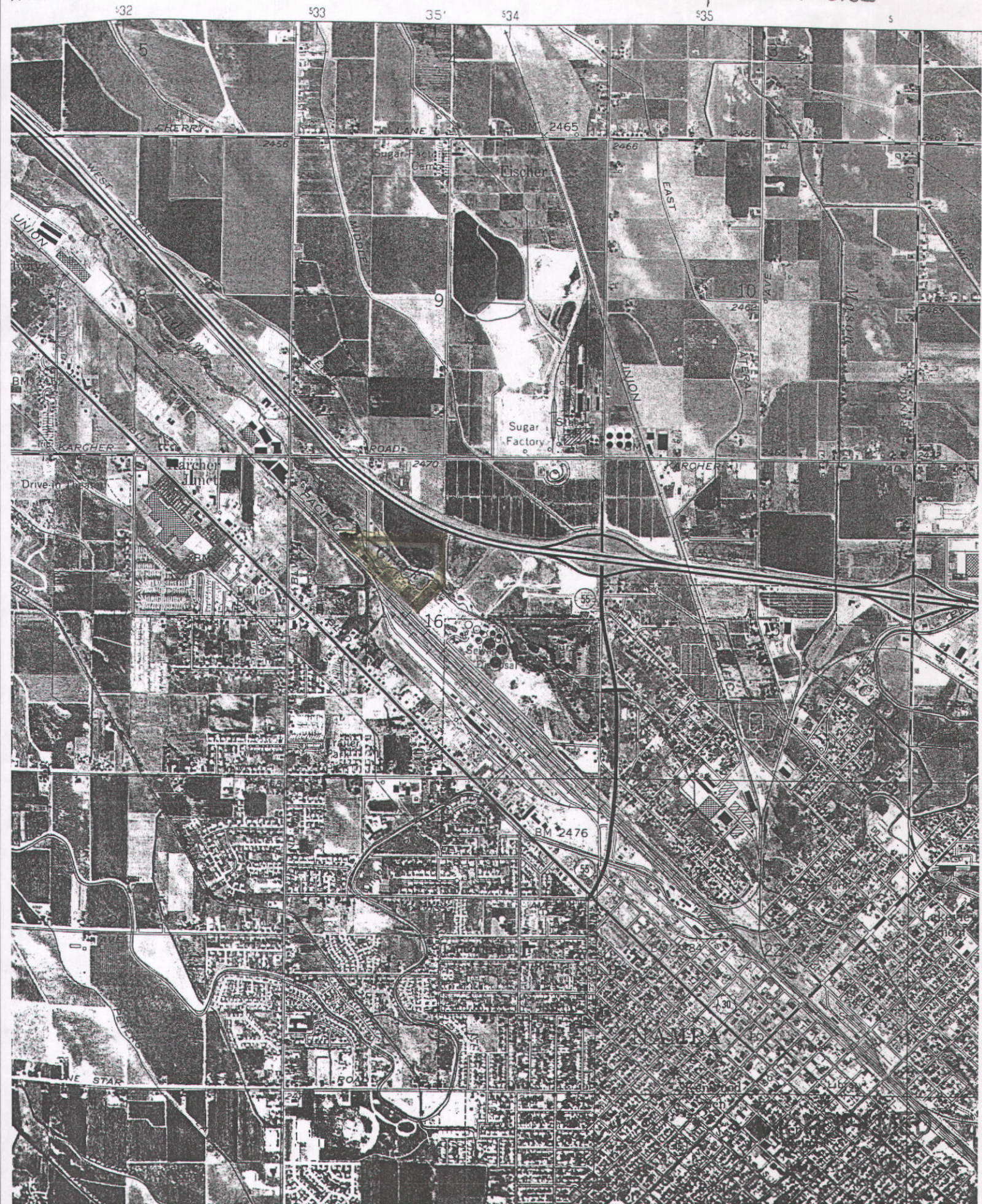


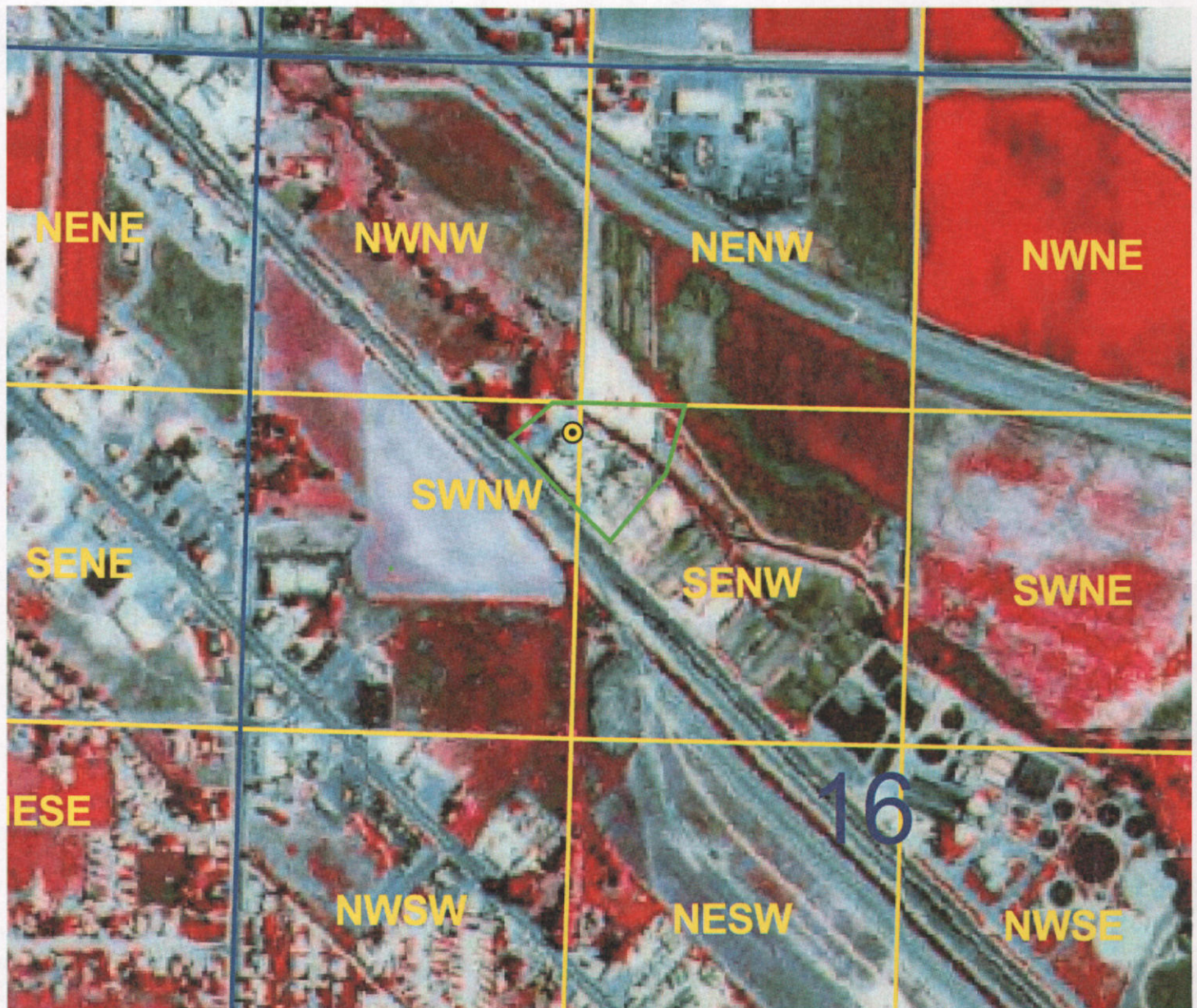
= place of Use





State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-2597



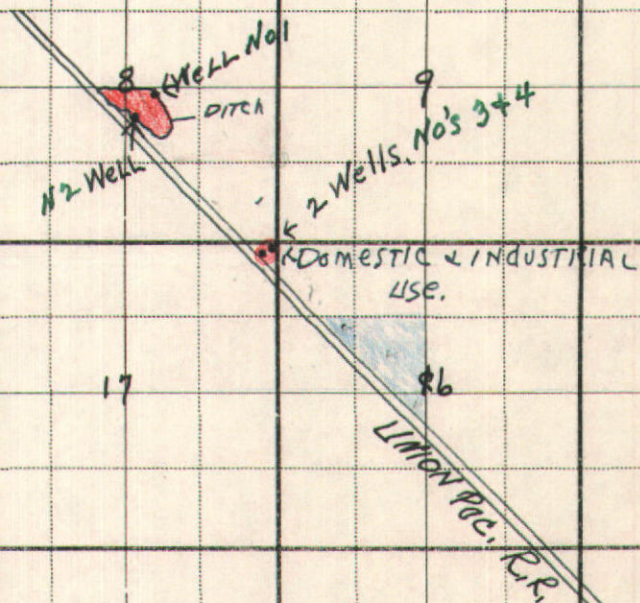
1320 0 1320 Feet



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2006

TWP. 3 NORTH - RANGE 2 WEST B.M.



Wells No's 1 & 2 are applied to IRRIGATION

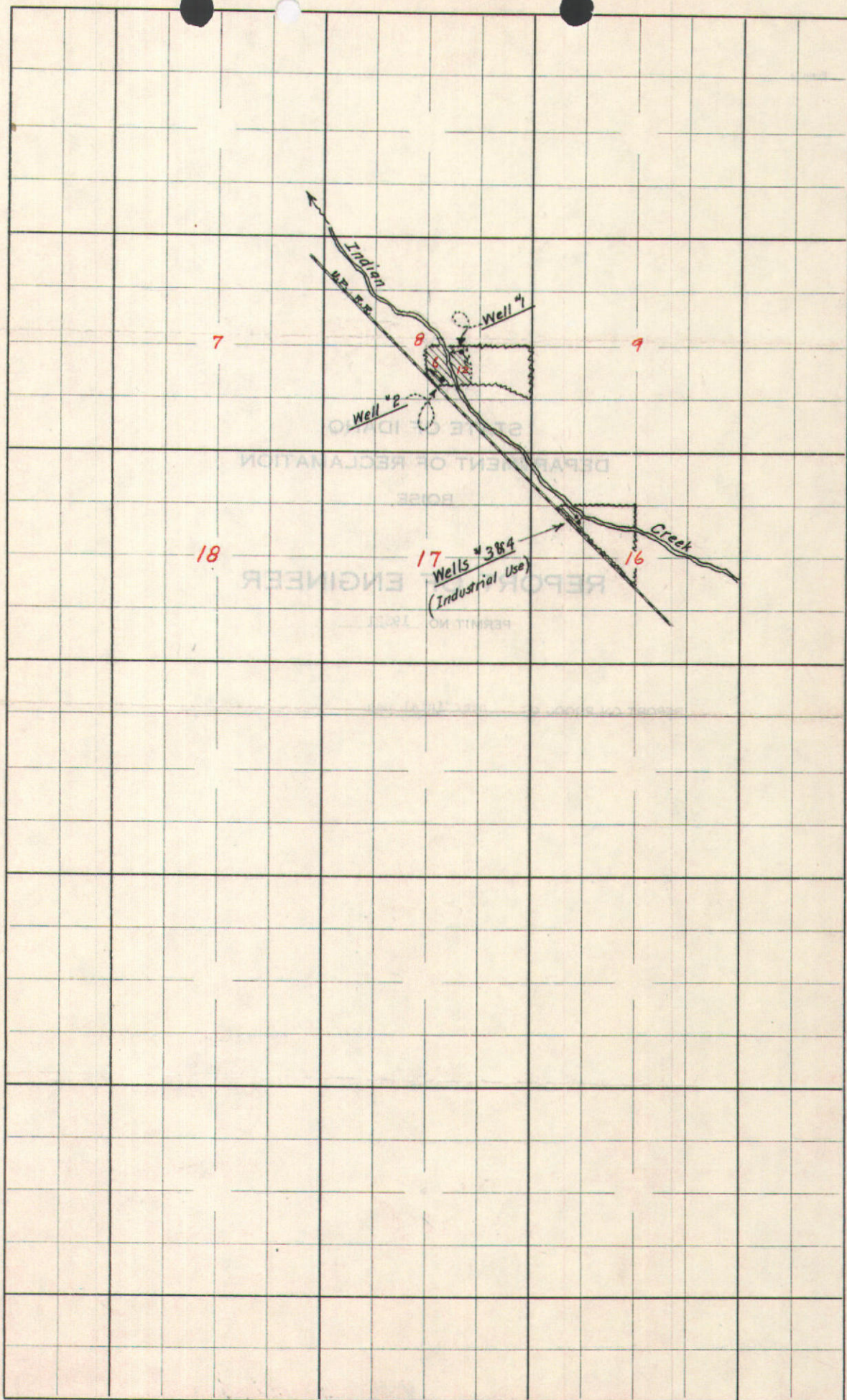
Wells No's 3 & 4 are applied to domestic & industrial uses.

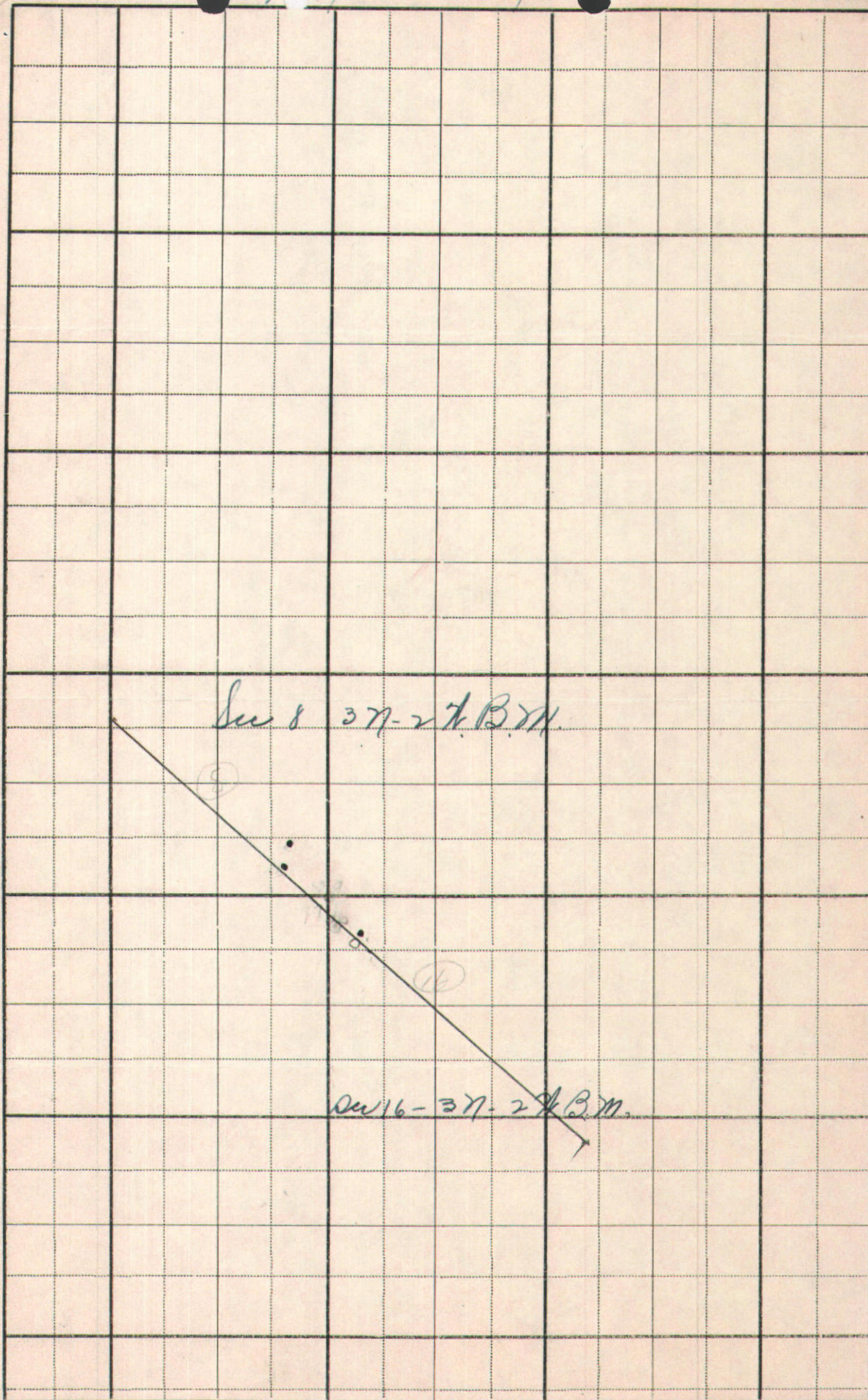
Permit Map No. 19321

As Approved

JUN 16 1942

E. V. BERG





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: A63-02597
Date Received: 5/7/90
Receipt No: 2016710
Received By: 98

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT MEAT PRODUCTS, INC. 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: MAY 22, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	16	SW	NW			CANYON
			SE	NW			CANYON

5. Description of diverting works:
3 WELLS, 3 PUMPS, AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	1.360		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/MEAT PACKING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	16	SW	NW		INDUST	
			SW	NW		DOMEST	

A63-02597

Page 1

Date: 05/03/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02W	16	SE NW		INDUST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-09961,A63-04936

14. Remarks:

2 P/D IN SENW,SEC.16,T03N,R02W. THERE ARE 2 WELLS LOCATED IN THE SENW,SEC.16,T03N,R02W. BOTH WELLS ARE IN THE SAME "HOLE" BUT HAVE DIFFERENT SIZED CASINGS. ONE HAS A 16" CASING AND THE OTHER AN 8" CASING. THESE WELLS ARE ALSO PLUMBED TO THE CONDENSER WELL UNDER A63-09961.

15. Basis of Claim: LICENSE

Water Right Number: 19321

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.

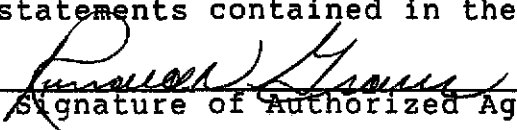
Number of attachments: One Map

For Organizations:

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

Simplot Meat Products, Inc., that I have signed the foregoing Organization document in the space below as Secretary of _____ Title

Simplot Meat Products, Inc. and that the statements contained in the Organization foregoing document are true and correct.


Signature of Authorized Agent

Secretary, Simplot Meat Products, Inc.
Title and Organization

05-04-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of May 19 90

Vicki A. Lauer
Notary Public

Seal

Residing at _____ Meridian

My Commission Expires 11-06-91

ES
INTERIOR
RVEY

Water Right # A63-02597

● = points of Diversion

○ = place of Use

32

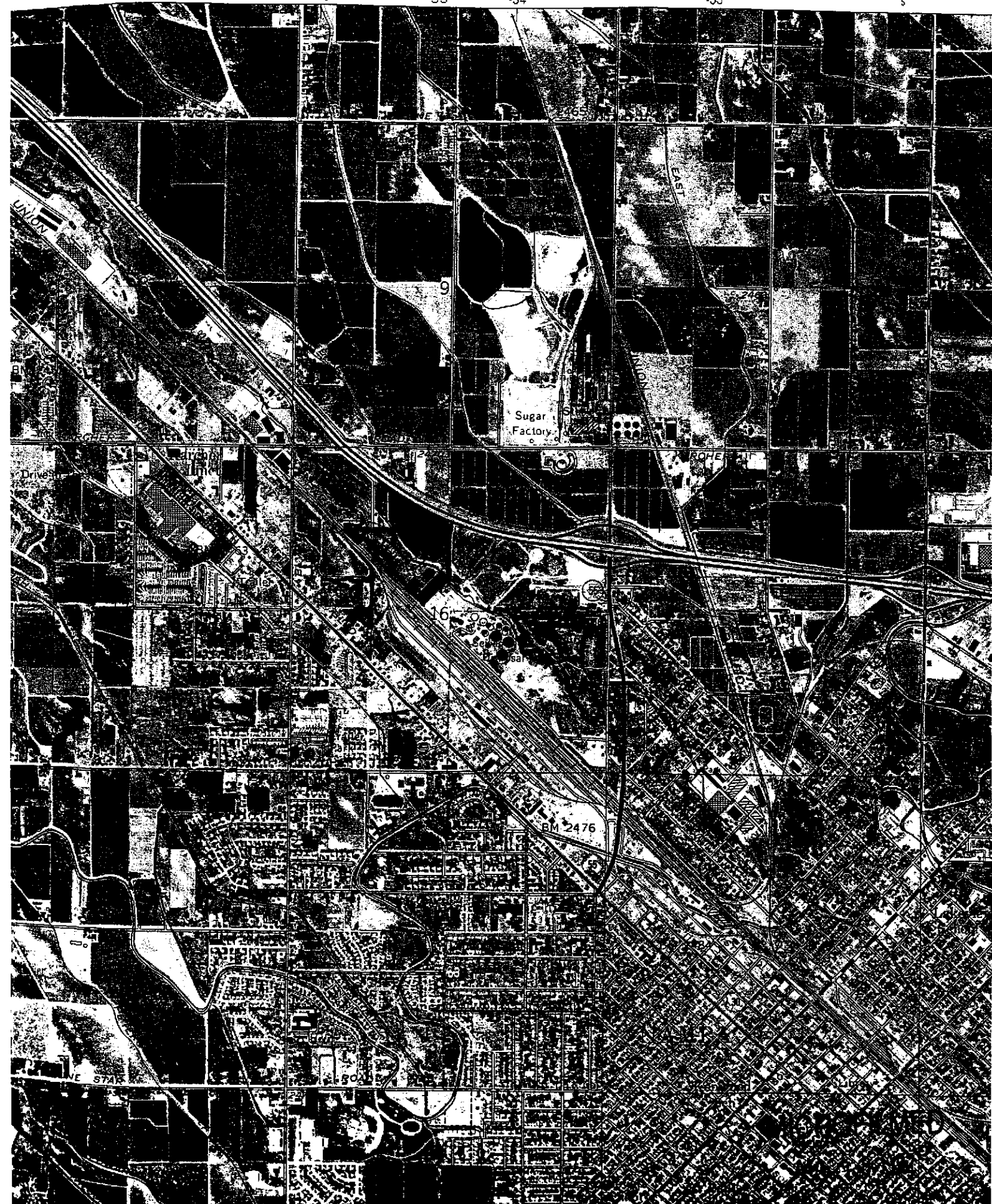
33

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34

35

5



Receipt Details for ID C016710

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/7/1990 4:17:38 PM	5/7/1990	State	\$536.00	Check
Payer		SIMPLOT MEAT PRODUCTS INC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1281			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$536.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	9961		\$200.00	Claim
63	2597		\$186.00	Claim
63	4936		\$150.00	Claim

Print Report

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

Subcase 63-2597
(Insert water right number)

In Re SRBA)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Simplot Meat Products, LLC

Address: P. O. Box 27
Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Simplot Meat Products, Inc.

Address: PO Box 27
Boise, ID 83707

I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: Simplot Meat Products, LLC C/O Terry Uhling 999 Main Street,
Suite 1300, PO Box 27, Boise, ID 83707

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: 1.36 cfs

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
3N	2W	16	SW $\frac{1}{4}$ NW $\frac{1}{2}$
			SE $\frac{1}{4}$ NW $\frac{1}{4}$

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The quantity of water licensed under this water right provided the right to divert up to 1.36 cfs from groundwater sources for industrial and irrigation purposes. All of the water appropriated under this water right was used for industrial and domestic purposes prior to the commencement of this

adjudication. Consequently, the claim submitted for this licensed water right was filed in the SRBA for the entire 1.36 cfs to be diverted from groundwater sources for industrial and domestic use.

The recommendation by the IDWR for this water right, reduces the amount of water available for diversion to no more than 1.0 cfs and no more than 21.45 acre feet per annum. Diverting continuously at a rate of 1.0 cfs reaches the recommended volume limit within 11 days clearly insufficient to cover the beneficial use associated with this right. The beneficial uses in connection with the licensed purposes substantially exceed the amount recommended. Without an understanding of the basis for the Director's recommendation, the claimant must object to this substantial reduction in the licensed quantity appropriated to determine the basis for the recommendation of this water right.

VERIFICATION (Must be Completed)

State of IDaho)
)ss.
County of ADA)

Terry T. Uhling as Secretary, Senior Vice President, and General Counsel of the J. R. Simplot Company, a Member of Simplot Meat Products, LLC and as Secretary of SMP, Inc. a Member of Simplot Meat Products, LLC, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

SIMPLOT MEAT PRODUCTS, LLC

SMP, Inc. a Member

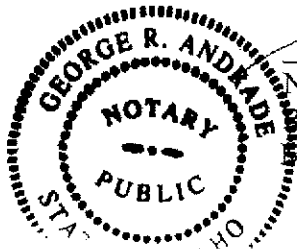
By: [Signature]
Terry T. Uhling, Secretary

J. R. Simplot Company, a Member

By: [Signature]
Terry T. Uhling, Sr. Vice President, Secretary and General Counsel

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: JUNE 12, 2007



[Signature]
Notary Public for _____
Residing at: BOISE, IDAHO
My Commission Expires: JUNE 13, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Simplot Meat Products, LLC
Address: PO Box 27
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

J.R. Simplot Company

By: Dick C. [Signature], Director Land, Water & Asset Recovery
Signature of Objector or attorney
mailing on Objector's behalf

05/30/2006

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

RIGHT NUMBER: 63-2597

NAME AND ADDRESS: SIMPLOT MEAT PRODUCTS INC
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
21.540 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/22/1942

POINT OF DIVERSION:

T03N R02W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.000 CFS 21.54 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is associated with an industrial meat packing and
slaughterhouse facility.

Industrial use is for a slaughterhouse and meat packing plant.

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S16 SWNW T03N R02W S16 SENW

DOMESTIC Within CANYON County

T03N R02W S16 SWNW

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.

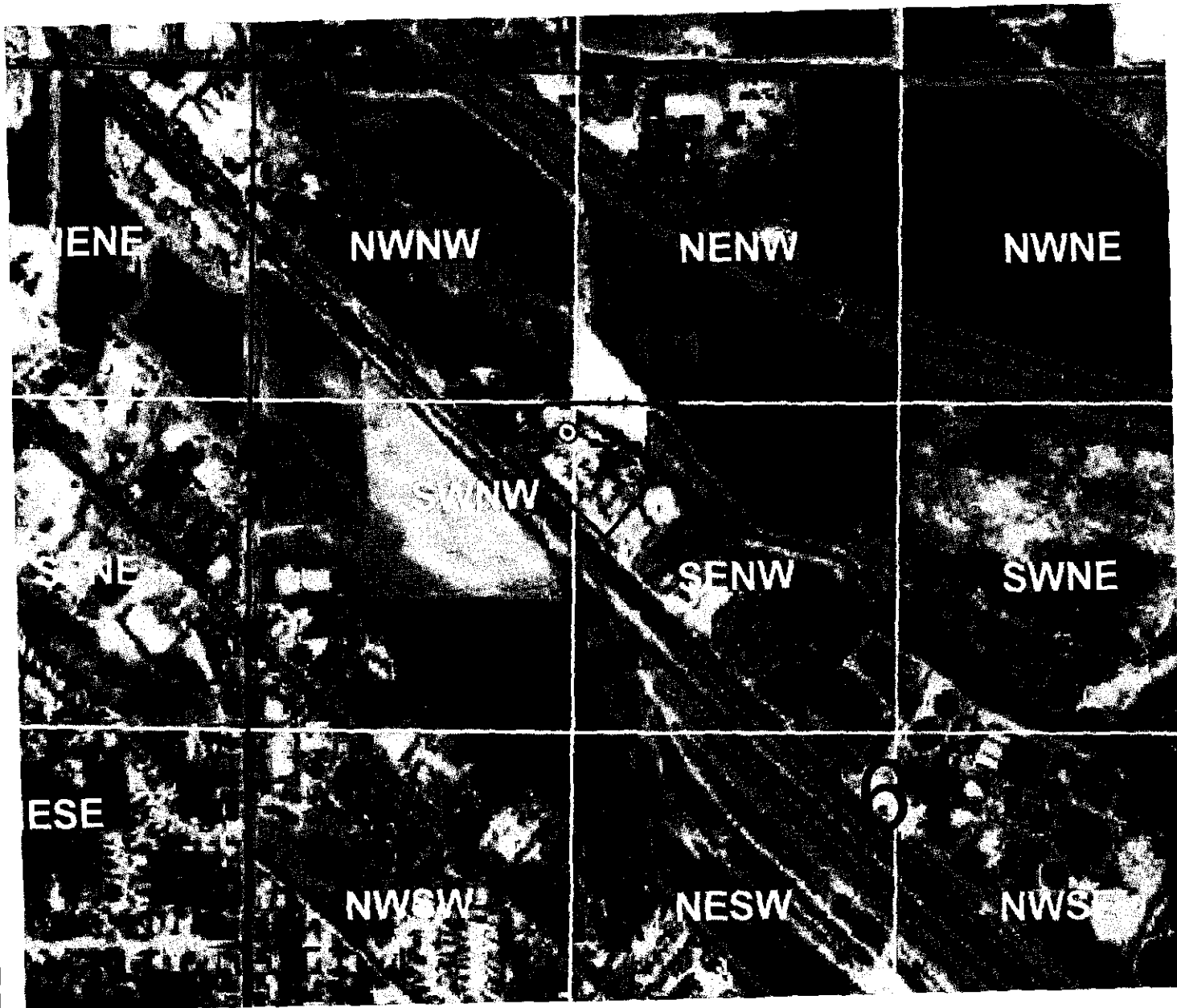
The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-2597



1320 0 1320 Feet



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2006

Music, Vicky

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:23 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Oh, I thought you were going to tune me into a slaughterhouse that could run only 2 hours per day, 5 days per week for half the year and actually be profitable. I was ready to invest.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 4:09 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Actually, the 2 hour duration is a minimum well design assumption per Dave T. The 5 days a week is arbitrary and is based on a business week.

-----Original Message-----

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:01 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

I understand the minimum well design criteria – but what is the rationale for using a diversion frequency and duration of only 2 hours per day; 5 days per week; 6 mos/year? This is a separate assumption than minimum well design. How was this duration and frequency determined?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:57 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Dave Tuthill has advised the agents to use these minimum well design assumptions in making recommendations when information regarding historical annual volume of water used has been requested of the claimant but not provided.

-----Original Message-----

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 3:46 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vicky,
 Was there any basis to the assumption of 2 hours/day/5 days a week x 6 moths a year? Or was this purely an assumption?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:31 PM
To: Conrad, Vic
Subject: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vic -

This email is in response to your phone call of last week re the above claims. The phone message did not include a phone number.

63-2597 - the rate was reduced because the license clearly states that 1 cfs is for industrial use. Simplot claimed 1.36 cfs for industrial use, however, the .36 cfs was for irrigation. The annual volume was calculated at the minimum well design parameters of pumping 2 hours/day/5 days a week x 6 months a year. I had to use these assumptions because I did not receive a response to my letter request dated 5/10/06.

63-4936 - a duplicate claim of license 63-2597 for 1 cfs industrial. disallowed.

63-9961 - recommended as licensed.

hope this provides the information you were looking for.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT CO.
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
P.O. BOX 27
BOISE, ID 83707-0027

RE: Snake River Basin Claim No(s): 63-2597, 63-4936 and 63-9961

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Both of these claims are for industrial uses. At the time 63-2597 was licensed, no annual volume component was required. However, to recommend this license and the 63-4936 statutory claim in the SRBA, IDWR must have information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources.

In addition to the annual volume data, the following information is needed.

63-2597 - This right was licensed for diversion from 4 wells for irrigation, domestic and industrial uses.

- 1 - Which of these 4 wells are still used for this right;
- 2 - a description of the domestic use; and,
- 3 - if an accomplished transfer in purpose from irrigation to industrial was made, when the change was made.

63-4936 - This statutory claim was filed for industrial uses with the diversion from an 8" diameter well. In 2003, an IDWR subcontractor did a site visit and gathered well information. No 8" well was being used.

- 1 - Which well is the point of diversion for this claim;
- 2 - If an accomplished transfer in point of diversion took place, when it occurred; and,
- 3 - evidence of priority for the 1944 claimed priority date.

63-9961 - The SRBA claim adds a point of diversion that was not licensed.

- 1 - If an accomplished transfer in point of diversion took place, when it occurred.

Please submit the information by May 26, 2006. Thank you for your attention to this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/Western Region
Idaho Department of Water Resources

Enclosures: Claim Reports for 63-2597, 63-4936; Licenses 63-2597, 63-9961;
Statutory Claim 63-4936.



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,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

JUL 23 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

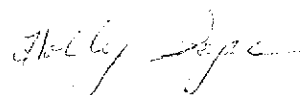
Dear Mr. Shaff:

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

JUL 25 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

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

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

April 6, 1994

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

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

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

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

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

MICROFILMED
JUL 25 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 - 5 PM 2:52
DISTRICT COURT - SRB
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.)

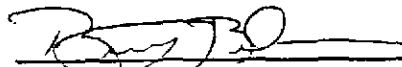
MICROFILMED

JUL 25 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

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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MICROFILMED

JUL 25 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
COSH, HUMPHREY, GREENER &
WELSH, P.A.
Carnegie Building
815 West Washington Street
Boise, Idaho 83702

Rebecca Craven
Deputy Counsel
Robert T. Anderson
Staff Attorney
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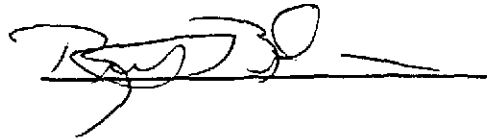
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JUL 25 1994

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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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2597

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02W 16							X										

Conditions of Approval:

- 2 P/D IN SENW, SEC. 16, T03N, R02W. THERE ARE 2 WELLS LOCATED IN THE SENW, SEC. 16, T03N, R02W. BOTH WELLS ARE IN THE SAME "HOLE" BUT HAVE DIFFERENT SIZED CASINGS. ONE HAS A 16" CASING AND THE OTHER AN 8" CASING. THESE WELLS ARE ALSO PLUMBED TO THE CONDENSER WELL UNDER A63-09961.

Remarks:Comments:

nio¹ Q for dam not a det of his bly
 n12² Q for dam not to 2 BK QP d
 dam use is associated with a meat/packings
 slaughterhouse facility.

Water Supply Bank:

purpose Industrial use is for a meat packings and
 slaughterhouse.

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2597, 63-4936 AND 63-9961
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM REVIEW – BASIS FOR DISALLOWAL
DATE: 5/30/2006

These 3 claims are for the Simplot meat packing/ slaughterhouse facility. Two of the claims are licenses and one is a statutory claim. A letter was sent May 10, 2006, to Simplot requesting additional information regarding the wells that are still in use, annual volume data, information re accomplished transfers in PODs and evidence of priority for the statutory claim. There has been no response.

Claims

63-4936 is a beneficial use claim that was first claimed as a statutory claim by HK Keim Co. LTD in 1982. Both the statutory and the SRBA claims for industrial use, 1 cfs, at a meat packing plant and slaughterhouse. The statutory claim states that the pod is a well, 8" diameter, 280' deep that was first put to this beneficial use in April of 1944. The SRBA claim claims as points of diversion 3 wells, the other 2 being licensed under 63-2597 and 63-9961.

63-2597 [priority date of 5/22/1942] was licensed for domestic, irrigation and industrial use from 4 artesian wells. The 2 wells in section 8 were used for irrigation and are not claimed in the SRBA claim. Only the 2 wells of the 4 wells originally licensed in section 16 are claimed in the SRBA. Additionally, irrigation is not claimed as a use in the SRBA, only domestic and industrial. SRBA claims - 3 pods.

63-9961 [priority date of 12/10/1982] was licensed for industrial use [refrigeration for meat] from a well with a 16" diameter and 108' deep. The SRBA claims - 3 PODs.

Issues

1 - All of the water uses claimed were developed by HK Keim. If they applied for licenses in 1942 and 1982, they were clearly aware of the licensing procedure. Why did they not apply for the use developed under the statutory claim when it was developed in 1944?

2 - PODs – the SRBA claims all claim 3 PODs and state that there are 2 wells in one casing. The 16" diameter well drilled in 1982 and licensed under 63-9961 is not doubly completed. There is no information in the older license file or the statutory claim that any of these well are either.

3 - An IDWR subcontractor was on site in 2003 and talked to the Maintenance Manager. He stated that he did not know anything about 2 wells in one casing. He said there were 2 wells on site, the condenser well [63-9961] and the plant well [corresponds to 63-2597]. The wells were not located in the location claimed in 63-4936.

Basis for Recommendation

63-2597 - will recommend the plant well as the only pod. Will calculate annual volume based on standard minimum well design assumptions from Dave T: 2 hours pumping time, 5 days a week, 6 months a year.

63-4939--No evidence of priority was provided for. Cannot locate well. Disallow.

63-9961 - will calculate annual volume as above and recommend the licensed pod.

VLM

63-2591
5/30/06

Annual volume calculation

- 1- no information provided by claimant
- 2- used minimum well design/pumping assumptions
 - 2 hours/day
 - 5 days/week
 - 26 weeks/year

$$(1 \text{ ft}) (450 \text{ gpm}) (40 \text{ min}) (2 \text{ hrs/day}) (5 \text{ days/wk}) (26 \text{ weeks/yr})$$

325,850 gallons per acre-foot

$$= \frac{7020000 \text{ gallons per year}}{325850} = 21.54 \text{ af/yr}$$

WMM

SIMPLOT CLAIMS IN T3N R2W SECTIONS 8 [potato processing plant] AND 16 [slaughter house/ meat packing]

Bas	Seque	Basis	Status	Priority Date	Rate (cfs)	Volu me (af)	Source	Water Use(s)	Owner(s)	Comments/ status
63	2597	License	Active	5/22/1942	1.4		GROUND WATER	DOMESTIC, INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	LICENSE: 4 artesian wells: #1 & #2 - [6" dia, 90' & 95" deep] located in S 8 - used for irr of 18 ac. in the NWSE S 8. #3 & #4 - [#3 - 6" dia, 225' deep & #4 - 4 " dia, 90' deep] located in S 16 - for dom & industrial in the HH Keim meat packing plant - S/2 NW S 16. Industrial 1 CFS; Irr .36 CFS. Per 5/9/88 memo in 63-9961 license file, 2 of these wells were capped. SRBA CLAIM: claimed the entire 1.36 cfs for industrial. no irrigation claimed & didn't claim the irr PODs. INFO NEEDED: 1) ACC TRX IN PURPOSE & PODs? 2) WHEN? 3) NEED AFA FOR INDUSTRIAL USE 4) WHAT IS THE DOMESTIC USE & SHOULD IT BE COMMERCIAL? 5) ANY OF THESE 4 WELLS STILL OPERATIONAL & USED?
63	4936	Statutory Claim	Active	4/1/1944	1		GROUND WATER	INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	STATUTORY CLAIM says 8" dia & 282' deep located in SENW S 16 [no POD here in 03 exam] & claimed 1 cfs for industrial at the Keim slaughter house & processing plant in SENW S 16. Evidence of priority is IDSOS printout. SRBA CLAIM - 1 cfs for industrial in same location as stat claim. plant well? 12 " casing per field exam & no well log for a 12" well. INFO NEEDED: 1) which well is used now? ACC TRX IN POD? WHEN? 2) WHEN WAS 8" WELL ABANDONED? 3) NEED AFA FOR INDUSTRIAL USE 4) big question: if HH KEIM knew to apply for license in 1942, why did they not apply for license in 1944 for this stat claim?

HHV Grant 9 Cont 5-10-06

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2597**

05/30/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2597	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9360	Claim	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-2597	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-4936	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-2597	Water Right	03N	02W	16	SW	NW		GROUND WATER	HH KEIM CO
63-9360	Water Right	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-4936	Water Right	03N	02W	16	SE	NW		GROUND WATER	HH KEIM CO LTD
63-9961	Water Right	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2597

WATER RIGHT NUMBER: 63-2597

Owner Type Name and Address
 Current Owner HH KEIM CO
 NAMPA, ID

Priority Date: 05/22/1942

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
INDUSTRIAL	/ to /	1.000 CFS	
IRRIGATION	/ to /	0.360 CFS	
	<u>Total Diversion:</u>	1.360 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 16, Twp 03N, Rge 02W, B.M.
CANYON County		
GROUND WATER	NW1/4SE1/4	Sec. 8, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02W 16							X	X									

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02W 8															18.0		18.0

Total Acres: 18

DOMESTIC same as INDUSTRIAL

- 2 P/D IN NWSE, S8 & SWNW, S16, T3N, R2W.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2597

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2597	Claim	03N	02W	16	SW	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
2597	Water Right	03N	02W	16	SW	NW		INDUSTRIAL		HH KEIM CO
9360	Claim	03N	02W	16	SW	NW		HEATING		IDAHO PRESS TRIBUNE INC
9360	Water Right	03N	02W	16	SW	NW		HEATING		IDAHO PRESS TRIBUNE INC
9360	Claim	03N	02W	16	SW	NW		COOLING		IDAHO PRESS TRIBUNE INC
2597	Claim	03N	02W	16	SW	NW		DOMESTIC		SIMPLOT MEAT PRODUCTS INC
2597	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
4936	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
9961	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
2597	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO
4936	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO LTD
9961	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC

State of Idaho
License and Certificate of Water Right

Water License No. 19321
Water District No. _____

Amount 1.36 second feet
Priority May 22, 1942

THIS IS TO CERTIFY that H. H. KEIM COMPANY
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 22, 1942; that Permit No. 19321
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Two (2) second feet, was issued thereunder on August 20, 1943, showing that said works
were completed on the 11th day of August, 1943; and that on the 11th
day of August, 1943,

H. H. KEIM COMPANY

of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of four artesian
wells, a tributary of _____, for the purpose of irrigation, domestic and
industrial use, under Use Permit No. 19321 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
7 of Licenses at page 4365, on the 25th day of July, 1947;

no son
no apta

The right hereby confirmed dates from May 22, 1942;

The Point of Diversion is located in the NW 1/4 SE 1/4 Sec. 8 (Wells Nos. 1 and 2) and in
in the SW 1/4 1/4 NW 1/4 1/4 Sec. 16, Tp. 3 N., R. 2 W., B. M. (Nos. 3 and 4) Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.36 cubic feet per second for irrigation, and 1.00 cubic foot per second for industrial
use.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 W.	8	NW 1/4 SE 1/4		18
Industrial use at H. H. Keim Co. meat packing plant in S 1/4 NW 1/4 Section 16, Township 3 North, Range 2 West, B.M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of July, 1947.

MARK H. KILP
State Reclamation Engineer

(SEAL)

State of Idaho **License and Certificate of Water Right**

Water License No. 14367Amount 0.26 second foot

Water District No. _____

Priority Oct. 30, 1919

THIS IS TO CERTIFY that **HENDIX REIMER**
 of **Lowman, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **October 30**, **19 19**; that Permit No. **14367**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.6 second feet, was issued thereunder on **August 8**, **19 21**, showing that said works
 were completed on the **19th** day of **July**, **19 21**; and that on the **2nd**
 day of **November**, **19 22**,

HENDIX REIMER

of **Lowman**, State of **Idaho**, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of **Richards**
Greek, a tributary of **So. fork Payette River**, for the purpose of **irrigation and**
domestic use, under Use Permit No. **14367** of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho, and entered of record in Volume
7 of Licenses at page **4366**, on the **18th** day of **August**, **19 47**;
 The right hereby confirmed dates from **October 30**, **19 19**;

The Point of Diversion is located
 in the **NW ¼ NE ¼**, Sec. **20**, Twp. **9 N.**, R. **9 E.**, B. M. **Boise County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed **0.26** cubic feet per second.
 to **George A. Atkinson, of Boise, Idaho. Assignee**
 Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	9 E.	17	NE SW	2.5	0
			SE SW	10.0	5
			NW SE	7.5	3
			SW SE	20.0	5
			Total number of acres irrigated		

This license is issued as an amendment to License No. **14367**, recorded on page **3255**, Volume **6**,
 of Licenses, and supersedes the original license, in the amount of **0.26** second feet.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at **Boise, Idaho**, this
18th day of **August**, **19 47**.

(SEAL)

MARK R. KULP
 State Reclamation Engineer

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26791
Permit No. 19321
District No.

1. Name of Applicant: H. H. KEIM COMPANY
Postoffice address: Box 528, Nampa County: Canyon State: Idaho
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation: November 1925, Boise, Idaho
 (b) Amount of capital stock: 50,000.00
 (c) Amount paid in: 27,000.00
 (d) Names and addresses of directors: H. H. Keim, Richard V. Keim, Stanley B. Keim, Wallace B. Keim, Wm. H. Keim, and S. B. Eshelman, all of Nampa, Idaho.
- II. The financial resources of the applicant are:
 (a) Cash on hand: 3,596.24
 (b) Treasury stock: 16,550.00
 (c) Bonds to be issued: none
 (d) Other resources: meat packing plant
2. Quantity of water claimed: 2.0 cubic feet per second.
3. Source of water supply: Artesian Wells which is a tributary of
4. Location of point of diversion: Wells 1 & 2 located in NW $\frac{1}{4}$ Sec. 8; Wells 3 & 4, NE $\frac{1}{4}$ Sec. 17 (see map) feet distant from the corner of Section T. 3 N, R. 2 W, B. M., and is the County of Canyon of Section T. R. B. M. County of
5. Water is to be used for: irrigation, domestic, and industrial.
(Wells 1 & 2 are for irrigation, Wells 3 & 4 for domestic and industrial use.)
6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: feet distant from corner of Section T. R. B. M., in the of Section T. R. B. M.
 (b) Amount of power generated: H. P., under feet head.
 (c) Water is to be returned to at a point feet distant from the corner of Section T. R. B. M., in the of Section T. R. B. M.
7. Estimated cost of works: \$
8. Kind of works: Artesian wells and distributing canals
9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 1.5 feet; width at water line 2.0 feet; depth of water 1 feet; dimensions of flume:
 Diameter of pipe various sizes. inches; length of conduit miles.
 Average grade per mile feet.
12. The time required for the completion of such work is 6 months years.
13. The time required for the complete application of the water to the proposed use is 1 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? Mo. If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

H. H. KEIM COMPANY
Applicant.

RICHARD V. KEIM /s/
Agent.

By

Date of first receipt at Department of Reclamation: May 22, 1942, 9:00 A. M.

Returned to applicant for correction: May 23, 1942

Corrected application received: June 19, 1942

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19321

Recorded in Book 70 Page 19321 Approved June 19, 1942

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before Aug. 20, 1942 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Sept. 19, 1942

The whole of said work to be completed on or before Dec. 19, 1942

Beneficial use of water appropriated in accordance herewith, to be made on or before Dec. 19, 1943

Witness my hand this 19th day of June, 1942.

E. V. BERG

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th day of June 19 42

Countersigned:

STATE OF IDAHO

(SEAL

By Geo. H. Curtis
Secretary of State.

By Chase A. Clark
Governor.

The water from these wells is approximately two second feet. Is used for irrigating the heretofore described premises, and Remarks: for domestic and industrial use in connection with H. H. Keim Co. Meat Packing Plant.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N	2 W	15	All of S½SW¼, North and East of O.S.L. Railway and all of NE¼NE¼SW¼, North and East of Railway.																29.05 acres.
3 N	2 W	8	Commencing at the Northeast corner of the SE¼ of Section 8, Township 3 N, Rgs. 2 W., B. M. running thence west along the North line of the SE¼ 2650.5 feet to NW corner of SE¼, thence S along W line of said SE¼ 638.3 feet to a point 100 feet northerly from the center line of the main track of the O.S.L.R.R.; thence run Southeasterly parallel to said center line 46°48' left 541.3 feet; thence Easterly 43°01' left 1513 feet; thence Southeasterly 21° 31' right 807.4 feet to a point on the East line of SE¼ 1319.6 feet south from Northeast corner of SE¼; thence North along said East line of SE¼ 1319.6 feet to place of beginning, containing 62.63 acres, more or less.																62.63 acres 91.68 total acre

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the matter of the Reinstatement of Permit No. 19321)
Under the Provisions of Section 41-311, Idaho Code Annotated) ORDER REINSTATING PERMIT

WHEREAS, Permit No. 19321 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: December 19, 1942; and,

WHEREAS, On the 8th day of July, 1943, notice to show cause why said permit should not be cancelled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said Permit; and,

WHEREAS, On the 8th day of July, 1943, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 19th day of August, 1943, depositions of the holder and two witnesses were received at the Department of Reclamation showing that said works of diversion were completed within the time required in the permit; and

WHEREAS, After examination of the said Depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19321, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 19321 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of August, 1943.

(SEAL)

JAMES SPOFFORD
State Reclamation Engineer

PERMIT NO. 19321
Certificate of Completion of Works

To all Whom it May Concern:

This is to certify that H. H. KEIM COMPANY, of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 19321, issued upon Application No. 86791, bearing date of priority of May 22, 1942, authorizing the diversion of Two (2) second feet of the waters of artesian wells, County of Canyon, State of Idaho, for irrigation, industrial and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Two (2) second feet of the waters of said artesian wells; that the points of diversion of said waters are located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Township 3 North, Range 2 West, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All of S $\frac{1}{2}$ NW $\frac{1}{4}$, and all of NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North and East of Railway, in Section 16; and 62.63 acres, more or less, in Section 8, described by metes and bounds in permit; All in Township 3 North, Range 2 West, B. M.

Witness my hand this 20th day of August, A. D., 1943.

JAMES SPOFFORD
State Reclamation Engineer

Proof of completion of works made August 11, 1943
Certificate of Completion of Works issued August 20, 1943

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT

PERMIT NO. 19321

STATE OF IDAHO)
(ss.
County of Canyon)

Wallace B. Keim, Vice-President H. H. Keim Company, being first duly sworn, deposes and says: That his postoffice address is Nampa, Idaho. That he is the owner of and using a certain water right for 1.36 cubic feet per second of the water of artesian wells, County of Canyon, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 19321, issued by the Commissioner of Reclamation, dated June 19, 1942, bearing date of priority of May 22, 1942, for the purpose of irrigating the following described lands, situate, lying and being in Water District No... in the County of Canyon, and State of Idaho, to-wit: Property set out in Permit No. 19321, and is the person (or representative of the person or persons) to whom such right was so issued.

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Twp. 3 N., Range 2 W., B.M. and conducted to the above described lands through the artesian wells No. 3 and 4.

That affiant desires to change the point of diversion of said waters from the point above described to a point located in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16, Twp. 3 N., Range 2 W., B.M., and thereafter conduct the same through artesian wells No. 3 and 4.

That his reasons for desiring to make such change are as follows: This change is being made to correct the description of point of diversion, making the proof conform with the examination of the field engineer.

That no one will be injured by such change and that such change will be made at affiant's own risk.

WALLACE B. KEIM, Pres.
Affiant

Subscribed and sworn to before me this 21st day of December, 1943.

(SEAL)

Earl E. Garrity
Notary Public.

LICENSE ISSUED FOR 1.36 SEC. FT.

p-4365

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19321

This proof is for Beneficial use In Water District No. _____

1. Name of applicant H. H. Keim Company, Nampa, Idaho

2. Source of water supply: Four artesian wells

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8; and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17

T. S. N. R. 2 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Four Artesian Wells,

Well #1 is 90ft. deep, cased to rock with 6 inch casing.

" #2 " 96 " " 96ft. with 6" casing.

" #3 " 225 " " cased to rock with 6 inch casing, and

" #4 " 90 " " " " " 4 " "

5. Water is used for: Irrigation, industrial and domestic purposes

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

All S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, lying North and East of Railway

All NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, lying North & East of Railway

62.65 acres, more or less in Section 8, described as follows:

Commencing at the Northeast corner of the SE $\frac{1}{4}$ Section 8, running
thence West along the North line of the SE $\frac{1}{4}$ 2650.5 feet to NW corner
of SE $\frac{1}{4}$; thence South along West line of said SE $\frac{1}{4}$ 638.3 feet to a
point 100 feet northerly from the center line of the main track of
the U. S. L. R.R.; thence run Southeasterly parallel to said center
line 48°48' left 541.5 feet; thence Easterly 43°01' left 1513 feet;
thence Southeasterly 21°31' right 807.4 feet to a point on the East
line of SE $\frac{1}{4}$ 1519.6 feet south from Northeast corner of SE $\frac{1}{4}$; thence
North along said East line of SE $\frac{1}{4}$ 1519.6 feet to place of beginning.

All in Township 3 North, Range 2 West, E. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks: Well No. 1 is equipped with pump and 8 H.P. motor

" " 2 " " " " 10 H.P. "

" " 3 " " " " a 2 $\frac{1}{2}$ " gear type pump and motor.

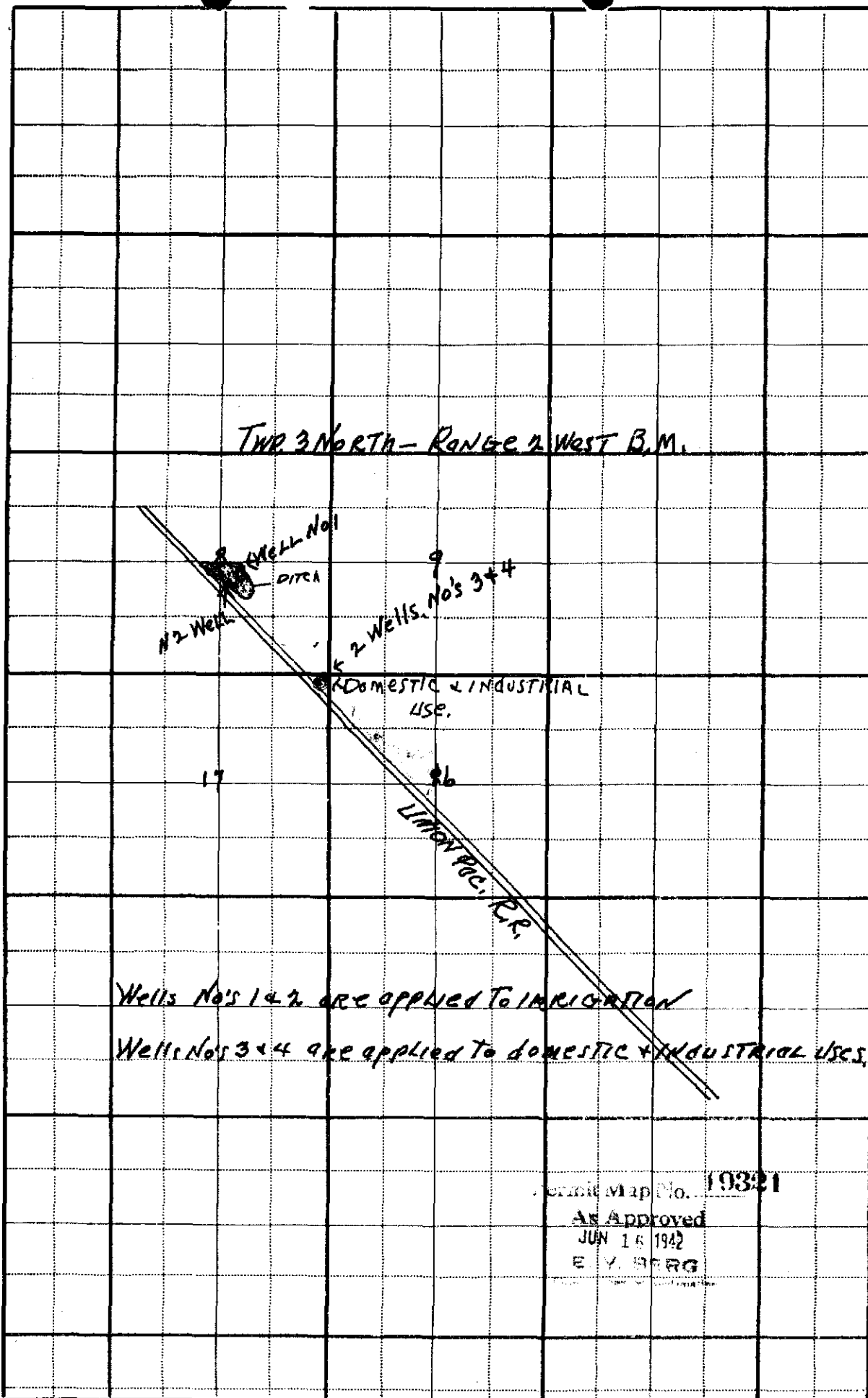
" " 4 " " " " one inch intake centrifugal pump.

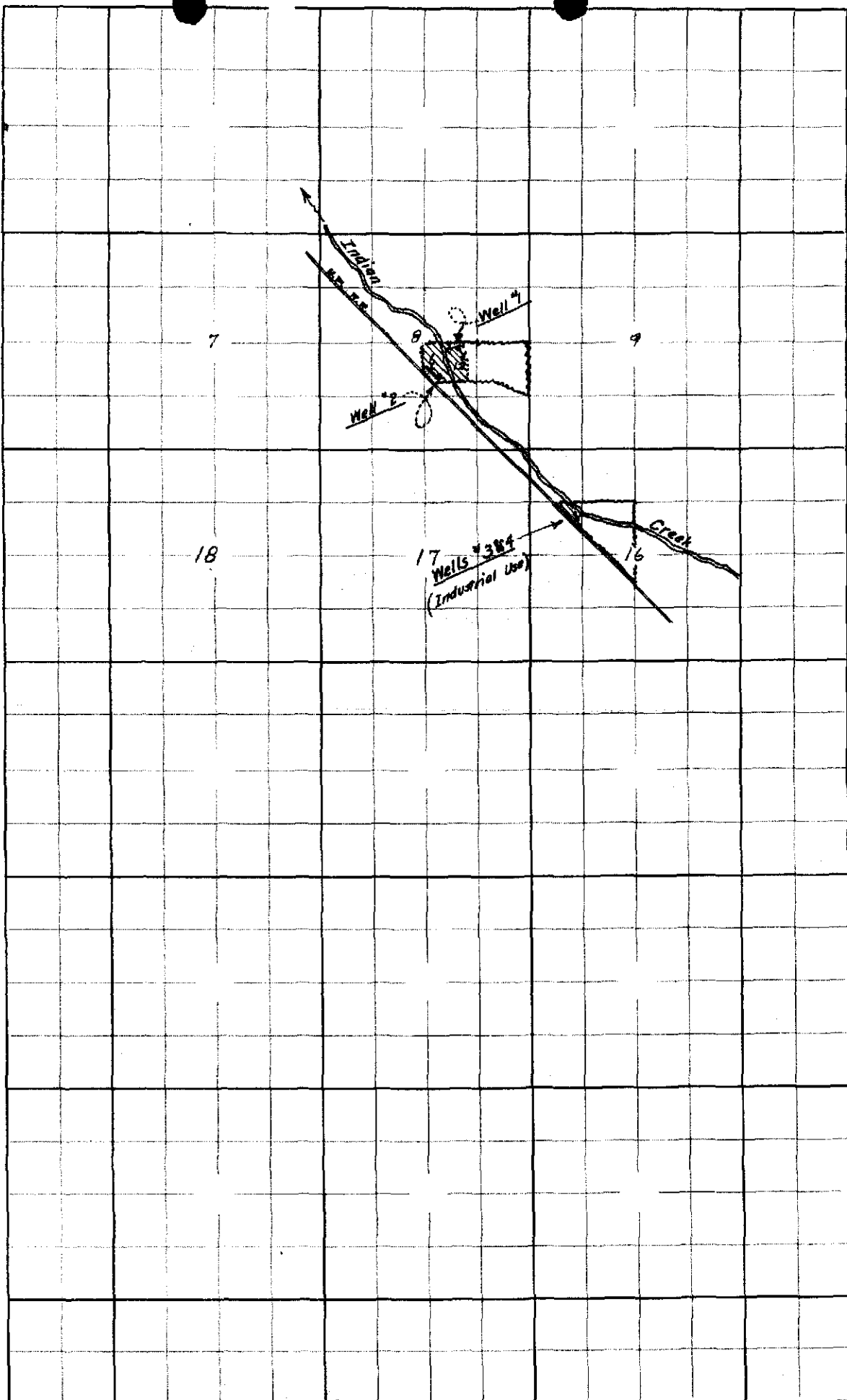
Approximate requirement for Industrial Use : One Sec. Ft.

This examination was made on the 13th day of October, 1943

(Signed)

Frank J. Johnson
Examiner.





SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19 321

