northwest quarter of section seventeen; all in Township six South of Range thirty-four, East of Boise Meridian, in Idaho, containing 148.74 acres according to official plat and survey returned to the General Land Office by the Surveyor General of Idaho;

Also, the northeast quarter of the southwest quarter of section eight; and the southeast quarter of the northeast quarter of the northeast quarter of said section eight; all in Township six South of Range thirty-four East of Boise Meridian, in Idaho, according to the official plat and survey returned to the General Land Office by the Surveyor General of Idaho, containing 77.91 acres;

Together with all water, water rights, privileges and franchises used with or in any way appurtenant to said lands or any part thereof, and all ditches, dikes, canals and other works for the diversion and conduct of said water to and upon said lands;

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said part Y of the second part and to his heirs and assigns forever. And the said part Y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part Y of the second part, his heirs and assigns, against the said part Y of the first part and his heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her hand and seal the day and year first above written

Signed, sealed and delivered in the presence of
Thos. P. Terrell,

Effie A. Swanson,

SS
SS
SS

STATE OF IDAHO.
County of Bannock. } ss.
On this 17th day of December, in the year 1906,
before me Thos. P. Terrell, Notary Public, in and for said County,
personally appeared Effie S. Swanson, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, and on this day of December, in the year 1906, before me the officer above described, personally appeared whose name is subscribed to the within instrument, describe, as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

(L.S.)
(Seal)

Thos. P. Terrell,

Notary Public.

Recorded at the request of Theo. Swanson, this 17 day of Dec. A. D. 1906 at 20 minutes past 4 o'clock P. M.

E. G. Gallet,

Recorder.

MICROFILMED
NOV 14 1930

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A29-10927

OWNER CODE NAME & ADDRESS
C MICHAUD CREEK RANCHES INC
2470 MICHAUD CREEK RD
POCATELLO ID 83204
(208) 232-0803

PRIORITY DATE WATER USE
04/11/1910 IRRIGATION

USE PERIOD FROM TC
04-01 11-01

DIVERSION RATE
0.38 CFS

DIVERSION VOLUME
0.38 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:
47.50 AFA

Water Source: PORTNEUF RIVER
Tributary to: SESW
Point(s) of Diversion: T06S R34E S16
Stage: BENEFICIAL USE
BANNOCK County

Place of use Legal Description for: IRRIGATION																					
NE						NW						SE									
NENE		NUNE		SUNE		SENE		NENW		SNW		SENW		NENE		NWSE		SUSE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S 34E 16	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	3.0
06S 34E 17	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	16.0
TOTAL ACRES																05	04	02	:	19.0	

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 20 CATTLE

Other Rights: NONE

Remarks: THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.

Dates: Exam Made Date: Verified Date:

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

T-159 634260
634259
617329

155-361455
105-602-269990
76-376-196580
76-152-193853
75-447-193303

T-40 SW NE
212 438900
177-393122
172-385592-92
155-361232
119-89 297904
68-112 162781
16 558 8036

MICROFILMED
NOV 14 1996