

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: A63-03178A
Date Received: 5/7/90
Receipt No: 6016708
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT LIVESTOCK CO. 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: MAY 09, 1960

3. Source: DIXIE DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	28	NW	NE			CANYON

5. Description of diverting works:
PUMP IN DITCH, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.480		

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

8. Total consumptive use is 609.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	28	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	19.0
			SE	NW		IRR	16.0

A63-03178A

Page 1

Date: 05/03/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	115.0
		29	NE	NE	IRR	40.0
			SE	NE	IRR	19.0
					Section Acres	59.0
					Total Acres	174.0

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:
N/A

14. Remarks:
THIS SPLIT FROM THE PARENT RIGHT IS BEING CLAIMED FOR 174 ACRES AT THE LICENSED DIVERSION RATE BUT WITH A SLIGHTLY DIFFERENT DISPERSION OF THE IRRIGATED ACRES, BUT STILL RESULTING IN A REDUCTION OF THE IRRIGATED TOTAL.

15. Basis of Claim: LICENSE

Water Right Number: 28417

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

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

Signature of Authorized Agent

Secretary, Simplot Livestock Co.
Title and Organization

05-04-90

Date _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 4th day
of May 19 90

Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

Water Right Number = AG3-03178A

 = Point of Diversion

 = Place of Use

UNRECORDED
AUG 18 1992

12/10/2006

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

RIGHT NUMBER: 63-3178A

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

SOURCE: DIXIE DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 3.480 CFS

PRIORITY DATE: 05/09/1960

POINT OF

DIVERSION: T04N R03W S28 NWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

3.480 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 R03W S28	NENW	40.00	T04N R03W S28	NWNW	40.00
T04N R03W S28	SWNW	19.00	T04N R03W S28	SENW	16.00
T04N R03W S29	NENE	40.00	T04N R03W S29	SENE	19.00

174 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

Property is also known as Blk 1-24 Inc, Park West Addition.

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

06/07/2006

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

RIGHT NUMBER: 63-3178A

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

SOURCE: DIXIE DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 3.480 CFS

PRIORITY DATE: 05/09/1960

POINT OF DIVERSION:

T04N R03W S28 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	3.480 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 R03W S28	NENW	40.00	T04N R03W S28	NWNW	40.00
T04N R03W S28	SWNW	19.00	T04N R03W S28	SENW	16.00
T04N R03W S29	NENE	40.00	T04N R03W S29	SENE	19.00

174 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

Property is also known as Blk 1-24 Inc, Park West Addition.

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

Idaho Department of Water Resources

**T04N, R03W,
SEC 28 & 29**

Claim No: 63-3178A

Prepared By: Kimberly Brown

Date: June 7, 2006



Place of Use



Section Lines

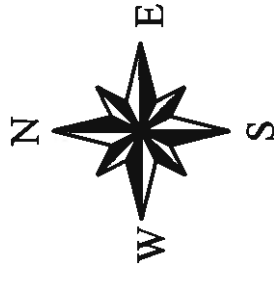


1/4 1/4



Point of Diversion

Irrigated Acres = 174



0 0.05 Miles

1987 NAPP



3.6 cfs

Water license No. 28417

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3178A

WATER RIGHT NUMBER: 63-3178A

Owner Type Name and Address
 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
 Original Owner ROY A ROARK ✓
 1210 W LOGAN
 CALDWELL, ID 83605
 (208)459-2108
 Current Owner SIMPLOT LIVESTOCK CO
 PO BOX 27
 BOISE, ID 83701

Current Owner -
 Simplot Feed lots
 P.O. Box 27
 Boise 83707

Priority Date: 05/09/1960 ✓
 Basis: License ✓
 Status: Active
Source
 DIXIE DRAIN ✓
Property Address:
 Ø Farmway Rd.
 Caldwell Tributary
 BOISE RIVER ✓

* B-Portion not claimed

Beneficial Use
 IRRIGATION ✓
From To Diversion Rate Annual Volume
 3/15 to 11/15 ✓ 3.480 CFS ——— N/A
Total Diversion: 3.480 CFS

Location of Point(s) of Diversion

DIXIE DRAIN
 CANYON County ✓

(3.6 Lic.)
 NW1/4NE1/4 ✓ Sec. 28, Twp 04N, Rge 03W, B.M. ✓

Place of Use ✓
 IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	121 lie.
✓	04N	03W	28	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	115.0	
✓	04N	03W	29	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	59.0	✓

Total Acres: 174

(180 lie.) ADD S39 - Season of use is 3/1 to 11/15.

Conditions of Approval:

ADD J01-POU is also known as Blk. 1 - 24 Inc., Park West Addition.

ADD 005-POU Accomplished Transfer - no overlap w/ 63-21443

Parcel Nos: R 3546900000 & R 0554550000.

Comments -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3178A

1. THIS SPLIT FROM THE PARENT RIGHT IS BEING CLAIMED FOR 174 ACRES AT THE LICENSED DIVERSION RATE BUT WITH A SLIGHTLY DIFFERENT DISPERSION OF THE IRRIGATED ACRES, BUT STILL RESULTING IN A REDUCTION OF THE IRRIGATED TOTAL.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3178

WATER RIGHT NUMBER: 63-3178

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROY A ROARK 1210 W LOGAN CALDWELL, ID 83605 (208)459-2108

Priority Date: 05/09/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.600 CFS	_____
	<u>Total Diversion:</u>	3.600 CFS	_____

Location of Point(s) of Diversion

DIXIE DRAIN	NW1/4NE1/4	Sec. 28, 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	28		12.0			40.0	40.0	19.0	10.0									121.0
04N	03W	29	40.0			19.0												59.0	

Total Acres: 180

Conditions of Approval:Remarks:Comments:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21443

WATER RIGHT NUMBER: 63-21443

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OLITA F ROARK 1210 W LOGAN CALDWELL, ID 83605 (208)459-2108
Current Owner	ROY A ROARK 1210 W LOGAN CALDWELL, ID 83605 (208)459-2108

no overlap

Priority Date: 03/15/1910

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

DIXIE DRAIN

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 11/30	1.180 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		1.180 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SE1/4NW1/4	Sec. 28, Twp 04N, Rge 03W, B.M.
CANYON County		

WASTE WATER	SE1/4SE1/4NW1/4	Sec. 28, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	03W	28	9.0	30.0			39.0
04N	03W	29		20.0			20.0

Total Acres: 59

STOCKWATER same as IRRIGATIONConditions of Approval:

- THE DIV. WORKS INCLUDE TWO WASTE WATER DRAINS. GRAVITY FLOW IRRIGATION. A DITCH RUNS WATER FROM THE WESTERN P.O.D TO PROPERTY IN SEC. 29.

no overlap - only approximately (a maximum of) 22 acres could be recommended in 8ENE, 828 (in southern half only)

no overlap - southern half of 8ENE, 829

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3178A

03/20/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~1178A~~	Claim	04N	03W	28	NE	NW		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
~~3178~~	Water Right	04N	03W	28	NE	NW		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	28	NE	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
~~1178A~~	Claim	04N	03W	28	NW	NW		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
~~3178~~	Water Right	04N	03W	28	NW	NW		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	28	NW	NW		STOCKWATER		SIMPLOT LIVESTOCK CO
~~1178A~~	Claim	04N	03W	28	SW	NW		IRRIGATION	19/174	SIMPLOT LIVESTOCK CO
~~3178~~	Water Right	04N	03W	28	SW	NW		IRRIGATION	19/180	ROY A ROARK
25889	Water Right	04N	03W	28	SW	NW		STOCKWATER		CHARLES W PHILLIPS
23172	Water Right	04N	03W	28	SW	NW		DOMESTIC		LORI A PRICKETT
25889	Water Right	04N	03W	28	SW	NW		DOMESTIC		CHARLES W PHILLIPS
26263	Water Right	04N	03W	28	SW	NW		DOMESTIC		LEO R JOHNSTON
28073	Water Right	04N	03W	28	SW	NW		DOMESTIC		BEN HUEBERT
28952	Water Right	04N	03W	28	SW	NW		DOMESTIC		ROY A ROARK
29388	Water Right	04N	03W	28	SW	NW		DOMESTIC		RICHARD T ROBERGE
~~1178A~~	Claim	04N	03W	28	SE	NW		IRRIGATION	16/174	SIMPLOT LIVESTOCK CO
21443	Claim	04N	03W	28	SE	NW		IRRIGATION	30/59	OLITA F ROARK
~~3178~~	Water Right	04N	03W	28	SE	NW		IRRIGATION	10/180	ROY A ROARK
28608	Water Right	04N	03W	28	SE	NW		STOCKWATER		PAUL KESNER
28608	Water Right	04N	03W	28	SE	NW		DOMESTIC		PAUL KESNER
~~1178A~~	Claim	04N	03W	29	NE	NE		IRRIGATION	40/174	SIMPLOT LIVESTOCK CO
~~3178~~	Water Right	04N	03W	29	NE	NE		IRRIGATION	40/180	ROY A ROARK
21561	Claim	04N	03W	29	NE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
~~1178A~~	Claim	04N	03W	29	SE	NE		IRRIGATION	19/174	SIMPLOT LIVESTOCK CO
21443	Claim	04N	03W	29	SE	NE		IRRIGATION	20/59	OLITA F ROARK
~~3178~~	Water Right	04N	03W	29	SE	NE		IRRIGATION	19/180	ROY A ROARK
23391	Water Right	04N	03W	29	SE	NE		DOMESTIC		WALTER EASTEP
23536	Water Right	04N	03W	29	SE	NE		DOMESTIC		ARTHUR K JEAN

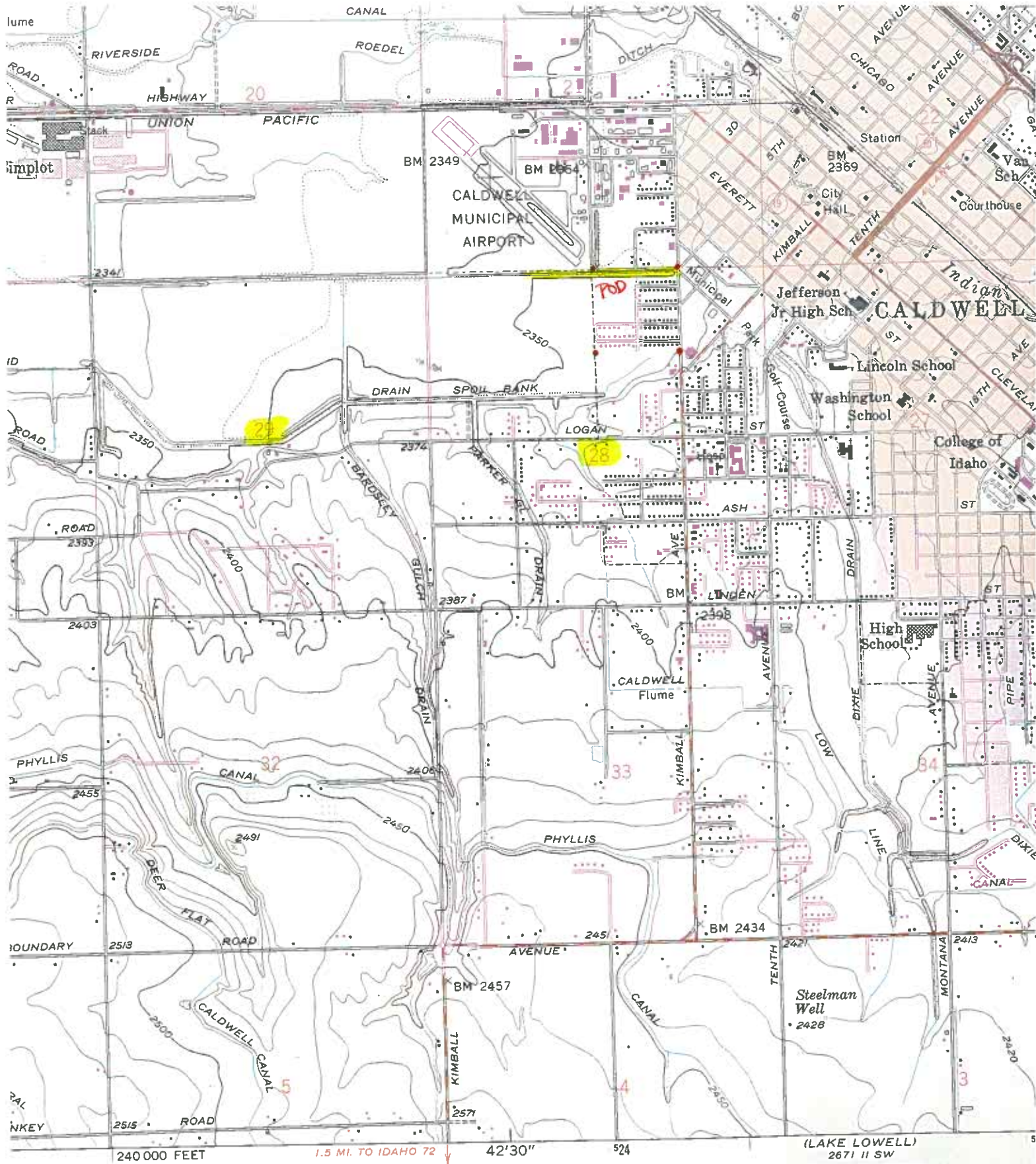
no overlaps with # 63-21443

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3178A

03/20/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
28695	Water Right	04N	03W	29	SE	NE		DOMESTIC		NOAMIA FREEMAN



hed by the Geological Survey

S

raphs by photogrammetric methods

8. Aerial photographs taken 1954

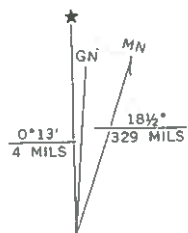
North American datum

ho coordinate system, west zone

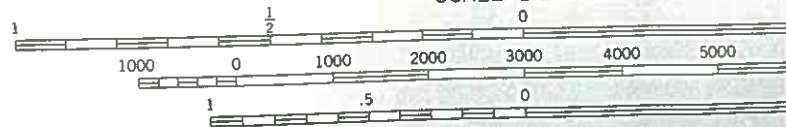
rse Mercator grid ticks,

American Datum 1983

base north and



UTM GRID AND 1971 MAGNETIC NORTH



CONTOUR INTERVAL 10 FEET

DOTTED LINES REPRESENT 5-FOOT CONTOURS

NATIONAL GEODETIC VERTICAL DATUM OF 1929

1981

REAL PROPERTY INQUIRY

```

*****
01 5R 5545-500- -0 001-00 SCH132+ 01 80,600 106.50
*****
05 100 2.00
SIMPLOT FEED LOTS INC + 19 8.37
+
+
+
+
PO BOX 27 +
BOISE ID 83707 +
*****
28-4N-3W NW PARK WEST ADD 6925 + TOTAL 80,700 116.87
BLK 1-24 INC *****
+ SURVEY INST 779760
+ DRAIN DR VALUE APPR KYL
+ CLASS REAP 04 MAN UNIT 0
+ PARCEL 5RC6925001001A H/O N C/B N
+ PRIOR ACCOUNT 4R 5545-500- -0
+ 02 MH on Property NO
FARMWAY RD, CA
SEE R 5866
MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R 5545500 0 UNIT 001 TOTAL UNITS

SITE FARMWAY RD CA SEC/TWN/RNG 28-4N-3W
ASSESSED VALUE 80,700 ACREAGE 116.87
SUB/PARK NAME PARK WEST ADD YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK
*****
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT
*****
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

Receipt Details for ID C016708

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/7/1990 4:04:39 PM	5/7/1990	State	\$649.00	Check
Payer		SIMPLOT LIVESTOCK CO.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
18281			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$649.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	222	K	\$50.00	Claim
63	2386		\$50.00	Claim
63	2425		\$50.00	Claim
63	22210		\$75.00	Claim
63	3178	A	\$224.00	Claim
63	2291		\$150.00	Claim
63	2657		\$50.00	Claim

✓
Correct Amount

State of Idaho

License and Certificate of Water Right

Water License No. 28417 Priority May 9, 1960 Amount 3.60 c.f.s.

THIS IS TO CERTIFY that ROY ROARK

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 24, 19 60; that Permit No. 28417 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.60 second feet, was issued thereunder on September 15, 19 66, showing that said works were completed on the 17th day of May, 19 65; and that on the 17th day of May, 19 65 ROY ROARK

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Dixie Drain

a tributary of Boise River for the purpose of irrigation, under Use Permit No. 28417 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8556, on the 15th day of September, 19 66.

The right hereby confirmed dates from May 9, 19 60.

The Point of Diversion is located

in the NW 1/4 NE 1/4, Sec. 28, Twp. 4 N, R. 3 W., B.M. Canyon County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.60 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	3 W	28	NW 1/4 NE 1/4	20	12
			N 1/2 NW 1/4	80	80
			SW 1/4 NW 1/4	25	19
		29	SE 1/4 NW 1/4	32	10
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	27	19

Total number of acres to be irrigated: 180

Note: As the application states, the right to the water would be only to the water that comes in the natural drain or drain ditch and does not obligate, in any way, the Irrigation District or Drainage District to supply water to the point from which the water is diverted.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 15th day of September, 19 66.

R. Keith Higgins
State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

March 24, 1965

, 195

Re: Permit No. 28417

To Roy Roark
Rt. 2,
Caldwell, Idaho.

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 28417
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to
~~Completion of Works and Beneficial Use Proofs which were due February 2, 1965~~

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 28417
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 28417 claims the use of 4.42 cubic feet per second of the
waters of Frost Drain, Dixie Drain, Unnamed Drain with point of diversion located
NW 1/4, 2 pts. SE 1/4, Sec. 28, Twp. 4 N., Rge. 3 W. J. M. Canyon County, and
was approved February 2, 1960

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
24th day of March, 1965

Carl E. Tappan

State Reclamation Engineer.

By

Assistant.

cc: Gligray & Boyd
Attorneys at Law
9th & Dearborn
Caldwell, Idaho

28417

155-70

R 3 W

T
4
N

Duxie

Drain

1 day

P.O. #

६६

44

19

19

12

132

48

0.4

20

Subdivisions 7

AREA 180 acms

Allow 9 360 cfs or 180 inches

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28417

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 28417

This proof is for Comp. of Works & Bene. Use

In Water District No. _____

1. Name of applicant Roy Roark

2. Source of water supply: frost drain or gulch, Dixie Drain and unnamed drain

3. Location of point of diversion: Is in the 2 points in N₂E₄ of Section 28

T. LN R. 3W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 15 HP V.S. Motor #3272173, Paca fire Pump Co. Pump #3112186 Model 16E-MO, (3460 GPM @ 9' head. Concrete Sump 4' wide x 8' long x 12' deep with a dug canal and buried intake pipe from Sump to drain ditch.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W₂E₄, N₂E₄, Section 28; E₂E₄, Section 29, all in LN-3W

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Roark a long

McCrometer Meter SR 12142: 4.12 cfs

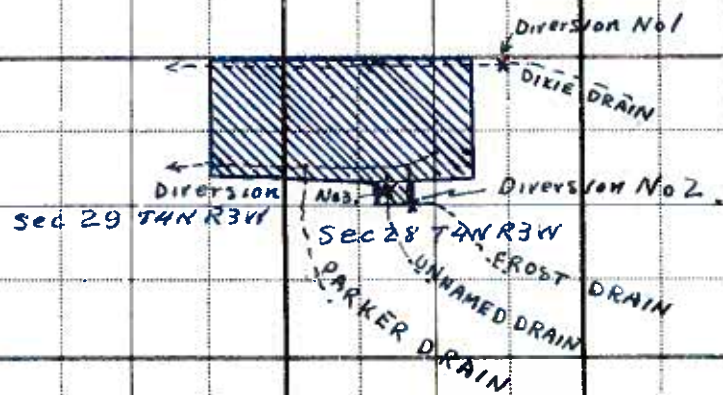
This examination was made on the 10 day of June, 1966

(Signed) L. J. Johnson Examiner.

28417

NAME OF APPLICANT Roy A. Roark

FORM NO. 0



Permit Map No. 28417
As Approved
GEO. N. CARTER
State Professional Engineer
FEB 2 1960

63-3178

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36395
PERMIT No. 28417
DISTRICT No.

1. Name of Applicant: ROY ROARK

Postoffice address: Rt. #2, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) 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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 4.42

cubic feet per second.

Frost Drain or Gulch, Dixie Drain

3. Source of water supply: and unnamed drain

which is a tributary of

Boise River

4. Location of point of diversion: see remarks

feet distant from the

corner of Section

, T.

, R.

, B.M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

2 points

SE $\frac{1}{4}$ NW $\frac{1}{4}$

of section

28

, T.

4 N,

R. 3 W.

, B. M.,

County of

Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T.

, R.

, B.M., in the

of Section of

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$

8. Kind of works: headgates and ditches

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 38"

feet; height

2 $\frac{1}{2}$

feet.

11. Ditch: Width at bottom 30 inches

~~feet~~ width at water line

40 in

~~feet~~; depth of water

30 in.

~~feet~~

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is

5

years.

13. The time required for the complete application of the water to the proposed use is

0

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water has been applied to beneficial use since 1917



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

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,

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 - 5 PM 2:52
DISTRICT COURT - SRPA
TWIN FALLS CO., IDAHO
FILED

8
9
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.)
15 _____)

Civil Case No. 39576

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 Petitioner,)

21 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

25 Defendants.)
26 _____)
27
28

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

5 36-13320
6 57-02203A

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

8 
9 _____
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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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:

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

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Rexburg, Idaho 83440

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MOFFATT, THOMAS, BARRETT,
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First Security Bank Building
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Boise, Idaho 83701

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Deputy Counsel
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Staff Attorney
Nez Perce Tribal Executive
Committee
Office of Legal Counsel
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11 LEZAMIZ, CHARTERED
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Twin Falls, Idaho 83303-0389

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Twin Falls, Idaho 83303

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

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY, TROXELL, ENNIS & HAWLEY
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Boise, Idaho 83701

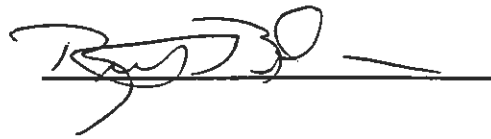
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19 Murray D. Feldman
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25 Twin Falls, Idaho 83303-0066

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ELAM & BURKE
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Boise, Idaho 83701

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

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7 5500v
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