

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

Notice of Application For Water right
TITLE OF PUBLICATION

Idaho Dept of Water Resources
SPONSOR OR PLAINTIFF

Payette Farms 65-12188
PLAINTIFF OR LEGAL AGENT

I, Barbara Burr
duly sworn, deposes and says:
That She is the principal clerk
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published in Payette, in the County of Payette and State of Idaho; that has been and is in general circulation in the county aforesaid in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once two consecutive weeks in the regular and entire issue of the paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than six consecutive weeks prior to the date of first publication of the advertisement.

Such notice was published in the issue beginning with December 14, 1978, and ending with the issue of December 21, 1978.

Subscribed and sworn to before me this _____ day
of _____, 19____.

Notary Public, Residing at Payette, Idaho.

My Commission Expires _____, 19____.

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 21 double
Number of Insertions two
21 Lines @ 42 1/2 ... \$ 8.93
21 Lines @ 30 1/2 ... \$ 6.41
TOTAL COST \$ 15.34
WILL BE

NOTICE OF APPLICATION FOR WATER RIGHT
Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the state of Idaho:

65-12188

PAYETTE FARMS COMPANY

P.O. BOX 27, BOISE, ID 83707

Source: GROUNDWATER

Date Filed: 12-07-1978

Amount: 0.04 CFS

Diversion Point: NENW Sec 10 T 08N R 04W, PAYETTE, Co.

Use: INDUSTRIAL

(0.04 CFS) from 1-1 to 12-31

Place of Use: NENW SENW Sec. 10 T. 08 NR 04W

Diversion Means: WELL AND PUMP.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before JANUARY 2, 1979.

C. STEPHEN ALLRED
Director

Published 12-14 & 12-21 78
No. 961

OK kw

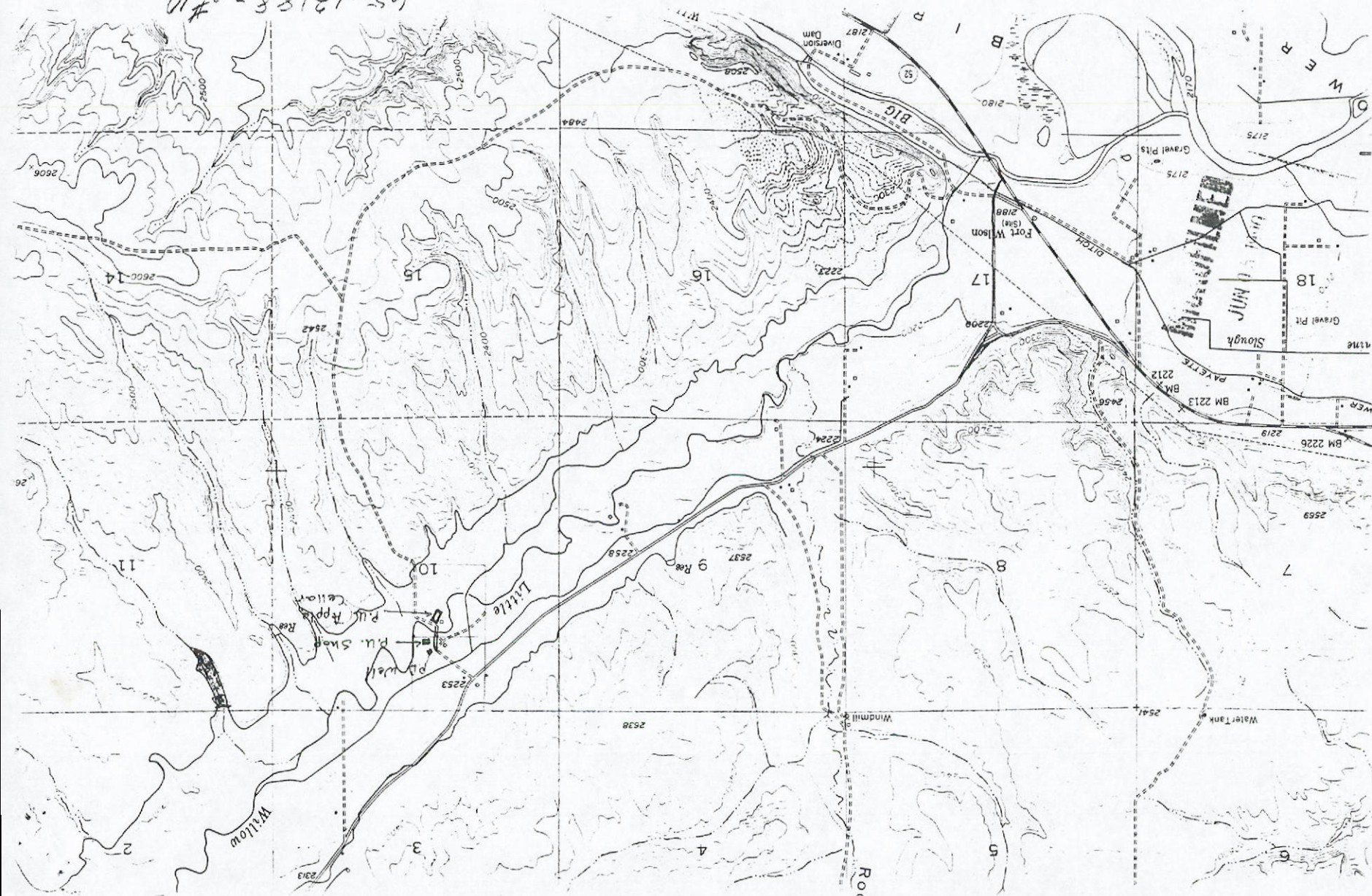
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DEC 22 1978

Department of Water Resources
Western Regional Office

No. 961

65-12188-#10



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 65-12188
Date Received: 4/18/90
Receipt No: C016379
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): M L INVESTMENT COMPANY Phone: (208)336-2110
PO BOX 27
BOISE ID 83707

2. Date of Priority: 11/30/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	04W	10	NE NW	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	0.04	14.5

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 14.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	04W	10	NE NW SE NW		INDUSTRIAL INDUSTRIAL	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

INDUSTRIAL USE IS WATER FOR POTATO CELLAR HUMIDIFICATION
CLAIM AMENDED BY APPROVED LICENSE, DATED MAY 3, 1990. RDH
Ownership change by DB 4/30/2001

15. Basis of Claim: License

04/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-12188

NAME AND ADDRESS: M L INVESTMENT COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
14.5 AFY

PRIORITY DATE: 11/30/1978

POINT OF DIVERSION: T08N R04W S10 NENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1-01 12-31	0.04 CFS
		14.50 AFY

INDUSTRIAL USE IS WATER FOR POTATO CELLAR
HUMIDIFICATION.

PLACE OF USE:

<u>INDUSTRIAL Within PAYETTE County</u>			
T08N R04W S10	NENW	T08N R04W S10	SENE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

AJ0749NP
No. R65-12188

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/07/00
PAGE: 1

=====

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	11/30/1978	INDUSTRIAL	01-01 12-31	0.040 CFS	14.50 AFA
TOTAL DIVERSION:					0.040 CFS	14.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T08N R04W S10

NENW

PAYETTE County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
08N	04W	10	:																	:
			:																	:

POU County: PAYETTE

Remarks: USE INDUSTRIAL USE IS WATER FOR POTATO CELLAR HUMIDIFICATION.

Dates: Exam Made Date:

Verified Date:

02/07/2000

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 02/07/00 RHOWERTO

C18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

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

INDUSTRIAL

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: _____

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

Remarks: (Comments pertinent to field examination)

- CLAIM AMENDED BY LIC APPROVED MAY 3, 1990
- INDUSTRIAL USE IS WATER FOR POTATO CELLAR HUMIDIFICATION
- SEE B/W EXAM IN PERMIT FILE
- PAYETTE FARMS IS JR SIMPSON CO. SAME ADDRESS LEAVE IN JR SIMPSON'S NAME AS CLAIMED PER VIC CONRAD 2/7/00 (REP. FOR JR SIMPSON)

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: IN-OFFICE 2/7/00

FIELD EXAMINER: Ron Howerton
Signature SP Water Agent
Ron Howerton

W.O.



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

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 'Sally Sherman'.

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED
AUG 04 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

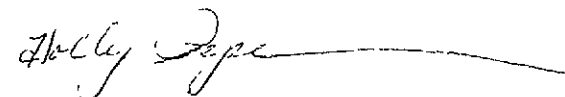
Dear Mr. Shaff:

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
Legal Department

/hp
Enclosures
5517v

MICROFILMED

AUG 04 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
PO BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

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

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

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

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

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED

AUG 04 1994

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

10 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

22 Petitioner,)

23 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

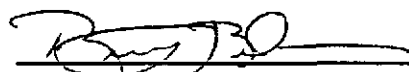
24 The United States; the State of)
25 Idaho; and all claimants to the)
26 use of water from the Snake)
27 River Basin Water System,)

28 Defendants.)

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.
8

9 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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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
COSH, 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

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
26 P.O. Box 66
27 Twin Falls, Idaho 83303-0066

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

MICROFILMED

AUG 04 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

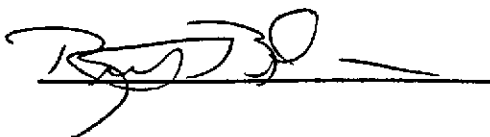
18 Craig R. Zaiss
19 CRAIG R. ZAISS, P.A.
20 Attorney at Law
21 305 Grover Street
22 P.O. Box 628
23 Parma, Idaho 83660

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

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

28 **MICROFILMED**

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

5 
6

7 5500v
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RECEIVED
JAN 21 1992

Department of Water Resources

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

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

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

and

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 4-1-92

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,

MICROFILMED

OCT 21 1996

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

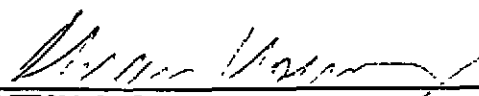
TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By


GRAY YOUNG

Assistant General Counsel

4507v/1-20-92/1 42

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
APR 12 2001
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-2809	A65-02809	_____	_____	_____	_____
65-18543	A65-18543	_____	_____	_____	_____
65-12188	A65-12188	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
See attached Bargain and Sale Deed
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) J. R. Simplot Company
PO Box 27 Boise, ID 83707
4. New Owner/Claimant(s) ML Investment Company
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 27
- City, State and ZIP Code Boise, ID 83707
- New Telephone Number (208) 336-2110
5. Date you acquired the property May 3, 1999

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) By: Don J. Simplot
(include title if applicable) Don J. Simplot, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

03/08/2001

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

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 13, 2001

Water right number: 65-12188

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

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

Name

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

Name of water right owner should be changed from J. R. Simplot Company to ML Investment Company.

3. Give a brief explanation as to why you disagree with these portions:
Pursuant to the Bargain and Sale Deed recorded in the official real property records of Payette County in May, 1999 as instrument no. 280965 (copy included with the attached Notice of Change in Water Right Ownership), ML Investment Company is the owner of this water right.

 I AGREE with this proposed recommendation: no changes need to be made.
ML Investment Company

DATE: April 9, 2001

SIGNATURE: By: _____

Don J. Simplot, President

Please print your name: _____

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190



J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
PO BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

April 12, 2001

Delivery

Jan Shurte
Water Rights Supervisor
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

**Re: IDWR Water Right Nos. 57-11542, 65-02566, 65-02809, 65-7637A, 65-12188,
65-18543.**

Dear Ms. Shurte:

In connection with your Preliminary Recommendations for reporting Snake River Basin Adjudication Claims in Basin 65 Part III, I am enclosing Notices of Error for the following claims:

65-02566, 65-02809, 65-7637A, 65-12188, 65-18543

In connection with the Director's Report of Late Claims & Miscellaneous Claims for Domestic and Stockwater and Irrigation and other Water Rights, I am providing a Notice of Change of Water Right Ownership for the following Claim:

57-11542

All of the enclosed documents relate to updating the ownership for these claims. With respect to claim no. 65-02566, the ownership change only affects a portion of the right. Should you need additional information to complete these ownership changes, please contact me.

Sincerely,

Vic Conrad
Land and Development

Enclosure

Sue *Ron* *Ron*
**Water Right Nos. 65-2809, 65-12188, 65-18543 (“Payette
Farms”)**

- Notices of Error Reply to Correct Name
- Notice of Change of Water Right Ownership

COPY

FA-11224

280965

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, J. R. SIMPLOT COMPANY, a Nevada corporation, successor by merger to Payette Farms Company, an Idaho corporation, as to Parcel I; J. R. SIMPLOT COMPANY, a Nevada corporation, as to Parcel II; and J. R. SIMPLOT COMPANY, a Nevada corporation, successor by merger to Simplot Industries, Inc., a Utah corporation, by merger with P & F Storage Co., an Idaho corporation, as to Parcel III, as Grantor, does hereby grant, bargain, sell and convey unto ML INVESTMENT COMPANY, a Nevada corporation, as Grantee, whose current address is P.O. Box 27, Boise, Idaho 83707, all that certain real property located in Payette County, Idaho and as more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be affixed by its Secretary, this 30th day of April, 1999.

J. R. SIMPLOT COMPANY

STATE OF IDAHO }
County of Payette } ss

By: Stephen A. Beebe
Its President

I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO

ATTEST:

By: Laura L. Stigle
Secretary

Time 4:00 PM

Date May 3, 1999

Instrument # 280965 Deeds

LAURA L. STIGLE

By: Laura L. Stigle Official Recorder
Deputy

Fee \$15.00

STATE OF IDAHO)
County of Ada) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared STEPHEN A. BEEBE and RONALD N. GRAVES, the President and Secretary, respectively, of the corporation that executed the foregoing instrument on behalf of said corporation, 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.

R. Scott Farley
Notary Public for Idaho
Residing at Boise, Idaho

My Commission Expires: 5-13-2003

280965

EXHIBIT "A"

PARCEL 1:

In Twp. 8 N., R. 3 W., B.M. Payette County, Idaho:

In Sec. 6: Government Lot 7;
In Sec. 7: W1/2;
In Sec. 18: NW1/4 and NW1/4SW1/4;

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 1: S1/2S1/2 and N1/2SW1/4;
In Sec. 2: The North 466.7 feet of the East 466.7 feet of
the NE1/4SE1/4;
In Sec. 12: All of said Section;
In Sec. 13: N1/2; N1/2SW1/4 and SW1/4SW1/4;

AND Beginning at the East Quarter corner of Section 13, Township
8 North, Range 4 West, B.M.;

Thence North 89°34' West along the midsection line of said
Section 13 a distance of 1,764 feet more or less to a fence,
the true POINT OF BEGINNING;

Thence South 50°7.5' West along said fence a distance of
1,107.5 feet to a point on the West boundary of the
NW1/4SE1/4;

Thence North along the West boundary of the NW1/4SE1/4 a
distance of 710 feet more or less to the North boundary of the
NW1/4SE1/4;

Thence South 89°34' East along the North boundary of the
NW1/4SE1/4 850 feet to the TRUE POINT OF BEGINNING.

In Sec. 14: S1/2SE1/4;
In Sec. 23: N1/2 SAVE AND EXCEPTING the N1/2N1/2NW1/4 and
In Sec. 24: W1/2NW1/4.

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 2: The SE1/4 SAVE AND EXCEPT the North 466.7 feet of
the East 466.7 feet thereof;
the E1/2SW1/4;
the SW1/4SW1/4;
and that portion of Government Lot 4 lying North
and West of the County Road crossing said legal
subdivision SAVE AND EXCEPT the following portion
thereof:
Beginning at a point 70 feet, more or less, West of
the NE corner of said Lot 4, which point is

CONTINUED

EXHIBIT "A" CONTINUED

identical with that point where the North line of said Lot 4 intersects the West side line of the right-of-way of the county road as now located; run thence West following the said North side line of said Lot 4 a distance of 625 feet; thence South at right angles to said North line of said Lot 4 to the right-of-way of the aforesaid county road; thence following the said right-of-way of said county road in a Northeasterly direction to the point of beginning;

- In Sec. 3: Government Lots 2, 3, and 4;
The S1/2NW1/4 and the SW1/4;
- In Sec. 10: The SE1/4NE1/4; W1/2NE1/4; SE1/4; E1/2SW1/4;
N1/2NW1/4SW1/4; E1/2SE1/4NW1/4SW1/4; NW1/4 SAVE AND
EXCEPT THE S1/2NE1/4SE1/4NW1/4 and the
N1/2SE1/4SE1/4NW1/4;
- In Sec. 11: All of said Section;
- In Sec. 14: The N1/2; N1/2S1/2; and S1/2SW1/4;
- In Sec. 15: All of said Section;
- In Sec. 22: The N1/2;
- In Sec. 23: The N1/2N1/2NW1/4;
- In Sec. 27: A parcel of land in the SW1/4NE1/4 more particularly described as follows:
Beginning at the North quarter corner of said Section 27;
run thence S. 0°13' W. on the midsection line of said Sec. 27 a distance of 1589.8 feet to a point on the Southerly right-of-way of State Highway #52; said point being the REAL POINT OF BEGINNING;
thence continuing S. 0°13' W. along said midsection line a distance of 898.4 feet to a point on the Northerly bank of the main channel of the Payette River;
thence S. 40°58.5' E. along the Northerly bank of said Payette River a distance of 200.0 feet to a point;
thence N. 0°13' E. a distance of 200.0 feet to a point;
thence N. 40°58.5' W. a distance of 169.6 feet to a point;
thence N. 0°13' E. a distance of 700.0 feet to a point on the Southerly right-of-way of State Highway #52;

CONTINUED

280965

Page 3

EXHIBIT "A" CONTINUED

thence Westerly on the arc of a circle 2825.0 feet in radius curving to the left an arc distance of 29.1 feet, along the Southerly right-of-way line of said Highway, the chord of said arc running N. 42° 51.3' W. a distance of 29.1 feet to the real point of beginning.

AND

A parcel of land in the SW1/4NE1/4 of Section 27, Township 8 North, Range 4 West, B.M. more particularly described as follows:

Beginning at the north quarter corner of said Section 27, Township 8 North, Range 4 West, B.M.;

Thence South 0°13' West along the midsection line of said Section 27 a distance of 2,488.2 feet to a point on the northerly bank of the main channel of the Payette River;

Thence South 40°58.5' East a distance of 200 feet to the true point of beginning;

Thence South 40°58.5' East along the northerly bank of the main channel of the Payette River a distance of 200 feet to a point;

Thence North 14°02' East a distance of 240 feet to a point;

Thence North 70°20' West a distance of 200 feet to the easterly line of the parcel of land on which the Payette Farms Company's pumping plant is situated;

Thence South 0°13' West a distance of 150 feet to the northerly bank of the main channel of the Payette River to the point of beginning.

In Twp. 9 N., R. 4 W., B.M., Payette County, Idaho:
In Sec. 34: The SW1/4NW1/4; and the S1/2.

PARCEL II:

In Twp. 7 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 9: NE1/4NE1/4 and W1/2SE1/4NE1/4.

ARM

280965

FA-11224

Page 4

EXHIBIT "A" CONTINUED

A parcel of land situated in the W1/2NE1/4 of said Sec. 9, being more particularly described as follows:

Beginning at the Southwest corner of said W1/2NE1/4; thence North 0°09'00" West along the West boundary line of said W1/2NE1/4 2667.25 feet to the Northwest corner of said W1/2NE1/4; thence North 89°54'45" East along the North boundary line of said W1/2NE1/4 651.99 feet to the REAL POINT OF BEGINNING;

thence continuing North 89°54'45" East 673.3 feet to the Northeast corner of said W1/2NE1/4;

thence South 0°07'17" East along the East boundary line of said W1/2NE1/4 2078.46 feet;

thence North 89°33'48" West 417.55 feet;

thence South 33°18'24" West 461.89 feet;

thence North 0°09'00" West 2448.37 feet more or less to a point on the North boundary line of said W1/2NE1/4 and the POINT OF BEGINNING.

PARCEL III:

The South Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (S1/2NE1/4SE1/4NW1/4) and the North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (N1/2SE1/4SE1/4NW1/4) of Section Ten (10), Township Eight (8) North, Range Four (4) West, Boise Meridian, Payette County, Idaho.

State of Idaho
County of Payette ss

I hereby certify that the foregoing
instrument is a true and correct copy of the
original on file in this office.

Dated APR 09 2001
LAURA L. STIGILE

Clerk of the District Court and
Ex-Officio Auditor and Receiver

By [Signature]

Deputy

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: A65-12188
Date Received: 4/18/1990
Receipt No: C016379
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: J R SIMPLOT COMPANY
Address: PO BOX 27
BOISE ID 83707
2. Date of Priority: NOV 30, 1978
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	10		NE	NW		PAYETTE
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.040		14.50
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 14.50 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	10	NE	NW		INDUST	
			SE	NW		INDUST	
11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

INDUSTRIAL USE IS WATER FOR POTATO CELLAR HUMIDIFICATION.
CLAIM AMENDED BY APPROVED LICENSE, DATED MAY 3, 1990. RDH

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12188

Priority: November 30, 1978

Maximum Diversion Rate: -

0.04 CFS

Maximum Diversion Volume: ¹

14.5 AF

This is to certify, that PAYETTE FARMS CO.

P.O. BOX 27

BOISE, ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 30, 1978; and has submitted Proof of Beneficial Use on December 20, 1983. An examination indicates that the works have a diversion capacity of .040 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.04 CFS	14.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 10, Township 08N, Range 04W
PAYETTE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

08N 04W 10

NENW

SENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

1990

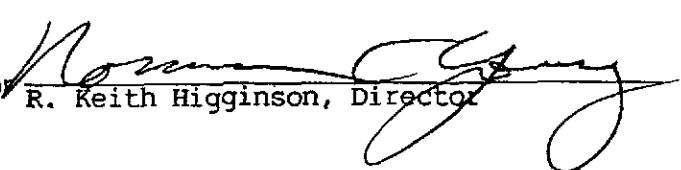
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12188

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3RD
day of MAY, 1990.

Acting for


R. Keith Higginson, Director

RECEIVED

MAY 5 1990

RECEIVED
11/30/78

NOV 30 1978

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 66-12788

APPROVED
Department of Water Resources
Western Regional Office
NOV 30 1978

To appropriate the public waters of the State of Idaho

1. Name of applicant PAYETTE FARMS CO. Phone 336-2

Post office address P. O. Box 27, Boise, ID 83707 Attn: Ronald N. Graves

2. Source of water supply ground water which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 8 North

Range 4 West B.M. Payette County, additional points of diversion if any. _____

4. Water will be used for the following purposes:

Amount 18 gpm for Industrial purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5 Total quantity to be appropriated:

a. .04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a Description of ditches, flumes, pumps, headgates, etc. 1½ hp pump. Well 60 feet deep.
Pressure system, 4-80 gallon pressure tanks. 1200 feet pipe 1½ inch pipe.

b Height of storage dam NA feet, active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet, materials used in storage dam _____

Period of year when water will be diverted to storage NA to _____ inclusive.
(Month/Day) (Month/Day)

c Proposed well diameter is 6 inches; proposed depth of well is 60 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a If water is not for irrigation: SE¼ of the NW¼ and
(1) Give the place of use of water NE ¼ of NW ¼ of Section 10 Township 8 North
Range 4 West B.M.

(2) Amount of power to be generated NA horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered --

(4) Name of municipality to be served --, or number of families to be supplied with domestic water 19.

(5) If water is to be used for other purposes describe: Water for potato cellar humidification.

[illegible]

Total number of acres to be irrigated _____

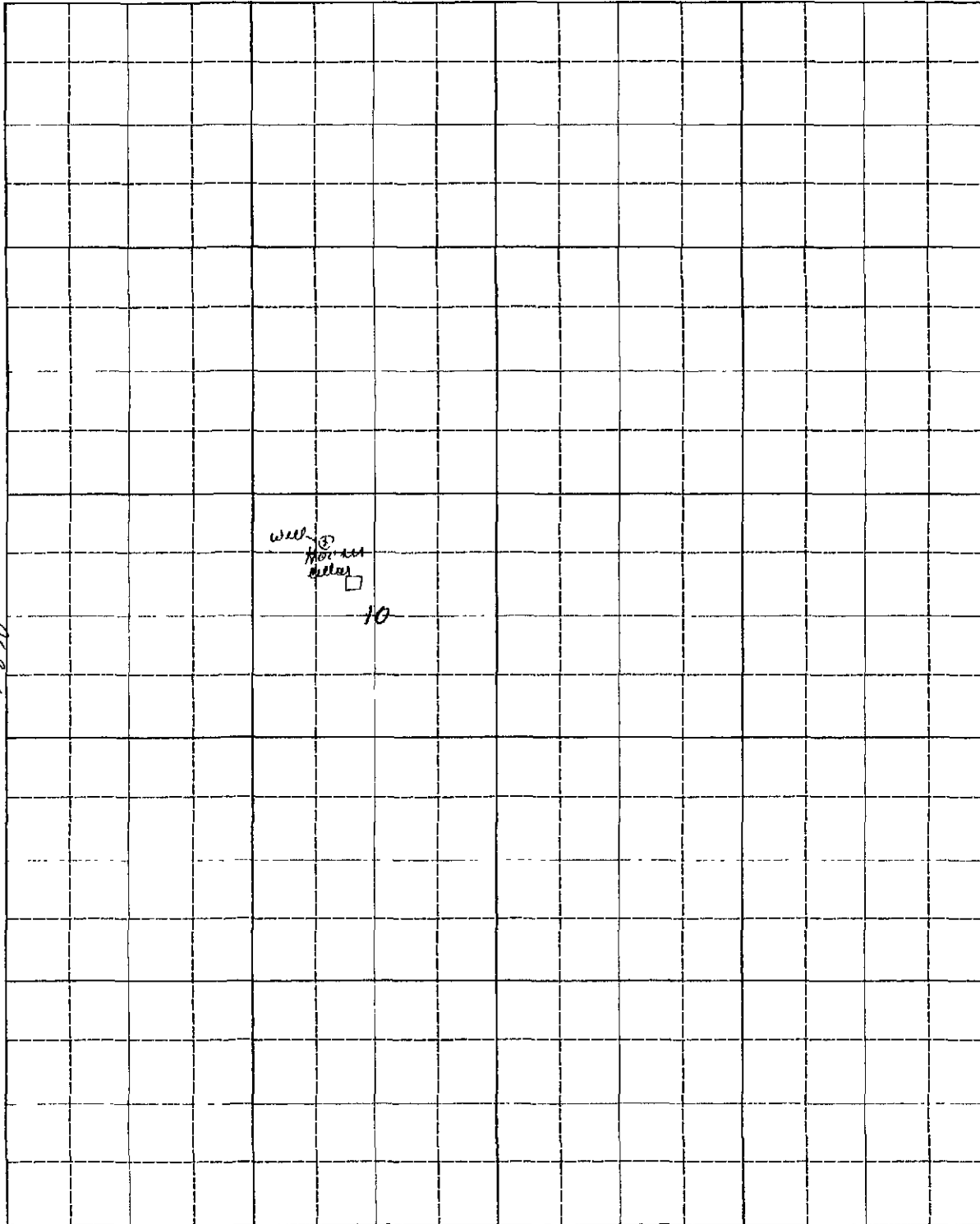
c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Payette Farms Co.
 b. Who owns the land to be irrigated or place of use Payette Farms Co. and Simplot Industries, Inc.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 4 W



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

PAYETTE FARMS CO.

By Randolph Grauer
Secretary (Applicant)

Proposed Priority 11-30-78

Received by PT 11-30-78 Date 11-30-78 Time 11:51 AM

Preliminary check by AKH Fee \$ 20.00

Receipted by if Date 12-7-78 # 12506

Publication prepared by if Date 12-7-78

Published in Independent Enterprise

Publication dates Dec 14 + 21, 1978

Publication approved KW Date 12-27-78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by DBS JS.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 65-12188, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

d. Other: _____

Witness my hand this 10th day of January, 19 79.

A. Glen Saxton

Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

Notice of Application for Water right
TITLE OF PUBLICATION

Idaho Dept of Water Resources
SPONSOR OR PLAINTIFF

Gazette Farms 65-12188
PLAINTIFF OR LEGAL AGENT

I, Barbara Burr
duly sworn, deposes and says:

That She is the principal clerk

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published in Payette, in the County of Payette and State of Idaho; that has been and is in general circulation in the county aforesaid in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once Two consecutive weeks in the regular and entire issue of the paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said advertisement has been established and regularly published for more than six consecutive weeks prior to the date of first publication of the advertisement.

Such notice was published in the issue beginning with December 14, 1978, and ending with the issue of December 21, 1978.

Subscribed and sworn to before me this _____ day
of _____, 19____.

Notary Public, Residing at Payette, Idaho.

My Commission Expires _____, 19____.

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 21 Daily

Number of Insertions two

21 Lines @ 42 1/2 ... \$ 8.92

21 Lines @ 30 1/2 ... \$ 6.41

TOTAL COST
WILL BE \$ 15.34

NOTICE OF APPLICATION FOR WATER RIGHT
Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the state of Idaho:

65-12188

PAYETTE FARMS COMPANY

P.O. BOX 27, BOISE, ID 83707

Source: GROUNDWATER

Date Filed: 12-07-1978

Amount: 0.04 CFS

Diversion Point: NENW Sec 10 T 08N R 04W, PAYETTE, Co.

Use: INDUSTRIAL

(0.04 CFS) from 1-1 to 12-31

Place of Use: NENW SENW Sec. 10 T. 08 NR 04W

Diversion Means: WELL AND PUMP.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before JANUARY 2, 1979.

C. STEPHEN ALLRED

Director

Published 12-14 & 12-21 78
No. 961

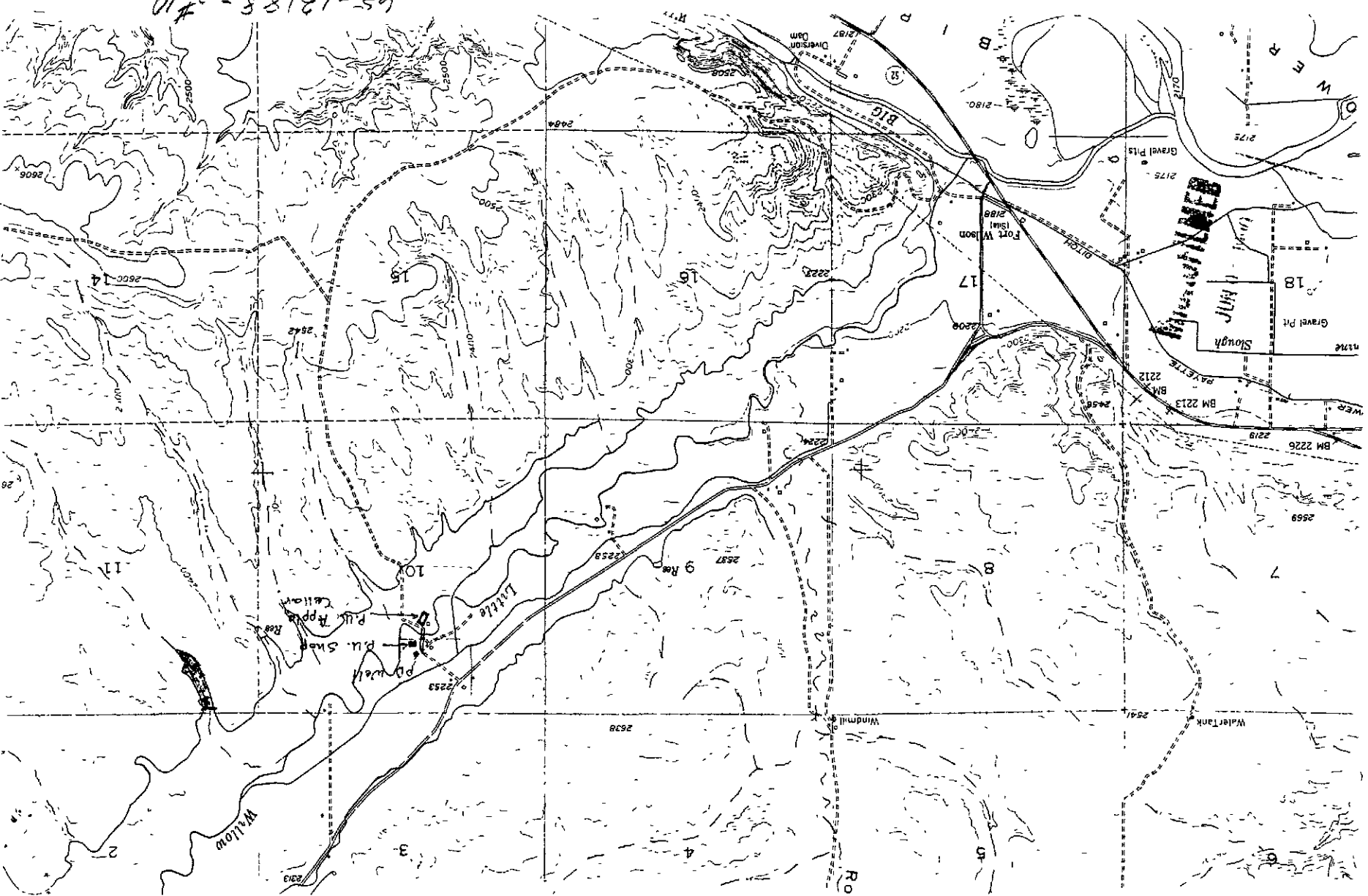
RECEIVED

DEC 22 1978

Department of Water Resources
Western Regional Office

No. 961

This is a detailed topographic map of the Fort Wagon area. The map features the Big River flowing from the top right towards the center, and the Little River flowing from the bottom left towards the center. The terrain is characterized by numerous contour lines indicating elevation, with peaks reaching up to 2600 feet. Key locations marked include Fort Wagon, a Division Dam, and several gravel pits. The map also shows a network of roads and a railroad line. A grid system is overlaid on the map, with letters A through H and numbers 1 through 18. A scale bar at the bottom indicates distances in miles and feet. The map is oriented with North at the top.



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: A65-12188
Date Received: 4/18/90
Receipt No: C216379
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: NOV 30, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	10		NE	NW		PAYETTE
09N	04W	34		NE	SW		PAYETTE

5. Description of diverting works:
2 WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31		0.040	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/COMMODITY STORAGE, HUMIDIFICATION, REFRIGERATION, REPAIR SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	10	NE	NW		INDUST	
			SE	NW		INDUST	

MICROFILMED
SEP 24 1992

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
NONE

14. Remarks:

SYSTEM DESCRIPTION: WELL IN NESW OF SEC. 34, 9N, 4W IS PUMPED TO A 10000 GAL STORAGE TANK ON TOP OF HILL. THIS WELL IS AN ALTERNATIVE POINT OF DIVERSION FOR THE INDUSTRIAL USE. OTHER POINT OF DIVERSION IS WELL, PUMP, STORAGE TANK, BOOSTER, AND PIPELINES TO PLACE OF USE. CLAIM NUMBER A65-18543 IS AN EXPANSION OF THIS RIGHT.

15. Basis of Claim: PERMIT

16. Signature(s)

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

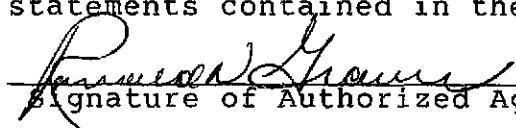
Number of attachments: One Map

For Organizations:

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

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

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


Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

04-17-90

Date

State of Idaho)
County of Ada) SS.

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

Vicki A. Lowe
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91