

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: A63-02241
Date Received: 4/26/90
Receipt No: C016525
Received By: 91

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: MAY 18, 1914

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	21	NE	SW			CANYON

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	13	SW	NW		IRR	30.0
Section Acres							30.0

A63-02241

Page 1

Date: 04/13/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Total Acres 30.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER RIGHTS: PIONEER DIXIE DITCH CO., AND SIMPLOT'S WASTE
RECOVERY AND APPLICATION SYSTEM.
DIVERSION FROM PIONEER DIXIE DITCH AT 4N 4W 13 SW SW NE AND
NE SE NW.

15. Basis of Claim: LICENSE
Water Right Number: 10238

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.

Russell A. Lower
Signature of Authorized Agent

Secretary, Simplot Livestock Co.
Title and Organization

04-17-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of April 19 90

Rick A. Lower
Notary Public

Seal

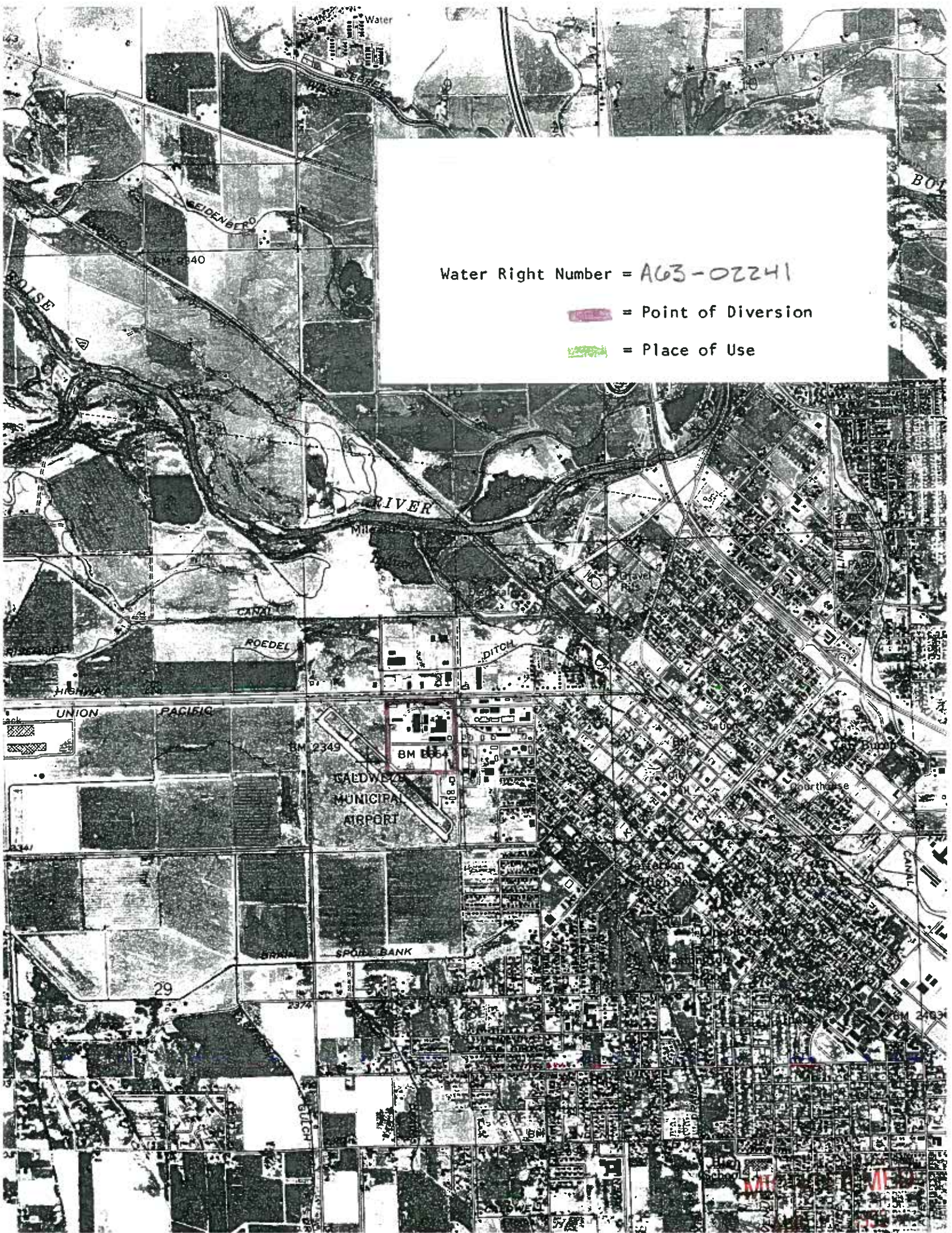
Residing at Meridian

My Commission Expires 11-06-91

Water Right Number = A63-02241

 = Point of Diversion

 = Place of Use





01/15/2009

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

RIGHT NUMBER: 63-2241

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

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 05/18/1914

POINT OF DIVERSION:

T04N R03W S21 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.600 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date

a

partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S13 SWNW 30.00

30 ACRES TOTAL

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

Use of this right is combined with water from Pioneer Dixie Ditch Co.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, January 15, 2009 12:22 PM
To: 'Ted Booth'
Subject: RE: 63-2241

Ted,

This remark should be deleted. 63-2241 is recommended and 63-21734 is still disallowed (b/u claim with 1986 priority). I will delete it off of our records also.

Thanks,
Jan

From: Ted Booth [mailto:tbooth@srba.state.id.us]
Sent: Friday, January 02, 2009 11:32 AM
To: Shurte, Jan
Subject: 63-2241

Jan,

This right has a combined use remark that references 63-21734. 63-21734 has been recommended disallowed. Shall I delete the remark?
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

1/15/2009

06/02/2006

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

RIGHT NUMBER: 63-2241

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

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.600 CFS
This right when combined with Right No. 63-21734 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/18/1914

POINT OF DIVERSION:
T04N R03W S21 NESW Within CANYON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.600 CFS
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within CANYON County
T04N R04W S13 SWNW 30.00

30 ACRES TOTAL

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

Use of this right is combined with water from Pioneer Dixie Ditch Co.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

T04N, R03W,
SEC 21
T04N, R04W,
SEC 13



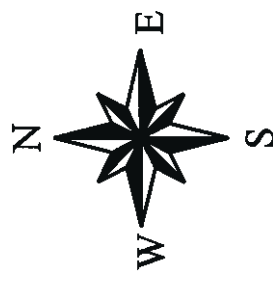
Place of Use

Section Lines

1/4 1/4

Point of Diversion

Irrigated Acres = 30



0 0.2 Miles



Claim No: 63-2241
Prepared By: Kimberly Brown
Date: June 2, 2006

1987 NAPP

Water License No. 10238

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2241

WATER RIGHT NUMBER: 63-2241 ✓

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

Original Owner

S W VAIL ✓

CALDWELL, ID 83605

Priority Date: 05/18/1914 ✓

Basis: License ✓

Status: Active

Source

UNNAMED STREAM ✓

Tributary

BOISE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To

3/15 to 11/15 ✓

Diversion Rate

0.6 1.000-CFS ✓

Annual Volume

N/A

Total Diversion:

1.000-CFS ✓

0.6

Location of Point(s) of Diversion

UNNAMED STREAM

CANYON County ✓

NE1/4SW1/4 ✓

Sec. 21, Twp 04N, Rge 03W, B.M. ✓

Place of Use

IRRIGATION ✓

20 AC

not claimed

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	04W	13																	✓ 30.0

Total Acres: 30 ✓

ADD E62- overlap with #63-21734, limit to 0.02 per acre.

Conditions of Approval:

1.

OTHER RIGHTS: PIONEER DIXIE DITCH CO., AND SIMPLOT'S WASTE RECOVERY AND APPLICATION SYSTEM.

DIVERSION FROM PIONEER DIXIE DITCH AT 4N 4W 13 SW SW NE AND NE SE NW.

Remarks:

ADD 839 - Season of use is 3/1 to 11/15.

ADD - Use is combined with water from Pioneer Dixie Ditch Co.

ADD C04 - Purpose of Use Accomplished Transfer (for domestic)
 Parcel No: a portion of R3606800000.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2241

WATER RIGHT NUMBER: 63-2241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S W VAIL
	CALDWELL, ID 83605

Priority Date: 05/18/1914

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SW1/4	Sec. 21, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	13						20.0	30.0										50.0

Total Acres: 50

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2241

03/16/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-374	Claim	04N	04W	13	SW	NW		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
~~2241~~	~~Claim~~	~~04N~~	~~04W~~	~~13~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~30/30~~	~~SIMPLOT LIVESTOCK CO~~
21734	Claim	04N	04W	13	SW	NW		IRRIGATION	30/317	J R SIMPLOT CO
~~2241~~	~~Water Right~~	~~04N~~	~~04W~~	~~13~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~30/50~~	~~S W VAIL~~
21592	Claim	04N	04W	13	SW	NW		DOMESTIC		J R SIMPLOT CO

- claim is supplemental to water
from Pioneer Dixie Ditch Co.

- overlap with #63-21734

Overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21734

WATER RIGHT NUMBER: 63-21734

Owner TypeName and Address

Current Owner

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

Attorney

J R SIMPLOT CO
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
PO BOX 27
BOISE, ID 83707-0027
(208)389-7318

- overlaps in
SW 1/4, S13

Priority Date: 01/01/1986

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

INDUSTRIAL

1/01 to 12/31

6.340 CFS

IRRIGATION

3/15 to 11/15

6.340 CFS

Total Diversion:

6.340 CFS

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4

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

CANYON County

GROUND WATER

SE1/4SW1/4

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

CANYON County

GROUND WATER

SE1/4NW1/4SW1/4

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

CANYON County

GROUND WATER

SE1/4NE1/4

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

CANYON County

GROUND WATER

NE1/4NW1/4SE1/4

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

CANYON County

GROUND WATER

NE1/4NW1/4

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

CANYON County

GROUND WATER

NE1/4NW1/4NW1/4

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

CANYON County

GROUND WATER

SW1/4SE1/4NE1/4

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

CANYON County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21734

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

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 03W 17							15.0				7.0						22.0
04N 03W 18				10.0									25.0				35.0
04N 03W 19					6.0												6.0
04N 04W 13	5.0		2.0	30.0		30.0	29.0	35.0	34.0	31.0	28.0		30.0				254.0

Total Acres: 317

INDUSTRIAL same as IRRIGATIONConditions of Approval:

- SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
THIS CLAIM IS FOR THE APPLICATION OF FOOD PROCESSING EFFLUENT TO THE ACRES LISTED. THIS CLAIM IS EFFLUENT ONLY AND DOES NOT REPRESENT AN ADDITIONAL AMOUNT DIVERTED FROM THE GROUNDWATER SOURCE.
THIS CLAIM IS AN EXPANSION OF WATER RIGHT NO. 63-10034, 63-07244, 63-03107, 63-02731, AND 63-04968.

Remarks:Comments:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21592

WATER RIGHT NUMBER: 63-21592

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 83707-0027 (208)389-7318

no overlap -

Priority Date: 09/01/1932

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

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

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 13, Twp 04N, Rge 04W, B.M.
CANYON County		

Place of Use

DOMESTIC

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	04W	13																	

Conditions of Approval:

1. POINT OF DIVERSION LOCALLY KNOWN AS THE BONNELL WELL #3

Remarks:

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-02241

Date: 11-27-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	13							30										30
-GIS										40										40
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 30

Overlapping POU Claim #'s:

Total GIS Acres: 40

COMMENTS:

per claim map

Idaho Department of Water Resources

Claim Number: 63-02241

Legal: T04N, R04W, S13

Reviewed By:

● Point of Diversion
(Located outside of view)



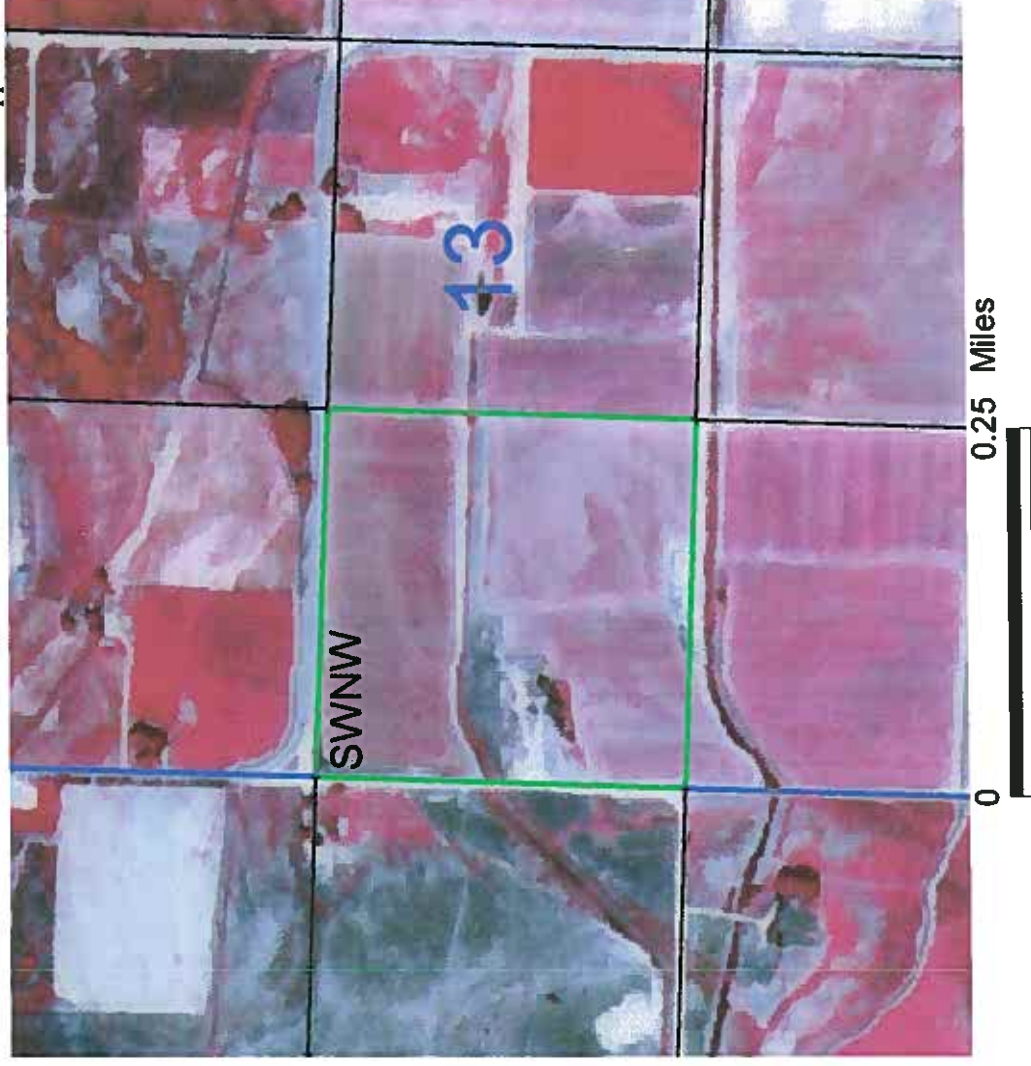
Place of Use

Section Lines

Quarter Quarter Lines



1987 Napp Photo





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

W.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

JUL 25 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

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

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

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

Dear Mr. Shaff:

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

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

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

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

JUL 25 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

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

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,

A handwritten signature in cursive script that reads "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED

JUL 25 1994

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

7 Attorneys for J. R. Simplot Company

1994 APR - 11 2:52
DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED

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

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

Civil Case No. 39576

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

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

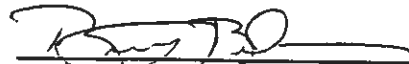
21 _____)
22 The United States; the State of)
23 Idaho; and all claimants to the)
24 use of water from the Snake)
River Basin Water System,)

25 Defendants.)
26 _____)

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 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

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
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MICROFILMED

JUL 25 1994

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

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County: Canyon.
Stream: unnamed stream.
Amount: 1 sec. ft.
Use: Irrigation.
Priority: 5-18-14.
District No. 12-A.

2258

STATE OF IDAHO

Water License No. 10238.
Water District No. 12-A.

WHEREAS, On the 18th day of May, A. D. 1914, S. W. Vail,

of Caldwell, County of Canyon, State of Idaho, duly made application (No. 15177) to me for a permit to use two (2) cubic feet per second of the waters of an unnamed stream in Water District No. 12-A, County of Canyon, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 28th day of May, A. D. 1914, Permit No. 10238 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of May, A. D. 1915, and for the application to beneficial use of said water on or before the 28th day of May, A. D. 1916, and,

WHEREAS, On the 2nd day of June, A. D. 1915, the time for completion of works under said permit was extended to the 1st day of April, A. D. 1917, and,

WHEREAS, On the 16th day of May, A. D. 1916, S. W. Vail,

the holder of said permit, duly made proof of the completion of a dam on the waters of said stream, diverting one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 10238, dated January 5, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of said water, with date of priority of May 18, 1914, and

WHEREAS, On the 31st day of August, A. D. 1916, S. W. Vail,

the holder of said permit, duly made proof of the application to beneficial use of one (1) cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to S. W. Vail,

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10238, a perpetual right, dating from May 18, 1914, to the use of one (1) cubic foot per second of the waters of an unnamed stream,

in the County of Canyon and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point, in the NW¹ of Sec. 21, T. 4 N., R. 4 W., E. 1.,

and conducted to and upon 50 acres of land, divided as follows: 30 acres in NW¹ of NW¹ and 20 acres in SE¹ of NW¹ of NW¹, Sec. 13, T. 4 N., R. 4 W., E. 1.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 11th day of February, A. D. nineteen hundred and eighteen.

J. B. Smith,

State Engineer.

(Seal)

63 221

No. 15177

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: S. W. Vail

Postoffice address: Caldwell

County: Canyon

State:

Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is Two (2)

cubic feet per second.

3. Source of water supply: Unnamed Stream

4. Location of point of diversion: 50 ft. South of W₁ Cor. Sec. 20 T. 4 N. R.

S. W. 3. 1.

County of Canyon

5. To be used for: Irrigation

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 100

acres.

(b) In the following legal subdivisions: NW₁ of SW₁; SW₁ of NW₁; S₁ of NW₁ of NW₁ all in Sec. 15, T. 4 N. R. 4 W. B. 1.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream? return:

[d] If so, name stream and locate point of

6. Estimated cost of works: \$385.00

7. Description of works for diversion:

I. Kind of works: Ditch -- Plume

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

[b] Capacity of reservoir

acre feet. (c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

Ditch

width at bottom

8

feet,

width at water line

14

feet, depth of water

2

feet; diameter of pipe

inches; average grade per mile is 5.2 feet. Length of conduit is 3400 feet, and it crosses the following quarter sections: SW and NW Sec. 20, NE Sec. 19 SE and SW 18; T. 4 N. R. 3 W. B. 1; SE; NE and NW Sec. 15, T. 4 N. R. 4 W. B. 1.

8. The time required for the completion of the construction of such work is one

years.

9. Time required for the complete application of the water to the proposed use is one additional years.

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

S.W. Vail

Applicant.

By

Guy C. McGee

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. May 18, 1914.

Returned to applicant for correction May 19, 1914.

Corrected application received May 21, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10238

Recorded in Book 54 Page 10238 Approved May 28th, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before July 27, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 28, 1914.

The whole of said work to be completed on or before May 28, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before May 28, 1916.

Witness my hand this 28th day of May, 1914.

P. I. KING,

State Engineer.

Remarks:

Upon proper request of the holder of the above numbered permit, I have this 28th day of June, 1915, extended the time for Proof of completion of works thereunder to the 1st day of April, 1917.

J. H. SMITH, State Engineer.

STATE OF IDAHO

SS

County of Canyon

I, S. W. Vail, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the public waters of the State of Idaho No. 10238.

That he intends to change the point of diversion, as described in said permit, to the following described point: - a point 1200 feet S. of the N.E. Cor. Sec. 21, T. 14 N., R. 3 E., S. 4 E., in Canyon County, State of Idaho.

That such change will be made for the following reasons, to wit: For economy in conducting and using the water.

That no one will be injured by such change and that respondent will be and change at his own risk.

and further deponent saith not.

S. W. VAIL

Subscribed and sworn to before me this 15th day of November, 1916.

(S. E. L)

G. E. Taylor
Notary Public
Caldwell, Idaho.

My Commission expires June 1, 1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M., January 18, 1917.

J. H. SMITH

State Engineer.

Recorded by

Checked by

REPORT OF ENGINEER

1. State name of applicant and number of permit: S.W. Vail, Permit No. 10238.
2. State source of water supply: Dixie Drain.
3. Location of point of diversion: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 21, T. 4 N., R. 3 W.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____

Headgate is 6'8" wide, 30" high, 36" long, Headgate is of concrete, with grooves for splash board. Ditch is 5' on bottom with 1 to 1 stone, with a grade of 5/100 to 100 feet. This ditch is 3 to 5 feet, the first 1/2 mile and then drops into an old slough, and is taken out a short distance below and carried to old ditch, previously used by farmers interested in this ditch. Thence carried by old ditch and its laterals to land of owners. The capacity of this ditch is 600" Approximately

Mr. Vail's laterals from the main ditch are in good shape and will carry sufficient water to irrigate his land.

6. State whether or not water has been turned into works of diversion: Water was used last season for irrigation from this ditch.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty-acre tract. (Describe manner and place of use if for other than irrigation): The S $\frac{1}{2}$ of NW $\frac{1}{4}$, the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 13, T. 4 N. R. 4 W.B.M. The S $\frac{1}{2}$ NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 13 is all in cultivation and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ has 30 acres in cultivation. The NW $\frac{1}{4}$ of SW $\frac{1}{4}$ gets no water from this ditch but is watered from other sources.

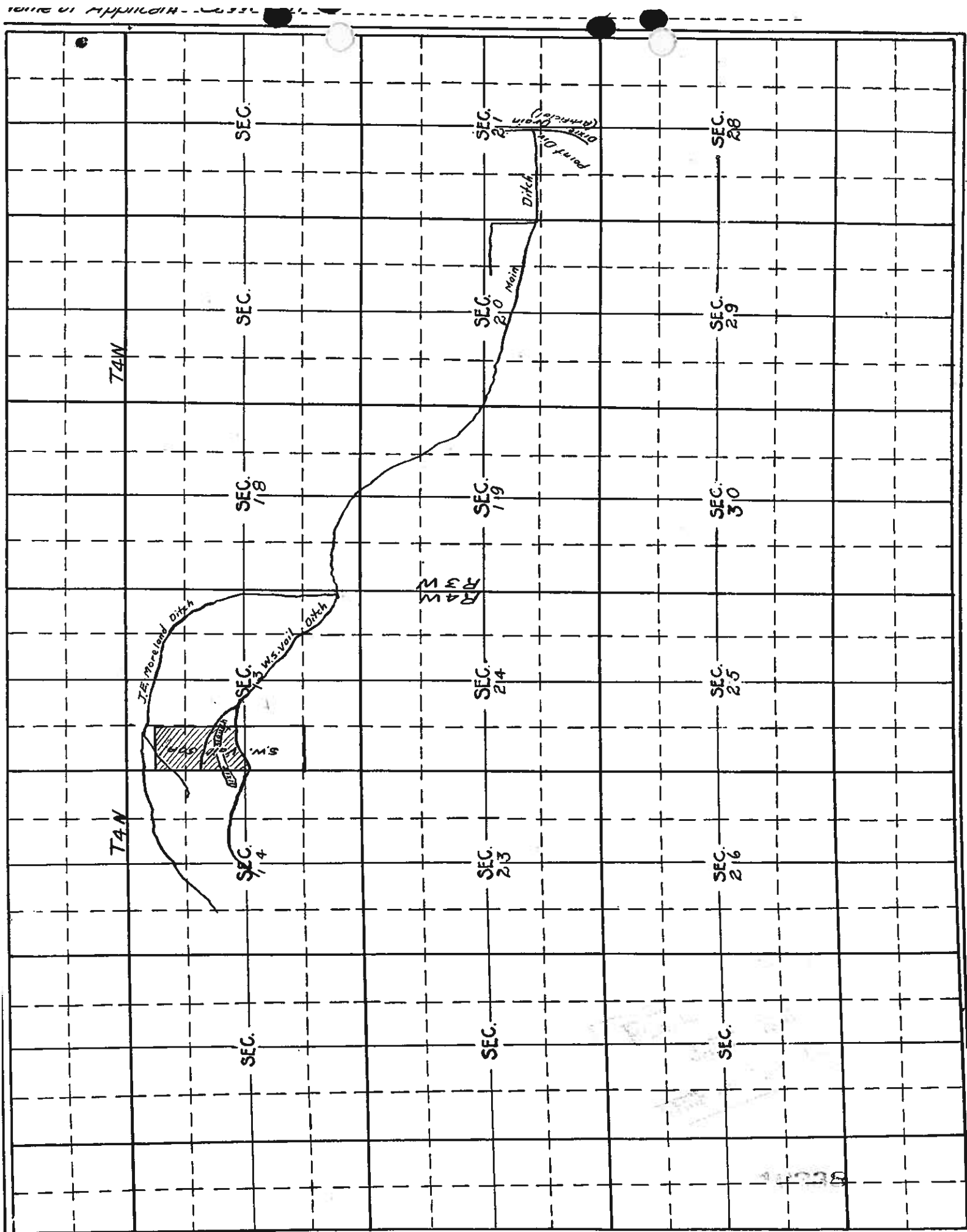
8. Submit map on enclosed plat, showing location and details of above description.

Remarks: There are five parties take water from this ditch out of the Dixie Drain. They are A. Ballantyne, S.W. Vail, J.E. Motlow, J.M. Moreland, and D.C. Ruby.

This examination was made on the 9th day of January, 1918.

(Signed) C.H. Wallis

Examiner.



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

Receipt Details for ID C016525

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
4/26/1990 8:16:25 AM	4/26/1990	State	\$996.00	Check
Payer		SIMPLOT LIVESTOCK COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
18278			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$996.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2240		\$160.00	Claim
63	2343		\$154.00	Claim
63	4597		\$60.00	Claim
63	2241		\$50.00	Claim
63	2601		\$50.00	Claim
63	2617		\$170.00	Claim
63	290		\$82.00	Claim
63	222	L	\$120.00	Claim
63	2239		\$150.00	Claim

- Assume Pioneer Ditch Co. pl. for variable fee