

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: A63-02240
Date Received: 4/26/90
Receipt No: C016525
Received By: 9

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	0.480		
INDUSTRIAL	01/01	12/31	0.860		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/DUST ABATEMENT

10. Place of Use:

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

A63-02240

Page 1

Date: 04/09/90

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	19	SW	NE		IRR	10.0
			SE	NE		IRR	14.0
Section Acres							24.0
Total Acres							24.0

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:
NONE

14. Remarks:

PENS WERE BUILT OVER IRRIGATED GROUND LISTED ON ORIGINAL LICENSE IN 1940 AND 1968. WATER THAT WAS USED FOR IRRIGATION WAS THEN USED FOR DUST CONTROL IN THESE AREAS. PUMP MOUNTED ON TRACTOR PTO, MOVES ALONG DIVIDING LINE BETWEEN NWNE SEC. 19 AND SWSE SEC. 18, T4N, R3W.

15. Basis of Claim: LICENSE
Water Right Number: 10223

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.

Paul W. Grouse
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

Vicki A. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

Water Right Number = A63-02240

 = Point of Diversion

 = Place of Use

MICROFILMED
AUG 18 1992

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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 17 2009
By _____ Clerk
Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02240

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

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.86 CFS

This right when combined with all other rights shall not exceed
0.02 cfs per acre at the field headgate for the lands listed
herein.

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 TO 11-15	0.48 CFS
Industrial		01-01 TO 12-31	0.38 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	Industrial
	T04N R03W S19 24.0 Acres Total	T04N R03W S18 S19
	SWNE 10.0 SENE 14.0	SWSE NWNE
	Within Canyon County	Within Canyon County

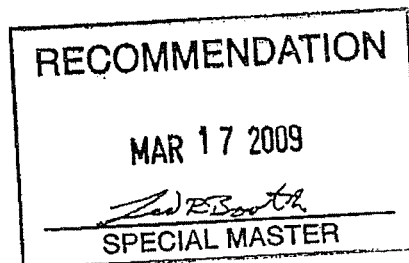
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

RIGHT NUMBER: 63-2240

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

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 0.860 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate for the lands listed herein.

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	0.480 CFS
INDUSTRIAL	01/01 12/31	0.380 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 S19	SWNE	10.00	T04N R03W S19	SENE	14.00
---------------	------	-------	---------------	------	-------

INDUSTRIAL in CANYON County

T04N R03W S18	SWSE		T04N R03W S19	NWNE	
---------------	------	--	---------------	------	--

24 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

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

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

Industrial use is for dust abatement.

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

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:16
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 02:45 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/04/08

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

(Order Setting Initial Hearing)

Page 2
5/04/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

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

J R SIMPLOT CO
SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE, ID 83707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Exhibit A

Subcase Nos:

63-02239
63-02240
63-02386
63-02425
63-02657
63-02731
63-03107
63-04968
63-05036
63-05037
63-05038
63-05039
63-07244
63-07678
63-21537
63-21541
63-21557
63-21559
63-21561
63-21598
63-22210

09/18/2006

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

RIGHT NUMBER: 63-2240

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

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 0.860 CFS

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	0.480 CFS
INDUSTRIAL	01/01 12/31	0.380 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 S19 SWNE 10.00 T04N R03W S19 SENE 14.00

INDUSTRIAL Within CANYON County

T04N R03W S18 SWSE T04N R03W S19 NWNE

24 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

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

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

Industrial use is for dust abatement.

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

Idaho Department of Water Resources

**T04N, R03W,
SEC 18, 19, 21**

Claim No: 63-2240

Prepared By: Kimberly Brown

Date: September 17, 2006



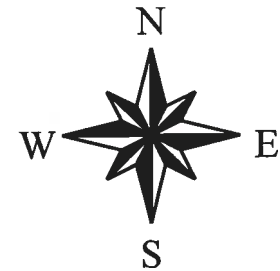
 **Place of Use**

 **Section Lines**

 **1/4 1/4**

 **Point of Diversion**

Irrigated Acres = 24



0.05 Miles



1987 NAPP

Water license No. 10223

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2240

WATER RIGHT NUMBER: 63-2240 ✓

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 83707

Original Owner

D G RUBY

CALDWELL, ID 83605

Priority Date: 05/18/1914 ✓

Basis: License ✓

Status: Active

(in 1918)

⇒ 43/50 of 1cfs = 0.86 cfs

Source

UNNAMED STREAM ✓

Tributary

BOISE RIVER ✓

Beneficial Use

IRRIGATION ✓

INDUSTRIAL

~~DOMESTIC~~

Location of Point(s) of Diversion

UNNAMED STREAM

CANYON County ✓

From To

3/15 to 11/15 ✓

1/01 to 12/31 ✓

Diversion Rate

0.480 CFS ✓

0.38 - 0.860 CFS ✓

Total Diversion:

0.860 CFS ✓

Annual Volume

Place of Use

IRRIGATION ✓

lic. - 83.75 AC → 40 MIWNE & 43.75 SWNE SE NE

Twp Rge Sec

04N 03W 19

NE ✓
NW ✓
SW 10.0
SE 14.0

NW
NE
NW
SW
SE

SW
NE
NW
SW
SE

SE
NE
NW
SW
SE

Totals 24.0 ✓

83.75 lic.

Total Acres: 24 ✓

INDUSTRIAL ✓

43.75

Twp Rge Sec

04N 03W 18

NE
NW
SW
SE

NW
NE
NW
SW
SE

SW
NE
NW
SW
SE

SE
NE
NW
SW X
SE

Totals

✓ 04N 03W 19	NWNE X				
--------------	----------------------	--	--	--	--

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2240

Conditions of Approval:

Comments - 1. PENS WERE BUILT OVER IRRIGATED GROUND LISTED ON ORIGINAL LICENSE IN 1940 AND 1968. WATER THAT WAS USED FOR IRRIGATION WAS THEN USED FOR DUST CONTROL IN THESE AREAS. PUMP MOUNTED ON TRACTOR PTO, MOVES ALONG DIVIDING LINE BETWEEN NWNE SEC. 19 AND SWSE SEC. 18, T4N, R3W.

Remarks:

Comments:

ADD - Industrial use is for dust abatement.
ADD S39 - Season of use begins 3/01.
ADD C05 - POU Accomplished Transfer

Water Supply Bank:

ADD C04 - Purpose of Use Acc. Transfer
ADD - Use is combined with water from Pioneer Dixie Ditch Co.

(in-office review)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 160.⁰⁰
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information none
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A 63 – 2240Owner: Simplet Livestock Co. Phone No. _____Current Address: P.O. Box 27, Boise 83707

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: in-office verification**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Report of Engineer.**OVERLAP REVIEW**Other water rights with the same point of diversion:

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USESSeason of use is 3/01 to 11/15. (ADD S39)☐ No change☐ Different UsesUse Irrigation From To Amount CFS AFAUse From To Amount CFS AFAUse From To Amount CFS AFA**TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount CFS AFA☐ Changes found, the new total is, Amount CFS AFA☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**ADD CO — Purpose of Use Acc. Transfer Domestic use was licensed, but not claimed☐ No change Industrial use was claimed, but not licensed.☐ Changes Exam found: Domestic # of homes Stock # Types Additional comments: **PLACE OF USE:**☐ No Change☒ Changes shown below:ADD CO5 — FOU Accomplished Transfer
See Remarks (#14.) on Notice of Claim.

Claimed: (Irrigation)

Overlap with other water rights: 63-274, 63-21537, 63-5038, 63-10034
 (no overlap) → / overlap w/ ⊕ Pioneer Dixie Bitch Co.
 Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

See Report of Engineer.

FLOW MEASUREMENTS:

N/A

NARRATIVE/REMARKS/COMMENTS

AFTER EXAM THE FILE SHOULD CONTAIN:

- DATE EXAM CONDUCTED: 9.17.06 (in-office review)

4

Licensed -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-2240

WATER RIGHT NUMBER: 63-2240

Owner Type Name and Address
Current Owner D G RUBY
 CALDWELL, ID 83605

Priority Date: 05/18/1914
Basis: License
Status: Active

Source Tributary
UNNAMED STREAM BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.860 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	0.860 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				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	03W	19		40.0	30.0	14.0													84.0

Total Acres: 84

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. AC. IRR.=83.75.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2240

03/16/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
137A	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222C	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222M	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222N	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233C	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233L	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
-374	Claim	04N	03W	18	SW	SE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
5038	Claim	04N	03W	18	SW	SE		STOCKWATER		J R SIMPLOT CO
7678	Claim	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
1537	Claim	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
1541	Claim	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
7678	Water Right	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT FEED LOTS INC
1538	Water Right	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
1539	Water Right	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
1540	Water Right	04N	03W	18	SW	SE		STOCKWATER		SIMPLOT LIVESTOCK CO
2240	Claim	04N	03W	18	SW	SE		INDUSTRIAL		SIMPLOT LIVESTOCK CO
137A	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222C	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222M	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222N	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233C	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233L	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
-374	Claim	04N	03W	19	NW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
-274	Water Right	04N	03W	19	NW	NE		IRRIGATION		CHARLES JURRIES
-374	Water Right	04N	03W	19	NW	NE		IRRIGATION		PIONEER DIXIE DITCH CO
2240	Water Right	04N	03W	19	NW	NE		IRRIGATION	40/84	D G RUBY
5038	Claim	04N	03W	19	NW	NE		STOCKWATER		J R SIMPLOT CO
7678	Claim	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO

- supplemental to water from Pioneer
Dixie Ditch Co.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2240

03/16/2006

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
21537	Claim	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21541	Claim	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
7678	Water Right	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT FEED LOTS INC
21538	Water Right	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21539	Water Right	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21540	Water Right	04N	03W	19	NW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
2240	Claim	04N	03W	19	NW	NE		INDUSTRIAL		SIMPLOT LIVESTOCK CO
137A	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222C	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222M	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222N	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233C	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233L	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
-374	Claim	04N	03W	19	SW	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
2240	Claim	04N	03W	19	SW	NE		IRRIGATION	10/24	SIMPLOT LIVESTOCK CO
-274	Water Right	04N	03W	19	SW	NE		IRRIGATION		CHARLES JURRIES
-374	Water Right	04N	03W	19	SW	NE		IRRIGATION		PIONEER DIXIE DITCH CO
2240	Water Right	04N	03W	19	SW	NE		IRRIGATION	30/84	D G RUBY
5038	Claim	04N	03W	19	SW	NE		STOCKWATER		J R SIMPLOT CO
7678	Claim	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21537	Claim	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21541	Claim	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21538	Water Right	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21539	Water Right	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21540	Water Right	04N	03W	19	SW	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21537	Claim	04N	03W	19	SW	NE		COMMERCIAL		SIMPLOT LIVESTOCK CO
137A	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222C	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2240

03/16/2006

3

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
222M	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
222N	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233C	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
233L	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
-374	Claim	04N	03W	19	SE	NE		IRRIGATION	40/2960	PIONEER DIXIE DITCH CO
2240	Claim	04N	03W	19	SE	NE		IRRIGATION	14/24	SIMPLOT LIVESTOCK CO
-274	Water Right	04N	03W	19	SE	NE		IRRIGATION		CHARLES JURRIES
-374	Water Right	04N	03W	19	SE	NE		IRRIGATION		PIONEER DIXIE DITCH CO
2240	Water Right	04N	03W	19	SE	NE		IRRIGATION	14/84	D.G.RUBY
5038	Claim	04N	03W	19	SE	NE		STOCKWATER		J R SIMPLOT CO
7678	Claim	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21537	Claim	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21541	Claim	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21538	Water Right	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21539	Water Right	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
21540	Water Right	04N	03W	19	SE	NE		STOCKWATER		SIMPLOT LIVESTOCK CO
5038	Claim	04N	03W	19	SE	NE		INDUSTRIAL		J R SIMPLOT CO
10034	Claim	04N	03W	19	SE	NE		INDUSTRIAL		J R SIMPLOT CO
21537	Claim	04N	03W	19	SE	NE		COMMERCIAL		SIMPLOT LIVESTOCK CO
10137	Water Right	04N	03W	19	SE	NE		DOMESTIC		EDWARD MILLER
19823	Water Right	04N	03W	19	SE	NE		DOMESTIC		EDWARD MILLER
19824	Water Right	04N	03W	19	SE	NE		DOMESTIC		ALVY COX
21538	Water Right	04N	03W	19	SE	NE		DOMESTIC		SIMPLOT LIVESTOCK CO

overlay review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-274

WATER RIGHT NUMBER: 63-274

Owner Type Name and Address
Current Owner PIONEER DIXIE DITCH CO

Current Owner , ID
CHARLES JURRIES
 , ZZ

-no overlap

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

Source Tributary
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

BOISE RIVER SE1/4SE1/4 Sec. 16, Twp 05N, Rge 05W, B.M.
ADA 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	
05N	05W	9											17.0						17.0

Conditions of Approval:

1. ALL LAND SOUTH OF BOISE RIVER.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-274

Comments:

1. skeen 7/17/2006 POU

Comment: Updated Shape

2. Shelley Keen 7/17/2006 Point of Diversion Transfer

Comment: The data entry for this right is based on the decree. However, Point of Diversion Transfer No. 103 in the name of Parma Ditch Co. may have changed the point of diversion for this right. The transfer document is probably located in Vol. 1 of the old, red transfer books. I searched, but could not find Vol. 1.

Water Supply Bank:

overlap review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

WATER RIGHT NUMBER: 63-5038

<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: 07/20/1944
Basis: Statutory Claim
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>
STOCKWATER	1/01 to 12/31	1.340 CFS	
INDUSTRIAL	1/01 to 12/31	1.340 CFS	
IRRIGATION	3/15 to 11/15	1.340 CFS	
	<u>Total Diversion:</u>	1.340 CFS	

Location of Point(s) of Diversion

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

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

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	18									X	X	X	X	X	X	X	X	
04N	03W	19	X	X	X	X													
04N	04W	13											X	X	X	X	X		
04N	04W	24	X	X	X	X													

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	19				X													

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						5.0	5.0		15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0						29.0		289.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5038

04N 03W 19	25.0		20.0	30.0	35.0	25.0			135.0
04N 03W 20			30.0	30.0	25.0	30.0			115.0
04N 04W 12								30.0	30.0
04N 04W 13	40.0	35.0	30.0	35.0				40.0	215.0
04N 04W 24	30.0	30.0	20.0	40.0					120.0

Total Acres: 999

Conditions of Approval:

- SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
HOG HOUSE WELL.
NON-IRRIGATION USES: I/ETHANOL, FOOD PROC., WASTE RECOVERY AND APPLICATION,
S/45000 ON SYSTEM (12695 FOR THIS RIGHT).
OTHER RIGHTS: A63-21537, A63-21538, A63-21539, A63-21540, A63-21541, A63-07678,
A63-05036, A63-05037, A63-05039, A63-02731, A63-04968, A63-10034, A63-03107, PIONEER DIXIE
DITCH CO.

Remarks:Comments:Water Supply Bank:

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-10034

WATER RIGHT NUMBER: 63-10034

<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: 03/17/1983

Basis: Permit

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>
INDUSTRIAL	1/01 to 12/31	9.800 CFS	
IRRIGATION	3/15 to 11/15	9.800 CFS	
	<u>Total Diversion:</u>	9.800 CFS	

Location of Point(s) of Diversion

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-10034

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

Place of Use

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 03W 19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X									X				
04N 03W 20									X								

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 03W 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	85.0
04N 03W 18	35.0			25.0	40.0	40.0	35.0	40.0	15.0						29.0		259.0
04N 03W 19	25.0				20.0	30.0	35.0	25.0									135.0
04N 03W 20					30.0	30.0	25.0	30.0									115.0
04N 04W 12															30.0		30.0
04N 04W 13	40.0	35.0	30.0	35.0									40.0	35.0			215.0
04N 04W 24	30.0	30.0	20.0	40.0													120.0

Total Acres: 959

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-10034

Conditions of Approval:

1. THE WASTE RECOVERY PLANT WAS BUILT IN 1944 TO FACILITATE FOOD PROCESSING. IN 1985 ETHANOL PRODUCTION BEGAN IN THE SAME LOCATION, I.E. SENE SEC. 19, T4N, R3W. SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM. TWO POINTS OF DIVERSION IN NENW SEC. 19, T4N, R3W. OTHER WATER RIGHTS: PIONEER DIXIE DITCH CO.
2. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Remarks:

Comments:

Water Supply Bank:

overlap review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21537

WATER RIGHT NUMBER: 63-21537

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 83707

no overlap

Priority Date: 01/01/1912

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

COMMERCIAL

STOCKWATER

From To

1/01 to 12/31

1/01 to 12/31

Diversion Rate

0.040 CFS

0.670 CFS

Annual VolumeTotal Diversion: 0.670 CFSLocation of Point(s) of Diversion

GROUND WATER

CANYON County

NE1/4NW1/4

Sec. 24, Twp 04N, Rge 04W, B.M.

GROUND WATER

CANYON County

SW1/4SE1/4NE1/4

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

GROUND WATER

CANYON County

SE1/4NE1/4

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

GROUND WATER

CANYON County

SW1/4NE1/4SW1/4

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

GROUND WATER

CANYON County

SE1/4SW1/4

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

GROUND WATER

CANYON County

SW1/4SE1/4

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

GROUND WATER

CANYON County

SE1/4NW1/4SW1/4

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

GROUND WATER

CANYON County

NE1/4NW1/4

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

GROUND WATER

CANYON County

SW1/4SW1/4

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-21537

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

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	19			X	X													

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	18									X	X	X	X	X	X	X	X	
04N	03W	19	X	X	X	X													
04N	04W	13												X	X	X	X	X	
04N	04W	24	X	X	X	X													

Conditions of Approval:

- SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
HOSPITAL WELL.

Remarks:Comments:

W.O.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

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
7 Boise, Idaho 83707
8 Telephone: (208) 389-7318
9 Fax: (208) 389-7515

10 Attorneys for J. R. Simplot Company

1991 APR - 5 PM 2:52
DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED

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

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

Civil Case No. 39576

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

Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

Defendants.)

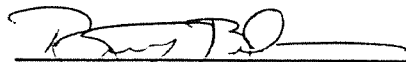
MICROFILMED

JUL 25 1994

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MICROFILMED
JUL 25 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

MICROFILMED
JUL 25 1994

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

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

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

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

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

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

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

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

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

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

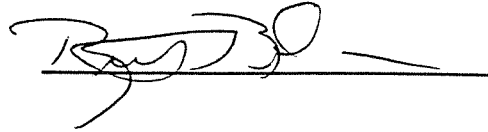
23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
P.O. Box 66
Twin Falls, Idaho 83303-0066

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

JUL 25 1994

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Firth 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

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-02240

Date: 12-28-01

	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	30	19			10	19													24
GIS						10	20													30
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1 (sec. 21)

Total Claimed Acres: 24

Overlapping POU Claim #'s:

Total GIS Acres: 30

COMMENTS:

per claim map and image interpretation

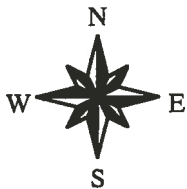
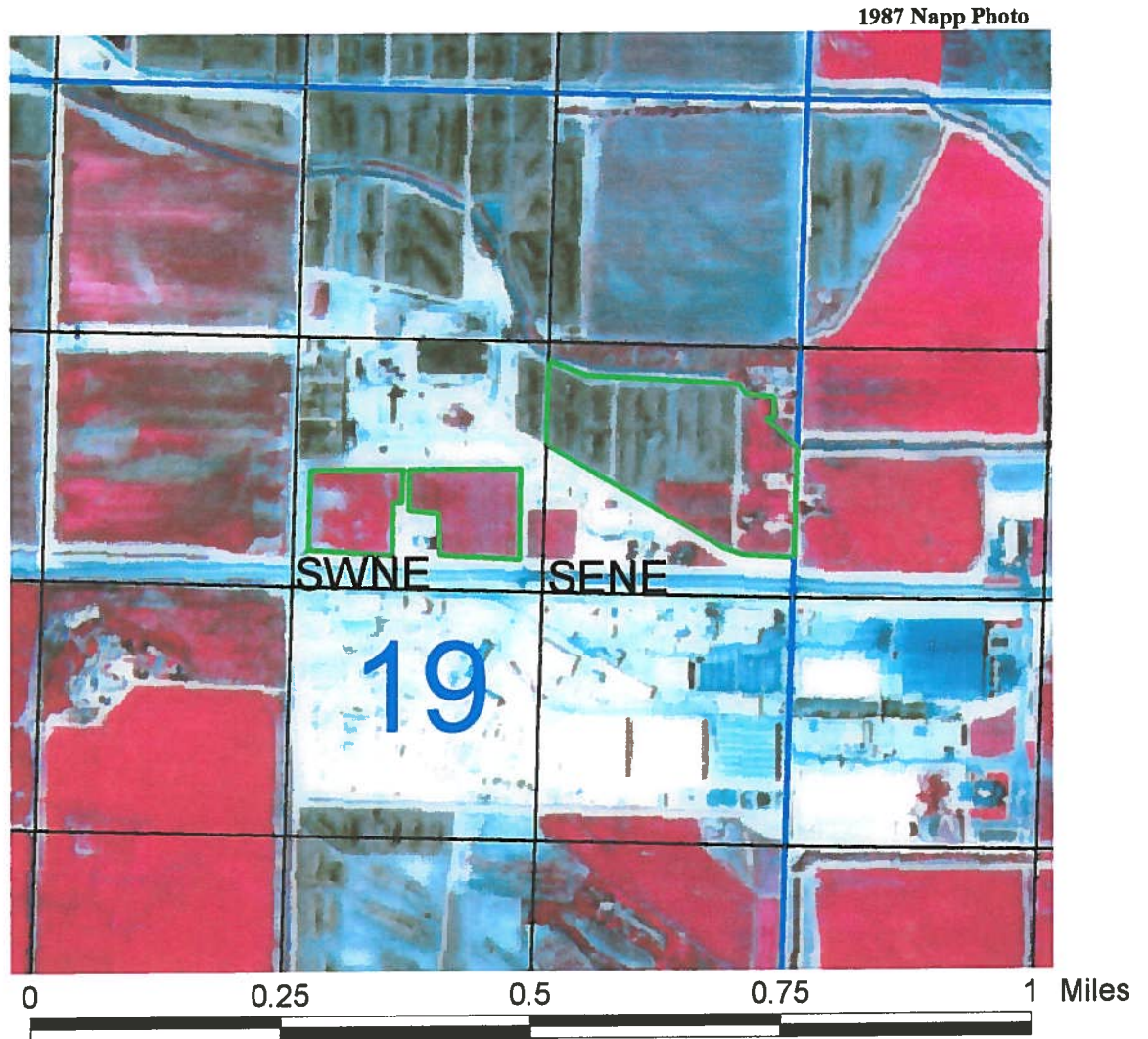
Idaho Department of Water Resources

Claim Number: 63-02240

Legal: T04N, R03W, S19

Reviewed By:

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

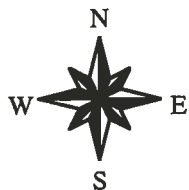
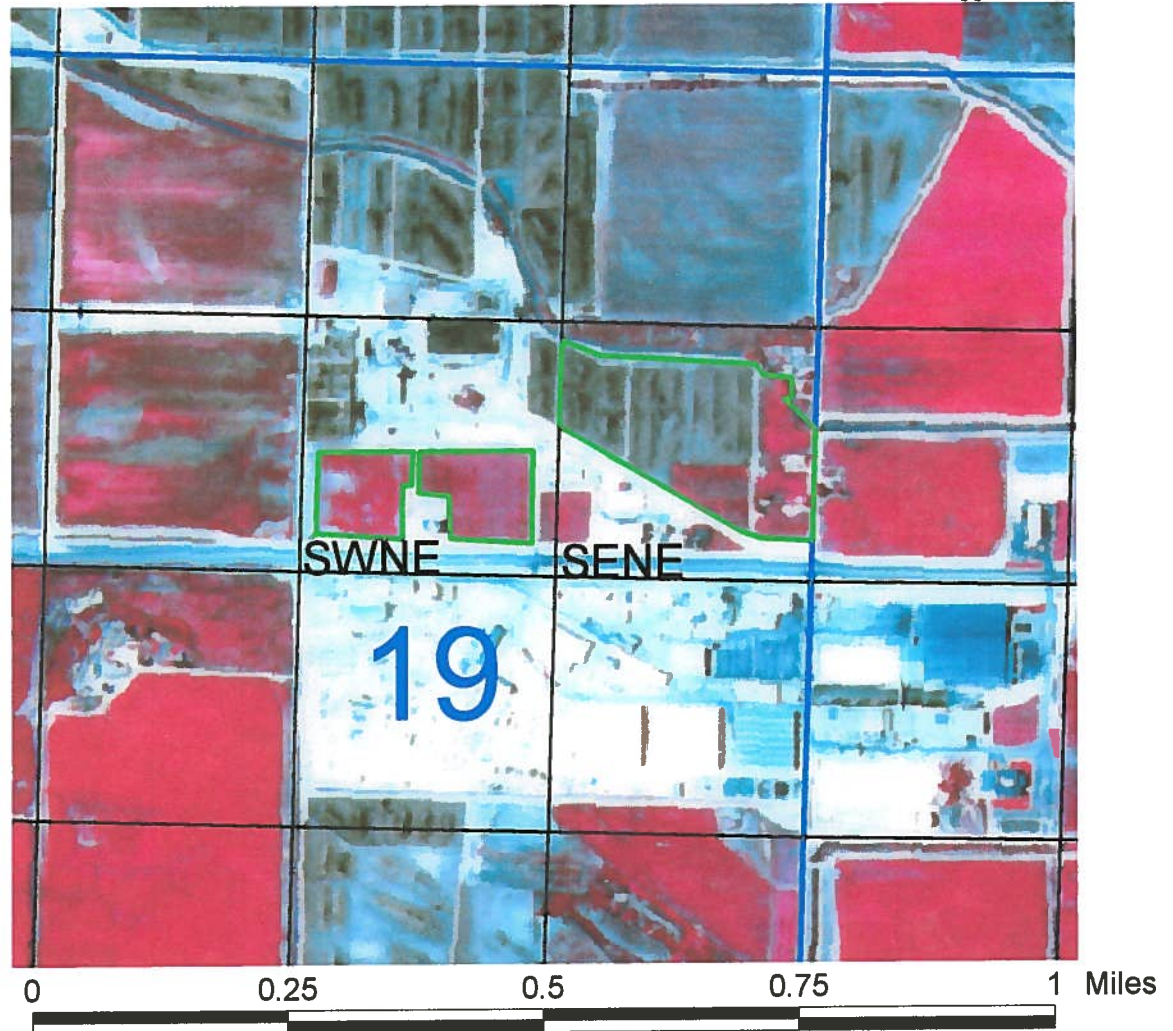
Claim Number: 63-02240

Legal: T04N, R03W, S19

Reviewed By:

1987 Napp Photo

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



County: Canyon.
 Stream: unnamed.
 Amount: 43/50 of 1 sec. ft.
 Use: Irrigation.
 Priority: 5-18-14.
 District No. 12-A.

STATE OF IDAHO

Water License No. 10223.
 Water District No. 12-A.

WHEREAS, On the 18th day of May, A. D. 1914, D. G. Ruby,

of Caldwell, County of Canyon, State of Idaho, duly made application (No. 15179) to me for a permit to use 43/50 of 1 cubic foot 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. 10223, 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 11th 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 15th day of May, A. D. 1916, D. G. Ruby,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 43/50 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10223 dated February 5, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 43/50 of 1 cubic foot per second of said water, with date of priority of May 18, 1914, and

WHEREAS, On the 31st day of August, A. D. 1917, D. G. Ruby,

the holder of said permit, duly made proof of the application to beneficial use of 43/50 of 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 D. G. Ruby,

of Caldwell, County of Canyon, State of Idaho, the holder and owner of said Permit No. 10223, a perpetual right, dating from May 18, 1914 to the use of 43/50 of 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 NE¹/₄ of SW¹/₄, Sec. 21, T. 4 N., R. 3 W., B. M.,

and conducted to and upon 83.75 acres of land, divided as follows: 40 acres in NW¹/₄ of NE¹/₄ and 43.75 acres in SW¹/₄ of NE¹/₄ and SE¹/₄ of NE¹/₄, all in Sec. 19, T. 4 N., R. 3 W., B.M.,

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.

(Seal)

J. H. Smith,

State Engineer.

63 2220

No. 15179

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: D. G. Ruby

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 45/50

cubic feet per second.

3. Source of water supply: Unnamed Stream

4. Location of point of diversion: 50 ft. S. of W. Cor. Sec. 20 T. 4 N. R. 3 W. B. M.

County of Canyon

5. To be used for: Irrigation

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 43

acres.

(b) In the following legal subdivisions: S₁ of the NE₁ of Sec. 19, T. 4 N. R. 3 W. B. M.

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 -- Flume

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 ft. miles,

and it crosses the following quarter sections: SW and NW Sec. 20; NE Sec. 19, T. 4 N. R.

3 W. B. M.

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.

D. G. Ruby

Applicant.

By

Guy C. McGee

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. May 16, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10223

Recorded in Book 34 Page 10223 Approved May 28, 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.

F. P. KING,

State Engineer.

Remarks:

Upon proper request of the holder of the above numbered permit, I have this eleventh day of June, 1915, extended the time for the completion of works thereunder to the first day of April, 1917.

J. H. Smith,

State Engineer.

STATE OF IDAHO }
County of Canyon } SS

D. G. Ruby, 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. 10223.

That he intends to change the point of diversion, as described in said permit, to the following described point:

A point 1200 feet E. of the N $\frac{1}{2}$ Cor. Sec. 28, T. 4 N., R. 3 E., P. M., 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 deponent will make such change at his own risk.

And further deponent saith not.

D. G. Ruby

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

(S E A L)

F. D. Mumford
Notary Public
Residence, Caldwell, Idaho.

My commission expires November 8, 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: D.G. Ruby, Permit No. 10223.
2. State source of water supply: Dixie Drain.
3. Location of point of diversion: NE $\frac{1}{4}$ 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, and 36" long. Headgate is of concrete, with grooves for splash board. Ditch is 5 ft. on bottom with 1 to 1 slope and a grade of 5/100 to 100 ft. This ditch has a cut of 3 to 5 ft. for the first one half mile, then drops in an old slough and is taken out a short distance below and carried to a point close to the North 1/4 cor. of Sec. 19, then drops in an old ditch. Mr. Ruby diverts his water from the main ditch at the East 1/4 corner Section 19, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 19; and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 19, T. 4 N., R. 3 W.B.M. The capacity of this ditch is 600" Approximately. The feeders of the main ditch are of sufficient size to carry water to irrigate Mr. Ruby's land. There are five parties interested in this ditch leading from the Dixie Drain. They are J.E. Moreland; A. Ballantyne; J.Z. Motlow; B.G. Ruby; W.S. Vail.

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): NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 43.75 acres in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 19, T. 4 N., R. 3 W.B.M. The NW $\frac{1}{4}$ NE $\frac{1}{4}$ has 40 acres in pasture. This land is covered with salt grass and scattering blue grass, and irrigated by dykes to spread water over land. 43.75 acres lying south of the road in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ is covered with salt grass with dykes thrown up to spread water over land. This land shows no signs of cultivation and is being irrigated for pasture.

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

Remarks: All of the above land is used for pasture, and shows no sign of cultivation. There are five parties take water from this ditch out of the Dixie Drain. They are A. Ballantyne, S.W. Vail, J.Z. Motlow, J.E. Moreland, and D.G. Ruby.

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

(Signed) C.H. Hallis

Examiner.

Name of Applicant... D. G. Ryby

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

