

81

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: A63-21561
Date Received: 3/22/90
Receipt No: C015832
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: APR 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	29	NE	NW			CANYON

5. Description of diverting works:
WELL, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.310		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1400 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	28	NE	NW		STOCK	
			NW	NW		STOCK	
		29	NE	NE		STOCK	

A63-21561

Page 1

Date: 03/15/90

INDEXED

SEP 03 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	29	NE	NW		STOCK	
			SW	NW		STOCK	
			SE	NW		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:
NONE

14. Remarks:

POINT OF DIVERSION LOCALLY KNOWN AS THE BRAD MOPPEN WELL.
POINT OF DIVERSION IS SAME AS A63-21561.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

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

Simplot Livestock Co., that I have signed the foregoing
Organization
document in the space below as Secretary of Title

Simplot Livestock Co. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, Simplot Livestock Co.
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 19 90

W. A. Laver
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

P/D OL

w/63-21560
(deceased)



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 your 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 63-21561

(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: 0.31 cfs

4. ☒ **Priority Date**

Should be: April 1, 1955

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

Simplot Livestock Co.

(Signature of person filing objection)

By: [Signature]
Terry T. Uhling, Secretary

(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Simplot 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 C. [Signature], 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".

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: 63-21561
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 63-21561 V1

WATER RIGHT NUMBER: 63-21561 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMPLOT LIVESTOCK CO PO BOX 27 BOISE, ID 83707
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: 04/01/1955

Basis: Beneficial Use

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	0.310 CFS	
	<u>Total Diversion:</u>	0.310 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 29, 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	28					X	X											
04N	03W	29	X				X		X	X									

Conditions of Approval:

1. P03 No beneficial use found.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21561 V1

3. 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.

Remarks:Comments:

1. DSMITH 7/8/1998 COPIED FROM REMARKS

Comment: POINT OF DIVERSION LOCALLY KNOWN AS THE BRAD MOPPEN WELL. POINT OF DIVERSION IS SAME AS A63-21561.

2. kbrown 9/20/2006 Reason for Disallowal

Comment: A request for evidence of the priority date was sent on 3/22/06; with a due date of 4/19/06. When nothing was received, 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 has been received. Therefore, this claim is being disallowed. (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: NONE RECEIVED

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>
Contacts	9/20/2006 2:01:07 PM	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>
Contacts	9/20/2006 2:01:07 PM	kbrown	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Disallowed due to no evidence of the priority date.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21561 V1

Summary 9/20/2006 2:03:03 PM 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21561

WATER RIGHT NUMBER: 63-21561

Owner Type

Attorney

Name and Address

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: 04/01/1955

Basis: Beneficial Use

Status: Active

ADD C18-

Source

GROUND WATER

TributaryBeneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.310 CFS

Annual VolumeTotal Diversion:

0.310 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4

Sec. 29, 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 28					X	X											
04N 03W 29	X				X		X	X									

Conditions of Approval:

1. POINT OF DIVERSION LOCALLY KNOWN AS THE BRAD MOPPEN WELL.
POINT OF DIVERSION IS SAME AS A63-21561.

Remarks:

DISALLOWED

Field Exam Date 6-20-06

(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 \$ 81.00
- ☐ 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) A63-21561

Owner: Singplot 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 was sent on 3/22/06; with a due date of 4/19/06. When nothing was received, I sent an email message to Vic Conrad, Singplot's attorney, on 5/30/06. In response, Mr. Conrad called and spoke with me on 6/06/06.

Source: _____ Tributary to _____

- ☐ 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 has been received. Therefore, this claim is being disallowed. (See file 1 for cc of this email messages and the comm. memo.)

and, per our conversations, the due date was extended to 6/09/06.

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:

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-21561**

03/23/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3178A	Claim	04N	03W	28	NE	NW		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
3178	Water Right	04N	03W	28	NE	NW		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	28	NE	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
3178A	Claim	04N	03W	28	NW	NW		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
3178	Water Right	04N	03W	28	NW	NW		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	28	NW	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
3178A	Claim	04N	03W	29	NE	NE		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
3178	Water Right	04N	03W	29	NE	NE		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	29	NE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21561	Claim	04N	03W	29	NE	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
21560	Water Right	04N	03W	29	NE	NW		DOMESTIC		SIMPLOT LIVESTOCK CO
22210	Claim	04N	03W	29	SW	NW		IRRIGATION	20/25	SIMPLOT LIVESTOCK CO
21557	Claim	04N	03W	29	SW	NW		STOCKWATER		J R SIMPLOT CO
21561	Claim	04N	03W	29	SW	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
21556	Water Right	04N	03W	29	SW	NW		DOMESTIC		J R SIMPLOT CO
22210	Claim	04N	03W	29	SE	NW		IRRIGATION	5/25	SIMPLOT LIVESTOCK CO
21561	Claim	04N	03W	29	SE	NW		STOCKWATER		SIMPLOT LIVESTOCK CO

REAL PROPERTY INQUIRY

01 6R 5545-500- -0 001-00 SCH132+ 01 80,600 106.50

 05 100 2.00
 SIMPLOT FEED LOTS INC + 19 8.37
 +
 +
 +
 +
 +
 +

PO BOX 27

BOISE

ID 83707

28-4N-3W NW PARK WEST ADD 6925 + TOTAL 80,700 116.87
 BLK 1-24 INC

 + SURVEY INST 779760
 + DRAIN DR VALUE APPR KYL
 + CLASS REAP 04 MAN UNIT 0
 + PARCEL 6RC6925001001A H/O N C/B N
 + PRIOR ACCOUNT 5R 5545-500- -0
 + 02 MH on Property NO

FARMWAY RD, CA

SEE R 5866

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R 5545500 0 UNIT 001 TOTAL UNITS

SITE FARMWAY RD CA SEC/TWN/RNG 28-4N-3W

ASSESSED VALUE 80,700 ACREAGE 116.87

SUB/PARK NAME PARK WEST ADD YEAR/MAKE

CLASS NO BUILDING CLASS SPACE LOT BLOCK

YR BUILT 0 AIR COND AIR - NONE CARPORT N
 STORY NO BLDG HEATING CARPORT SQ FT
 FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
 SECOND SQ FT ROOF UNKNOWN POOL? N
 BEDS 0 BSMT SQ FT SPA? N
 BATHS .00 % BSMT FIN LOT SIZE
 FRPLC 0 GARAGE N NEIGHBORHOOD 0
 GARAGE SQ FT

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/23/2006 Time 9:21

REAL PROPERTY INQUIRY

01 6R35498-000- -0 020-00 SCH132+ 02 900 2.11

CROOKHAM, W L

% SIMPLOT FEED LOTS INC

+

+

+

+

+

+

+

PO BOX 27

BOISE

ID 83707

29-4N-3W NW + TOTAL 900 2.11
 SENW-S OF WEST END DRAIN

 + SURVEY INST
 + DRAIN DR VALUE APPR TAM
 + CLASS REAP 05 MAN UNIT 0
 + PARCEL 6R04N03W294750 H/O N C/B N
 + PRIOR ACCOUNT 5R35498-000- -0
 + 02 MH on Property NO

WAGNER RD, CA

ACCOUNT NUMBER R35498000 0 UNIT 001 TOTAL UNITS

SITE WAGNER RD CA SEC/TWN/RNG 29-4N-3W
ASSESSED VALUE 900 ACREAGE 2.11
SUB/PARK NAME YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101
System User- IDWRR Date 03/23/2006 Time 9:22
REAL PROPERTY INQUIRY

+++++
01 6R35469-000- -0 020-00 SCH132+ 01 46,500 53.28
+++++ 19 2.75

RICHARDSON, FEED LOTS INC +
% SIMPLOT FEEDLOTS INC +
+
+
+
PO BOX 27 +
BOISE ID 83707 +

+++++
29-4N-3W NE + TOTAL 46,500 56.03
NENE LS RD & SENE LS SUB +
& LS RD + SURVEY INST
+ DRAIN DR VALUE APPR TAM
+ CLASS REAP 05 MAN UNIT 0
FARMWAY RD, CA + PARCEL 6R04N03W290100 H/O N C/B N
+ PRIOR ACCOUNT 5R35469-000- -0
+ 02 MH on Property NO

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R35469000 0 UNIT 001 TOTAL UNITS

SITE FARMWAY RD CA SEC/TWN/RNG 29-4N-3W
ASSESSED VALUE 46,500 ACREAGE 56.03
SUB/PARK NAME YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK

+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

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 &
J R SIMPLOT CO
PO BOX 27
BOISE ID 83701

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734, and 63-22210

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



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

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.

Respectfully Submitted,

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734,
63-22210

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.

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

AJ0749NP
No. R63-21561

OWNER CODE: C
NAME & ADDRESS: SIMPLIST LIVESTOCK CO
PO BOX 27
BOISE ID 83707
Water Source: GROUNDWATER
Tributary to: CANYON County

Stage: BENEFICIAL USE

CANYON County

Point(s) of Diversion: T04N R03W S29 NENW
Place of use Legal Description for: STOCKWATER
NE
NENE NAME SENE : NENW NENW SENE : NENE NENE SENE :
T R S : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac :
04N 03W 28 : S : S : S : S : S : S :
04N 03W 29 : S : S : S : S : S : S :
POU County: CANYON

Other Rights: NONE

Conditions of Approval:
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 1400 CATTLE
PARCEL NO. R04N03W292400

Dates: Exam Made Date: Verified Date: 07/08/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 07/08/1998 User-ID: DSMITH Subject: COPIED FROM REMARKS
POINT OF DIVERSION LOCALLY KNOWN AS THE BRAD MOPPEN WELL.
POINT OF DIVERSION IS SAME AS A63-21561.

Audit: 07/08/98 DSMITH

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-21-1997

PAGE: A-282

RIGHT NUMBER: 63-21561

NAME & ADDRESS: SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83707

SOURCE: GROUNDWATER

QUANTITY: 0.31 CFS

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T04N R03W S29 NENW Within CANYON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER S/1400 HEAD CATTLE	01-01 12-31	0.31 CFS

PLACE OF USE:	STOCKWATER	Within CANYON County
	T04N R03W S28	NENW NWNW
	S29	NENE NENW SWNW SENW

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

POINT OF DIVERSION LOCALLY KNOWN AS THE BRAD MOPPEN WELL.
POINT OF DIVERSION IS SAME AS A63-21561.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

R04N03W 292400

16547 Laurel Rd CA

Verified by D. Smith Date: 6/24/98

Verification Source: Owner Maps



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

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

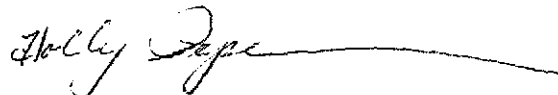
Dear Mr. Shaff:

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



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

RECEIVED
APR 14 1994
Department of Water Resources

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. - JEL*

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

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

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED

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

7 Attorneys for J. R. Simplot Company

1991 APR - 8 PM 2/52
DISTRICT COURT - SRPA
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)
20)
21)
22)
23)
24)
25)
26)
27)
28)
Petitioner,

v.

NOTICE OF WITHDRAWAL
OF COUNSEL

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

Defendants.

MICROFILMED

AUG 28 1994

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8
9 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
13
14
15
16
17
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19
20
21
22
23
24
25
26
27
28

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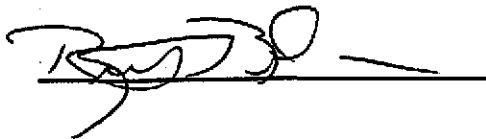
22 **Addresses Under A.O.1., Section 7.d(2)**

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24 Office of the Attorney General
25 State of Idaho
26 P.O. Box 44449
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