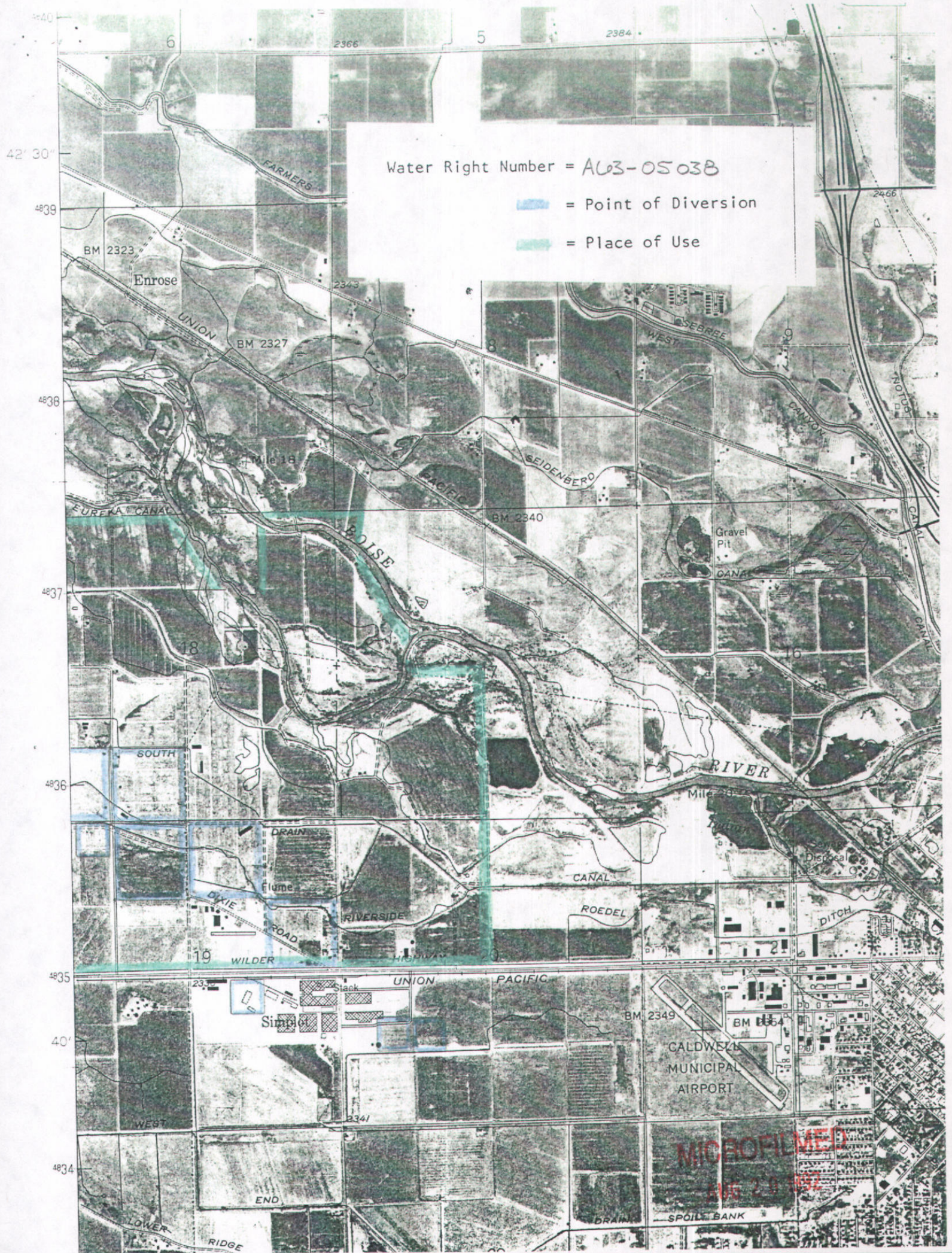




Water Right Number = AL3-05038

 = Point of Diversion

 = Place of Use

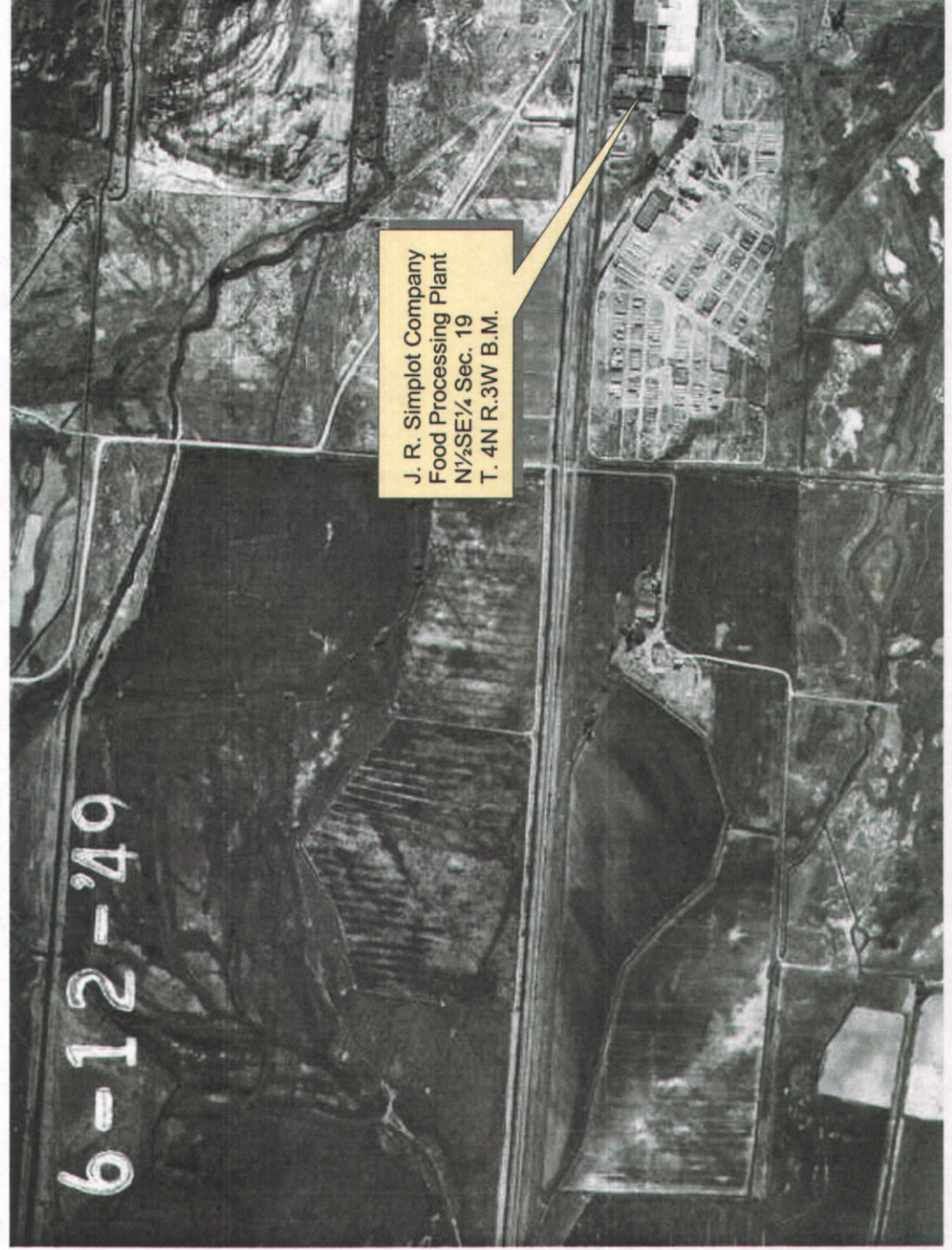
MICROFILMED
AUG 20 1972



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AUG 20 1992

J. R. Simplot Company Food Processing Plant Caldwell, Idaho 1949



Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-05038
 Legal: T04N, R03W, S17, 18, 19, 20
 T04N, R04W, S12, 13, 24
 Reviewed By:

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



Idaho Department of Water Resources

Claim Number: 63-05038
 Legal: T04N, R03W, S17, 18, 19, 20
 T04N, R04W, S12, 13, 24
 Reviewed By:

1987 Napp Photo

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



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: A63-05038
Date Received: 3/22/90
Receipt No: C015841
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: JUL 20, 1944
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	~~1020~~ 18	SE	NW	SW ✓		CANYON
				SW	SW ✓		CANYON
				SE	SW ✓		CANYON
		19		NW	NE ✓		CANYON
				SE	NE ✓		CANYON
				SW	NE ✓		CANYON
		20	SW	NE	NW ✓		CANYON
				NE	NW ✓		CANYON
				NE	SE ✓		CANYON
		04W		NW	SE ✓		CANYON
				SW	SE ✓		CANYON
				NE	NW ✓		CANYON
		24					

5. Description of diverting works:
14 WELLS, 14 PUMPS, COMMON SYSTEM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.340		
INDUSTRIAL	01/01	12/31	1.340		
STOCKWATER	01/01	12/31	1.340		

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

A63-05038

Page 1

A.F.A.

Date: 03/21/90

MICROFILMED
AUG 20 1992

8. Total consumptive use is 3496.5 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	03W	17	NW	NW		IRR	5.0
			SW	NW		IRR	5.0
			NE	SW		IRR	15.0
			NW	SW		IRR	10.0
			SW	SW		IRR	25.0
			SE	SW		IRR	35.0
						Section Acres	95.0
		18	NE	NE		IRR	35.0
			NW	NE		IRR	15.0
			SW	NE		IRR	15.0
			SE	NE		IRR	25.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
			NE	SW		IRR	15.0
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
			SE	SE		IRR	29.0
			SE	SE		STOCK	
						Section Acres	289.0
		19	NE	NE		IRR	25.0
			NE	NE		STOCK	
			NW	NE		STOCK	
			SW	NE		STOCK	
			SE	NE		STOCK	
			SE	NE		INDUST	
			NE	NW		IRR	20.0
			NW	NW		IRR	30.0
			SW	NW		IRR	35.0
			SE	NW		IRR	25.0
						Section Acres	135.0
		20	NE	NW		IRR	30.0
			NW	NW		IRR	30.0
			SW	NW		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	20	SE	NW		IRR	30.0
						Section Acres	115.0
	04W	12	SE	SE		IRR	30.0
						Section Acres	30.0
		13	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	30.0
			SE	NE		IRR	35.0
			SE	SW		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		IRR	40.0
			SW	SE		STOCK	
			SE	SE		IRR	35.0
			SE	SE		STOCK	
						Section Acres	215.0
		24	NE	NE		IRR	30.0
			NE	NE		STOCK	
			NW	NE		IRR	30.0
			NW	NE		STOCK	
			SW	NE		IRR	20.0
			SW	NE		STOCK	
			SE	NE		IRR	40.0
			SE	NE		STOCK	
						Section Acres	120.0
						Total Acres	999.0

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:
SEE REMARKS

14. Remarks:

SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.

TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
HOG HOUSE WELL.

NON-IRRIGATION USES: I/ETHANOL, FOOD PROC., WASTE RECOVERY AND APPLICATION, S/45000 ON SYSTEM (12695 FOR THIS RIGHT).

OTHER RIGHTS: A63-21537, A63-21538, A63-21539, A63-21540, A63-21541, A63-07678, A63-05036, A63-05037, A63-05039, A63-02731,

Pioneer Dixie Ditch Co.

A63-05038

Page

3

Date: 03/21/90

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14. Remarks: Continued

A63-04968, A63-10034, A63-03107.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

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

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

document in the space below as Secretary of
Title

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

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

03-21-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of March 1990

Vicki A. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

6

5

2384

Water Right Number = AL03-05038

= Point of Diversion

= Place of Use

Enrose

BM 2323

BM 2327

40

Gravel Pit

SOUTH

RIVER

Mill

ROEDEL

DITCH

WILDER

UNION PACIFIC

Sim

BM 2349

BM 2354

ROAD

UNION

ROAD

SPRINGS BANK

RIDGE



WELL3.XLS

Common Systems Descriptions

The following is a list of legal descriptions for wells involved in two separate common water systems. The first common system is located at Simplot Feedlot #3 near Caldwell, Idaho. The primary function of this system is to provide stockwater for the feedlot #3, water for 4 domestics, and water to the offices.

The second common system is located at Simplot's food processing plant near Caldwell, Idaho. The primary function of this system is to provide industrial water to the food processing and waste recovery system.

Any one well from either system is considered an alternative point of diversion for any other well from either system.

1 = Indicates that well is in the Feedlot #3 common water system

2 = Indicates that well is in the Food processing common water system

Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
4N	3W	19		NW	NE	HOSPITAL WELL	1
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	24		NE	NW	ARTESIAN 500 WELL	1
4N	4W	13		SW	SE	POST PLACE WELL	1
4N	3W	19	NE	NE	SE	WELL #3	2
4N	3W	19	SW	SE	NE	WELL #4	2
4N	3W	19	NE	NW	SE	WELL #6	2
4N	3W	20	SW	NE	SW	WELL #8	2
4N	3W	19	NE	NW	NW	WELL #9	2
4N	3W	20	SE	NW	SW	WELL #10	2

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WELL3.XLS

Common Systems Descriptions

The following is a list of legal descriptions for wells involved in two separate common water systems. The first common system is located at Simplot Feedlot #3 near Caldwell, Idaho. The primary function of this system is to provide stockwater for the feedlot #3, water for 4 domestics, and water to the offices.

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Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
4N	3W	19		NW	NE	HOSPITAL WELL	1
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	24		NE	NW	ARTESIAN 500 WELL	1
4N	4W	13		SW	SE	POST PLACE WELL	1
4N	3W	19	NE	NE	SE	WELL #3	2
4N	3W	19	SW	SE	NE	WELL #4	2
4N	3W	19	NE	NW	SE	WELL #6	2
4N	3W	20	SW	NE	SW	WELL #8	2
4N	3W	19	NE	NW	NW	WELL #9	2
4N	3W	20	SE	NW	SW	WELL #10	2

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AUG 20 1992

~~Pending
Transfer
68320 - not
valid;
DISREGARD~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 4, 2007

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

I have finally had a chance to go through the claim files, previously assigned to Kimberly Brown, and find we need to have additional documentation in regard to these claims prior to conducting the field examinations.

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

- a. small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- b. municipal purposes,
- c. fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to you again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **September 28, 2007**. Once we receive the information we will need to conduct field examinations and the SRBA Court has indicated they would like the field inspections done this fall so we can submit revised recommendations on the rights that have been objected to. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,



KAY WALKER

Sr. Water Resource Agent

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

Subcase 63-5038

(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: J. R. Simplot Company

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: J. R. Simplot Company

Address: 999 Main Street, Suite 1300

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: J. R. Simplot Company, C/O Terry Uhling 999 Main Street,
Suite 1300, PO Box 27, Boise, ID 83707

2. ☒ **Source**

Should be: Groundwater

3. ☒ **Quantity**

Should be: 1.34 cfs

4. ☒ **Priority Date**

Should be: July 20, 1944

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
4N	3W	20	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
			SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
		18	SW $\frac{1}{4}$ SW $\frac{1}{4}$
			SE $\frac{1}{4}$ SW $\frac{1}{4}$
		19	NW $\frac{1}{4}$ NE $\frac{1}{4}$
			SE $\frac{1}{4}$ NE $\frac{1}{4}$
			SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
	4W	13	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$

6. ☐ **Instream Flow Description**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Irrigation, Industrial and Stockwater

8. ☒ **Period of Year**

Should be: Irrigation from March 15 to November 15 (Inclusive); Industrial from January 1 to December 31 (Inclusive); Stockwater from January 1 to December 31 (Inclusive)

9. ☒ **Place of Use**

Should be:

Township	Range	Section	Quarter Quarter	Use	Acres (if irrigation)
4N	3W	17	NW¼NW¼	Irrigation & Industrial	5.0
			SW¼NW¼	Irrigation & Industrial	5.0
			NE¼SW¼	Irrigation & Industrial	15.0
			NW¼SW¼	Irrigation & Industrial	10.0
			SW¼SW¼	Irrigation & Industrial	25.0
			SE¼SW¼	Irrigation & Industrial	35.0
		18	NE¼NE¼	Irrigation & Industrial	35.0
			NW¼NE¼	Irrigation & Industrial	15.0
			SW¼NE¼	Irrigation & Industrial	15.0
			SE¼NE¼	Irrigation & Industrial	25.0
			NE¼NW¼	Irrigation & Industrial	40.0
			NW¼NW¼	Irrigation & Industrial	40.0
			SW¼NW¼	Irrigation & Industrial	35.0
			SE¼NW¼	Irrigation & Industrial	40.0
			NE¼SW¼	Irrigation & Industrial	15.0
			NE¼SW¼	Stockwater	
			NW¼SW¼	Stockwater	
			SW¼SW¼	Stockwater	
			SE¼SW¼	Stockwater	
			NE¼SE¼	Stockwater	
			NW¼SE¼	Stockwater	
			SW¼SE¼	Stockwater	
			SE¼SE¼	Irrigation & Industrial	29.0
			SE¼SE¼	Stockwater	
		19	NE¼NE¼	Irrigation & Industrial	25.0
			NE¼NE¼	Stockwater	
			NW¼NE¼	Stockwater	
			SW¼NE¼	Stockwater	
			SE¼NE¼	Stockwater	
			SE¼NE¼	Irrigation & Industrial	20.0
			NW¼NW¼	Irrigation & Industrial	30.0
			SW¼NW¼	Irrigation & Industrial	35.0
			SE¼NW¼	Irrigation & Industrial	25.0
		20	NE¼NW¼	Irrigation & Industrial	30.0
			NW¼NW¼	Irrigation & Industrial	30.0
			SW¼NW¼	Irrigation & Industrial	25.0
			SE¼NW¼	Irrigation & Industrial	30.0
	4W	12	SE¼SE¼	Irrigation & Industrial	30.0
		13	NE¼NE¼	Irrigation & Industrial	40.0
			NW¼NE¼	Irrigation & Industrial	35.0
			SW¼NE¼	Irrigation & Industrial	30.0
			SE¼NE¼	Irrigation & Industrial	35.0

			SE¼SW¼	Stockwater	
			NE¼SE¼	Stockwater	
			NW¼SE¼	Stockwater	
			SW¼SE¼	Irrigation & Industrial	40.0
			SW¼SE¼	Stockwater	
			SE¼SE¼	Irrigation & Industrial	35.0
			SE¼SE¼	Stockwater	
		24	NE¼NE¼	Irrigation & Industrial	30.0
			NE¼NE¼	Stockwater	
			NW¼NE¼	Irrigation & Industrial	30.0
			NW¼NE¼	Stockwater	
			SW¼NE¼	Irrigation & Industrial	20.0
			SW¼NE¼	Stockwater	
			SE¼NE¼	Irrigation & Industrial	40.0
			SE¼NE¼	Stockwater	

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):

Information was supplied to the IDWR in connection with their request for evidence of priority for this claim. This information included a copy of an aerial photograph dated June 12, 1949 showing Simplot's food processing plant; a newspaper article from the September 6, 1941 edition of the Caldwell News-Tribune describing the original construction of Simplot's food processing plant; a large format Oregon Short Line Railroad Station Map referencing Simplot's water line encroachments dated August, 1944; and a large format Site Plan dated 1947 referring to the "Hog House Well" (the original point of diversion for this water right) all of which materials are contained in the files of the IDWR. However, said information was supplied after the IDWR completed its 2006 field work season. Because of the IDWR's accelerated reporting schedule, the IDWR advised Simplot that it did not have time to schedule an examination to verify the water uses claimed before the Director's Reporting deadline.

The information described above was attached by the claimant to the Notice of Error filed in response to IDWR's preliminary recommendation for this water right. The IDWR has informed the claimant that, based on the above described information, an examination of the claimant's water systems will be scheduled to confirm the uses claimed. The claimant looks forward to cooperating

with the IDWR in providing access to the water systems for the examination and will also assist the IDWR in supplying any available additional information that may be necessary for the recommendation of this water right.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Terry T. Uhling, Vice President, Secretary and General Counsel of the J. R. Simplot Company, 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.

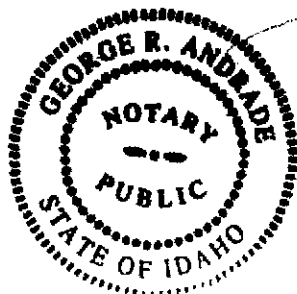
J. R. Simplot Company

(Signature of person filing objection)

By: [Signature]
Terry T. Uhling, Senior 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: J. R. Simplot Company
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: Die Counsel, Director, Land, Water &
Signature of Objector or attorney Asset Recovery
mailing on Objector's behalf

Brown, Kimberly

From: Brown, Kimberly
Sent: Friday, November 03, 2006 3:27 PM
To: 'Conrad, Vic'
Subject: RE: Notice of Error Replies

Mr. Conrad,

You misinterpreted my message. The department does not "default to disallow any statutory claim regardless of the level of proof provided."

In the majority of cases, when the department requests evidence of priority more than once and it is not provided by the deadline imposed, the claim is disallowed due to lack of evidence. Unfortunately and most often, it is not until the claimant receives the Preliminary Recommendation with a status of disallowed; that they suddenly submit evidence of the priority date at the tail-end of the recommendation process. In this case, if the evidence is sufficient, the department will remove the disallowed status and recommend the claim.

In your case, you also provided evidence after the deadline it was initially requested and, based on my precursory review of the evidence you submitted for 63-4968, 63-5036, 63-5037, 63-5038, and 63-5089 on October 13, 2006; it is sufficient. Therefore, our department would traditionally remove the disallowed status and recommend those 5 specific claims at this time. However, since you only provided evidence for 5 claims in an interconnected system that you are still in the process of searching for evidence for the other 9 "common system" water rights involving the same wells and ALL of the 14 claims listed on your cover letter (not just the five) will require field investigations; we do not have enough information* at this point-in-time to remove the disallowed status and recommend the five claims you submitted the evidence for.

*In addition to the request for evidence for your statutory claims, I requested that you also submit completed Industrial and Commercial Use Volume questionnaires in order that our department could calculate an annual volume for each claim (see attachment). However, we did not receive any completed volume questionnaires.

Nick Spencer stated that, since you are not done gathering evidence and all 14 claims in this common system will require additional field work as well, we will obviously be working with you during the objection resolution process to get everything put together.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, November 02, 2006 4:16 PM
To: Brown, Kimberly
Subject: RE: Notice of Error Replies

Kimberly,

I am a little confused. Do you intend to disallow 63-4968, 63-5036, 63-5037 and 63-5039; even with the 1949 photo showing the Caldwell plant, the 1947 site plan referencing these the points of diversion which is the source of industrial use claimed, the 1941 newspaper article showing the plant under construction and an offer to meet with you to determine which of several other old photographs we have available to copy for you?

Apparently there has been a shift in the IDWR's treatment of claims filed in the SRBA. We are now seeing the department default to disallow any statutory claim regardless of the level of proof provided to support the priority date claimed. I assume the change is the result of IDWR's haste to file Director's Reports with the SRBA Court? Is this correct?

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Thursday, November 02, 2006 3:22 PM
To: Conrad, Vic
Subject: Notice of Error Replies

Mr. Conrad,

The Notice of Error Replies and evidence of priority you submitted for Claim Nos. 63-4968, 63-5036, 63-5037, 63-5038, and 63-5039 were received by our department on October 31, 2006. However, since you are still in the process of searching for evidence of priority for the other water rights involving the same wells and all of the 14 claims listed on your cover letter will require field investigations, we do not have enough information, at this time, to change our recommendations of disallowal.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Brown, Kimberly
Sent: Thursday, November 02, 2006 3:22 PM
To: 'vconrad@simplot.com'
Subject: Notice of Error Replies

Mr. Conrad,

The Notice of Error Replies and evidence of priority you submitted for Claim Nos. 63-4968, 63-5036, 63-5037, 63-5038, and 63-5039 were received by our department on October 31, 2006. However, since you are still in the process of searching for evidence of priority for the other water rights involving the same wells and all of the 14 claims listed on your cover letter will require field investigations, we do not have enough information, at this time, to change our recommendations of disallowal.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region



CORPORATE HEADQUARTERS

October 31, 2006

Hand Delivery

Kimberly Brown
Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

Re: SRBA Basin 63; Part 3.

Dear Ms. Brown:

Enclosed for filing are notices of error for the preliminary recommendations issued by the IDWR to each of the following claims:

Claim Number	Comments
63-4597	This land to which this claim is appurtenant is no longer owned by the J. R. Simplot Company ("Simplot"). Simplot is filing this notice to correct the name and address so further correspondence can be forwarded to the current owner.
63-4968	Well #2
63-5036	Well #1
63-5037	Well #6
63-5038	Hog House Well
63-5039	Well #3
63-21537	Hospital Well
63-21541	Artesian 500 Well
63-21557	Hog Pen Well
63-21559	Amustegie Well
63-21561	Moppen Well
63-21598	Martin Silo Well
63-21734	Land that receives process water from Food Processing Plant
63-22210	Additional land that was irrigated from Bardsley Gulch after the licensing exam was conducted for water right no. 63-2291.

In addition to the above claims, we will soon file additional claims for certain areas that are irrigated from sources located south of Simplot's food processing plant near Caldwell, Idaho. Evidently these irrigated areas were not claimed during the original claims taking procedure. We have numerous photographs that will assist in verifying dates when this land was irrigated. In addition we recently ordered several photos from

the USDA Aerial Photography Field Office ("APFO") in Salt Lake City, Utah taken during 1955, 1957, 1964, 1969 and 1977. If you can be available, I recommend we schedule a time when we can review the photos we have available at this time. During this meeting you can then instruct me which (if any) you would like me to copy for your records. We will then supplement these photos with the images from the APFO when they arrive.

Sincerely,

A handwritten signature in dark ink, appearing to read "Vic Conrad". The signature is stylized with a large, looped "V" and a cursive "C".

Vic Conrad
Land, Water & Asset Recovery

Enclosure

010/6/2006

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water Right Number: 63-5038
J. R. Simplot Company
PO Box 27
Boise, ID 83707 Telephone Number 208-336-2110

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

The water right holder disagrees with the IDWR's disallowal of the water right.

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

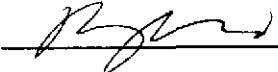
The water right should be recommended as claimed.

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

Please see the attached copies of the following:

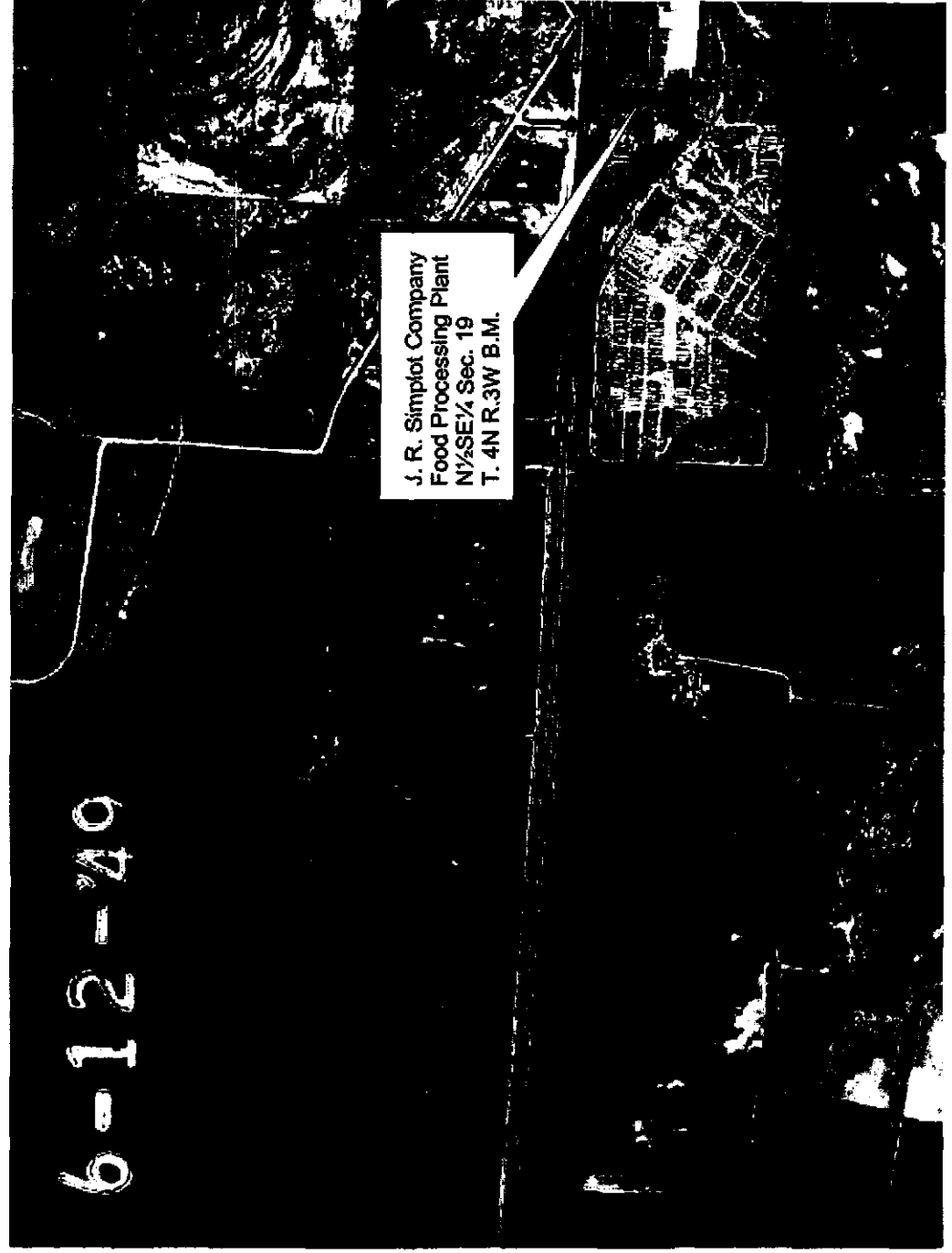
- ✓ 1) Article from Caldwell Press Tribune (predecessor of the Idaho Press Tribune) dated September 6, 1941.
- ✓ 2) Oregon Short Line Railroad Station Map; C.E. Drawing No. 54227 referencing Simplot's water line encroachments existing in August, 1944.
- ✓ 3) Aerial photo dated June 12, 1949 showing the plant which is the location of the industrial water use described under this water right.
- ✓ 4) 1947 Site Plan referencing the "To Well at Hog House, April 1944" which is the original point of diversion for this water right.

_____ I AGREE with this proposed recommendation; no changes need to be made.
J. R. Simplot Company

DATE: 10/30/06 SIGNATURE: By: 

Please print your name: Terry T. Uhling, Senior Vice President,
Secretary and General Counsel

J. R. Simplot Company Food Processing Plant Caldwell, Idaho 1949



ALL NEWS-TRIBUNE

Germans U.S. Destroyers Attacked

U.S. WATCHES

Published Every Afternoon Except Sunday

ASSOCIATED PRESS
LEASED WIRE SERVICE

ALO. SATURDAY EVENING, SEPTEMBER 6, 1941

PRICE FIVE CENTS

Settlers In Canyon To Federal Aid

Construction Progressing On Onion Dehydrating Plant

external farm
on direction
on allocation
of settlement
present fiscal
will be made

10,000 for the
Oregon and
Canyon prop-
ortion to be
available for
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CONSTRUCTION work on Caldwell's new onion dehydrating plant, on the Wilder railroad spur, two miles west of Caldwell, is making good progress and the plant will be ready for occupancy by October 1, the contractors reported today. Foundations for the cinder-block walls for the two main structures are completed and work on the walls will start at once. The building in the west end, to be used as a pack room and for storage, is to be 53 x 89 feet, and the east end structure will be 100 x 80 feet. Floors will be of concrete and the buildings are to have built-up roofs.

Whelchel & Park and Bunn and Kyle are the contracting carpenters. All materials are being purchased locally. The plant, owned by J. R. Simplot, is located on a five-acre site which was purchased by the Caldwell Chamber of Commerce and contributed to Mr. Simplot. The Chamber directors feel that the plant will have great commercial value to Caldwell because of its large payroll and also that it will provide a dependable market for hundreds of cars of onions grown by farmers in the Caldwell trade area. Several thousand sacks of onions have already been delivered to the plant and are being stored in a temporary building pending the completion of the main buildings.—News-Tribune Photo.

TRAVELING

IN A

At Vladivostok Safety

By CLOD HURDIS
Vladivostok, Sept. 5.—(AP)—The Russian navy today announced that it had received information from the Japanese navy that the Japanese fleet was in the vicinity of Vladivostok. The Russian navy said it was on high alert and was ready to engage the Japanese fleet if necessary. The Japanese navy had been reported to be in the area since late August. The Russian navy said it was not sure if the Japanese fleet was in the area or not, but it was on high alert.

The Russian navy today announced that it had received information from the Japanese navy that the Japanese fleet was in the vicinity of Vladivostok. The Russian navy said it was on high alert and was ready to engage the Japanese fleet if necessary. The Japanese navy had been reported to be in the area since late August. The Russian navy said it was not sure if the Japanese fleet was in the area or not, but it was on high alert.

In reply to a Japanese ultimatum, the Soviet Union has already informed Tokyo that any attack on the Soviet States and the Soviet Union would be considered an act of war. The Japanese navy had been reported to be in the area since late August. The Russian navy said it was on high alert and was ready to engage the Japanese fleet if necessary.

If the Japanese intended to take any action to prevent American oil deliveries to Russia, it was said, they must first be at the very start of the line to intercept the tanker P. St. Clair, laden with 6,000 barrels of high octane gasoline, on its way to the Soviet Union.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5038 V1

WATER RIGHT NUMBER: 63-5038 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110
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

Priority Date: 07/20/1944

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	1.340 CFS	
INDUSTRIAL	1/01 to 12/31	1.340 CFS	
IRRIGATION	3/15 to 11/15	1.340 CFS	
	<u>Total Diversion:</u>	1.340 CFS	

Location of Point(s) of Diversion

GROUND WATER CANYON County	SW1/4NE1/4SW1/4	Sec. 20, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SW1/4SW1/4	Sec. 18, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4SE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NW1/4NW1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SW1/4SE1/4	Sec. 13, Twp 04N, Rge 04W, B.M.
GROUND WATER CANYON County	SE1/4SW1/4	Sec. 18, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NW1/4	Sec. 24, Twp 04N, Rge 04W, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5038 V1

GROUND WATER	SE1/4NW1/4SW1/4	Sec. 20,	Twp 04N,	Rge 03W, B.M.
CANYON County				
GROUND WATER	NE1/4NW1/4SE1/4	Sec. 19,	Twp 04N,	Rge 03W, B.M.
CANYON County				
GROUND WATER	NW1/4NE1/4	Sec. 19,	Twp 04N,	Rge 03W, B.M.
CANYON County				
GROUND WATER	NE1/4NW1/4	Sec. 19,	Twp 04N,	Rge 03W, B.M.
CANYON County				
GROUND WATER	SW1/4SE1/4NE1/4	Sec. 19,	Twp 04N,	Rge 03W, B.M.
CANYON County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	18									X	X	X	X	X	X	X	X	
04N	03W	19	X	X	X	X													
04N	04W	13											X	X	X	X	X		
04N	04W	24	X	X	X	X													

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	19				X													

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	17						5.0	5.0		15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0						29.0		289.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5038 V1

04N 03W 19	25.0	20.0	30.0	35.0	25.0			135.0
04N 03W 20		30.0	30.0	25.0	30.0			115.0
04N 04W 12							30.0	30.0
04N 04W 13	40.0	35.0	30.0	35.0			40.0	215.0
04N 04W 24	30.0	30.0	20.0	40.0				120.0

Total Acres: 999

Conditions of Approval:

1. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. C18 *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.*
3. P03 No beneficial use found.

Remarks:Comments:1. kbrown 9/20/2006 **Reason for Disallowal**

Comment: A request for evidence of the priority date and industrial use volume was sent on 3/22/06; with a due date of 4/19/06. When nothing was received by 4/19, I sent an email message to Vic Conrad, Simplots attorney, on 5/30/06. In response, Mr. Conrad called and spoke with me on 6/06/06 and, per our conversation, the due date was extended to 6/09/06. When nothing was received by June 9th, I sent a second email message to Mr. Conrad on 6/14/06 and, as of this date, no evidence and no industrial use volume have been received. Therefore, this claim is being disallowed due to lack of evidence of the priority date. (See file for copies of the email messages and the conversation memorandum.)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5038 V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/20/2006	lharris	Disallowed
Contacts	9/20/2006 8:27:29 AM	kbrown			Disallowed
Summary			09/20/2006	kbrown	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/20/2006 3:53:19 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Contacts	9/20/2006 8:27:30 AM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed due to lack of evidence of the priority date.
Summary	9/20/2006 8:29:26 AM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

DISALLOWED -

due to lack of evidence of priority

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

WATER RIGHT NUMBER: 63-5038

Owner Type

Current Owner

Name and Address

J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707
(208)336-2110

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

ADD P03

\$ P13 - no beneficial
use found

Priority Date: 07/20/1944

Basis: Statutory Claim

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

STOCKWATER

INDUSTRIAL

IRRIGATION

From To

1/01 to 12/31

1/01 to 12/31

3/15 to 11/15

Diversion Rate

1.340 CFS

1.340 CFS

1.340 CFS

Annual Volume

Total Diversion: 1.340 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SW1/4NE1/4SW1/4

Sec. 20, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SW1/4SW1/4

Sec. 18, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

NE1/4NE1/4SE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

NE1/4NW1/4NW1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SE1/4NE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SW1/4SE1/4

Sec. 13, Twp 04N, Rge 04W, B.M.

GROUND WATER

CANYON County

SE1/4SW1/4

Sec. 18, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

NE1/4NW1/4

Sec. 24, Twp 04N, Rge 04W, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

GROUND WATER	SE1/4NW1/4SW1/4	Sec. 20, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4SE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NW1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SW1/4SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	18									X	X	X	X	X	X	X	X	
04N	03W	19	X	X	X	X													
04N	04W	13											X	X	X	X	X		
04N	04W	24	X	X	X	X													

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	19				X													

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	17					5.0	5.0			15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0						29.0		289.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

04N 03W 19	25.0			20.0	30.0	35.0	25.0					135.0
04N 03W 20				30.0	30.0	25.0	30.0					115.0
04N 04W 12											30.0	30.0
04N 04W 13	40.0	35.0	30.0	35.0						40.0	35.0	215.0
04N 04W 24	30.0	30.0	20.0	40.0								120.0

Total Acres: 999

Conditions of Approval:

- SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
HOG HOUSE WELL.
NON-IRRIGATION USES: 1/ETHANOL, FOOD PROC., WASTE RECOVERY AND APPLICATION,
S/45000 ON SYSTEM (12695 FOR THIS RIGHT).
OTHER RIGHTS: A63-21537, A63-21538, A63-21539, A63-21540, A63-21541, A63-07678,
A63-05036, A63-05037, A63-05039, A63-02731, A63-04968, A63-10034, A63-03107, PIONEER DIXIE
DITCH CO.

Remarks:Comments:Water Supply Bank:

DISALLOWED

Field Exam Date 9.20.06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63- 5038

Owner: J. R. Simplot Co. Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: in-office verification

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

A request for evidence of the priority date and industrial use volume was sent on 3/22/06; with a due date of 4/19/06. When nothing was received on 4/19, I sent an email message to Vic Conrad, Simplot's attorney, on 5/30/06. In response, Mr.

Source: _____ Tributary to _____

- ☐ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

Conrad called and spoke to me on 6/06/06

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

and, per our conversation, the due date was extended

until 6/09/06. When nothing was received by June 9th, I sent a second email message to Mr. Conrad on 6/14/06 and, as of this date, no evidence and no industrial use volume have been received. Therefore, this claim is being disallowed. (See file for copies of messages and memos).

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: _____

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5038

WATER RIGHT NUMBER: 63-5038

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMPLOT LIVESTOCK CO PO BOX 27 BOISE, ID 83701
Current Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110

Priority Date: 07/20/1944

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	1.340 CFS	
INDUSTRIAL	1/01	to 12/31	1.340 CFS	
	<u>Total Diversion:</u>		1.340 CFS	

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	17					5.0	5.0			15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0							29.0	289.0
04N	03W	19	25.0				20.0	30.0	35.0	25.0									135.0
04N	03W	20					30.0	30.0	25.0	30.0									115.0
04N	04W	12															30.0		30.0
04N	04W	13	40.0	35.0	30.0	35.0											40.0	35.0	215.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5038

04N 04W 24		30.0	30.0	20.0	40.0						120.0
------------	--	------	------	------	------	--	--	--	--	--	-------

Total Acres: 999

INDUSTRIAL same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank:

Receipt Details for ID C015841

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 10:48:32 AM	3/22/1990	State	\$5,363.80	Check
Payer		J. R. SIMPLOT COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
48902			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5,363.80	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	2731		\$1,102.00	Claim
63	3107		\$272.80	Claim
63	4968		\$117.00	Claim
63	5036		\$317.00	Claim
63	5037		\$273.00	Claim
63	5038		\$388.00	Claim
63	5039		\$228.00	Claim
63	7244		\$572.00	Claim
63	10034		\$1,030.00	Claim

63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim
63	21597	\$25.00	Claim
63	21598	\$94.00	Claim
63	21599	\$25.00	Claim
63	21734	\$699.00	Claim
63	2731	\$1,102.00	Claim
63	3107	\$272.80	Claim
63	4968	\$117.00	Claim
63	5036	\$317.00	Claim
63	5037	\$273.00	Claim
63	5038	\$388.00	Claim
63	5039	\$228.00	Claim
63	7244	\$572.00	Claim
63	10034	\$1,030.00	Claim
63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim

[Print Report](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

MAR 16 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that J. R. Simplot Company and Simplot Livestock Company

(Name of Claimant)

P.O. Box 27, Boise, ID

(Mailing Address)

83707

(Zip Code)

Telephone No. 336-2110

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1944, July 20

A claim is not acceptable on a ground water source with a priority later than March 26, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground water tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>1.34 cfs</u>	Use <u>Industrial</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>1.34</u>	Use <u>IRRIGATION</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 1.34 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NE 1/4, Sec. 19 Twp. 4N Rge. 3W B.M., County of Canyon

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well #4, 10" casing at bottom, 600 gpm, 228' depth, 65# pump pressure, pressure tank and water troughs

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

NOTE: "*" indicates water used for irrigation after processing.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	3W	19				X													
4N	3W	18	35	45	16	25	40	40	35	40	15							29	289 *
4N	3W	19	25				20	30	35	25									135 *
4N	3W	20					30	30	25	30									115 *
4N	3W	17					5	5			15	10	25	35					95 *
4N	4W	12																30	30 *
4N	4W	13	40	35	30	35										40	35	215	215 *
4N	4W	24	30	30	20	40													120 *

No. of acres 999 *

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

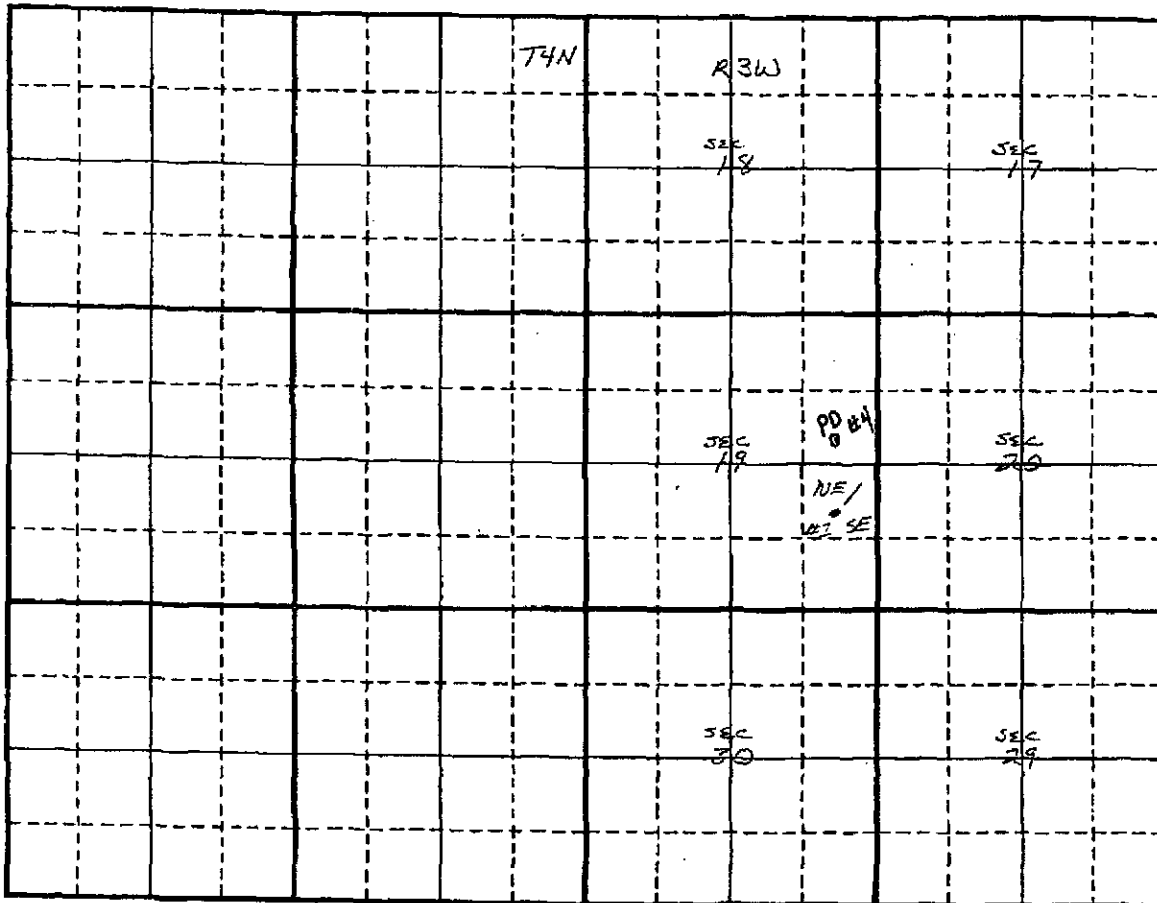
Industrial--used in waste treatment plant and livestock water

NOTE: Include here the type and number of stock watered: 45,000 head feeders

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Caldwell, Hog House and Feedlot, #4 * see attached letter of 5/12/83.
* See Canv. Memo of 6/30/83. jg

- (8) Remarks Water used for irrigation purposes as a means of waste water disposal
which is a secondary use for the claimed water.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

J. R. SIMPLOT COMPANY

by Pamela J. Walker - Secretary
 (Claimant)

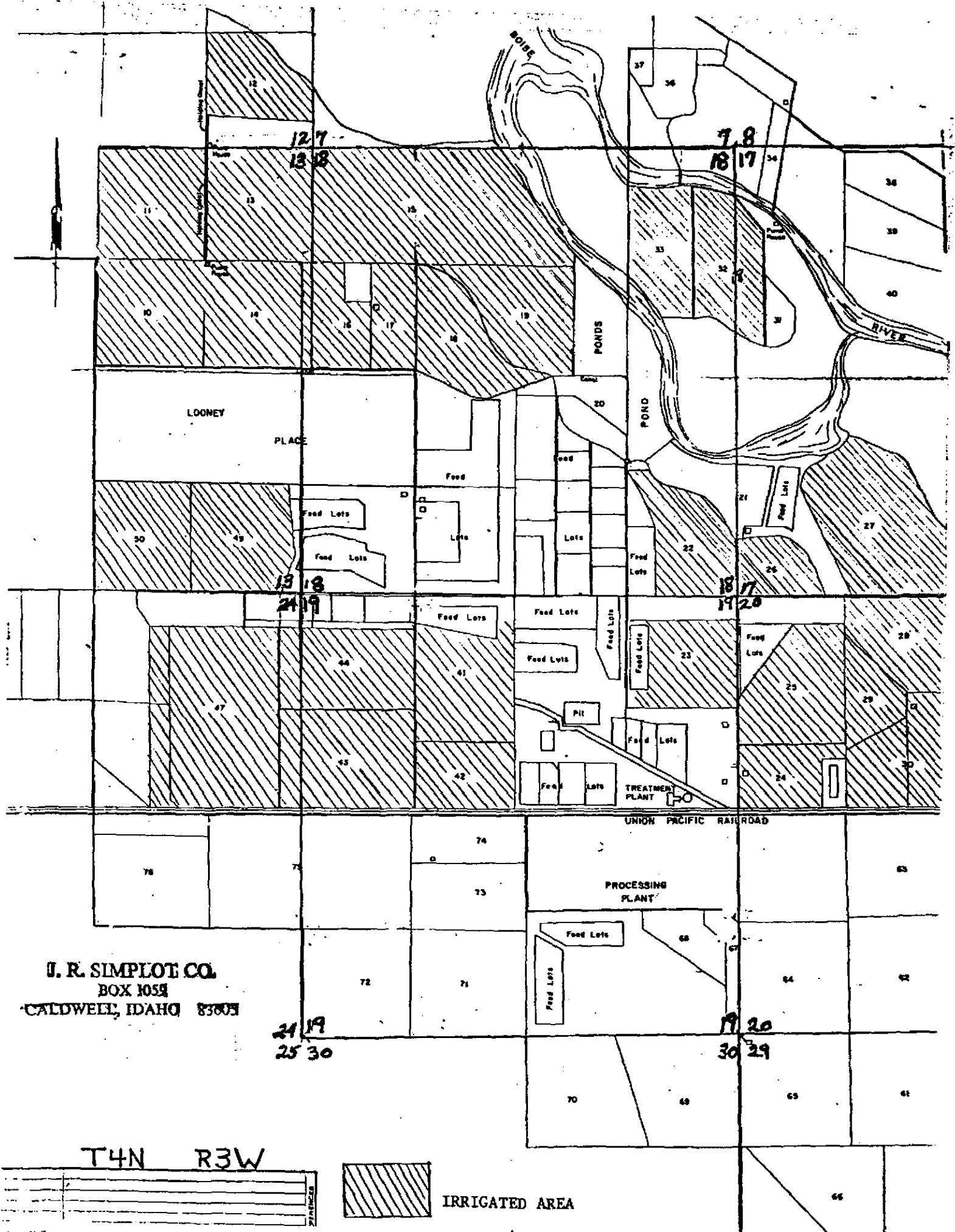
Sworn to before me this 15th day of March

1983.

Laurel J. Walker
 Notary Public
 Residing at Boise, Idaho

My commission expires Lifetime

Received by SEC Date 3-17-83 FOR DEPARTMENT USE ONLY
 Prelim. check by JG Date 3/16/83 Exception filed by: _____ Forwarded to _____ Date _____
 \$30.00 fee received by JG Date 3/16/83 claimant by: _____
 Published in Boise Tribune
 Dates 8-26 to 11/83



CALDWELL, IDAHO 83605

CONVERSATION MEMORANDUM

DATE 6/30/83FILE 63-5036NAME OF PARTY Bruce BelzerEMPLOYEE Jan Graver63-503763-503863-503963-10034RE: Change in Claims + Apps to agree w/ Maps

Bruce Belzer, Asst. Corporate Counsel for Simplot, confirmed that the acreages in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17, were irrigated as shown on the map on each water right filed.

Therefore, I am changing the claims with a footnote in each to show this. Also the application & each will be re-advertised.

MICROFILMED

Brown, Kimberly

From: Brown, Kimberly
Sent: Wednesday, June 14, 2006 8:37 AM
To: 'vconrad@simplot.com'
Subject: Commercial/Industrial Use Volume for Simplot Canyon County claims

Mr. Conrad,

When I spoke with you over the telephone on June 6, 2006 regarding my request for evidence of priority and industrial and commercial use volumes for several of Simplot's Canyon County claims, you said that you believed there are no restrictions on volume or consumption, provided the diversion rate does not go beyond what is licensed. I replied that I was not aware of any such policy and that I would speak to my supervisor, Jan Shurte, regarding your assumption.

I met with my supervisor on June 12, 2006 and addressed this issue. Mrs. Shurte is not familiar with any such policy, either. Nevertheless, Mrs. Shurte and I checked several Adjudication and Administrative Memorandums and could find nothing that was applicable.

Therefore, the volume amounts for commercial and industrial uses that I requested from Simplot are required for both beneficial use and licensed claims. Mrs. Shurte suggested that you may want to refer to Idaho Codes 42-1427(2) and 42-1409(i) or speak to Dave Tuthill if you have any further questions regarding this matter.

In addition, I would like to reiterate that our department is under a very tight schedule in the recommendation of Canyon County water right claims, that several of your beneficial use claims will require a field investigation (which is initiated after we receive evidence of priority), and that all of this required information had initially been requested to be submitted by Simplot on April 19, 2006. When nothing had been received by our department on April 19th, another request was made for June 9, 2006. As of this date, nothing has been received. I ask that you provide evidence of priority and the required commercial and/or industrial use volumes as soon as possible.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Evidence of Priority and Commercial/Industrial Use Volume Requests for Simplot's Canyon County Claims

June 6, 2006

Vic Conrad, Water Rights Attorney for the J. R. Simplot Company, called in response to my most recent request for evidence of priority and commercial/industrial use volume requests for all of their applicable claims that I have in Canyon County (see previous e-mails and letters for specific claim numbers).

Regarding the evidence of priority that I have requested several times, Mr. Conrad said that he has been "bogged-down" with evidence of priority requests for Caribou County; which are due on June 16th, 2006. I reminded Mr. Conrad that the Canyon County requested information was due on April 19th, 2006 and when nothing was received, that the due date was extended to June 9th. I also mentioned that our department is under a very tight schedule in the recommendation of Canyon County water right claims and that several of Simplot's beneficial use claims will require a field investigation; which is normally initiated only after we receive evidence of priority.

Regarding the request for industrial/commercial use volumes for licensed rights, Mr. Conrad said that he believed there are no restrictions on volume or consumption; provided the diversion rate does not go beyond what is licensed. Mr. Conrad said that he believed that this policy originated with a department memorandum or a policy memorandum written by Norm Young. I replied that I was not familiar with any such policy, but that I would speak with my supervisor, Jan Shurte, regarding this assumption and get back to him within the next few days.

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Brown, Kimberly
Sent: Tuesday, May 30, 2006 12:16 PM
To: 'vconrad@simplot.com'
Subject: Evidence of Priority for Simplot claims in Canyon County

Mr. Conrad,

In March 2006, I sent letters requesting evidence of priority for Claim Nos: **63-4597, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-21537, 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734, & 63-22210** (please refer to the first attached document for an example of this letter.) In addition, a Commercial/Industrial Use Volume questionnaire was also included for those claims that include commercial and/or industrial uses (example attached).

As you can see, the due date for evidence for many of these claims was **April 19, 2006**. As of this date, I have not received any completed volume questionnaires or evidence of the claimed priority dates from your company. Since our department is under a very tight schedule in the recommendation of Canyon County water right claims and all of your claims listed above will require a field investigation, I request that all of the required information associated with these claims be submitted by **Friday, June 9, 2006**.

Please contact me at #334-2190 if you have any questions.

Respectively Submitted,

Kimberly Brown
Sr. Water Resource Agent
Western Region



2006053011455840200605301146117620060530114623122006053011470267
4.pdf



4.pdf



8.pdf



3.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 22, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT CO
C/O RON GRAVES
PO BOX 27
BOISE ID 83707

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-5038

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 19, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5038

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2006

J R SIMPLOT CO
C/O RON GRAVES
PO BOX 27
BOISE ID 83707

RE: Industrial use for Snake River Basin Adjudication claim 63-5038

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under Annual Volume). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the Industrial Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by April 19, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Kimberly Brown
Water Resource Agent

Enclosures

IDWR - WESTERN REGION

Pg 1

CONTRACTOR: Karan Waters

CLAIM/ID: 63-05038

Date: 1-9-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	3W	17					5	5			15	10	25	35					95
GIS								9.3	25			8.3	21	38	34					135.6
Claim	4N	3W	18	35	15	15	25	40	40	35	40	15							29	289
GIS				29	6.7	36	35	39	39	37	40	40							40	341.7
Claim	4N	3W	19	25				20	30	35	25									135
GIS				39				36	35	35	29									174
Claim	4N	3W	20					30	30	25	30									115
GIS								40	40	36	36									152

Number of POD's 14

Total Claimed Acres: 999

Total GIS Acres:

Overlapping POU Claim #'s:

63-02386, 63-05039, 63-05037, 63-05036,
63-02425, 63-04597, 63-00222K, 63-02239
63-000290, 63-10034, 63-00374

COMMENTS:

per county + claim map + map interpretation
no map for POD's.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-05038 Date: 1-9-02

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	12																30	30
GIS																			34	34
Claim																				
GIS																				
Claim			13	40	35	30	35											40	35	215
GIS				38	38	39	39											40	40	234
Claim																				
GIS																				
Claim			24	30	30	20	40													120
GIS				38	37	37	37													149
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 13

Total Claimed Acres: 999

Total GIS Acres: 1220.3

Overlapping POU Claim #'s:

63-05036, 63-05038, 63-05039, 63-05036, 63-02425,
63-04597, 63-00222K, 63-02239

COMMENTS:

per county data, claim map, map interpretation
no map for POD's

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-05038
Legal: T04N, R03W, S17, 18, 19, 20
T04N, R04W, S12, 13, 24

Reviewed By:

⊙ Point of Diversion



Place of Use



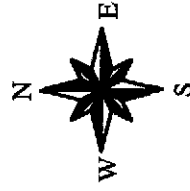
Section Lines



Quarter Quarter Lines



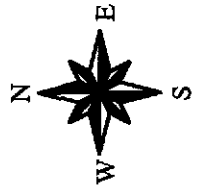
0 0.25 0.5 0.75 1 Miles



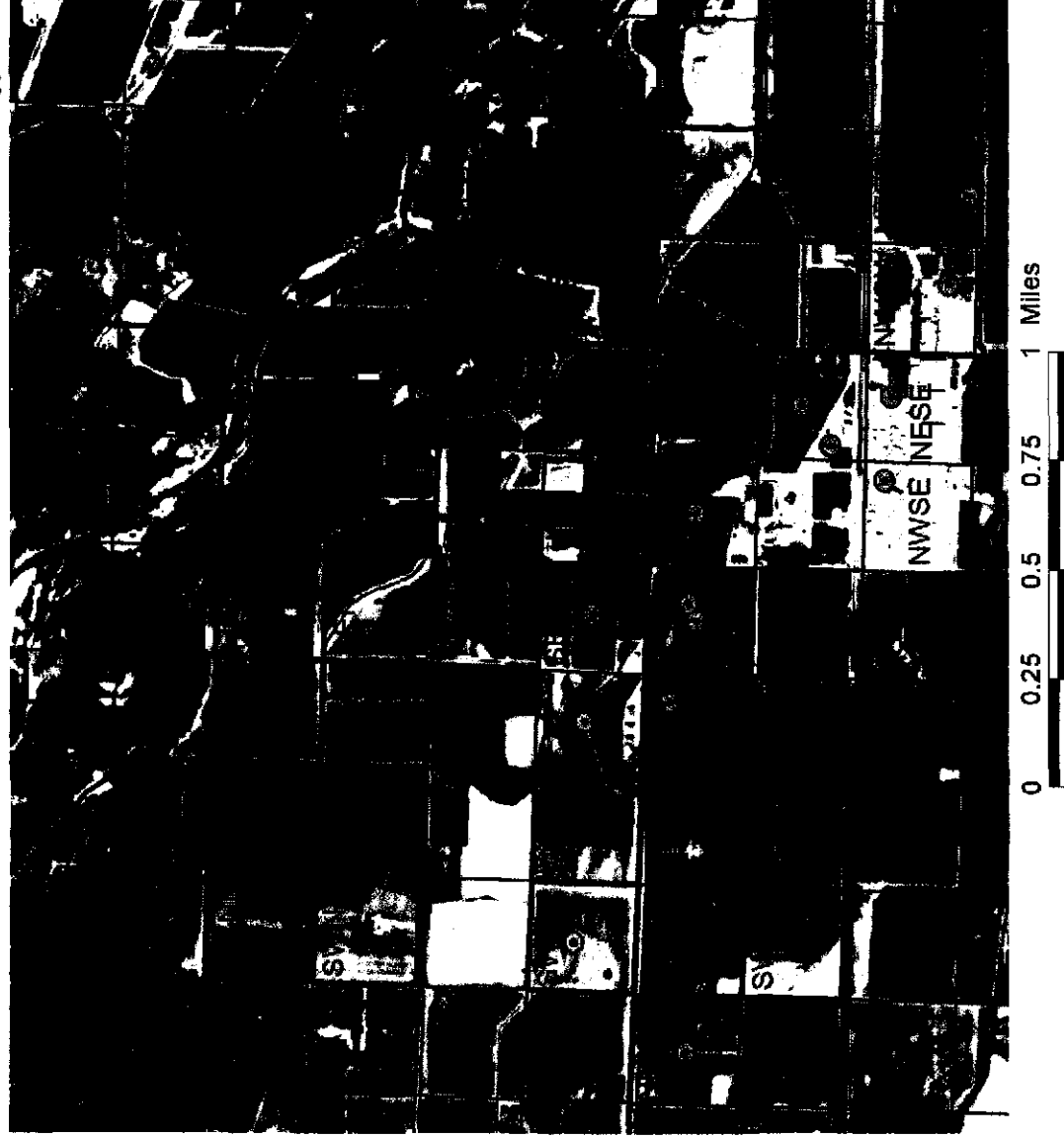
Idaho Department of Water Resources

Claim Number: 63-05038
Legal: T04N, R03W, S17, 18, 19, 20
T04N, R04W, S12, 13, 24
Reviewed By:

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



1987 Napp Photo



SIMPLOT TRANSFER APPLICATION 68320
NOT VALID – DISREGARD

March 23, 2006



Database showed this application received 5/19/1995. A receipt for this application was not found (receipt for Simplot was issued 5/18/1995 for a drilling permit application, W019190, see next paragraph). The transfer application cannot be found at Western or State Office, nor can any additional hints be located in the database (Steve L. & Pam S.). Vic Conrad of Simplot confirmed that the transfer was drafted but never filed.

For undetermined reasons, the application showed up in the database as an active filing during 2006 research (dept. help for owner during crisis?). This appears to be linked to a well failure crisis at the Simplot feedlot and production plant in Caldwell in 1995 while owner sought relief for a replacement well in a tract other than one covered by an existing right. Draft transfer was to seek approval for a new P/D location. But the business unexpectedly shut down due to unforeseen economic conditions, according to Vic Conrad. The replacement well was drilled but never used and has remained unused.

Meanwhile, Simplot filed ***SRBA claims for accomplished transfers*** of existing rights in which all the wells for the site were shown to be alternate P/D for all the rights (aka “permissible p/d” filings, not uncommon to see this). The replacement well drilled in 1995 was properly excluded from this adjudication work. Simplot will file a transfer in the future if the replacement well will be used. Based on this summary obtained by 3/22/2006 research and confirmed by Vic Conrad, Transfer Application 68320 was terminated in the database today (coded as “withdrawn/returned” as best fit for actual status).

Lester, Steve

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Wednesday, March 22, 2006 5:22 PM
To: Lester, Steve
Subject: RE: Transfer application for Simplot Plant in Caldwell

Steve,

I found the project file when we drafted a transfer to replace a point of diversion (a well) that failed in this water supply system. After drafting the transfer we discovered there was adequate water to supply our needs without the new point of diversion. Consequently **the transfer application was never filed**. Please delete the electronic record indicating there is a pending transfer application involving these water rights (since there isn't one). At some point in the future we may want to file a new transfer application to add this new point of diversion to the system – and we may find some other details that we will need to rectify when Kimberly investigates this water supply system in connection with her SRBA review of our claims. Should that need arise, it will require a *new* transfer application. I do not see any reason to keep the reference to the old transfer we were contemplating in your system.

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Wednesday, March 22, 2006 11:58 AM
To: Conrad, Vic
Subject: Transfer application for Simplot Plant in Caldwell

Vic:

Attached is the summary sheet for what we both thought was a "ghost transfer application" -- not really filed or needed since covered by SRBA claims for pre-November 1987 water uses. Please let me know if that conclusion matches your records.

IDWR should be able to clean up its records if we are correct in our hunch.

Thanks for your help with this.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel. 208-334-2190
steve.lester@idwr.idaho.gov

<<Simplot T68320.xls>>

Lester, Steve

From: Skaggs, Pam
Sent: Wednesday, March 22, 2006 12:00 PM
To: Lester, Steve
Subject: Mystery Transfer 4615/68320

Hi Steve.

This transfer doesn't appear to have ever reached the state office per the bar code on these records, so I think you are probably correct that it was one that was data entered (received on 05-19-1995 per workflow) & perhaps withdrawn or returned. There was an adjusted receipt on 05-18-1995 for Simplot in the amount of \$200 DP fee that might have originally accompanied a transfer application.

Anyway.....when you resolve the mystery....if it is still an "Active" application, we will of course continue processing, but if it was withdrawn/returned could you please be sure to "Terminate" the transfer in the database with the appropriate status & an explanation comment. That way we won't have to revisit this one at a later date.

Thanks,
Pam

TRANSFER APPL. 4615 (68320), SIMPLOT CALDWELL SITE, MID-1990'S (?)

Table	App ID	Type	Region	Status	Approval	Right Number
AJ From	68320	Transfer	Western	Active		63 2731
AJ To	68320	Transfer	Western	Active		63 2731
AJ From	68320	Transfer	Western	Active		63 3107
AJ To	68320	Transfer	Western	Active		63 3107
AJ From	68320	Transfer	Western	Active		63 4968
AJ To	68320	Transfer	Western	Active		63 4968
AJ From	68320	Transfer	Western	Active		63 5036
AJ To	68320	Transfer	Western	Active		63 5036
AJ From	68320	Transfer	Western	Active		63 5037
AJ To	68320	Transfer	Western	Active		63 5037
AJ From	68320	Transfer	Western	Active		63 5038
AJ To	68320	Transfer	Western	Active		63 5038
AJ From	68320	Transfer	Western	Active		63 5039
AJ To	68320	Transfer	Western	Active		63 5039
AJ From	68320	Transfer	Western	Active		63 7244
AJ To	68320	Transfer	Western	Active		63 7244
AJ From	68320	Transfer	Western	Active		63 7678
AJ To	68320	Transfer	Western	Active		63 7678
AJ From	68320	Transfer	Western	Active		63 21537
AJ To	68320	Transfer	Western	Active		63 21537
AJ From	68320	Transfer	Western	Active		63 21538
AJ To	68320	Transfer	Western	Active		63 21538
AJ From	68320	Transfer	Western	Active		63 21539
AJ To	68320	Transfer	Western	Active		63 21539
AJ From	68320	Transfer	Western	Active		63 21540
AJ To	68320	Transfer	Western	Active		63 21540
AJ From	68320	Transfer	Western	Active		63 21541
AJ To	68320	Transfer	Western	Active		63 21541

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 etc.
 ✓ J.O. ne Pam S.
 ✓ D'BASE
 Barade
 etc.

-R 3/22/06



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

C.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

Our records were modified May 19, 1994, to reflect Terry Uhling and Gray Young as co-counsel for J. R. Simplot Company. Bruce Belzer was removed from the water right claim records on which he appeared as counsel.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

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JUL 25 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

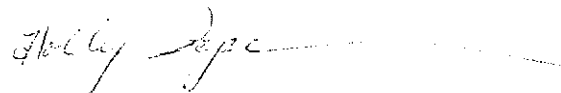
Dear Mr. Shaff:

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

April 6, 1994

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

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, appearing to read "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
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

1991 APR - 5 PM 2:52
DISTRICT COURT - SRB
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)
24 River Basin Water System,)

25 Defendants.)
26 _____)

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 4~~th~~ day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
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MICROFILMED
JUL 25 1994

1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that on this 4th day of April, 1994, I caused to be
4 served a true and correct copy of the foregoing by United States mail,
postage prepaid, addressed to the following:

5 James Annest
6 Law Office of James Annest
7 1742 Overland Avenue
Burley, Idaho 83318

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

8 Josephine P. Beeman
9 MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
10 First Security Bank Building
11 911 West Idaho
P.O. Box 829
12 Boise, Idaho 83701

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

13 Cliff S. Bentz
14 YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
15 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

16 Randall C. Budge
17 RACINE, OLSON, NYE,
18 COOPER & BUDGE, CHARTERED
201 East Center, Suite 2A
19 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

20 Rebecca Craven
21 Deputy Counsel
22 Robert T. Anderson
Staff Attorney
23 Nez Perce Tribal Executive
Committee
24 Office of Legal Counsel
25 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

26
27
28 **MICROFILMED**

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

Blair J. Grover
Grover Law office, Chartered
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036

5 John D. Hansen
6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
P.O. Box 51718
Idaho Falls, Idaho 83402-1718

Roger D. Ling
LING, NIELSEN & ROBINSON
615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
P.O. Box 389
Twin Falls, Idaho 83303-0389

J. Dee May
MAY & MAY LAW OFFICES
516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303

13 Cecil D. Hobdey
14 HOBDEY & HOBDEY
15 Attorneys at Law
16 125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83330

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY, TROXELL, ENNIS & HAWLEY
877 West Main Street
P.O. Box 1617
Boise, Idaho 83701

18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

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

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

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

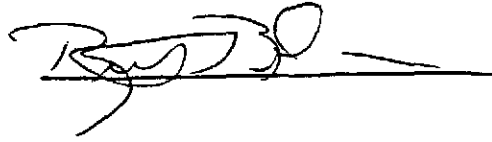
MICROFILMED

JUL 25 1994

MICROFILMED

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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7 5500v
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MICROFILMED

JUL 4 5 1994

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

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

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

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

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

Petitioner,

vs.

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

Respondents.

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

Plaintiffs,

vs.

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

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

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

of 2-1-92

MICROFILMED
OCT 07 1996

Defendants.)

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

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

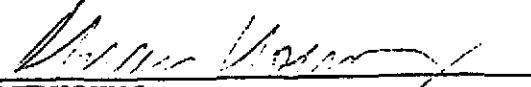
TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By


GRAY YOUNG

Assistant General Counsel

4507v/1-20-92/1:42

MICROFILMED

OCT 07 1996

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

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

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

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


VICKI SPANGLER

MICROFILMED
OCT 07 1996