

24-7113

J.R. Simplot

No Layout Needed

Industrial

09/08/2006

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

RIGHT NUMBER: 24-7113

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.480 CFS
1,615.200 AFY

PRIORITY DATE: 09/26/1980

POINT OF DIVERSION: T08S R45E S24 SESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	3.480 CFS 1,615.20 AFY

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

PLACE OF USE: INDUSTRIAL Within CARIBOU County

T06S R34E S07	NESW	T06S R34E S07	SESW
T08S R45E S25	NESE	T08S R45E S25	SESE
T08S R46E S07	NWSE	T08S R46E S07	SWSE
T08S R46E S21	SWNW		

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SPECIAL USE PERMIT USFS INDUSTRIAL USE IS FOR SMOKEY CANYON SLURRY PLANT, TAILINGS DAM REPLENISHMENT AND PHOSPHATE PLANT IN POCA TELLO, ID.

WATER DIVERTED UNDER THIS RIGHT IS USED FOR BOTH PHOSPHATE MILLING AND SLURRY PIPELINE TRANSPORTATION PURPOSES. BASED ON INFORMATION SUPPLIED BY LICENSEE, CAPACITY OF THE SLURRY PIPELINE IS 1.89 CFS.

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 24-7113
Date Received: 6/19/1990
Receipt No: C017321
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

COPY

2. Date of Priority: 09/26/1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	45E	24	SE SE	CARIBOU	

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
INDUSTRIAL	1/01	12/31	3.48	1615.2

7. Total Quantity Appropriated is:
3.48 C.F.S. and/or 1615.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
~~08S~~	~~42E~~	~~7~~	~~NE~~	~~SW~~	~~INDUSTRIAL~~	
08S	45E	25	NE	SE	INDUSTRIAL	
			SE	SE	INDUSTRIAL	
~~08S~~	~~46E~~	~~7~~	~~SE~~	~~SW~~	~~INDUSTRIAL~~	
			~~NW~~	~~SE~~	~~INDUSTRIAL~~	
			~~SW~~	~~SE~~	~~INDUSTRIAL~~	
08S	46E	21	SW	NW	INDUSTRIAL	
<u>6S</u>	<u>34E</u>	<u>7</u>	<u>NE</u>	<u>SW</u>	<u>INDUSTRIAL</u>	
			<u>SE</u>	<u>SW</u>	<u>INDUSTRIAL</u>	
			<u>NW</u>	<u>SE</u>	<u>INDUSTRIAL</u>	
			<u>SW</u>	<u>SE</u>	<u>INDUSTRIAL</u>	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

WHEN WATER USED UNDER THIS RIGHT IS DISCHARGED INTO THE NATURAL CHANNEL, SETTLING PONDS MUST BE MAINTAINED WHICH ARE CAPABLE OF REDUCING THE SILT LOAD TO SUCH A LEVEL THAT THE QUALITY WILL NOT BE IMPAIRED FOR OTHER BENEFICIAL USES.

SPECIAL USE PERMIT USES INDUSTRIAL USE IS FOR SMOKEY CANYON SLURRY PLANT, TAILINGS DAM REPLENISHMENT AND PHOSPHATE PLANT IN POCAHELLO, ID.

WATER DIVERTED UNDER THIS RIGHT IS USED FOR BOTH PHOSPHATE MILLING AND SLURRY PIPELINE TRANSPORTATION PURPOSES. BASED ON INFORMATION SUPPLIED BY LICENSEE, CAPACITY OF THE SLURRY PIPELINE IS 1.89 CFS.

15. Basis of Claim: License

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

AUG 6 2001

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: A24-07113
Date Received: 6/19/1990
Receipt No: C017321
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: J R SIMPLOT COMPANY
Address: PO BOX 27
BOISE ID 83707

2. Date of Priority: SEP 26, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	45E	24	SE	SE			CARIBOU

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.
INDUSTRIAL	01/01	12/31	3.480		1615.20

7. Total Quantity Appropriated is:
3.480 C.F.S. (and/or) 1615.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/SMOKY SLURRY PLANT/TAILINGS DAM; AND PHOSPHATE PLANT IN CONDA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	42E	7	NE	SW		INDUST	
	45E	25	NE	SE		INDUST	
			SE	SE		INDUST	
	46E	7	SE	SW		INDUST	

MICROFILMED
NOV 0 1 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	46E	7	NW	SE		INDUST	
65	34E		SW	SE		INDUST	
85	46E	21	SW	NW		INDUST	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

SPECIAL USE PERMIT USFS
INDUSTRIAL USE IS FOR SMOKEY CANYON SLURRY PLANT, TAILINGS DAM
REPLENISHMENT AND PHOSPHATE PLANT IN POCATELLO, ID.
WATER DIVERTED UNDER THIS RIGHT IS USED FOR BOTH PHOSPHATE
MILLING AND SLURRY PIPELINE TRANSPORTATION PURPOSES. BASED ON
INFORMATION SUPPLIED BY LICENSEE, CAPACITY OF THE SLURRY PIPELINE
IS 1.89 CFS.

15. Basis of Claim: LICENSE

MICROFILMED
NOV 01 1999

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: A24-07113
Date Received: 6/19/90
Receipt No: C017321
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: SEP 18, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	45E	24	SE	SE			CARIBOU

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.
INDUSTRIAL	01/01	12/31	3.480		

7. Total Quantity Appropriated is:
3.480 C.F.S. (and/or) 1615.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/SMOKY SLURRY PLANT/TAILINGS DAM; AND PHOSPHATE PLANT IN CONDA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	42E	15	SE	NE		INDUST	
	45E	25	NE	SE		INDUST	
			SE	SE		INDUST	
	46E	21	SW	NW		INDUST	

A24-07113

Page 1

Date: 06/05/90

MICROFILMED
NOV 06 1992

A2407113

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:
SPECIAL USE PERMIT USFS

15. Basis of Claim: LICENSE

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 _____ 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
J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as Secretary of
J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

James L. Thomas
Signature of Authorized Agent

Secretary, J.R. Simplot Company
Title and Organization

6-14-90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of June 19 90

Seal

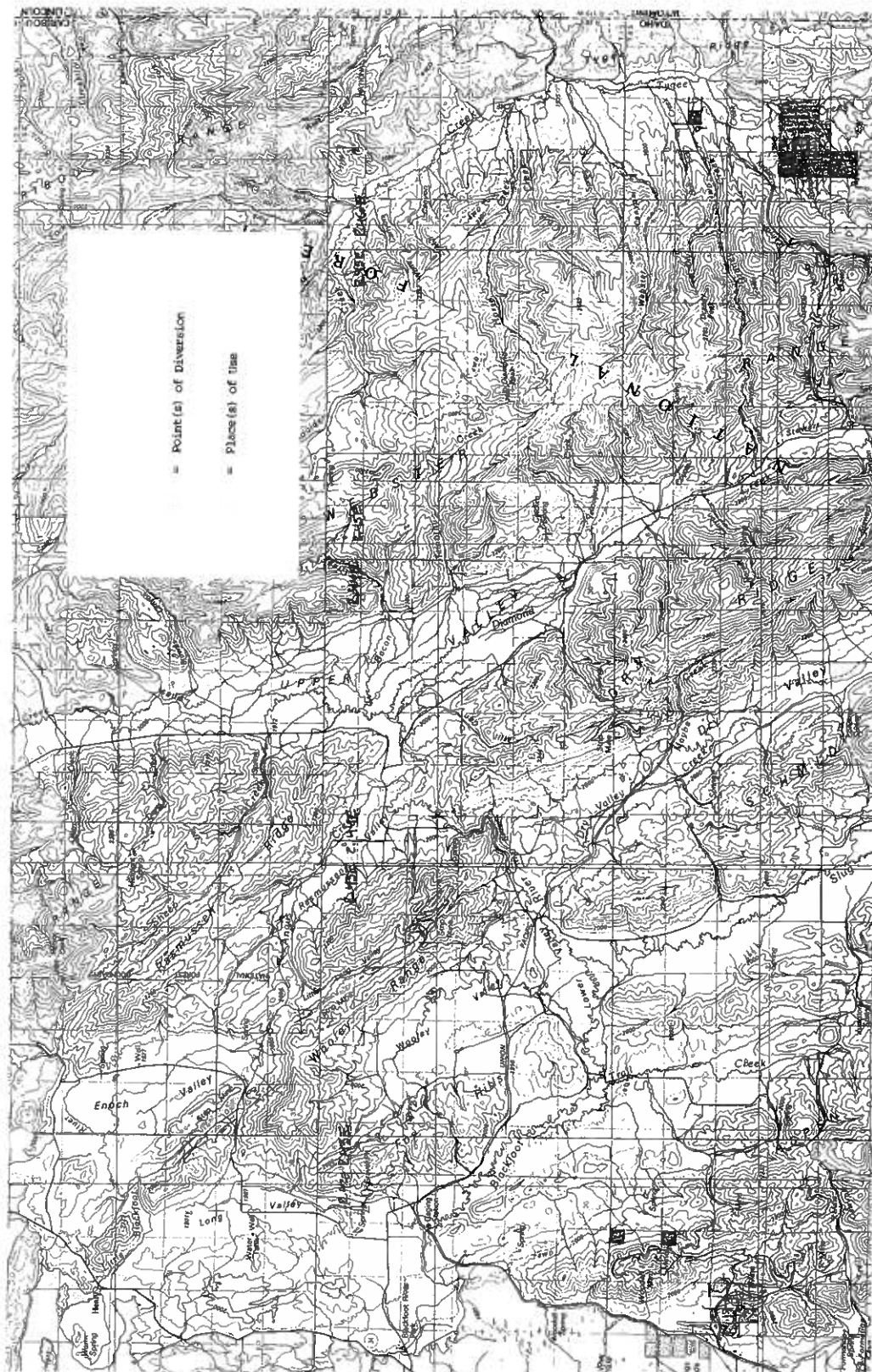
Kellie Gason
Notary Public

Residing at

Boise, Idaho

My Commission Expires

12-13-95



09/13/2006

**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 16, 2006

Water Right Number: 24-7113
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):

Place of Use

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

"Power County" needs to be added to the Place of Industrial use.

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

The described places of use include land in both Caribou County, Idaho and Power County, Idaho. "Power County" needs to be added to "Caribou County" as shown on the attached Revised Preliminary Recommendation to accurately describe all of the counties that contain the places of use under water right no. 24-7113.

_____ I AGREE with this proposed recommendation; no changes need to be made.

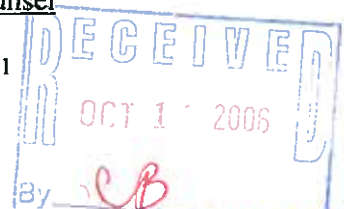
J. R. Simplot Company

DATE: Oct. 11, 2006

SIGNATURE: By: _____

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

IDWR Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402; 208-525-7161



COMPLETED
NOE KMS 10/16

09/14/2006

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

RIGHT NUMBER: 24-7113

NAME AND ADDRESS: J R SIMPLOT CO
C/O ~~RON GRAVES~~ Terry T. Uhling
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.480 CFS
1,615.200 AFY

PRIORITY DATE: 09/26/1980

POINT OF DIVERSION:

T08S R45E S24 SESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	3.480 CFS 1,615.20 AFY
Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.		

PLACE OF USE: INDUSTRIAL Within CARIBOU County and Power County

T06S R34E S07	NESW	T06S R34E S07	SESW
T08S R45E S25	NESE	T08S R45E S25	SESE
T08S R46E S07	NWSE	T08S R46E S07	SWSE
T08S R46E S21	SWNW		

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Notes

10-27-04 Assessor's office: DB

J.R. Simplot Co.

P.O. Box 27

Boise, ID 83707

5-31-05 Priority date, source + POD match the license. POH matches except for the land in Section 7. PB

17 Sept 05 No field exam performed - post-87 license / field exam. BAC

12-21-05 ~~Letter to claimant~~ re amended claim. BX

2-6-06 Recommendation based on T3863 approved in 1991. CB.

No response to amended claim.

10/4/06 Vic Conrad called. POH should be in both Power & Caribou County, not just Caribou Co.

10/4/06 Carter Frickie, - update shape from PLS, should have a shape in Spatial Data. Then update PLS from shape. GCDB problems, (notified Michael Aschell) report problem. Shows Power & Caribou in eCVR, but now the PDR shows only Power Co?.

Sent new PDR & NOE. CB

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner J. R. Simplot Co.

Name connector: and _____ or _____ and/or _____

Current Owner PO Box 27, Boise, ID 83707

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 24-7113

Water Flight Priority Date: _____ Water Flight Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit.
Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. A24 - 7113

Point of Diversion and Source Data Entry Form

Claim Number: 24-7113

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twsp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5
If No, go to 6

Yes (☒) No (☐)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7
If No, go to 9

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☐) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete

Yes (☐) No (☒)

Point of Diversion

Claim No. A24 - 7113

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (✓) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

Yes () No ()

4. Does the parent right have a Source?

If Yes, go to 5
If No, go to 7

Yes (✓) No ()

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

Yes (✓) No ()

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

Yes () No ()

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8
If No, go to 10

Yes () No ()

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes () No ()

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

Yes () No ()

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes () No ()

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Yes () No (✓)

Source

Claim No. A24 - 7113

Purpose of Use Data Entry FormClaim Number: 24-7113 Use Claimed Purpose of Use as Recommended Purpose of Use**Water Right Purpose of Use**

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (✓) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes (✓) No ()

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes (✓) No ()

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes () No ()

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes () No ()

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes () No (✓)

Purpose of Use

Claim No. A24 - 7113

Place Of Use Data Entry Form

Claim Number: 24-7113☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (X) No ()

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes () No ()

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes () No ()

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes () No ()

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes () No ()

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes () No ()

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes () No ()

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes () No ()

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes () No ()

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Yes () No ()

Place of Use

Claim No. A24-7113

Period of Use and Quantity Data Entry FormClaim Number: 24-7113☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18

Yes (☐) No (☐)

4. Does the parent right have a Period of Use?

If Yes, go to 5
If No, go to 6

Yes (☒) No (☐)

5. Can the claimed Period of Use be verified using the water right file?

If Yes, go to 14
If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the Period of Use?

If Yes, go to 7
If No, go to 12

Yes (☐) No (☐)

7. Does the change include an enlargement in the Period of Use?

If Yes, go to 9
If No, go to 8

Yes (☐) No (☐)

8. Can the change be recommended as an accomplished transfer?

If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11

Yes (☐) No (☐)

9. Was an enlargement claim filed?

If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10

Yes (☐) No (☐)

10. Did the claimant file an enlargement claim?

If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes (☐) No (☐)

11. Was a transfer filed?

If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes (☐) No (☐)

12. Does the file contain all of the necessary information to verify the Period of Use?

If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13

Yes (☐) No (☐)

13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?

If Yes, go to 14
If No, go to 15

Yes (☐) No (☐)

14. Is irrigation claimed as a purpose of use?

If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18

Yes (☐) No (☒)

15. Is irrigation claimed as a purpose of use?

If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18

Yes (☐) No (☐)

16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18

Yes (☐) No (☐)

17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?

If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18

Yes (☐) No (☐)

18. Is a Period of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Yes (☐) No (☒)

Period of Use

Claim No. 124 - 7113

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (✓) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes () No ()

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes (✓) No ()

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes (✓) No ()

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes () No ()

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes () No ()

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes () No ()

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes () No ()

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes () No ()

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes () No ()

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes () No ()

Quantity

Claim No. 121 - 7113

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2
If No, go to 3

Yes (✓) No ()

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

Yes () No ()

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes (✓) No ()

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes () No ()

5. Does this right have any combined used limits with other rights?

If Yes, go to 6
If No, go to 6

Yes () No (✓)

6. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes (✓) No ()

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (✓) No ()

8. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9
If No, go to 9

Yes () No (✓)

9. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10

Yes () No (✓)

10. Would you like to set the verification date?

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (✓) No ()

Summary

Claim No. A24 - 7113

Claim No.: _____

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

Reviewer _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

21 December 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Attn: Vic Conrad
J. R. Simplot Company
P. O. Box 27
Boise, ID 83707

COPY

Re: Snake River Basin Adjudication (SRBA)
Claims 24-7169 and 24-7113

Subject: AMENDING YOUR CLAIMS

RESPONSE DATE: 5 JANUARY 2006

Dear Claimant(s):

After reviewing your claims I'm recommending you amend claim to match the license and transfer. Please be sure and sign it before a notary and return it by the above response date.

If you have any questions please feel free to contact me at 547-3993 in Soda Springs.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosures:

Amended Notice of Claim 24-7113

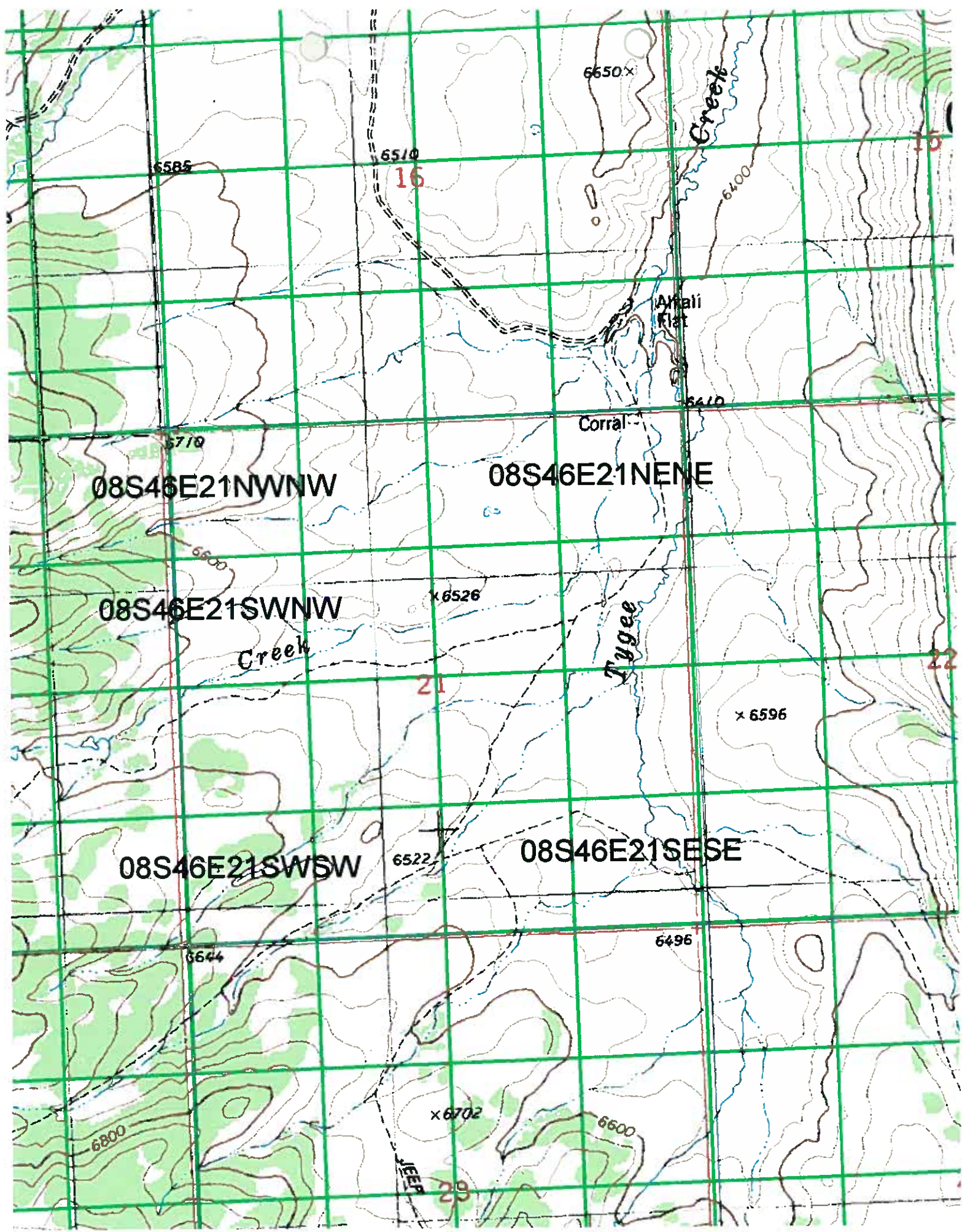
Amended Notice of Claim 24-7169

Amende

Transfer

TRANSFER

Claim # 24-7113



08S46E21NWNW

08S46E21NENE

08S46E21SWNW

08S46E21SWSW

08S46E21SESE

Creek

Creek

Tygee

Arkali Flat

Corral

16

15

21

22

29

6550x

6585

6510

6400

6710

6410

6600

x 6526

x 6596

6522

6496

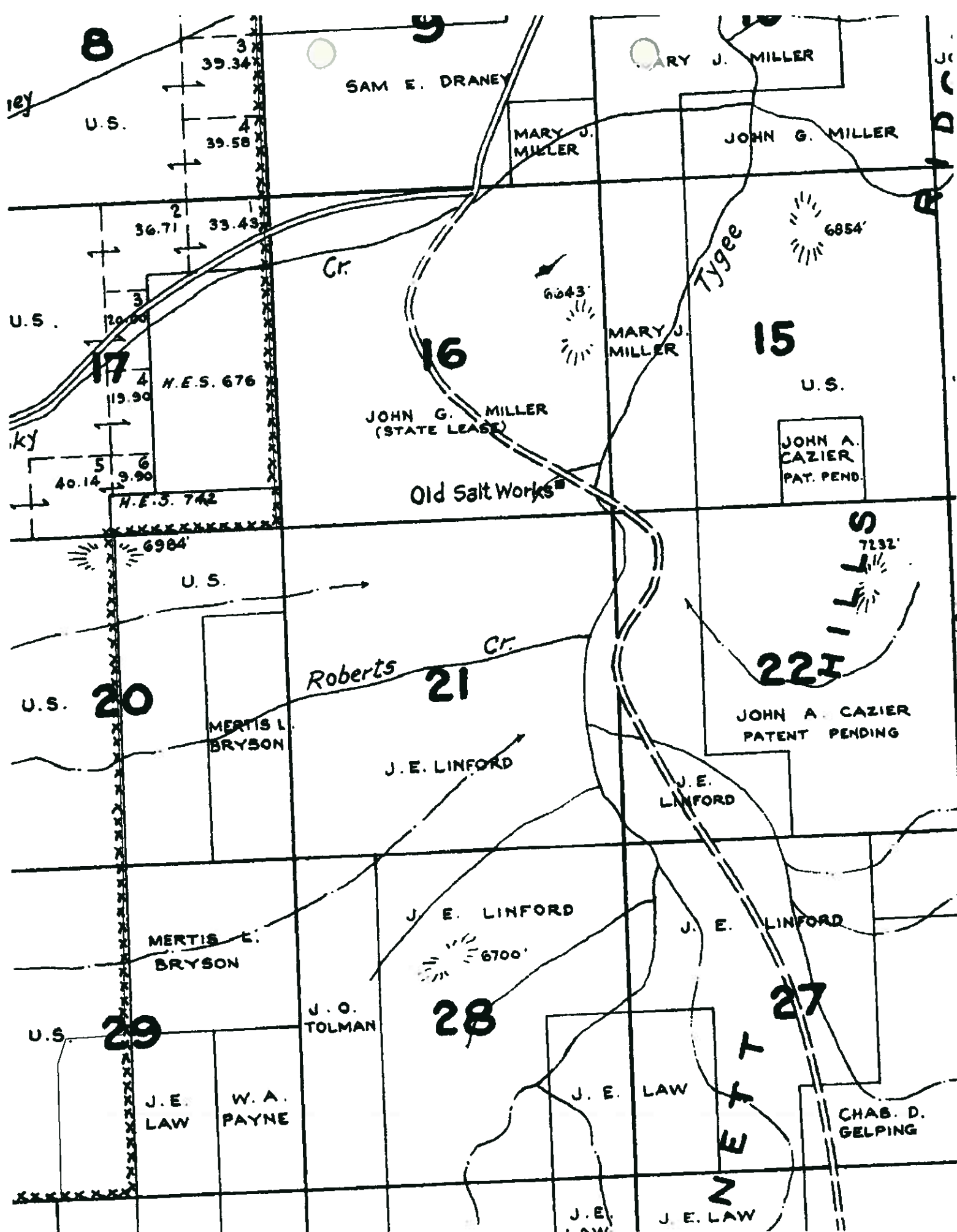
6644

6800

x 6702

6600

JEFF



Parcel Numbers:

~~09880~~	~~09890~~	~~09900~~	~~0992A~~
~~0992B~~	~~15280~~	~~16310~~	~~16520~~
~~16550~~	~~16560~~	~~16570~~	~~16830~~
~~16840~~	~~1781A~~	~~17890~~	~~17900~~
~~1792A~~	~~1792B~~	~~19960~~	~~20230~~
~~20270~~	~~21020~~	~~2131A~~	44180
44670	45160	45620	46070
46520	46970	47420	47880
75910	7591B	75920	7592A

— NW10000000020

1792A

8, 46, 21 N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW, dry grazing 760 ac.

Sec. 20 + 29

1792B

8, 46, 21 S $\frac{1}{2}$ SE dry grazing 240 ac.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 24-07113

Priority: September 26, 1980

Maximum Diversion Rate:
Maximum Diversion Volume:¹

3.48 CFS
1615.2 AF

This is to certify, that J.R. SIMPLOT CO.

P.O. BOX 912

POCATELLO, ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 26, 1980; and has submitted Proof of Beneficial Use on June 28, 1985. An examination indicates that the works have a diversion capacity of 3.480 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	3.48 CFS	1615.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 24, Township 08S, Range 45E
CARIBOU County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

08S	42E	15	SENE	
	45E	25	NESE	SESE
	46E	21	SWNW	

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. When water used under this license is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
7. Industrial use is for Smoky Canyon slurry plant, tailings

MICROFILMED

MAR 20 1980

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 24-07113

CONDITIONS/REMARKS:

replenishment & phosphate plant in Conda, Idaho.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 19TH
day of MARCH, 1990.

Acting for *R. Keith Higginson*, Director

MICROFILMED
MAR 20 1990

SCANNED

AUG 01 2001

OCTOBER 30, 1995

JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: TRANSFER

Dear Sir:

Our office has received notice of your approved transfer #3863 of water right #24-07113. The Snake River Basin Adjudication claim filed on this right has been amended pursuant to the approved transfer.

Please review the enclosed notice carefully and if you have any questions about any of the items, please contact our office. If you agree with the items on the notice, please place the copies with your records.

Respectfully submitted,

Gregory J Taylor
Water Right Agent
Adjudications Bureau

GJT:sc

MICROFILMED
NOV 01 1995

T # 3863

24-07113

☒ PULL ORIG. L ADJUDICATION CLAIM
☒ MAKE COPY ORIGINAL TRANSFER APPLICATION
☒ GET COPY OF APPROVED TRANSFER
☒ PROOF REPORT OF WATER RIGHT FROM "WR"
☒ SPLIT RIGHT (YES ___ NO ☒)
☒ NEED CHANGE OF OWNERSHIP (YES ___ NO ☒)
☒ GIVE TO AGENT
☒ CHECKED AND DATA ENTERED
☒ RECEIVED BACK FROM AGENT - 10/30/95
☒ SEND LETTER TO CLAIMANT
☒ FILE IN "P" FILE

NOV 01 1995

PART 1

6. General Information:

- a. Description of diversion system Well, pumps, pipeline
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
There is no irrigation resulting from this appropriation.
- d. Remarks:
is complete. The proposed transfer will effectively add the Pocatello facility to the
licensed place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 24-7113
And said application is hereby APPROVED, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

Witness my hand this

4th

day of

November, 19 91

Chief, Water Allocation Bureau

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right No. 24-7113

Transfer No. 3863

- R09
1. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
 2. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
 3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
 4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
 5. The right holder is not authorized to divert more water than previously diverted under License No. 24-7113.

TD8
R06

Dated this 1st day of November, 1991.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

NOV 9 / 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 24-07113 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☒ Other Special USFS Use Permit.3. Source of water Groundwater tributary to _____4. Date or priority 9/26/80

5. Water is used for the following purpose:

amount 3.48 for Industrial purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.48 cubic feet per second and/or 1,615.2 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	24	8S	45E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8S	42E	15				I													
8S	45E	25													I			I	
8S	46E	21							I										

Total acres 0

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	42E	15				I													

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.48 c.f.s/1,615.2 ac-ft for Industrial purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	24	8S	45E	Caribou	

3. Lands irrigated or place of use:

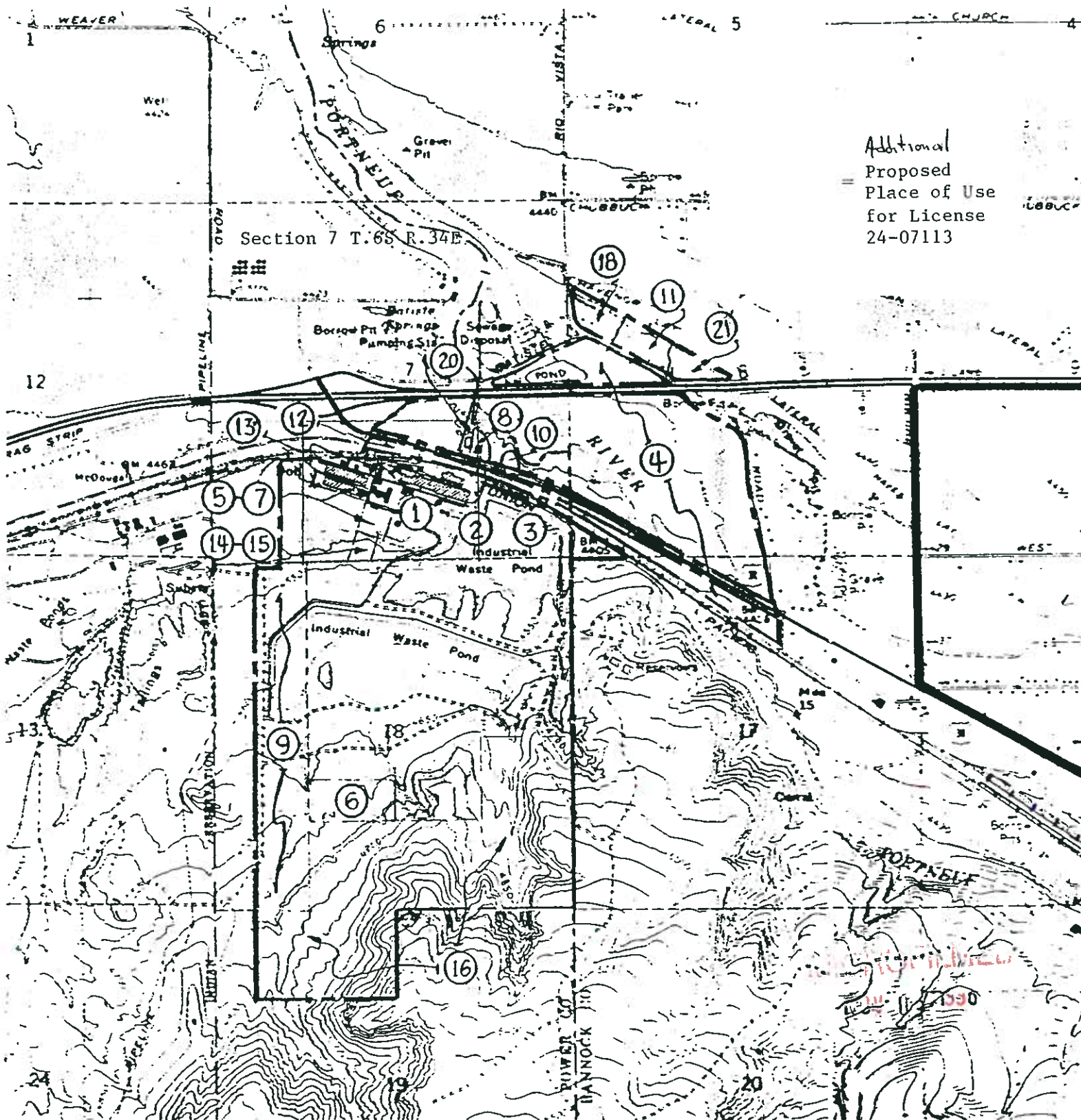
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	45E	25													I			I	
	46E	21							I										

Total acres

NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

No effect on other current water users.

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gordon C. Smith

Gordon C. Smith (Signature of Applicant)

Subscribed and sworn to before me this July day of 1991,
President, J.R. Simplot CompanyKellie Eason

(Notary Public)

My commission expires 10-13-92

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 7-16-91

Protest filed by _____

Prelim. check by _____ Fee \$50.00Receipted by #CO21188 Date 7-16-91Published in Caribou County Sun

Copies of protest forwarded by _____

Pub. dates 8-22-29-91

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by REC

Copy of transfer sent to lien holder _____

NOV 0 / 1990



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

E.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

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

RECEIVED
MAY 24 1994

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

Department of Water Resources
Eastern District Office

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
NOV 11 1994



CORPORATE HEADQUARTERS

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

NOV 11 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
NOV 11 1994

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

7 Attorneys for J. R. Simplot Company

1991 APR - 5 PM 2:52
DISTRICT COURT - SR 84
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

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

24)
25)
26)
27)
28)
Defendants.

MICROFILMED
NOV 11 1991

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
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MICROFILMED
NOV 07 1994

CERTIFICATE OF SERVICE

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

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

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

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

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

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

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

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

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

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

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

NOV 01 1994

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

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

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

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

17
18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
26 P.O. Box 66
27 Twin Falls, Idaho 83303-0066
28

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

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

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

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

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

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

MICROFILMED

NOV 17 1990

1 William A. Parsons
2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

Jerry R. Rigby
Ray W. Rigby
RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, CHARTERED
25 North Second East
P.O. Box 250
Rexburg, Idaho 83440

6 William F. Ringert
7 Daniel V. Steenson
8 RINGERT, CLARK, CHARTERED
9 455 South Third Street
10 P.O. Box 2773
11 Boise, Idaho 83701-2773

John A. Rosholt
James C. Tucker
ROSHOLT, ROBERTSON & TUCKER
142 Third Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

10 James P. Speck
11 HOGUE, SPECK & AANESTAD, P.A.
12 120 East Avenue
13 P.O. Box 987
Ketchum, Idaho 83340

Larry Sullivan
SCHROEDER, HUTCHENS & SULLIVAN
P.O. Box 220
Vale, Oregon 97918

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
Burley, Idaho 83318

Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
Parma, Idaho 83660

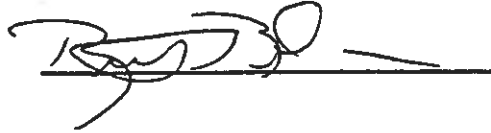
22 **Addresses Under A.O.1., Section 7.d(2)**

23 Chief, Natural Resources Division
24 Office of the Attorney General
25 State of Idaho
26 P.O. Box 44449
Boise, Idaho 83711-4449

27 MICROFILMED

28 NOV 17 1990

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Forth Street, Box 33
4 Boise, Idaho 83724

5 
6

7 5500v
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RECEIVED
NOV 07 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

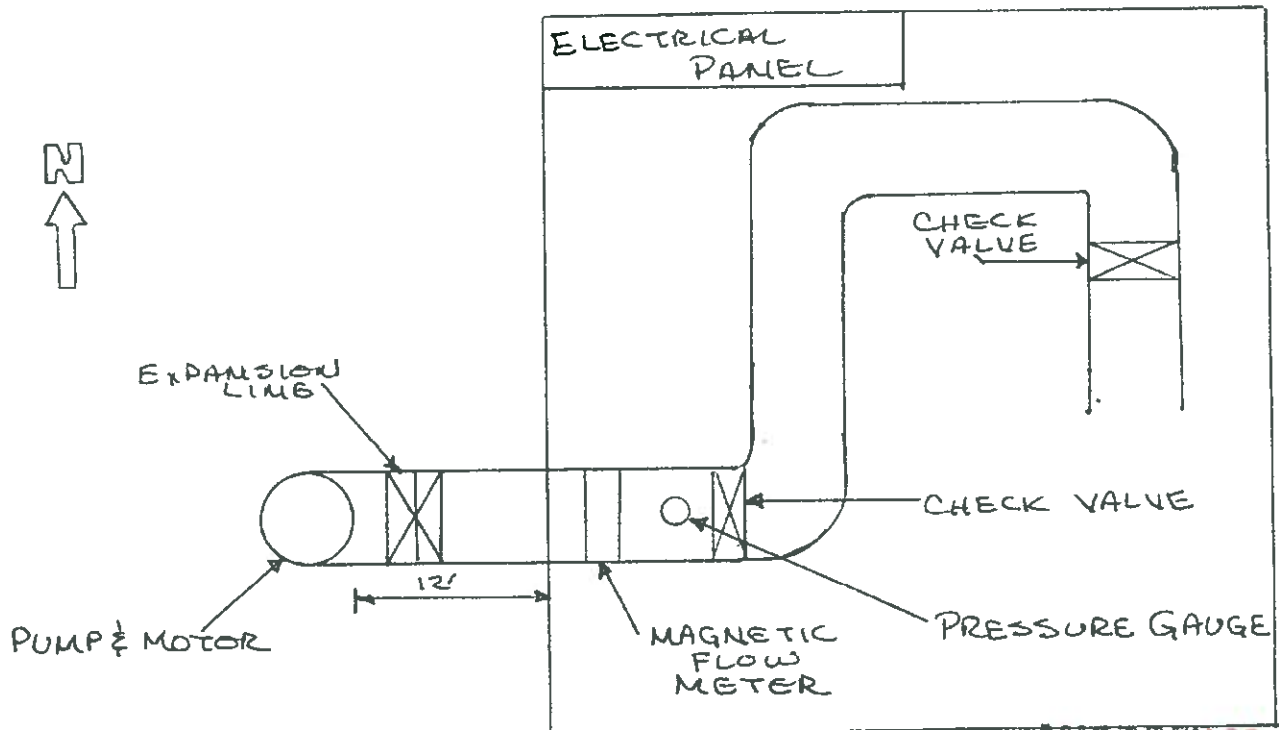
Permit No. 24-7113
Phone No. 232-6620
1. Owner: J. R. SIMPLOT COMPANY
Current Address: P.O. Box 912, POCA TELLO, ID 83201
2. Accompanied by: DENNIS FAGER EXAM. DATE: 01/11/89
Address: AS ABOVE Phone No. 225-9861
Relationship to Permit Holder: PROJECT ENGINEER
3. Source: GROUNDWATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A ☐ Copies Attached
2. Other water rights with same point of diversion: N/A ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



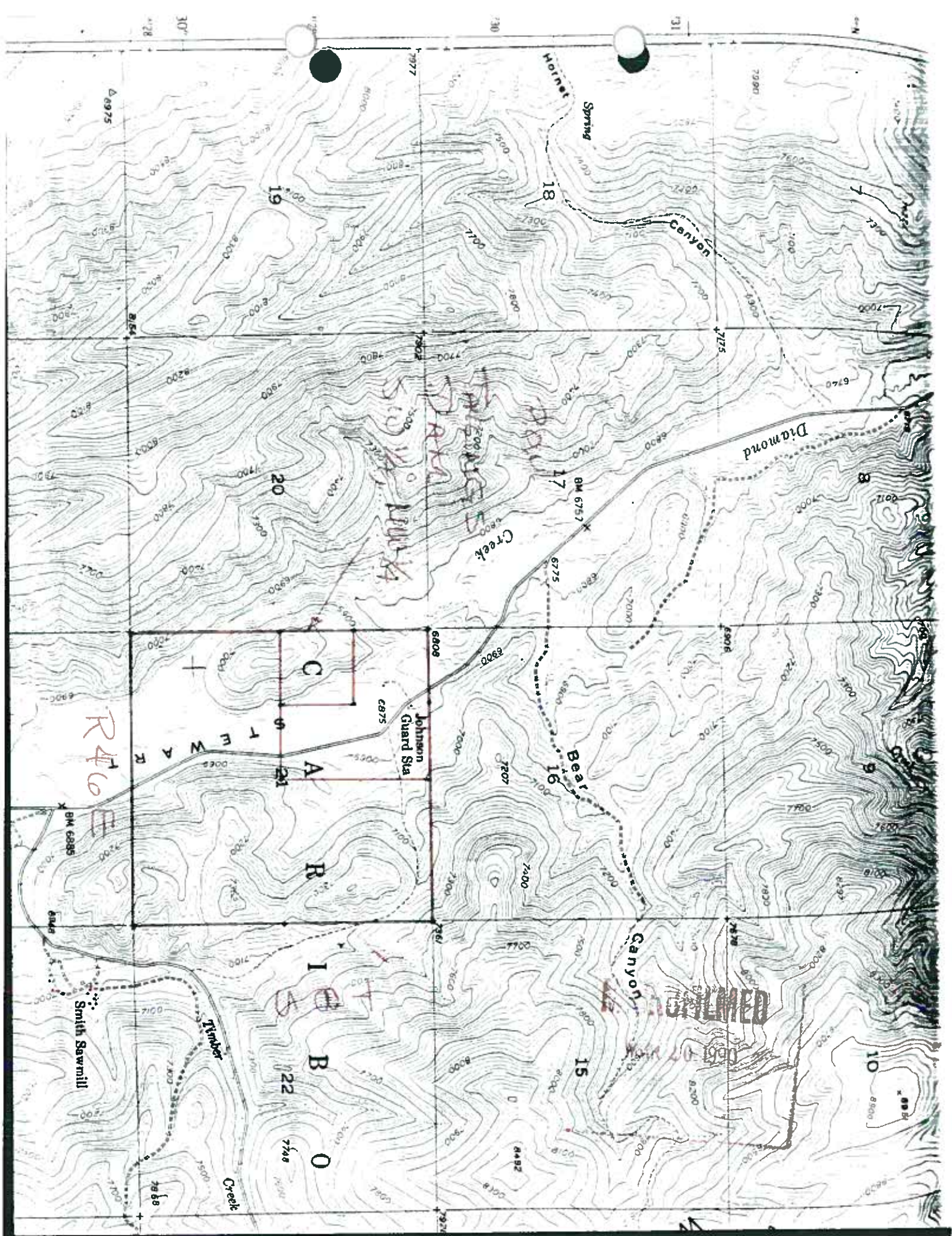
Scale: 1" = NO SCALE

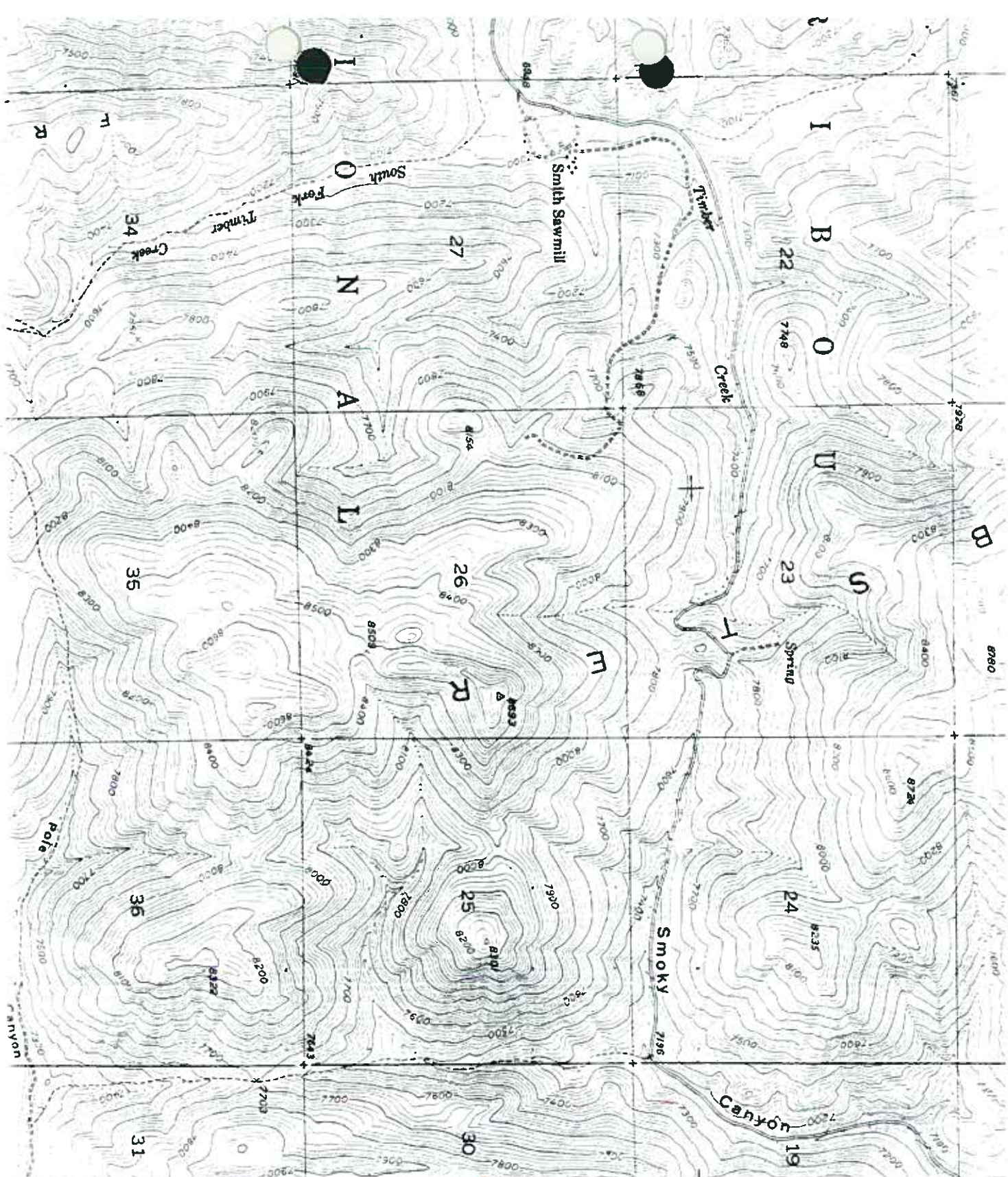
2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

MICROFILMED

MAR 30 1990

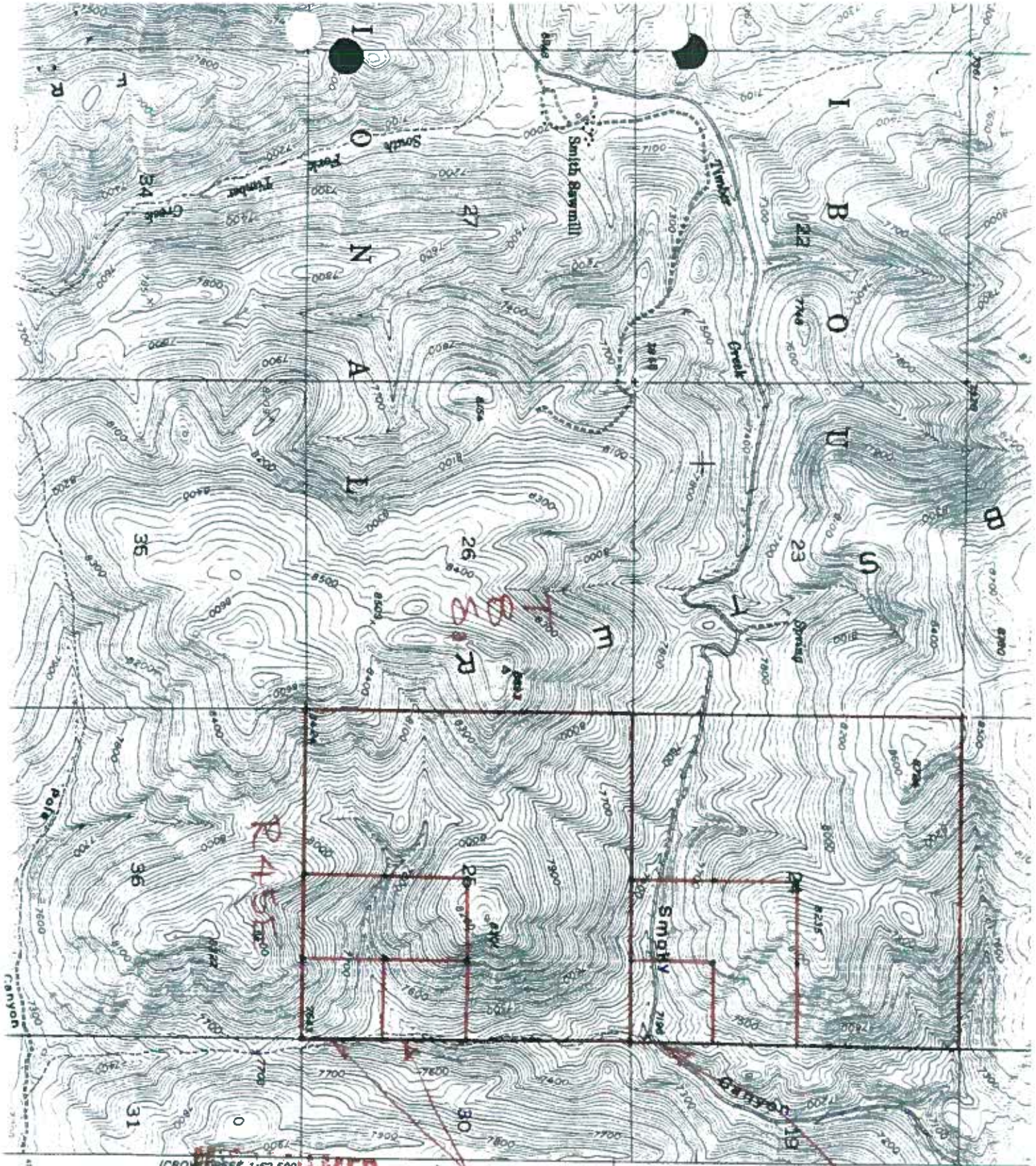




(CROW CREEK 1:62 500)
3769 ft

MicroFILMED

MAR 20 1950



P.O.D.
WELL & PUMP
SE 1/4, SE 1/4
SEC 24
T8S
R45E

SHOCKY
CANYON
SUCREY
PLANT
P.O.U.

NE 1/4, SE 1/4
SE 1/4, SE 1/4

MAR 20 1941

NOT FILMED

ICROCK CREEK 1:62,500

SLURRY CHOKES STATION
CONDA, IDAHO
01/11/89



SLURRY TANK AT
END OF 26.9 MILE
PIPELINE FROM SMOKY
CANYON TO CONDA, ID



PROCESS TO EXTRACT
PHOSPHATE FROM SLURRY
PIPELINE CONDA, ID



MAINTAINED

MAR 20 1990

SLURRY PIPELINE
GOING INTO PLANT
AT CONDA, ID FROM
SMOKY CANYON MINE
26.9 MILES EAST
01/11/89



8" IN DIAMETER PIPE
GOING INTO CONDA,
ID. PROCESSING PLANT



PIPE FROM SMOKY
CANYON GOING INTO
PLANT IN CONDA, ID.

UNCLASSIFIED

MAR 20 1990



WELL SITE & PUMP, E.
450 H.P. SERIAL No. HW 7011
JOHNSON. PUMP SERIAL No.
1TT49021.

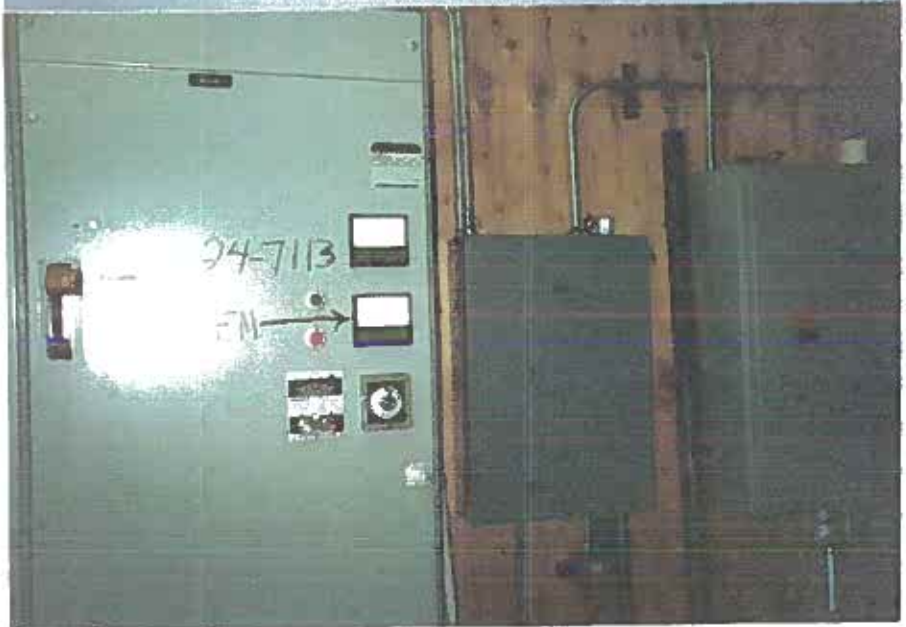
POINT OF DIVERSION SE 1/4,
SE 1/4, SEC 24; T8S; R45E
(01/11/89)



PUMP, MOTOR, & SHELTER
WHICH HOUSES ELECTRICAL
PANEL, VALVES, GAUGES, ECT



ELECTRICAL PANEL



MISAPPLIED

MAR 20 1990

INSIDE SHELTER FOR
24-7113 ELECTRICAL
PANEL, VALVES, GAUGES
ECT.

(01/11/89)



MAGNETIC FLOW METER
PRESSURE GAUGE &
CHECK VALVE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

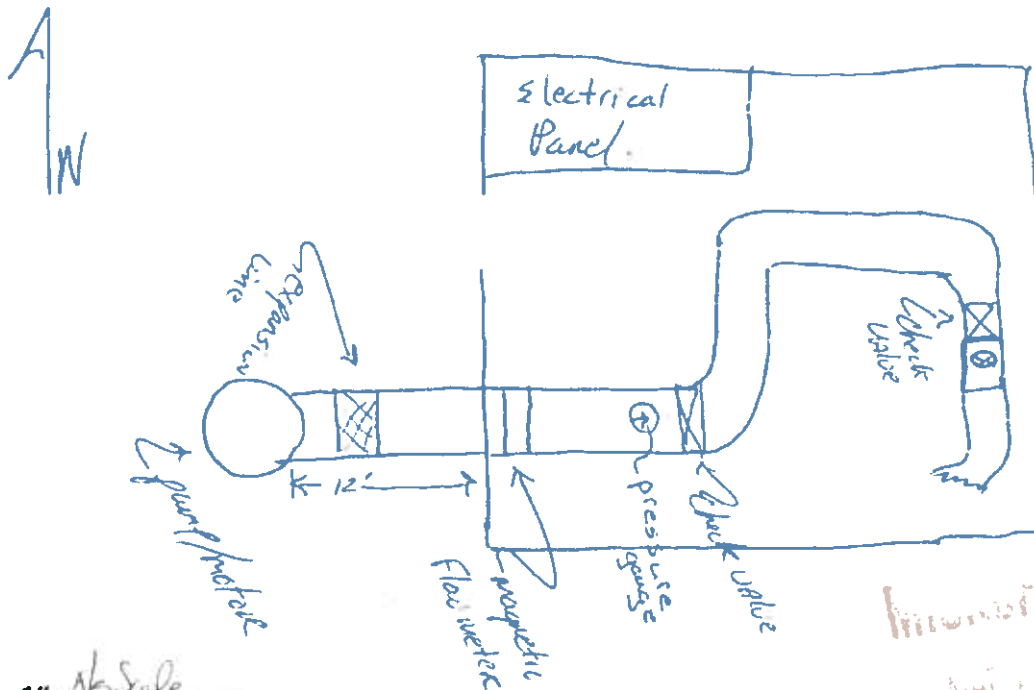
Permit No. 24-7113
Phone No. 233-7500
1. Owner: J.R. SimPlot Company
Current Address: P.O. Box 912, Pocatello Idaho 83201
2. Accompanied by: Verlen Andrews EXAM. DATE: 6-23-87
Address: P.O. Box 1021 Afton WY 83110 Phone No. (307) 886-3081
Relationship to Permit Holder: Ass. Maintenance Manager
3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A. ☐ Copies Attached
2. Other water rights with same point of diversion: N.A. ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

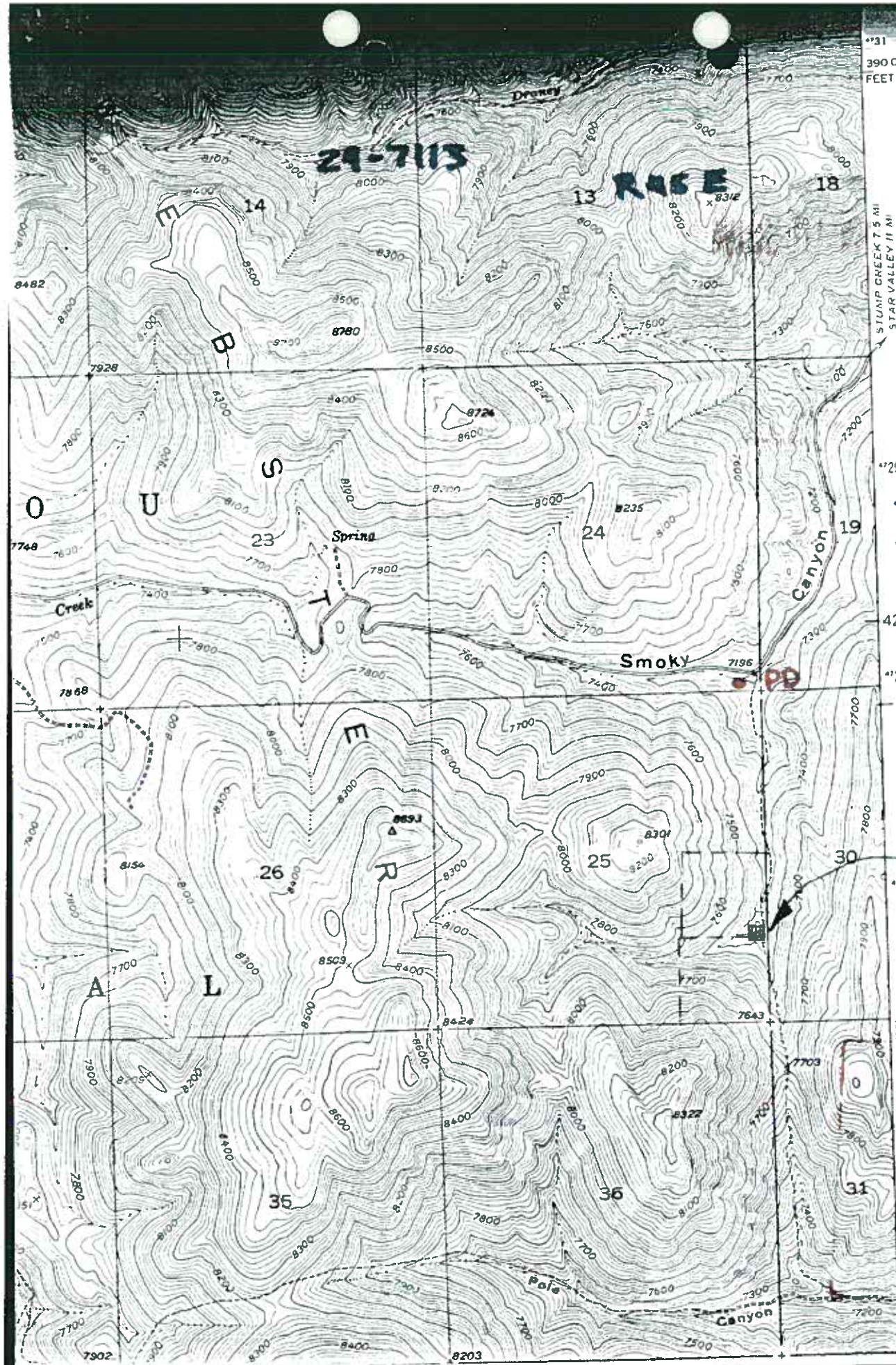
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 16' Safe

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

RECORDED
JUN 24 1988



31
390 000
FEET

STUMP CREEK 7.5 MI
STAR VALLEY 11 MI

T8S

11 6913
MAR 25 1960
CREEK 1.62 E001
WCRJ

MICROFILMED

T. 8 S.

24-7113

R15E R46E

390 000
FEET

T.8 S.

AUX.
WELL

Existing Industrial

Well

MILL SITE

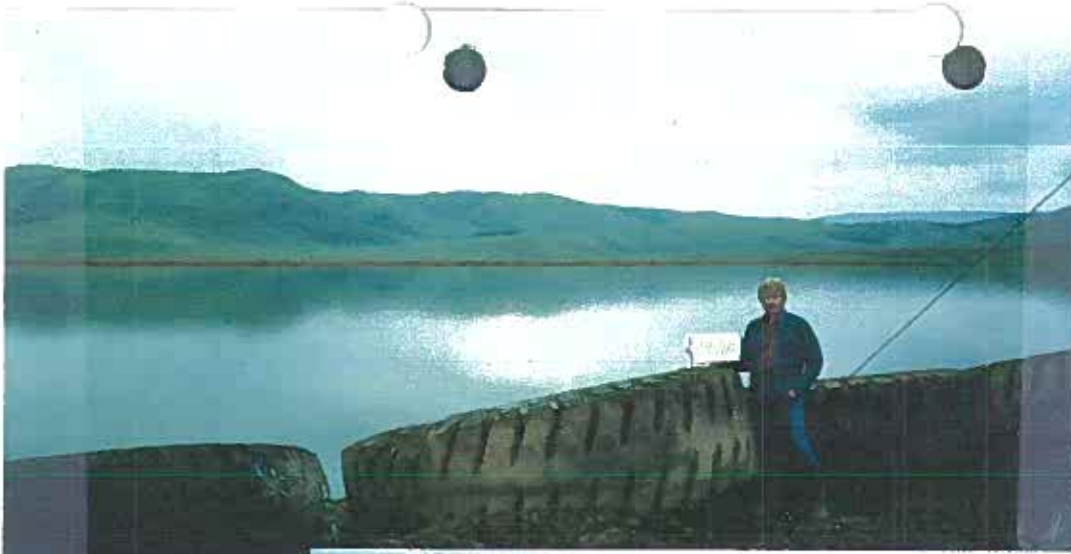
MAR 20 1990

MICROFILMED

T 8 S

24-7113

tailings
pond at
Simplot phosphate
mine



24-7113

24-7113



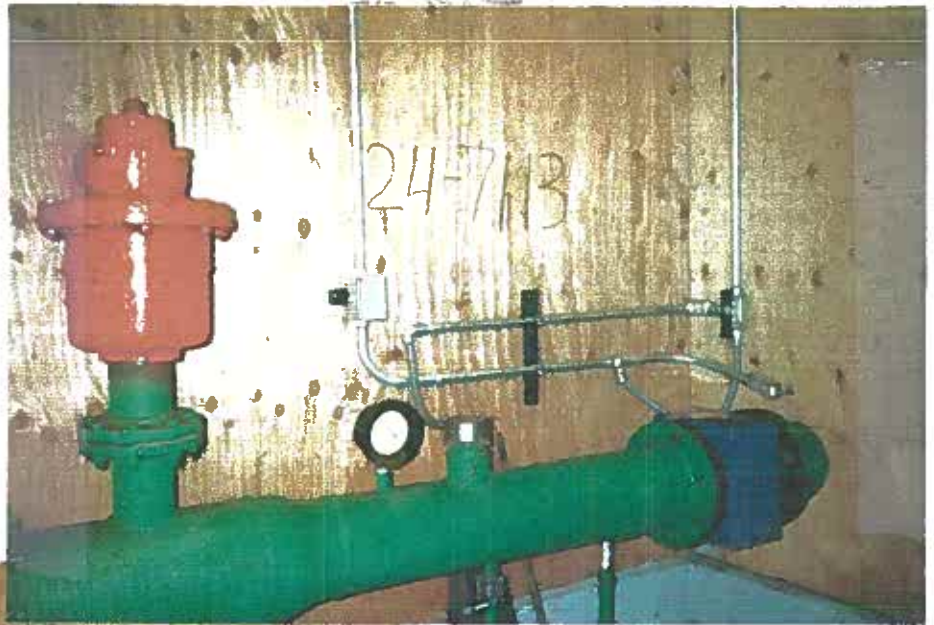
pumps at
tailings pond-
pump up to
Simplot phosphate
mine



MAR 20 1990

MICROFILMED

24-7113





MICROFILMED

MAR 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant J. R. SIMPLOT COMPANY Phone 233-7500 ^{Ext 454}
Bob Kimble.
Post office address P. O. Box 912, Pocatello, Idaho 83201
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 8S
Range 45E B.M. Caribou County, additional points of diversion if any:
SW $\frac{1}{4}$ SW $\frac{1}{4}$ S. 17 T8S, R46E, also SE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 36 T8S, R45E, B.M., and
SE $\frac{1}{4}$ SE $\frac{1}{4}$ S. 25 T8S, R45E B.M. Alternate Sites.
4. Water will be used for the following purposes:
4.46cfs.
Amount 2000 gpm for Industrial purposes from June 82 to June 87 ^{1-1 12-31 as per telecon 9-27-80} (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: 4.46 cu. ft./sec.
a. 2000 gpm cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Install a pump with water line
from well site to the slurry plant. Location of industrial well contingent
upon pilot water well tests.
b. Height of storage dam None feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 700 feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years as per telecon 9-29-80
2 years (minimum 1 year - maximum 5 years).
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 8S
Range 45E B.M.
(2) Amount of power to be generated: None horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered None
(4) Name of municipality to be served None, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: Industrial well to supply water for
phosphate slurry plant at Smoky Canyon Mine. Water well test holes will be
drilled and draw-down tests conducted to select best producer. The other water
well test holes will then be used for ground water monitoring with piezometers
installed and a sampling program initiated.

None

[illegible]**Total number of acres to be irrigated**

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

N/A

9. a. Who owns the property at the point of diversion U. S. Government Forest Service

b. Who owns the land to be irrigated or place of use None

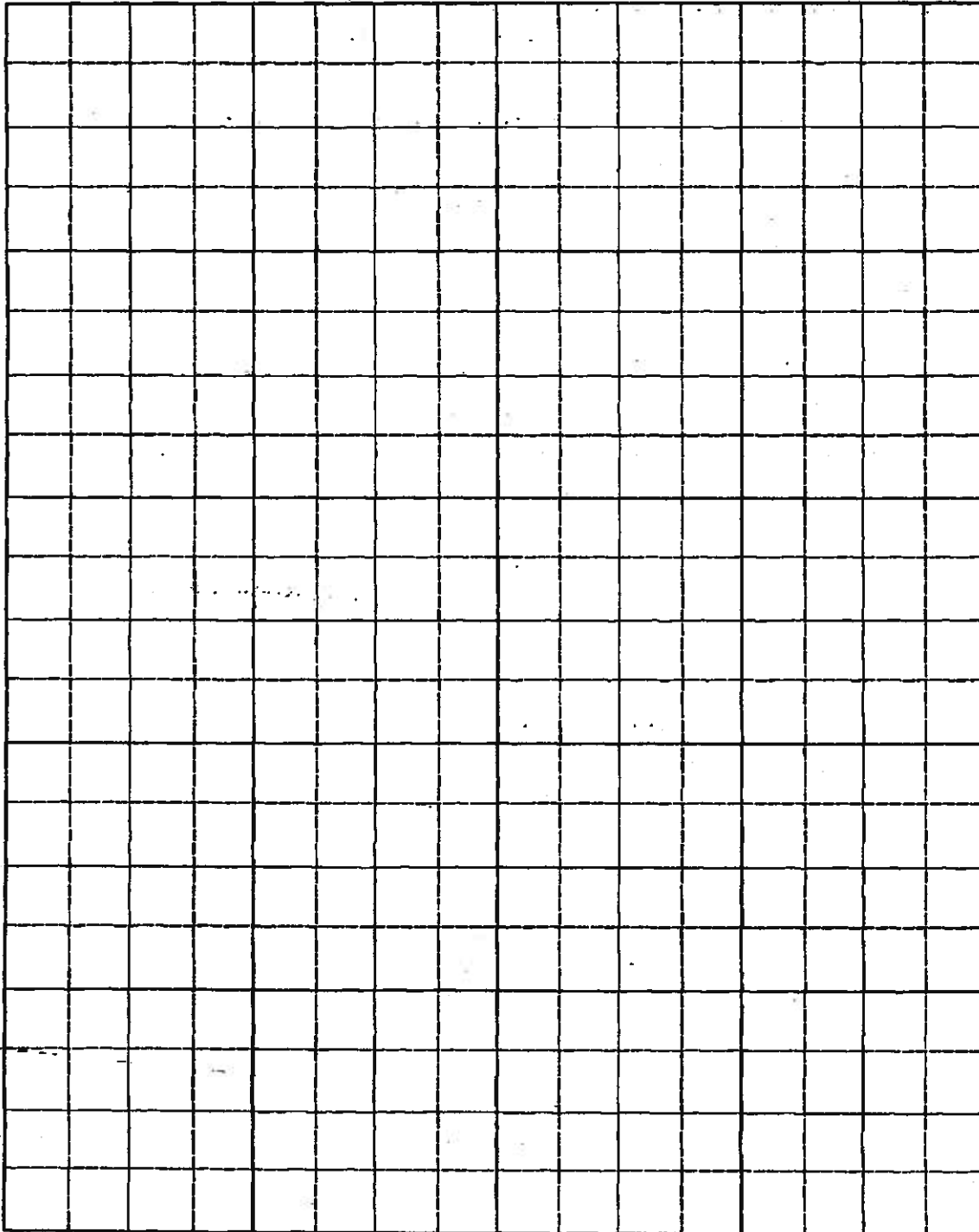
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Special Use Permit through USFS

10. Remarks This development will be addressed as part of the Smoky Canyon Phosphate EIS.

Approximately 800 acre feet per year will be required for operation of the slurry line.

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

See attached Location Map JRS 1000 Scale



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. R. SIMPLOT COMPANY

By

Its

Attorney (or Applicant)

A handwritten signature in black ink, appearing to read "J. R. Simplot", written over the printed name and the "Attorney (or Applicant)" text.

Proposed Priority

9-18

Received by

Date

9/26/80

11:5

92-6
5.00

Time

9:45

Preliminary check by

Fee \$

125.00

Receipted by

Date

9/26/80 #16026

Publication prepared by

Date

10/9/80

Published in

Carillon Co. Sun

Publication dates

10/23 & 10/30/80

Publication approved

Date

11/18/80

Protests filed by:

None

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by

ENC. RA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 24-7113, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 86.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) In the event that water used under this permit should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses. (4) Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards. (5) Applicant shall conduct a pump test if the Director determines a reasonable necessity therefor.

Witness my hand this 21st day of May, 1981.

A. Glen Saxton
Chief, Operations Bureau