

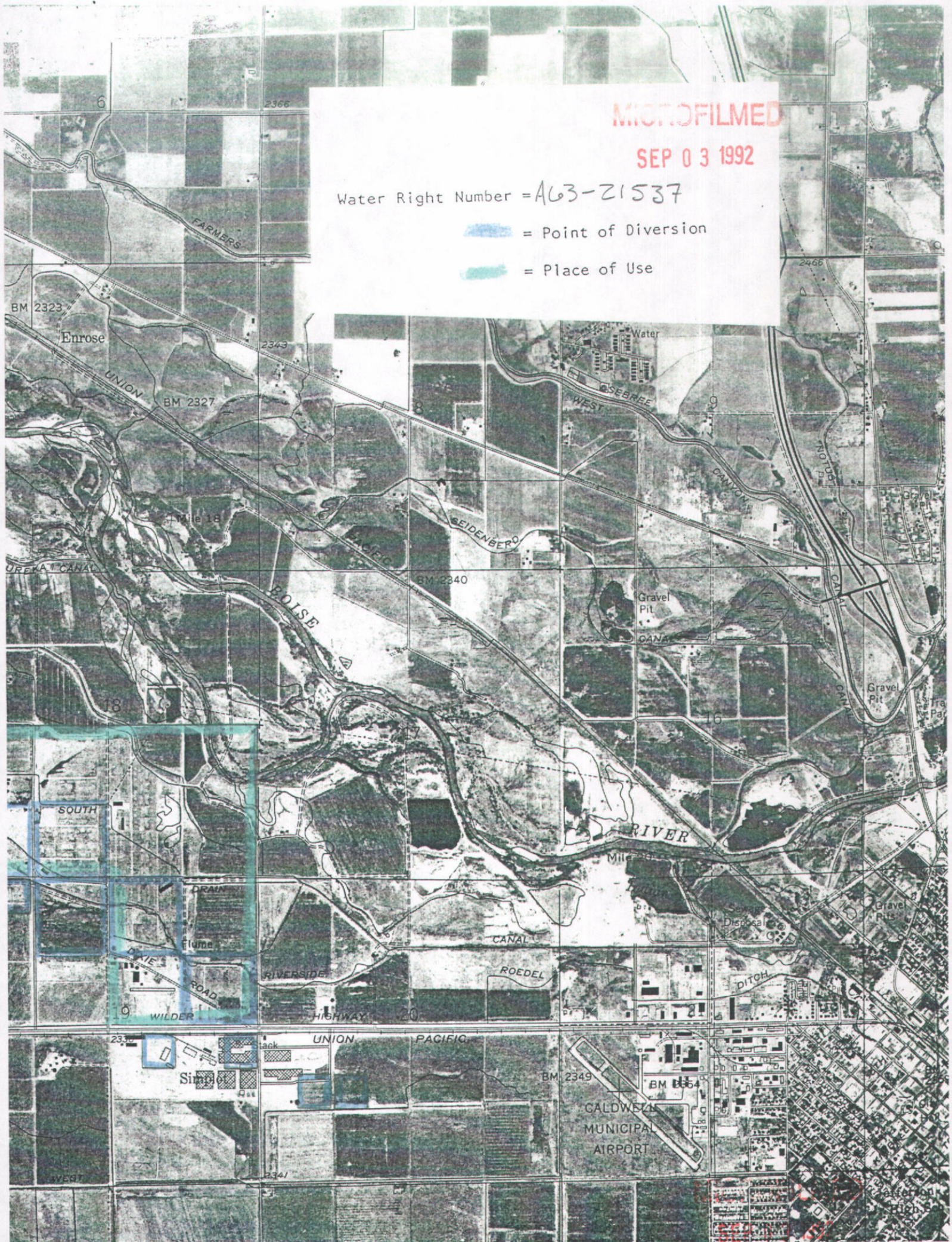
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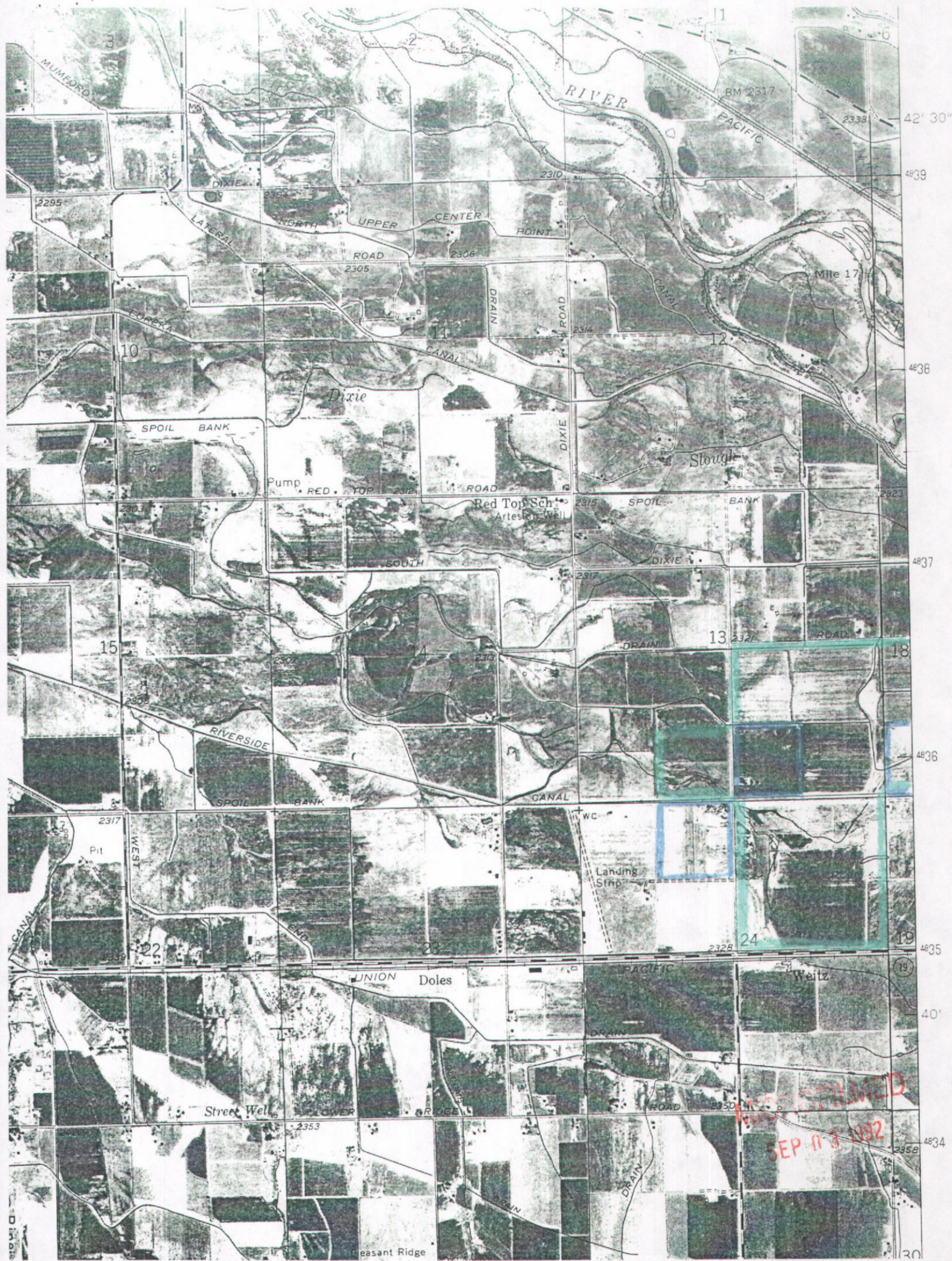
SEP 03 1992

Water Right Number = A63-21537

 = Point of Diversion

 = Place of Use





121

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: A63-21537
Date Received: 3/22/90
Receipt No: CO15832
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT LIVESTOCK CO.
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: JAN 01, 1912
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	~~10~~ 20	SE	NW	SW		CANYON
				SW	SW		CANYON
				SE	SW		CANYON
		19	SW	NW	NE		CANYON
				SE	NE		CANYON
				SE	NE		CANYON
		20	SW	NE	NW		CANYON
				NE	NW		CANYON
				NE	SE		CANYON
		04W	SW	NW	SE		CANYON
				SE	SW		CANYON
				NE	NW		CANYON

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.
STOCKWATER	01/01	12/31	0.670		
COMMERCIAL	01/01	12/31	0.040		

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

A63-21537

Page 1

Date: 03/15/90

NOT RECORDED

SEP 03 1992

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/OFFICES, S/45000 CATTLE ON SYSTEM (6350 CATTLE FOR THIS RIGHT)

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	03W	18	NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		19	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SW		NE		COMMER	
			SE		NE		STOCK	
			SE		NE		COMMER	
	04W	13	SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		24	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	

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:

A63-21538, -21539, -21540, -21541, -05038, -07678

14. Remarks:

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

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

15. Basis of Claim: BENEFICIAL USE

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

SEP 03 1992

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

MICROFILMED

SEP 03 1992

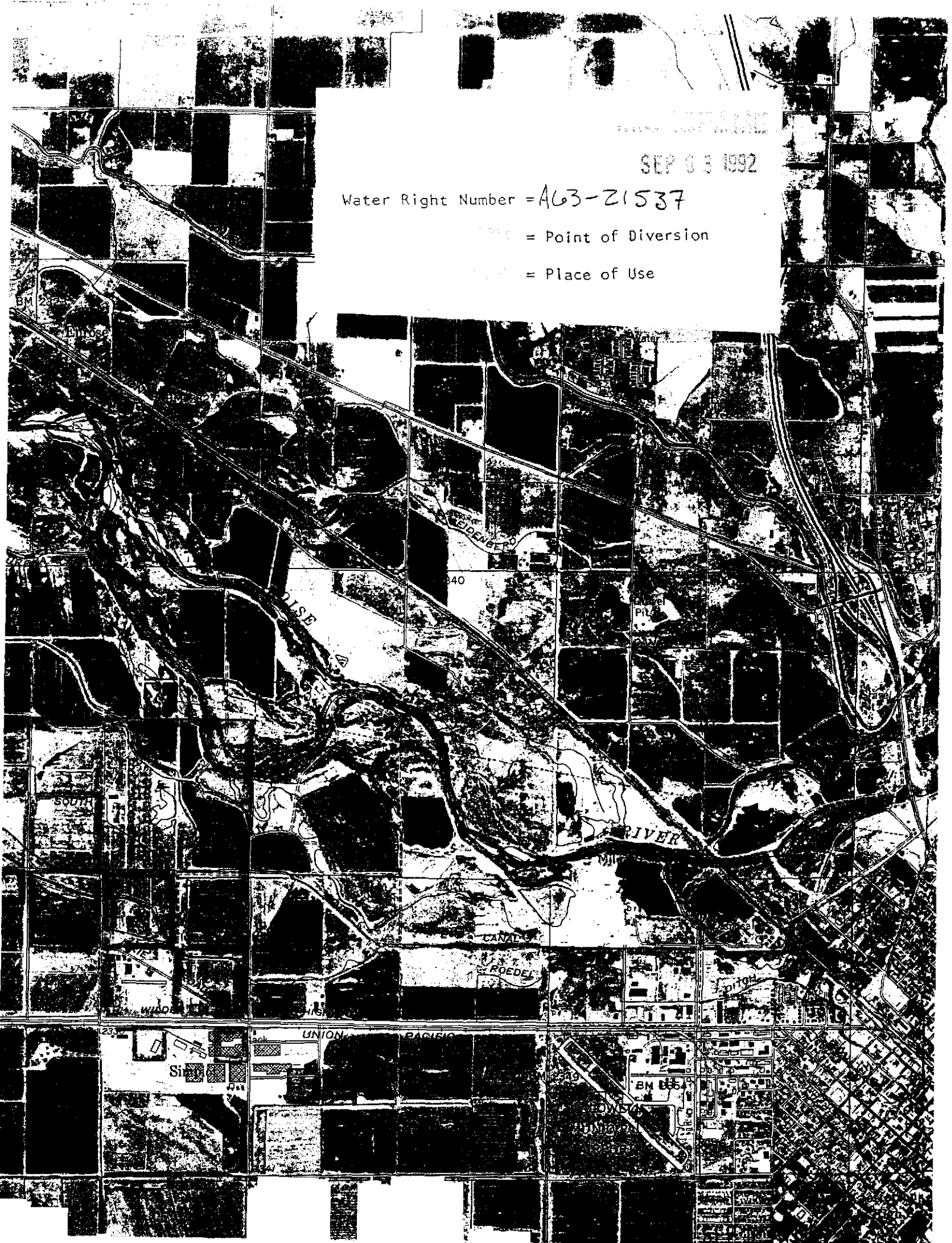
SECTION 10

SEP 03 1992

Water Right Number = A63-21537

Point of Diversion

Place of Use







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2191

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:

OL w/others
from
14 wells,
14 pumps

- 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 63-21537

(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 Livestock Co.

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 Livestock Co.

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

2. ☒ **Source**

Should be: Groundwater

3. ☒ **Quantity**

Should be: 0.67 cfs

4. ☒ **Priority Date**

Should be: January 1, 1912

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 claims submitted in the SRBA related to a large water supply system. This claim is a component of that water supply system. Said information was supplied by the claimant to IDWR after the IDWR completed its 2006 field work season. Because of the accelerated schedule for submitting its Director's Report for the geographic scope covering this reporting area, 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 IDWR has informed the claimant that, based on information submitted, 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, Secretary, Simplot Livestock Co., duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401 A(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 Livestock Co.

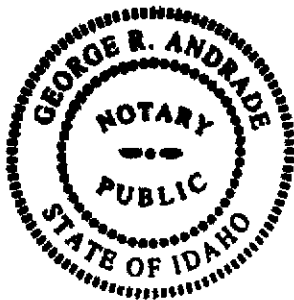
By: [Signature]
Terry T. Uhling, Secretary

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

[Signature]



JUNE 12, 2007
Notary Public for _____
Residing at: BOISE, IDAHO
My Commission Expires: JUNE 13, 2012

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Simplot Livestock Co.
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: Vic Conrad, Director, LAND, Water
Signature of Objector or attorney & Asset Recovery
mailing on Objector's behalf



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

COPY

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 black ink, appearing to read "Vic Conrad". The signature is stylized with a large, looped "V" and a cursive "C" and "O".

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: 63-21537
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:

Please see the response to no. 3 below.

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

To the best of our knowledge, we believe of this claim is valid. We are in the midst of an investigation to verify the validity of this claim. This Notice of Error is being filed to preserve the right to supply the IDWR with additional evidence to support the beneficial use claimed under 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21537 V1

WATER RIGHT NUMBER: 63-21537 V1

<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 LIVESTOCK CO PO BOX 27 BOISE, ID 83707

Priority Date: 01/01/1912

Basis:

Status: Disallowed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.670 CFS	
	<u>Total Diversion:</u>	0.670 CFS	

Location of Point(s) of Diversion

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21537 V1

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

Place of Use

COMMERCIAL

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	X													

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													

Conditions of Approval:

1. P03 No beneficial use found.
2. 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.*
3. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21537 V1

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

Comment: A request for evidence of the priority date and commercial 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 of priority and no commercial use volume has been received. Therefore, this claim is being disallowed due to lack of evidence of priority. (See file for copies of the email messages and the conversation memorandum.)

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			03/23/2006	lharris	Disallowed
Contacts	9/20/2006 9:32:57 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	3/23/2006 2:43:25 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21537 V1

Summary	9/20/2006 9:35:07 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?
Contacts	9/20/2006 9:32:59 AM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed due to lack of evidence of the priority date.

Water Supply Bank:

DISALLOWED -

due to lack of evidence of priority

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21537

WATER RIGHT NUMBER: 63-21537

<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 LIVESTOCK CO PO BOX 27 BOISE, ID 83701

ADD P03
P13 - no beneficial
use found

Priority Date: 01/01/1912
Basis: Beneficial Use
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>
COMMERCIAL	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.670 CFS	
	<u>Total Diversion:</u>	0.670 CFS	

Location of Point(s) of Diversion

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21537

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

Place of Use

COMMERCIAL

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	X													

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													

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.
HOSPITAL WELL.

Remarks:Comments:

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 \$ 121.⁰⁰
- ☐ 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) A63-21537

Owner: G. R. Simplot Co. – Simplot Livestock 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 commercial 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, Simplot's attorney, on 5/30/06. In response, Mr.

Source: _____ Tributary to _____ Conrad called and spoke with me on 6/06/06 and, per our conversation, the due date was extended to 6/09/06.

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

POINT OF DIVERSION

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

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 of the priority date or commercial use volume have been received. Therefore, this claim is being disallowed due to lack of evidence of priority. (See file for copies of email mgs & memo.)

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:

Receipt Details for ID C015832

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 10:21:04 AM	3/22/1990	State	\$1,079.00	Check
Payer		SIMPLOT LIVESTOCK CO.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
18275			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,079.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	7678		\$90.00	Claim
63	21537		\$121.00	Claim
63	21538		\$65.00	Claim
63	21539		\$65.00	Claim
63	21540		\$65.00	Claim
63	21541		\$117.00	Claim
63	21554		\$25.00	Claim
63	21555		\$54.00	Claim
63	21558		\$25.00	Claim

63	21559	\$96.00	Claim
63	21560	\$25.00	Claim
63	21561	\$81.00	Claim
63	21583	\$25.00	Claim
63	21584	\$25.00	Claim
63	21585	\$25.00	Claim
63	21586	\$25.00	Claim
63	21587	\$25.00	Claim
63	21589	\$25.00	Claim
63	21590	\$25.00	Claim
63	21591	\$25.00	Claim
63	21595	\$25.00	Claim
63	21596	\$25.00	Claim
63	7678	\$90.00	Claim
63	21537	\$121.00	Claim
63	21538	\$65.00	Claim
63	21539	\$65.00	Claim
63	21540	\$65.00	Claim
63	21541	\$117.00	Claim
63	21554	\$25.00	Claim
63	21555	\$54.00	Claim
63	21558	\$25.00	Claim
63	21559	\$96.00	Claim
63	21560	\$25.00	Claim
63	21561	\$81.00	Claim
63	21583	\$25.00	Claim
63	21584	\$25.00	Claim
63	21585	\$25.00	Claim

[Print Report](#)

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 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83701

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-21537

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

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-21537

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 28, 2006

SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83701

RE: Commercial use for Snake River Basin Adjudication claims 63-21537

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 **Commercial 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



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

6.0.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

AUG 28 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

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

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

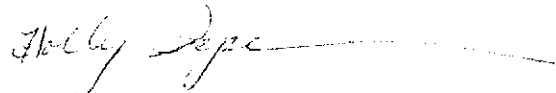
Dear Mr. Shaff:

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

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

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

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

AUG 28 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
AUG 28 1994

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

10 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

Defendants.)

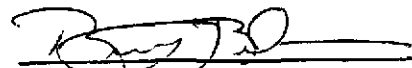
MICROFILMED

AUG 28 1994

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

5 36-13320
6 57-02203A

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

9 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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MICROFILMED
AUG 28 1994

CERTIFICATE OF SERVICE

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

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

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

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

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

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

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

Randall C. Budge
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