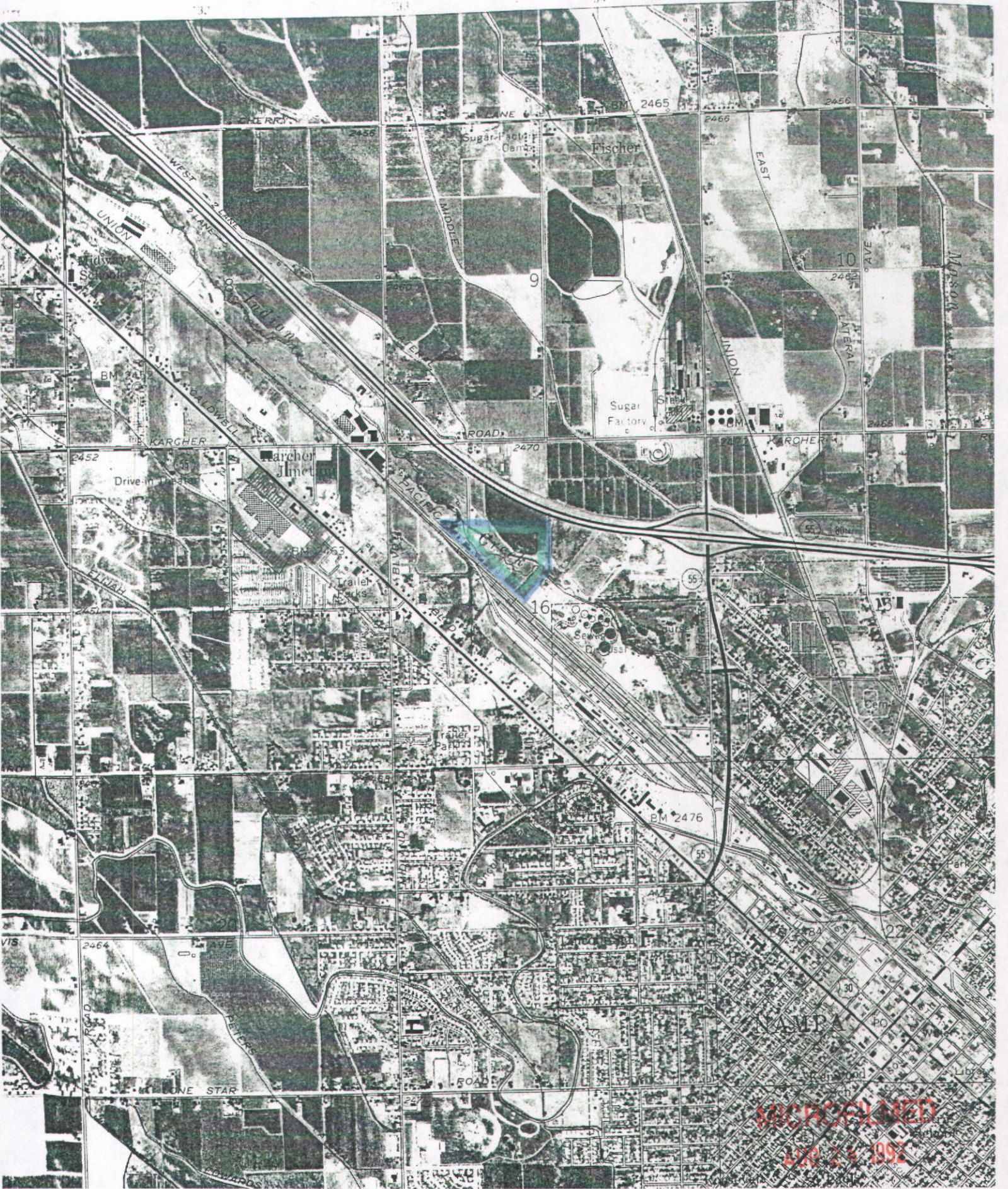


REVIEW OF WATER RESOURCES
UNITED STATES
OF THE INTERIOR
GEOLOGICAL SURVEY

Water Right # A63-09961
= Point(s) of Diversion
= place(s) of Use

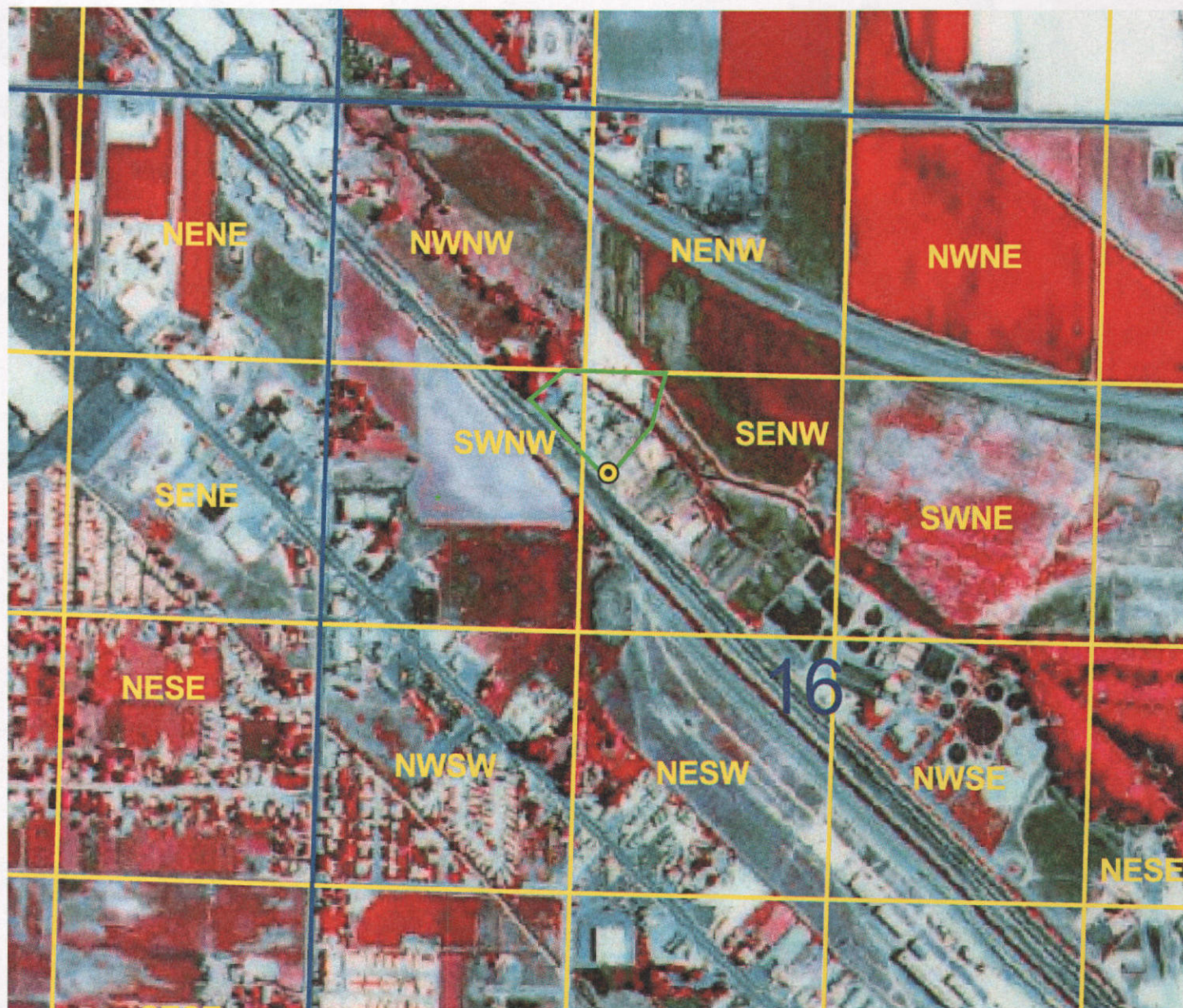


RECEIVED
AUG 24 1993



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-9961



1320 0 1320 Feet



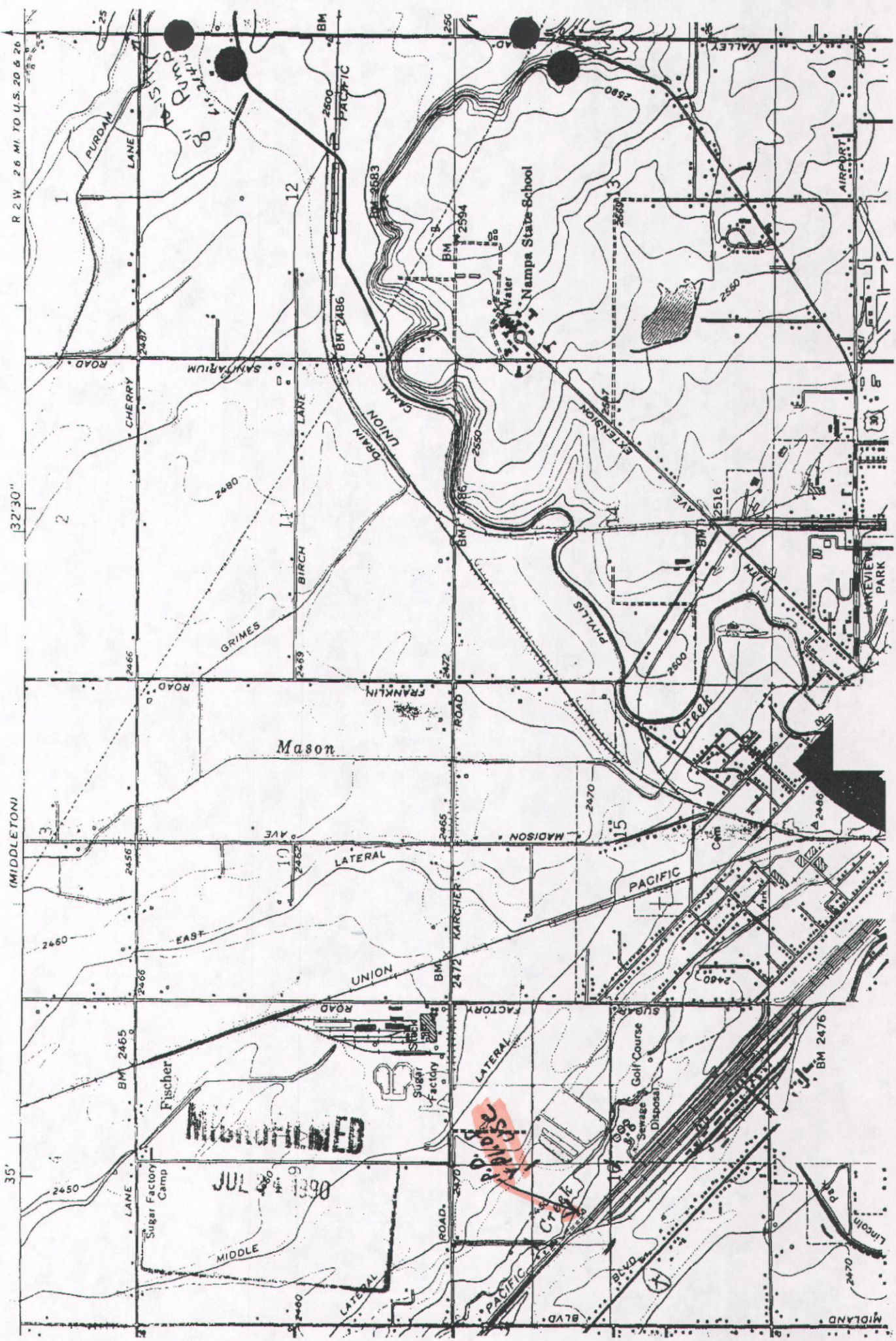
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

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

1616
0616

38-9

NAMPA QI
IDAHO-C
7.5 MINUTE SERI



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: A63-09961
Date Received: 5/7/90
Receipt No: 2016710
Received By: JP

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: DEC 10, 1982

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	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL FOR BEEF PACKING SLAUGHTERHOUSE.

10. Place of Use:

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:
A63-04936, A63-02597

14. Remarks:

THERE ARE TWO WELLS LOCATED IN THE SENW, SEC.16, T03N, R02W.
BOTH WELLS ARE IN THE SAME HOLE, BUT HAVE DIFFERENT SIZED CASINGS
ONE CASING IS 16" AND THE OTHER IS 8". THE WELL FOR THIS CLAIM
IS PLUMBED TO THOSE WELLS AND IS KNOWN LOCALLY AS THE CONDENSER
WELL.

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
Simplot Meat Products, Inc. Title
Organization, that I have signed the foregoing

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]
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. Lower
Notary Public

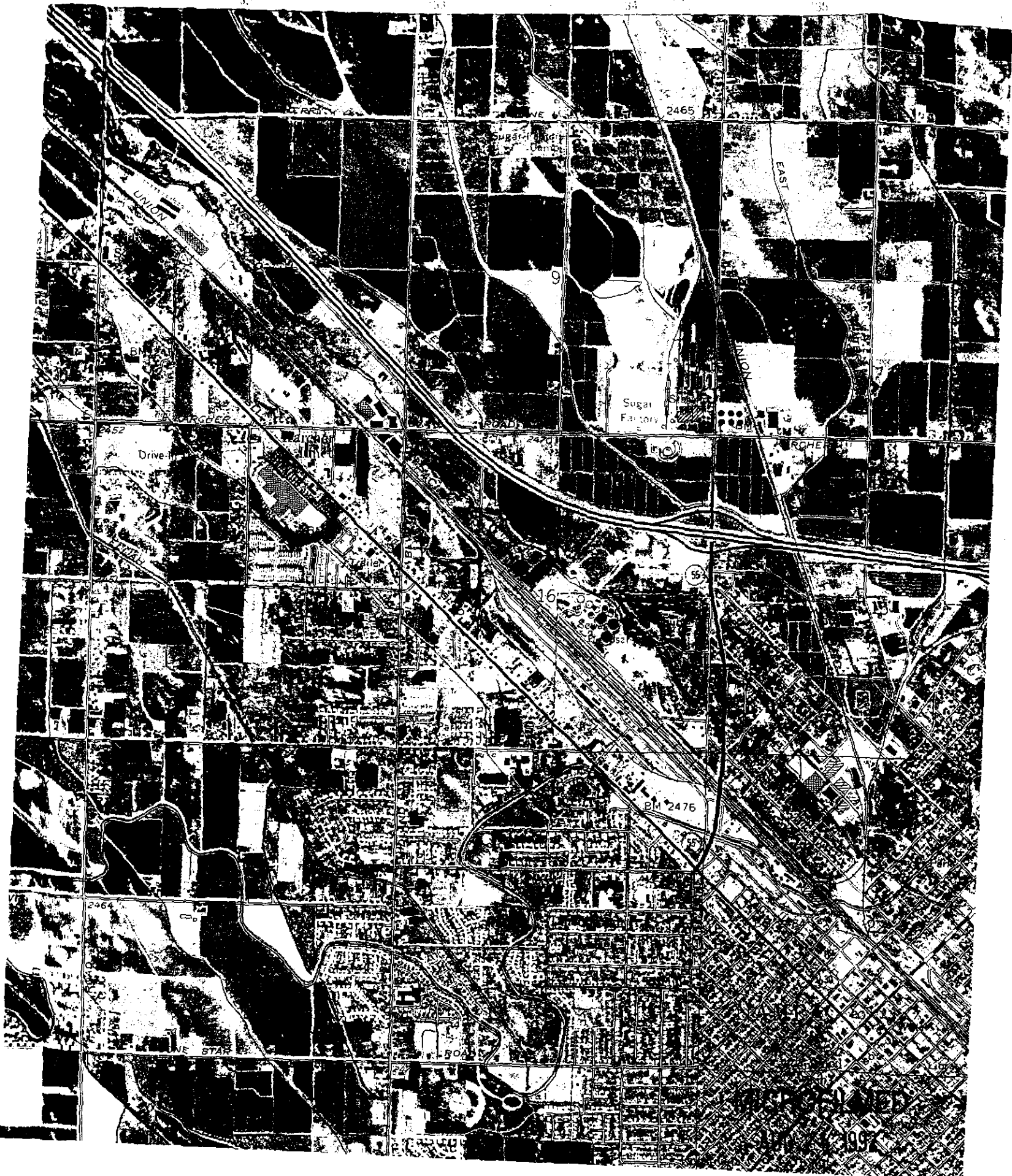
Seal

Residing at Meridian

My Commission Expires 11-06-91

REPORT OF THE
BUREAU OF RECLAMATION
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Water Right # A63-09961
= Point(s) of Diversion
= place(s) of Use



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

Subcase 63-9961
(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: **0.99 cfs**

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
3N	2W	16	SW¼NW¼
			SE¼NW¼

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 provides the right to divert up to 0.99 cfs from groundwater sources used in combination with water diverted under water right no. 63-2597. The recommendation by the IDWR for this water right includes an annual volume limit in the

amount of 715 acre feet per annum. Without an understanding of the basis for the Director's recommendation for the annual volume limit, the claimant must object in order to determine the basis for the IDWR's volume limit recommended for this water right and the appropriate annual volume that should be recommended for water right no. 63-2597.

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

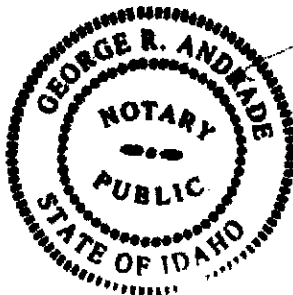
By: [Signature]
Terry T. Uhling, Secretary

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 12, 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.E. Simplot Company
By: *Vic 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: 63-9961

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.990 CFS
715.500 AFY

PRIORITY DATE: 12/10/1982

POINT OF DIVERSION:

T03N R02W S16 SENW 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	0.990 CFS 715.50 AFY
Industrial use is for a slaughterhouse and meat packing plant.		

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S16 SENW

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

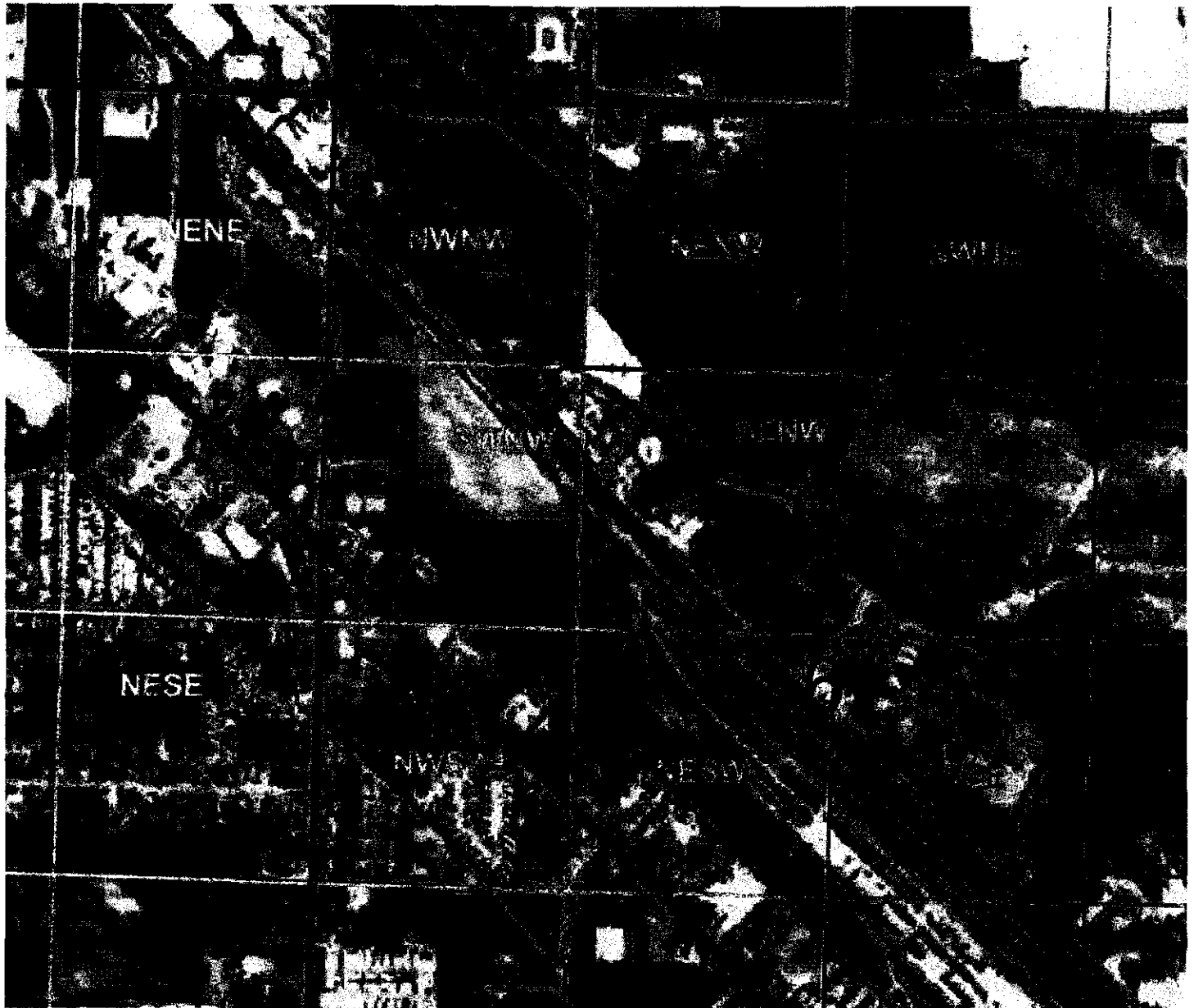
A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-9961



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



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.

6.0.



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

JUL 26 1994

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 months 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

3/26/2008

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. -Sel*

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

Dear Mr. Shaff:

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

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

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

Sincerely,

Holly Pepe

Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

JUL 26 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

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

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

April 6, 1994

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

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

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED

JUL 26 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
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

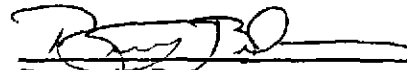
21 _____)
22 The United States; the State of)
23 Idaho; and all claimants to the)
use of water from the Snake)
River Basin Water System,)

24 Defendants.)
25 _____)

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
12
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14
15
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18
19
20
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25
26
27
28

CERTIFICATE OF SERVICE

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

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

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

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

Brad A. Flinders
STUNZ, FONDA, NICHOLS, KIYUNA,
OKAI, HORTON & FLINDERS
P.O. Box 1565
Nyssa, Oregon 97913

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

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

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

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

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

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

MICROFILMED

JUL 26 1994

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
5 P.O. Box 955
6 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
10 P.O. Box 51718
11 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
13 P.O. Box 389
14 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
17 P.O. Box 176
18 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
23 P.O. Box 2527
24 Boise, Idaho 83701

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

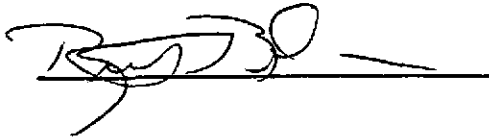
23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
26 P.O. Box 66
27 Twin Falls, Idaho 83303-0066

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

MICROFILMED
JUL 26 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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MICROFILMED
JUL 26 1994

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

ATA is licensed - used 112. ATA

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

63	7218	License	Active	4/18/1969	3.4		GROUND WATER	FIRE PROTECTION, INDUSTRIAL, IRRIGATION	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING.have well log.
63	9961	License	Active	12/10/1982	1	715.5	GROUND WATER	INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	<u>LICENSE:</u> .99 cfs for industrial use in SENW S 16. Have well log - 16" DIA & 108' DEEP. Use is refrigeration for meat & backup domestic. <u>SRBA CLAIM:</u> 1.5 cfs for industrial. Claim references 2 wells- 8" & 16" in same casing. No info about this in the well or well log. Cliff" - maintenance mgr didn't know anything about this, said there were simply 2 wells used for the plant. This is the condenser well. Theor in 2003 calculated at .83 cfs. Lic exam calculated at .99 cfs. Recommend as licensed.
63	10012	Permit	Active	3/7/1983	3		GROUND WATER	DOMESTIC, INDUSTRIAL	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING. need copy of permit. Rec as permitted
63	10066	Permit	Active	6/14/1983	2		GROUND WATER	INDUSTRIAL	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING. need copy of permit. Rec as permitted

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9961**

05/30/2006

1

Water 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
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9961**

05/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
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

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>H & H Keim Co. L.T.A.</u> Address <u>Nampa, Id.</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>3'</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Other Discharge G.P.M. <u>1000</u> Draw Down <u>11</u> Hours Pumped <u>7 1/2</u>																																																																																									
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☒ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG <u>145133</u> <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>18"</td><td>0</td><td>5</td><td>BLACKTOP GRAVEL, SAND</td><td></td><td>X</td></tr><tr><td>18"</td><td>5</td><td>15</td><td>TOP SOIL</td><td></td><td>X</td></tr><tr><td>18"</td><td>15</td><td>30</td><td>SUB SOIL + CLAY</td><td></td><td>X</td></tr><tr><td>18"</td><td>30</td><td>43</td><td>GRAVEL SAND CLAY</td><td></td><td>X</td></tr><tr><td>16</td><td>43</td><td>64</td><td>SUBSOIL + SAND</td><td></td><td>X</td></tr><tr><td>16</td><td>64</td><td>70</td><td>CLAY</td><td></td><td>X</td></tr><tr><td>16</td><td>70</td><td>90</td><td>LAKE ROCK</td><td></td><td>X</td></tr><tr><td>16</td><td>90</td><td>98</td><td>LAKE ROCK BROKEN</td><td></td><td>X</td></tr><tr><td>16</td><td>98</td><td>106</td><td>ROCK + CRIBS</td><td></td><td>X</td></tr><tr><td>16</td><td>106</td><td>108</td><td>CEMENTED GRAVEL</td><td></td><td>X</td></tr><tr><td>16</td><td>108</td><td>109</td><td>GRAVEL - SAND</td><td></td><td>X</td></tr><tr><td>16</td><td>109</td><td>110</td><td>SAND VERY COARSE</td><td></td><td>X</td></tr><tr><td>16</td><td>110</td><td>111</td><td>CLAY</td><td></td><td>X</td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	18"	0	5	BLACKTOP GRAVEL, SAND		X	18"	5	15	TOP SOIL		X	18"	15	30	SUB SOIL + CLAY		X	18"	30	43	GRAVEL SAND CLAY		X	16	43	64	SUBSOIL + SAND		X	16	64	70	CLAY		X	16	70	90	LAKE ROCK		X	16	90	98	LAKE ROCK BROKEN		X	16	98	106	ROCK + CRIBS		X	16	106	108	CEMENTED GRAVEL		X	16	108	109	GRAVEL - SAND		X	16	109	110	SAND VERY COARSE		X	16	110	111	CLAY		X
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other		10. WORK STARTED <u>5-3-76</u> FINISHED <u>5-18-76</u>																																																																																									
5. WELL CONSTRUCTION Diameter of hole <u>16</u> inches Total depth <u>108</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness <u>2.50</u> inches Diameter <u>16</u> inches From <u>0</u> feet To <u>46</u> feet <u>2.50</u> inches <u>12</u> inches <u>3.5</u> feet <u>107</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☒ Factory ☐ Knife ☐ Torch Size of perforation <u>19</u> inches by <u>2</u> inches Number <u>4,000</u> From <u>17</u> feet To <u>97</u> feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No Size of gravel <u>3/8</u> - Placed from <u>0</u> feet to <u>107</u> feet Surface seal depth <u>43'</u> Material used in seal ☐ Cement grout ☒ Pudding clay ☒ Well cuttings Sealing procedure used ☒ Slurry pit ☒ Temporary surface casing ☒ Overbars to seal depth		11. DRILLER'S CERTIFICATION Firm Name <u>Bill Doty Well Drilling</u> No. <u>42</u> Address <u>RT #7</u> Date <u>6-25-76</u> Signed by (Firm Official) <u>Bill Doty Jr.</u> and Operator <u>Bill Doty Jr.</u>																																																																																									
6. LOCATION OF WELL Sketch map location must agree with written location. <u>63</u> County <u>Canyon</u> Subdivision Name _____ Lot No. _____ Block No. _____ N. H. & N. W. Sec. <u>16</u> T. <u>3</u> N. R. <u>2</u> E. M.																																																																																											

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

ASK PDB W
ABOUT WELL
106

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9961

WATER RIGHT NUMBER: 63-9961

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 83707-0027 (208)389-7318
Current Owner	SIMPLOT MEAT PRODUCTS INC PO BOX 27 BOISE, ID 83707 (208)336-2110
Original Owner	HH KEIM CO LTD NAMPA, ID 83651
Original Owner	KEIM BEEF PACKING INC RT 5 BOX 5015 NAMPA, ID 83651

Priority Date: 12/10/1982

Basis:

~~Permit~~ *License*

Status:

Active

Source

Tributary

GROUND WATER

Beneficial Use

INDUSTRIAL

From To

1/01 to 12/31

Diversion Rate

1,500 CFS

Annual Volume

715.5

Total Diversion:

1,500 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

~~SW 1/4 NW 1/4~~

Sec. 16, Twp 03N, Rge 02W, B.M.

GROUND WATER

CANYON County

SE 1/4 NW 1/4

Sec. 16, Twp 03N, Rge 02W, B.M.

Place of Use

INDUSTRIAL Within CANYON County

T03N R02W S16 SENW

Conditions of Approval:

1. THERE ARE TWO WELLS LOCATED IN THE SENW, SEC. 16, T03N, R02W. BOTH WELLS ARE IN THE SAME HOLE, BUT HAVE DIFFERENT SIZED CASINGS ONE CASING IS 16" AND THE OTHER IS 8". THE WELL FOR THIS CLAIM IS PLUMBED TO THOSE WELLS AND IS KNOWN LOCALLY AS THE CONDENSER WELL.

purpose
Industrial use is for a slaughter house & meat packing plant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9961

2. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
3. 09D Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

Remarks:

Comments:

Water Supply Bank:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09961

Priority: December 10, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.99 CFS
715.5 AF

This is to certify, that SIMPLOT MEAT PRODUCTS INC.

P.O. BOX 27

BOISE, ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 10, 1982; and has submitted Proof of Beneficial Use on June 27, 1983. An examination indicates that the works have a diversion capacity of .990 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	0.99 CFS	715.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 16, Township 03N, Range
CANYON County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

03N 02W 16

SENW

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.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

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JUL 24 1990

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09961

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 17th
day of JULY, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

JUL 24 1990

JUN 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPUNCHED

A. GENERAL INFORMATION

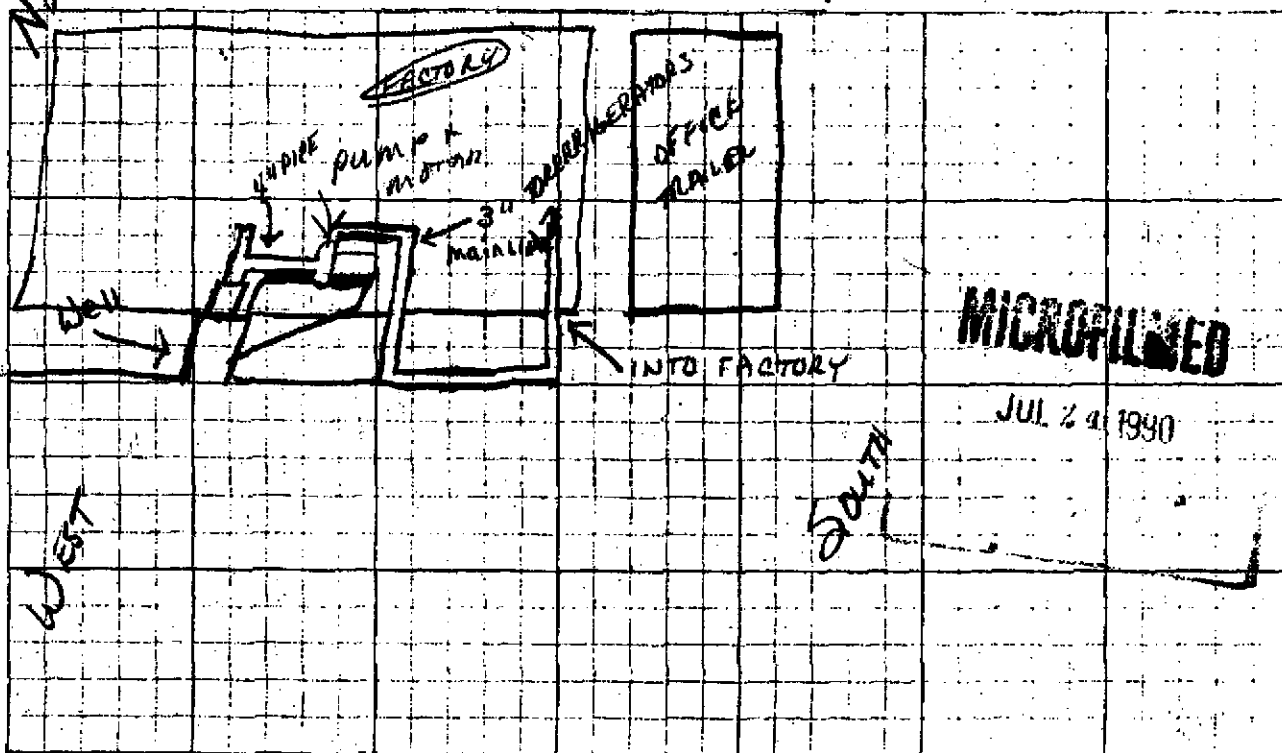
1. Owner: H. H. KEIM CO., LTD Permit No. 63-9961
Current Address: P.O. Box 338, NAMPA, ID Phone No. 466-2478
2. Accompanied by: B.B. HARPER, MTN. ENG. EXAM. DATE: 7/3/86 ✓
Address: _____ Phone No. 466-2478
Relationship to Permit Holder: SEE ABOVE
3. Source: G.W. tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-2597 + 63-4936 - SAME PLACE
OF USE - NOT SAME WELLS. THIS WELL HAS A 10" CASING. X Copies Attached
2. Other water rights with same point of diversion: NONE
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description of operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SWL - 15' - 16" CASING W/ PUMP & MOTOR AT
SURFACE, CENTRIFUGAL MOTOR W/A 4" OUTLET INTO A
3" MAINLINE TO FACTORY. TOTAL^{well} DEPTH IS 80', TDH = 40' W.
TO REFRIGERATION FOR COOLING PURPOSES. PACEW FOR DOMESTIC
USE ALSO. MAIN BLOB OFF TO SIDE IS WHERE REFRIGERATOR SARE.
Pump RUNS 24 HRS PER DAY. MAIN BLOB IS LOCATED TO
THE NORTH OF WELL. REFRIGERATION IS FOR KEEPING MEAT
AFTER BEING PROCESSED, BEFORE SHIPPING.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	CENTURY	25	6-321220-0	BERKELEY	7674218

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	16	3N	2W			

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	2W	16								I									

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JUL 24 1990

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
			NO M.D. REQ. - REQUESTING REMOVAL			
			DUE TO AMOUNT OF WATER			
			+ SET-UP OF PUMP - SEE REMARKS			

2. Measurements:

THEORETICAL CALCULATION

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: *N/A*

143

2. Alternate Method for Checking Purposes:

Approximate Method for Checking Purposes:

$$\frac{25 \text{ HP} \times 8.8 \times .86}{110 + 110 \times 2.3} = \frac{176}{178} = .99 \text{ crs}$$

TDH $\rightarrow 40' + (60 \times 2.3)$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); **Dynamic pumping level:** _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: $(3) \times (4) \div 8.8 = \underline{\hspace{1cm}}$ (5)

Meter Input KW: $3.6 \times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: $(6) \times 1.34 = \underline{\hspace{1cm}} (7)$ Efficiency: $(5)/(7) \times 100 = \underline{\hspace{1cm}} \%$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{ia} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}} \text{ N/A}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 \rightarrow 2.98 \times 365 \times 1.98 = 700.5 \text{ AF/ANNU}$$

$V = \text{Smaller of } V_{in} \text{ and } V_{out} = \underline{N/A}$

2. Volume Calculations for Other Uses:

98015 24 HRS/04.

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

This system could not be shut-down to do the measurement because the refrigeration system could not be shut down without some problems. The part placed on the 3" mainline was not the correct size for the Hall-Cox meter & with reduced would have been inaccurate. The amount of water is .98 cfs which is over .70 cfs (m.s. req.) however due to the circumstances & the nearness to .70 cfs I request removal of this meas. device req.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afs)
	From	To		
Industrial	1-1	12-31	.98 cfs	708.5 cfs
Totals:			.98 cfs	708.5 cfs

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Jan Shurte
JAN SHURTE

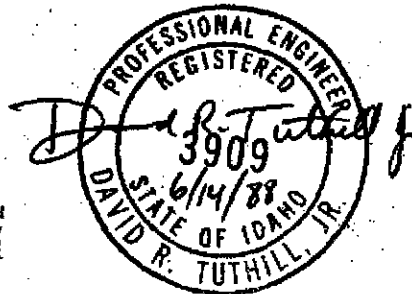
7/3/86 & 2/23/88

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

UNRECORDED

JUL 24 1990



FROM *Jan Shute*TO *Dave Rutledge*

DATE

5/9/88

SUBJECT

Keim's field exam - Permit No. 63-9861

Per my letter of 4/25/88, Mr. Keim called in on May 2nd. He stated that this well was the latent drilled & it was for additional water for cooling in the factory. He did say two of the other wells have been capped, but that even were shallow wells & it had been several years before the new well was drilled. ~~So the what we~~ need on this one. ? Thanks, Jan

SIGNATURE

MEMORANDUM

TO: FILE

FROM: TIM LUKE *TL*

RE: LICENSE REVIEW

DATE: 5-17-90

Upon reviewing this field exam for licensing, I developed some questions about the use of the well for refrigeration in the meat packing plant. In particular, I was interested in finding out if and where return flow was discharged, and whether the well does pump water 24 hrs. per day to the refrigeration system.

On this date, I spoke with plant engineer Pete Lancaster. Mr. Lancaster informed me that the well does pump water 24 hrs. per day and that water is discharged to Indian Creek.

Allow Annual volume as proposed on Field Exam.

MICROFILMED

JUL 24 1990

April 25, 1988

Bob Harper
H. H. Keim Co.
P.O. Box 338
Nampa, ID 83651

Dear Mr. Harper:

A field examination to verify water use for Permit No. 63-9961 in the name of H. H. Keim Co. was conducted on July 3, 1986 (copy of permit enclosed).

Recently, during the review of that exam, questions came up as to the use of your other wells for the factory. The H. H. Keim Co. has two other water rights for wells used at the factory dating back to May 22, 1942, Water Right No. 63-2597 and April, 1946, for Claim to a Water Right No. 63-4936. Copies of these water rights are enclosed for your review, along with a copy of a page from the field exam conducted on Water Right No. 63-2597 which identifies the wells examined at that time.

The reason we are requesting information concerning which wells you are still using, and the uses they are applied to, is because in some cases duplicate filings have been made by water right holders who are not aware that other water rights are already on file with the Department. Sometimes a filing is made on a well that is being drilled to replace an existing well due to a depletion of water from that existing well. In these cases the Department does not require a new permit be filed as long as the replacement well and the existing well combined do not exceed the amount of water issued under the old water right. Water rights with older priority dates (date of first use) are more valuable to have in case of any regulation of water use. Later priority dates would be regulated first and early dates last. If all of your wells are covered under the older priority rights listed above, then Permit No. 63-9961 may not be needed. The Department is hesitant to issue a license for a permit which has older filings covering the same uses, unless it is actually an additional use over and above any of the other rights.

RECORDED
JUL 24 1990

Please contact us at your earliest convenience as to which wells are still being used along with which water use each well has. The Department will not take any action, once this information is received, until we review these water rights with your company. If you have any questions concerning this letter, feel free to contact

me.

Sincerely,

JAN SHURTE
Sr. Water Resource Agent

JS:j
Enclosures

RECEIVED

JUL 24 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPROVED

APPLICATION FOR PERMIT

DEC 19 1982

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant H.H. KEIM CO., LTD. Phone 466 2478
Post office address P.O. Box 338 Nampa, Idaho 83651
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 3 N. of
Range 2 W. of B.M. CANYON County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.5 for INDUSTRIAL purposes from JAN 1 to DEC 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. 1.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMP

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

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

c. Proposed well diameter is 16 inches; proposed depth of well is 110 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 3N
Range 2W ^{66S} B.M.

(2) Amount of power to be generated: _____ 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 _____

(5) If water is to be used for other purposes describe: BEEF SLAUGHTER & PROCESSING

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated _____

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

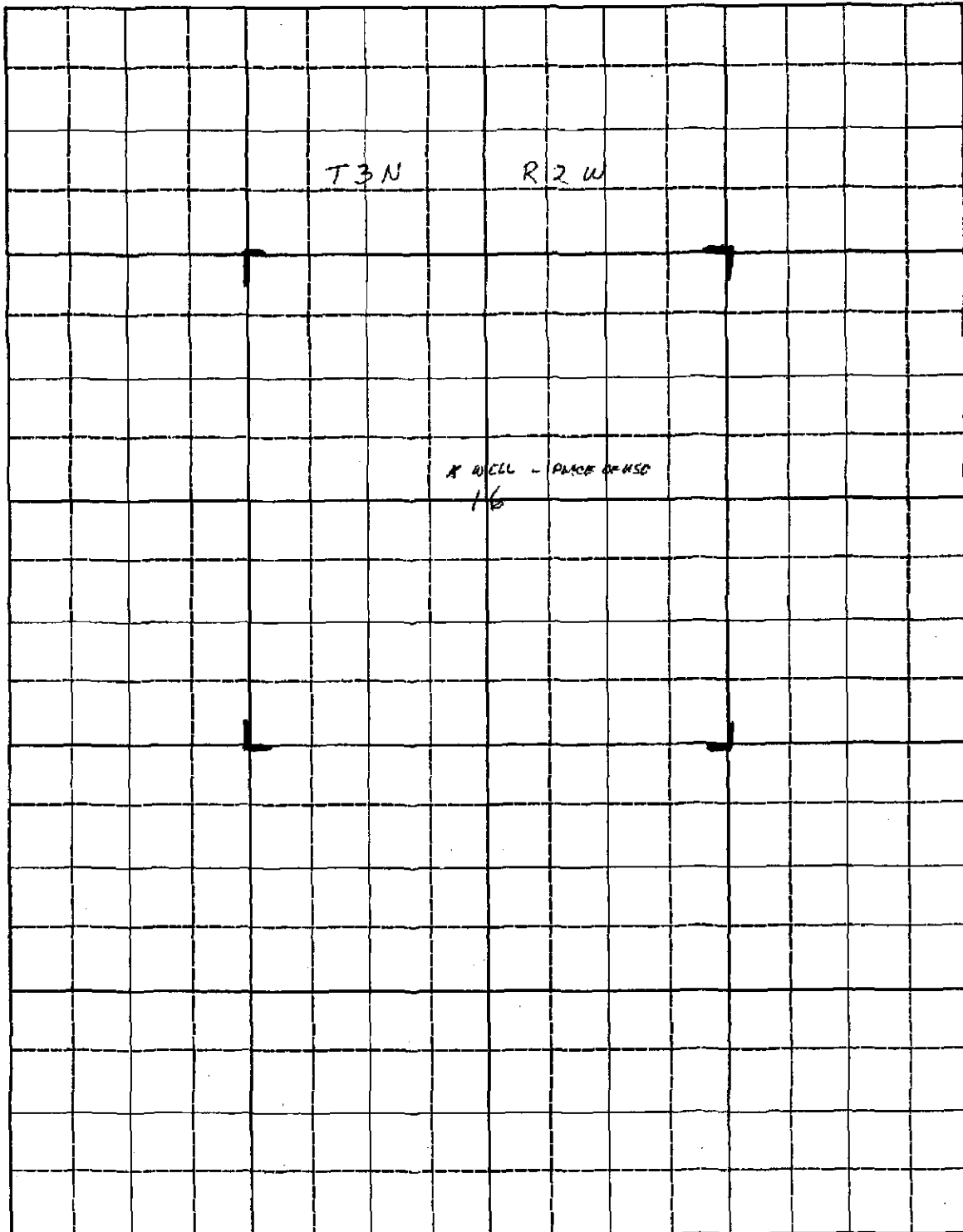
9. a. Who owns the property at the point of diversion H.H. KEIM Co. LTD

b. Who owns the land to be irrigated or place of use

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 WELL DEVELOPED AND IN USE SINCE JUNE 1976

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



Scale: 1 inch equal 1 mile.
1

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 CO., LTD.
By H.H. Keim PRES.
(Applicant)

Proposed Priority 12/10/1982

Received by SRG Date 12-14-82 Time 8:30

Preliminary check by GLS Fee \$ 65.00

Received by AP Date 12/14/82 2:30 PM (25 work)

Publication prepared by AP Date 12/16/82

Published in Idaho Tribune

Publication dates 12/23 & 12/30/82

Publication approved AP Date 2/1/83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SRG

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. 63-9961, 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 March 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 10th day of February, 1983.

J. Glen Saxton
Chief, Operations Bureau

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7.5 MINUTE SERI

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