

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: A63-02731
Date Received: 3/22/90
Receipt No: 6015841
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: NOV 04, 1948
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	18	SE	NW	SW		CANYON
				SW	SW		CANYON
				SE	SW		CANYON
		19		NW	NE		CANYON
				SE	NE		CANYON
			SW	SE	NE		CANYON
			NE	NW	NW		CANYON
			NE	NE	SE		CANYON
			NE	NW	SE		CANYON
		20	SW	NE	SW		CANYON
				SW	SE		CANYON
				NE	NW		CANYON
04W	13						
24							

5. Description of diverting works:
14 WELLS, 14 PUMPS, COMMON SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	10.520		

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

A.F.A.

SCANNED

A63-02731

Page 1

Date: 03/21/90

MICROFILMED

AUG 18 1992

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
I/PROCESSING PLANT.

10. Place of Use:

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

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:
A63-05038, -04968, -10034, -03107, -07244

14. Remarks:
TRANS. 3194.
SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON
SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.

15. Basis of Claim: LICENSE
Water Right Number: 20735

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

J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as Secretary of

J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

03-21-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

Common Systems Descriptions

The following is a list of legal descriptions for wells involved in two separate common water systems. The first common system is located at Simplot Feedlot #3 near Caldwell, Idaho. The primary function of this system is to provide stockwater for the feedlot #3, water for 4 domestics, and water to the offices.

The second common system is located at Simplot's food processing plant near Caldwell, Idaho. The primary function of this system is to provide industrial water to the food processing and waste recovery system.

Any one well from either system is considered an alternative point of diversion for any other well from either system.

1 = Indicates that well is in the Feedlot #3 common water system

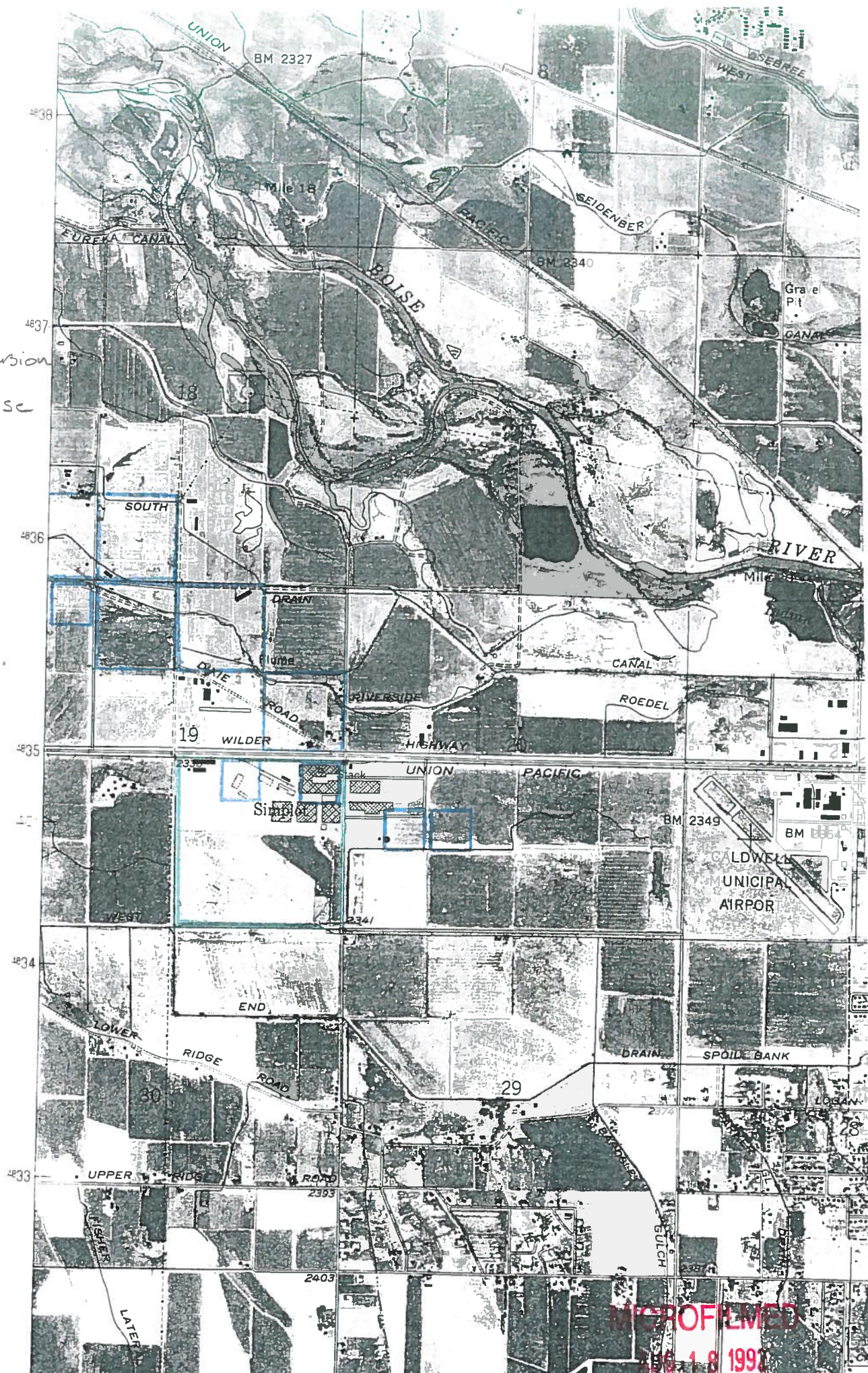
2 = Indicates that well is in the Food processing common water system

Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
4N	3W	19		NW	NE	HOSPITAL WELL	1
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	24		NE	NW	ARTESIAN 500 WELL	1
4N	4W	13		SW	SE	POST PLACE WELL	1
4N	3W	19	NE	NE	SE	WELL #3	2
4N	3W	19	SW	SE	NE	WELL #4	2
4N	3W	19	NE	NW	SE	WELL #6	2
4N	3W	20	SW	NE	SW	WELL #8	2
4N	3W	19	NE	NW	NW	WELL #9	2
4N	3W	20	SE	NW	SW	WELL #10	2

MICROFILMED

AUG 18 1992

- = points of Diversion
- = place of Use



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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02731

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: J R SIMPLOT COMPANY
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 2.37 CFS
1551.30 APY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

PRIORITY DATE: 11/04/1948

POINT OF DIVERSION: T04N R03W S18 LOT 8 (SWSW) Within Canyon County
SESW
NWSE
S19 SENE
NESE
NWSE
S20 NESW
NWSW
NWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	2.37 CFS 1551.30 APY

Industrial use is for food processing plant.

PLACE OF USE:	Industrial	Within Canyon County
	T04N R03W S07 LOT 6 (SWSW)	LOT 7 (SESW)
	S17 LOT 7 (NESW)	LOT 6 (NWSW)
	SWSW	SESW
	S18 LOT 3 (NWNE)	LOT 4 (NENW)
	LOT 5 (NWNW)	LOT 6 (SNNW)
	SESW	NESW
	NESE	NWSE
	SESE	
	S19 NENE	NWNE
	SWNE	SENE
	NENW	LOT 1 (NWNW)
	LOT 2 (SNNW)	SESW
	NESE	NWSE
	S20 NENW	NWNW
	SNNW	SESW
	NWSW	
	R04W S12 NESE	LOT 10 (NESE) 4
	SESE	LOT 10 (SESE)
	S13 NENE	NWNE
	SWNE	SENE
	SNNW	SESW
	NESW	NWSW

PLACE OF USE (continued)

	SWSW	SESW
	SWSE	SESE
S24	NENE	NWNE
	SWNE	SENE

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

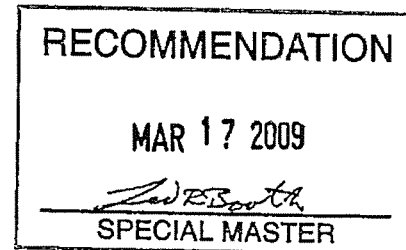
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2731

NAME AND ADDRESS:

J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.370 CFS~~10.520 CFS~~1,551.300 AFY~~226.600 AFY~~

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

PRIORITY DATE:

11/04/1948

POINT OF DIVERSION:

T04N R03W S18 Lot 8 SWSW
Within CANYON County

T04N R03W S18 SESW
Within CANYON County

T04N R03W S18 NWSE
Within CANYON County

T04N R03W S19 SENE
Within CANYON County

T04N R03W S19 NESE
Within CANYON County

~~T04N R03W S19 NESE~~
~~Within CANYON County~~
~~T04N R03W S19 NESE~~
~~Within CANYON County~~

T04N R03W S19 NWSE
Within CANYON County

T04N R03W S20 NESW
Within CANYON County

T04N R03W S20 NWSW
Within CANYON County

T04N R03W S20 NWSW
Within CANYON County

~~Three points of diversion located in T04N, R03W, S19, NESE.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

2.370 CFS 1,551.30 AFY~~10.520 CFS 226.60 AFY~~

Industrial use is for food processing plant.

SF5 Right No. 63-2731

PLACE OF USE: INDUSTRIAL within CANYON County

T04N R03W S07 Lot 6 SWSW
T04N R03W S07 Lot 7 SESW
T04N R03W S17 Lot 7 NESW
T04N R03W S17 Lot 6 NWSW
T04N R03W S17 SWSW
T04N R03W S17 SESW
T04N R03W S18 Lot 3 NWNE
T04N R03W S18 Lot 4 NENW
T04N R03W S18 Lot 5 NWNW
T04N R03W S18 Lot 6 SWNW
T04N R03W S18 SENW
T04N R03W S18 NESW
T04N R03W S18 NESE
T04N R03W S18 NWSE
T04N R03W S18 SESE
T04N R03W S19 NENE
T04N R03W S19 NWNE
T04N R03W S19 SWNE
T04N R03W S19 SENE
T04N R03W S19 NENW
T04N R03W S19 Lot 1 NWNW
T04N R03W S19 Lot 2 SWNW
T04N R03W S19 SENW
T04N R03W S19 NESE
T04N R03W S19 NWSE
T04N R03W S19 SWSE
T04N R03W S19 SESE
T04N R03W S20 NENW
T04N R03W S20 NWNW
T04N R03W S20 SWNW
T04N R03W S20 SENW
T04N R03W S20 NWSW
T04N R04W S12 NESE
T04N R04W S12 Lot 10 NESE
T04N R04W S12 SESE
T04N R04W S12 Lot 10 SESE
T04N R04W S13 NENE
T04N R04W S13 NWNE
T04N R04W S13 SWNE
T04N R04W S13 SENE
T04N R04W S13 SWNW
T04N R04W S13 SENW
T04N R04W S13 NESW
T04N R04W S13 NWSW
T04N R04W S13 SWSW
T04N R04W S13 SESW
T04N R04W S13 SWSE
T04N R04W S13 SESE

T04N R04W S24 NENE

T04N R04W S24 NWNE

T04N R04W S24 SWNE

T04N R04W S24 SENE

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through points of diversion described above: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

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

~~Industrial use is for food processing.~~

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

01/27/2009

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

RIGHT NUMBER: 63-2731

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.370 CFS
1,551.300 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

PRIORITY DATE: 11/04/1948

POINT OF DIVERSION:

T04N R03W S18 SWSW Lot 8 Within CANYON County
T04N R03W S18 SESW Within CANYON County
T04N R03W S18 NWSE Within CANYON County
T04N R03W S19 SENE Within CANYON County
T04N R03W S19 NESE Within CANYON County
T04N R03W S19 NWSE Within CANYON County
T04N R03W S20 NESW Within CANYON County
T04N R03W S20 NWSW Within CANYON County
T04N R03W S20 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	2.370 CFS 1,551.30 AFY
Industrial use is for food processing plant.		

PLACE OF USE: INDUSTRIAL in CANYON County

T04N R03W S07 Lot 6 SWSW	T04N R03W S07 Lot 7 SESW
T04N R03W S17 Lot 7 NESW	T04N R03W S17 Lot 6 NWSW
T04N R03W S17 SWSW	T04N R03W S17 SESW
T04N R03W S18 Lot 3 NWNE	T04N R03W S18 Lot 4 NENW
T04N R03W S18 Lot 5 NWNW	T04N R03W S18 Lot 6 SWNW
T04N R03W S18 SENW	T04N R03W S18 NESW
T04N R03W S18 NESE	T04N R03W S18 NWSE
T04N R03W S18 SESE	T04N R03W S19 NENE

01/27/2009

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

T04N R03W S19	NWNE	T04N R03W S19	SWNE
T04N R03W S19	SENE	T04N R03W S19	NENW
T04N R03W S19 Lot 1	NWNW	T04N R03W S19 Lot 2	SWNW
T04N R03W S19	SENE	T04N R03W S19	NESE
T04N R03W S19	NWSE	T04N R03W S20	NENW
T04N R03W S20	NWNW	T04N R03W S20	SWNW
T04N R03W S20	SENE	T04N R03W S20	NWSW
T04N R04W S12	NESE	T04N R04W S12 Lot 10	NESE
T04N R04W S12	SESE	T04N R04W S12 Lot 10	SESE
T04N R04W S13	NENE	T04N R04W S13	NWNE
T04N R04W S13	SWNE	T04N R04W S13	SENE
T04N R04W S13	SWNW	T04N R04W S13	SENE
T04N R04W S13	NESW	T04N R04W S13	NWSW
T04N R04W S13	SWSW	T04N R04W S13	SESW
T04N R04W S13	SWSE	T04N R04W S13	SESE
T04N R04W S24	NENE	T04N R04W S24	NWNE
T04N R04W S24	SWNE	T04N R04W S24	SENE

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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

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Idaho Department of Water Resources

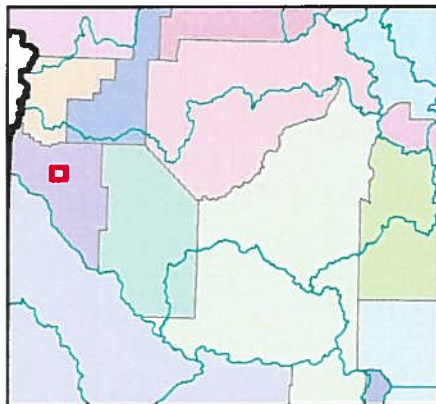
SRBA Recommendation

63-2731

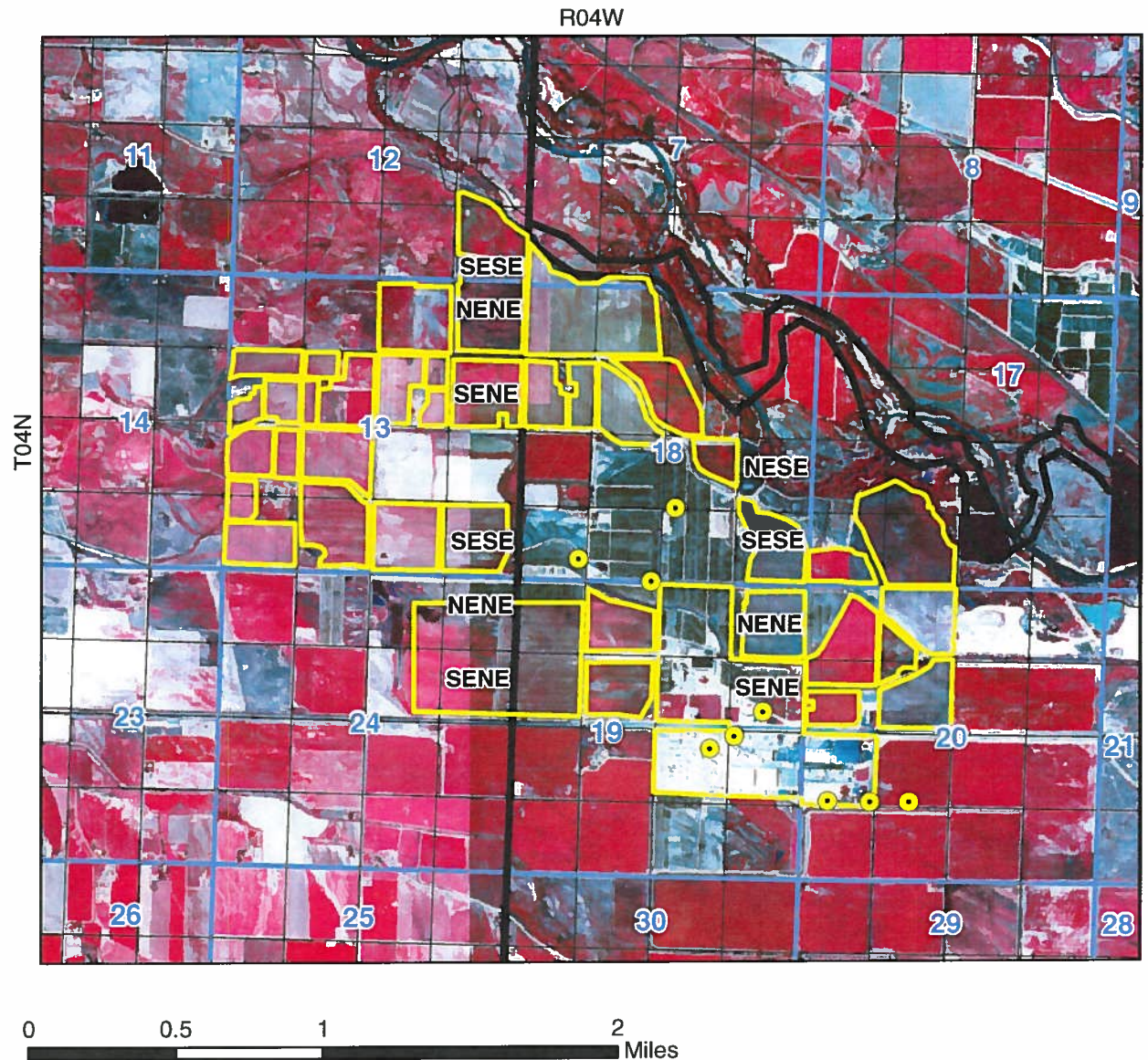
(INDUSTRIAL)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



Prepared by Kay Walker
On January 27, 2009
1987/88 Aerial Photography

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

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

2/27/08

Vic called - is still "gathering" information requested. He asked if I wanted the info he had or would I rather have it all in 1 package. I told him to submit it all together & initial hearing would be at end of May. ^{starting} few



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

December 20, 2007

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

- a. small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- b. municipal purposes,
- c. fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to you again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **January 31, 2008**. Once we receive the information we will need to conduct field examinations on the claims that were not previously substantiated. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Walker, Kay

From: Walker, Kay
Sent: Friday, October 05, 2007 1:10 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: RE: Canyon County Claims

Hi, Vic...

Thanks for your quick response! I don't need to meet with the retired maintenance man – he just needs to write an affidavit of his recollection of when the system was interconnected and any other information that he can provide in support of the claims.

Kay

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, October 04, 2007 3:59 PM
To: Walker, Kay
Subject: RE: Canyon County Claims

We gathered water use records on the question of the annual volume used in the plant. I am trying to reach the maintenance man who operated the water system on the feedlot. This person is retired, but is living in Caldwell. He will be able to confirm that all of these points of diversion were connected long before 1987. I just need to connect with him. Once I reach him, would you like to meet him to ask about the water system?

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Thursday, October 04, 2007 2:54 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: Canyon County Claims

Hi, Vic...

I was wondering if you had gathered the information requested in my letter of September 4th yet. I have not heard anything from you and thought maybe an e-mail would remind you that we still need information regarding claims in Canyon County. I have scanned my letter and attached it to this e-mail in case you have not received it. Please let me know when to expect your information. Thanks!!

Kay Walker
IDWR Western Region
334-2190

10/5/2007



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 4, 2007

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

I have finally had a chance to go through the claim files, previously assigned to Kimberly Brown, and find we need to have additional documentation in regard to these claims prior to conducting the field examinations.

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

- a. small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- b. municipal purposes,
- c. fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to your again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **September 28, 2007**. Once we receive the information we will need to conduct field examinations and the SRBA Court has indicated they would like the field inspections done this fall so we can submit revised recommendations on the rights that have been objected to. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

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

Subcase 63-2731

(Insert water right number)

In Re SRBA)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: J. R. Simplot Company

Address: P. O. Box 27

Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J. R. Simplot Company

Address: 999 Main Street, Suite 1300

PO Box 27

Boise, ID 83707

I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: J. R. Simplot Company, C/O Terry Uhling 999 Main Street, Suite 1300, PO Box 27, Boise, ID 83707

2. ☐ **Source**
Should be: _____

3. ☒ **Quantity**
Should be: 10.52 cfs

4. ☐ **Priority Date**
Should be: _____

5. ☒ **Point(s) of Diversion**
Should be:

Township	Range	Section	Quarter Quarter
4N	3W	20	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
			SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
		18	SW $\frac{1}{4}$ SW $\frac{1}{4}$
			SE $\frac{1}{4}$ SW $\frac{1}{4}$
		19	NW $\frac{1}{4}$ NE $\frac{1}{4}$
			SE $\frac{1}{4}$ NE $\frac{1}{4}$
			SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
	4W	13	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$

6. ☐ **Instream Flow Description**
Should be: _____

7. ☒ **Purpose(s) of Use**
Should be: Irrigation, Industrial and Stockwater

8. ☒ **Period of Year**
Should be: Irrigation from March 15 to November 15 (Inclusive); Industrial from January 1 to December 31 (Inclusive); Stockwater from January 1 to December 31 (Inclusive)

9. ☒ Place of Use
Should be:

Township	Range	Section	Quarter Quarter	Use	Acres (if irrigation)
4N	3W	17	NW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	5.0
			SW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	5.0
			NE ¹ / ₄ SW ¹ / ₄	Irrigation & Industrial	15.0
			NW ¹ / ₄ SW ¹ / ₄	Irrigation & Industrial	10.0
			SW ¹ / ₄ SW ¹ / ₄	Irrigation & Industrial	25.0
			SE ¹ / ₄ SW ¹ / ₄	Irrigation & Industrial	35.0
		18	NE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	35.0
			NW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	15.0
			SW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	15.0
			SE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	25.0
			NE ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	40.0
			NW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	40.0
			SW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	35.0
			SE ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	40.0
			NE ¹ / ₄ SW ¹ / ₄	Irrigation & Industrial	15.0
			NE ¹ / ₄ SW ¹ / ₄	Stockwater	
			NW ¹ / ₄ SW ¹ / ₄	Stockwater	
			SW ¹ / ₄ SW ¹ / ₄	Stockwater	
			SE ¹ / ₄ SW ¹ / ₄	Stockwater	
			NE ¹ / ₄ SE ¹ / ₄	Stockwater	
			NW ¹ / ₄ SE ¹ / ₄	Stockwater	
			SW ¹ / ₄ SE ¹ / ₄	Stockwater	
			SE ¹ / ₄ SE ¹ / ₄	Irrigation & Industrial	29.0
			SE ¹ / ₄ SE ¹ / ₄	Stockwater	
		19	NE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	25.0
			NE ¹ / ₄ NE ¹ / ₄	Stockwater	
			NW ¹ / ₄ NE ¹ / ₄	Stockwater	
			SW ¹ / ₄ NE ¹ / ₄	Stockwater	
			SE ¹ / ₄ NE ¹ / ₄	Stockwater	
			SE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	20.0
			NW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	30.0
			SW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	35.0
			SE ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	25.0
		20	NE ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	30.0
			NW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	30.0
			SW ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	25.0
			SE ¹ / ₄ NW ¹ / ₄	Irrigation & Industrial	30.0
	4W	12	SE ¹ / ₄ SE ¹ / ₄	Irrigation & Industrial	30.0
		13	NE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	40.0
			NW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	35.0

			SW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	30.0
			SE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	35.0
			SE ¹ / ₄ SW ¹ / ₄	Stockwater	
			NE ¹ / ₄ SE ¹ / ₄	Stockwater	
			NW ¹ / ₄ SE ¹ / ₄	Stockwater	
			SW ¹ / ₄ SE ¹ / ₄	Irrigation & Industrial	40.0
			SW ¹ / ₄ SE ¹ / ₄	Stockwater	
			SE ¹ / ₄ SE ¹ / ₄	Irrigation & Industrial	35.0
			SE ¹ / ₄ SE ¹ / ₄	Stockwater	
		24	NE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	30.0
			NE ¹ / ₄ NE ¹ / ₄	Stockwater	
			NW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	30.0
			NW ¹ / ₄ NE ¹ / ₄	Stockwater	
			SW ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	20.0
			SW ¹ / ₄ NE ¹ / ₄	Stockwater	
			SE ¹ / ₄ NE ¹ / ₄	Irrigation & Industrial	40.0
			SE ¹ / ₄ NE ¹ / ₄	Stockwater	

10. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The IDWR has informed the claimant that, based on information supplied as evidence to support the priority dates claimed for other water rights, an examination of the claimant's water systems will be scheduled to confirm the uses identified under those claims. This objection is being filed to preserve the ability to adjust those elements of this right that may need to be revised from the Director's Report based on the outcome of IDWR's pending analysis. For instance, until the IDWR conducts its examination, it would be premature to assign volumetric limits under this water right until the volume to be recommended by the IDWR for other claims to sources supplying this same water supply system is known. The claimant looks forward to cooperating with the IDWR in providing access to the water systems for the examination and will also assist the IDWR in supplying any available additional information that may be necessary for the recommendation of this water right.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Terry T. Uhling, Vice President, Secretary and General Counsel of the J. R. Simplot Company, duly sworn, upon oath, deposes and says:

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

J. R. Simplot Company

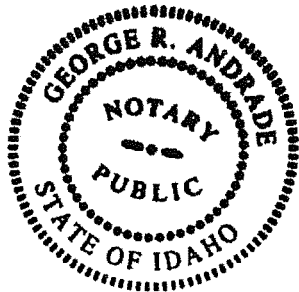
(Signature of person filing objection)

By: [Signature]

Terry T. Uhling, Senior Vice President, Secretary and General Counsel

(Attorney signing in representative capacity)

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



[Signature]
Notary Public for

Residing at: BOISE, ID

My Commission Expires: JUNE 13, 2012

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: J. R. Simplot Company
Address: PO Box 27
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

J.R. Simplot Company
By: Dir. Camille O. Director, LAND, Water &
Signature of Objector or attorney Asset Recovery
mailing on Objector's behalf

09/18/2006

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

RIGHT NUMBER: 63-2731

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 10.520 CFS
226.600 AFY

PRIORITY DATE: 11/04/1948

POINT OF DIVERSION:

T04N R03W S19 NESE Within CANYON County
T04N R03W S19 NESE Within CANYON County
T04N R03W S19 NESE Within CANYON County
T04N R03W S20 NWSW Within CANYON County
Three points of diversion located in T04N, R03W, S19, NESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	10.520 CFS 226.60 AFY

PLACE OF USE: INDUSTRIAL Within CANYON County

T04N R03W S19	NESE	T04N R03W S19	NWSE
T04N R03W S19	SWSE	T04N R03W S19	SESE

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

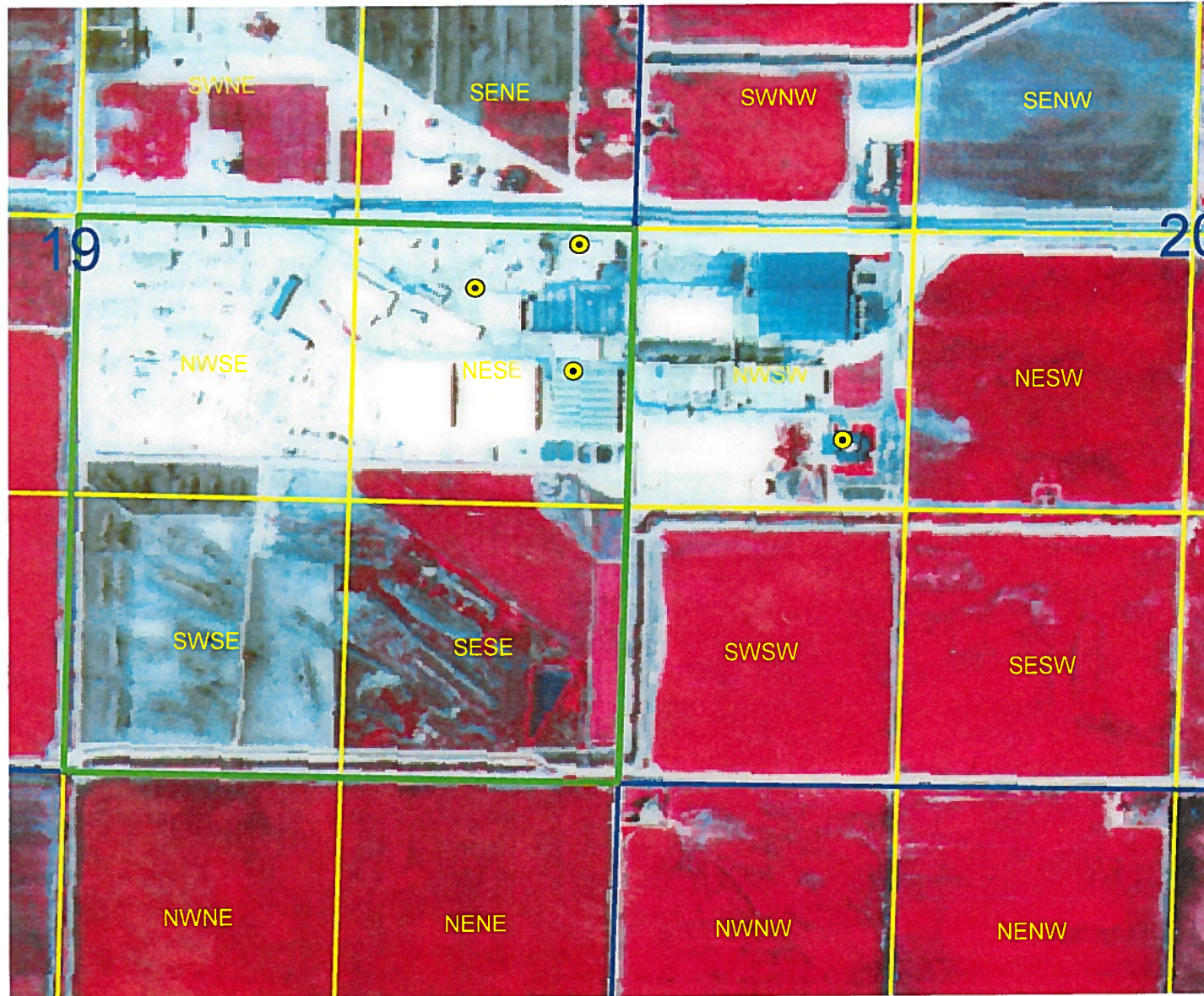
Industrial use is for food processing.

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

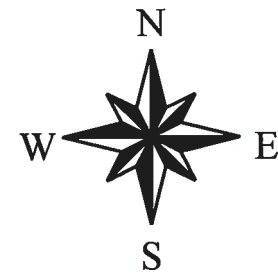
Idaho Department of Water Resources

**T04N, R03W,
SEC 19 & 20**

Claim No: 63-2731
Prepared By: Kimberly Brown
Date: September 17, 2006



-  Place of Use
-  Section Lines
-  1/4 1/4
-  Point of Diversion



00.03 Miles



1987 NAPP

Transfer No. 3194: took 1 PoD out of NESE, S190

Water License No. 20735 + put in replacement (N.W.S.W., S20)

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2731

WATER RIGHT NUMBER: 63-2731 ✓

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

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

Current Owner:

① G. R. Simplot Co. (#)
② G. R. Simplot Co. Food Division
P.O. Box 27
Boise 83707

Priority Date: 11/04/1948 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

Tributary

Beneficial Use ✓

INDUSTRIAL ✓

From To ✓

1/01 to 12/31 ✓

Diversion Rate ✓

10.520 CFS ✓

Annual Volume

226.6 AF

3107

4968

5036

5037

5038

5039

10034

724

Total Diversion: 10.520 CFS ✓

226.6 AF

Location of Point(s) of Diversion

4 wells licensed in NESE, 19

~~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

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

CANYON County

~~GROUND WATER~~ ~~SE1/4SW1/4~~ ~~Sec. 18, 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~~ ~~SW1/4NE1/4SW1/4~~ ~~Sec. 20, Twp 04N, Rge 03W, B.M.~~

CANYON County

Rec. PoD
3 X's

(licensed)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2731

Rec. 1 POD	GROUND WATER	NE1/4NW1/4	Sec. 24, Twp 04N, Rge 04W, B.M.
	CANYON County		
	GROUND WATER	SE1/4NE1/4	Sec. 19, 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	SW1/4SE1/4	Sec. 13, Twp 04N, Rge 04W, B.M.
	CANYON County		

new
POD replaced
an old well
in NESE, S19
per Transfer
No. 3194

Place of Use

INDUSTRIAL

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

licensed
industrial irrigated!

Conditions of Approval:

Comments - 1.

TRANS. 3194.

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

Remarks:

ADD - Industrial use is for a food processing plant.

Comments:

ADD C04 - Purpose of Use Accomplished Transfer
(fire protection licensed, but not claimed)

ADD F02 - According to license (+ Transfer No. 3194) - Three wells are located in NESE, S19, T04N, R03W

Water Supply Bank:

Parcel No. R350170000 & R35010000

Field Exam Date 9.17.06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$1,102.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A 63 - 2731

Owner: J. R. Simplot 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: Recommendation per license + Transfer #319
- ☐ If different, when did POD change? unknown when these changes took place

I am recommending what was licensed and the applicable change associated with Transfer No. 3194 (which replaced an old well in NISSE 219 with a new well in NISSE 220) made since. →

nothing in the file substantiates when the charges claimed took place (plus, this information was not supplied since review began) and the project map submitted with the Notice of Claim does not depict the specific location of the POBs.

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
	—		NE	SE	19	4N	3W		
	—		NE	SE	19	4N	3W		
	—		NE	SE	19	4N	3W		
	—		NW	SW	20	4N	3W		

licensed

transfer # 3194

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 USES

- ☐ No change
☐ Different Uses

Use Industrial From _____ To _____ Amount _____ CFS 226.6 * AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

* See page 4 for Industrial Use Volume calculation.

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount _____ CFS 226.6 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:

Industrial use is for a processing plant.

- ☐ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☒ No Change
☐ Changes shown below:

NOTE: The 1987, 1994, 2000, + 2003 NAPP images show the SWSE and SESE, S19 as being irrigated; not as industrial (as claimed)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-3107, 63-4968, 63-5036, 63-5039, 63-10034

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See Report of Engineer.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Industrial Use Volume calculation:

$$(10.52 \text{ cfs}) (450 \text{ gpm}) (60 \text{ min/hr}) (2 \text{ hrs/day}) \\ (5 \text{ days/wk}) (26 \text{ wks/yr}) = 73,850,400 \text{ gal/yr}$$

$$73,850,400 \text{ gal/yr} / 325,850 \text{ gal/af} = 226.6^* \text{ af/annum}$$

(*) Please refer Dave Tuttle's email, dated 5/23/06, regarding calculating industrial use volume when no information has been submitted by the claimant (in ^{copy} file).

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 9.17.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

As Licensed -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2731

WATER RIGHT NUMBER: 63-2731

Owner Type Name and Address
Current Owner J R SIMPLOT CO
 PO BOX 1059
 CALDWELL, ID 83606
 (208)890-5606

Priority Date: 11/04/1948

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
INDUSTRIAL	/ to /	10.520 CFS
	<u>Total Diversion:</u>	10.520 CFS

Location of Point(s) of Diversion

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

Place of Use

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
04N 03W 19													X	X	X	X	

Conditions of Approval:

1. TRANS. 3194.

Remarks:

Comments:

Current Owner -
G. R. Simplot Co.
P.O. Box 27
Boise 83707

Ⓢ
G. R. Simplot Co. Food
Division
Ⓢ
need volume!

with the result that a change in use analysis is not generally required where a new point of diversion within the same tract is substituted for the old point of diversion. However, "point of diversion" will still be defined in the director's report as the point at which water is diverted from the stream (or other source), because there could be instances in which there is in fact injury to a junior appropriator from a change in PD within the same tract. A change within a tract should be treated as a change for purposes of recommending the claim if injury is apparent from information already available to IDWR. Otherwise, further investigation of injury from a change within a tract will be made only if the issue is raised by an objection to the recommendation of the right.

As the administrator's memorandum implies, an additional PD may be considered a change in use in some circumstances, and should not automatically be considered an expansion. Generally, a partial change in PD results where the claimant established a new PD for a portion of a water right previously appropriated. In such cases, the partial change in PD should be reviewed the same as any other change in PD.

B. CLAIM BASED ON DECREE OR LICENSE

If the claimed PD is the same as shown on the decree or license (as amended by any approved transfers), then no further review of this item is required.

1. PD not stated in decree

The point of diversion is an essential element of a water right. The failure of a decree to include the PD in the listing of rights is an ambiguity in the decree. (See Intro Part J as to res judicata/ambiguity.) In other words, when the decree determined the water right, it necessarily determined the PD as of the same time as the rest of the elements of the water right; the decree just failed to describe it. The relevant question at this point is how to resolve the ambiguity. For purposes of preparing the director's report, it will be assumed that the current PD is the decreed PD, unless there is reason to believe that there has been a change in PD. The PD of a claim based on a decree that does not state the PD should therefore be analyzed the same as the PD of a claim based on beneficial use (but the basis of the claim should not be changed).

2. Verify actual PD

If the actual PD is the same as the PD shown on the decree or license (as amended by any approved transfers), then the actual PD should be recommended, and no further review of this item is required.

If the actual PD is the same as the claimed PD, but is not the same as the PD shown on the decree or license (as amended by any approved transfers), then proceed with the analysis in Part 3 below.

If the actual PD is different than both the claimed PD and the PD shown on the decree or license (as amended by any approved transfers), then proceed with the analysis in Part 3 below, but treat the actual PD as the claimed PD. An amended claim will not be required if the claim is to be recommended with the actual PD.

3. Date of change

Claimant contact

(*) info. requested 6/6/06 + due 6/21/06 (see file)

The claimant should be notified that the claimant must submit the date of the change and some evidence tending to support that date; otherwise the use of water from the new PD will not be recommended due to lack of evidence of a change without injury or a new appropriation not in violation of the mandatory permit statute. (If the change occurred after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after that date.)

If the evidence does not support any finding as to the date of the change, and the PD of the entire right was changed, then the claim should be recommended for disallowal, and should include the following remark: "CHANGE IN USE, INSUFFICIENT EVIDENCE OF DATE OF CHANGE." (P05 and condition P05)

If the evidence does not support any finding as to the date of the change, and the PD of a portion of the right was changed, then the portion of the right still used at the original PD should be verified and only that portion should be recommended. The claim should include the following condition: "CHANGE IN USE OF PORTION OF RIGHT; RIGHT LIMITED TO UNCHANGED PORTION DUE TO INSUFFICIENT EVIDENCE OF DATE OF CHANGE." (C07)

If the evidence supports a finding that the change occurred after November 19, 1987, then the PD shown on the license or decree should be recommended.

If the evidence supports a finding that the change occurred prior to November 19, 1982, then the claimed PD should be recommended, and the claim should include the following remark: "RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A." (C03)

NOTE: As to change in PD more than five years prior to commencement: First, if it is apparent from information already available to IDWR that the change resulted in substantial injury, then the claim should be referred for

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 63-2731

03/17/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~2731~~	~~Claim~~	~~04N~~	~~03W~~	~~19~~	~~NE~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
3107	Claim	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
4968	Claim	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
5036	Claim	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
5039	Claim	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
10034	Claim	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
~~2731~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~NE~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
3107	Water Right	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
4968	Water Right	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
5036	Water Right	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
5039	Water Right	04N	03W	19	NE	SE		INDUSTRIAL		J R SIMPLOT CO
~~21554~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~NW~~	~~SE~~		~~STOCKWATER~~		~~SIMPLOT LIVESTOCK CO~~
~~2731~~	~~Claim~~	~~04N~~	~~03W~~	~~19~~	~~NW~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
5037	Claim	04N	03W	19	NW	SE		INDUSTRIAL		J R SIMPLOT CO
~~2731~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~NW~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
5037	Water Right	04N	03W	19	NW	SE		INDUSTRIAL		J R SIMPLOT CO
~~21554~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~NW~~	~~SE~~		~~DOMESTIC~~		~~SIMPLOT LIVESTOCK CO~~
~~2731~~	~~Claim~~	~~04N~~	~~03W~~	~~19~~	~~SW~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
~~2731~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~SW~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
~~2731~~	~~Claim~~	~~04N~~	~~03W~~	~~19~~	~~SE~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~
~~2731~~	~~Water Right~~	~~04N~~	~~03W~~	~~19~~	~~SE~~	~~SE~~		~~INDUSTRIAL~~		~~J R SIMPLOT CO~~

overlap - in NESE, S 19 :

63-3107

63-4968

63-5036

63-5039

63-10034

Brown, Kimberly

From: Brown, Kimberly
Sent: Wednesday, June 14, 2006 8:37 AM
To: 'vconrad@simplot.com'
Subject: Commercial/Industrial Use Volume for Simplot Canyon County claims

Mr. Conrad,

When I spoke with you over the telephone on June 6, 2006 regarding my request for evidence of priority and industrial and commercial use volumes for several of Simplot's Canyon County claims, you said that you believed there are no restrictions on volume or consumption, provided the diversion rate does not go beyond what is licensed. I replied that I was not aware of any such policy and that I would speak to my supervisor, Jan Shurte, regarding your assumption.

I met with my supervisor on June 12, 2006 and addressed this issue. Mrs. Shurte is not familiar with any such policy, either. Nevertheless, Mrs. Shurte and I checked several Adjudication and Administrative Memorandums and could find nothing that was applicable.

Therefore, the volume amounts for commercial and industrial uses that I requested from Simplot are required for both beneficial use and licensed claims. Mrs. Shurte suggested that you may want to refer to Idaho Codes 42-1427(2) and 42-1409(i) or speak to Dave Tuthill if you have any further questions regarding this matter.

In addition, I would like to reiterate that our department is under a very tight schedule in the recommendation of Canyon County water right claims, that several of your beneficial use claims will require a field investigation (which is initiated after we receive evidence of priority), and that all of this required information had initially been requested to be submitted by Simplot on April 19, 2006. When nothing had been received by our department on April 19th, another request was made for June 9, 2006. As of this date, nothing has been received. I ask that you provide evidence of priority and the required commercial and/or industrial use volumes as soon as possible.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Evidence of Priority and Commercial/Industrial Use Volume Requests for Simplot's Canyon County Claims

June 6, 2006

Vic Conrad, Water Rights Attorney for the J. R. Simplot Company, called in response to my most recent request for evidence of priority and commercial/industrial use volume requests for all of their applicable claims that I have in Canyon County (see previous e-mails and letters for specific claim numbers).

Regarding the evidence of priority that I have requested several times, Mr. Conrad said that he has been "bogged-down" with evidence of priority requests for Caribou County; which are due on June 16th, 2006. I reminded Mr. Conrad that the Canyon County requested information was due on April 19th, 2006 and when nothing was received, that the due date was extended to June 9th. I also mentioned that our department is under a very tight schedule in the recommendation of Canyon County water right claims and that several of Simplot's beneficial use claims will require a field investigation; which is normally initiated only after we receive evidence of priority.

Regarding the request for industrial/commercial use volumes for licensed rights, Mr. Conrad said that he believed there are no restrictions on volume or consumption; provided the diversion rate does not go beyond what is licensed. Mr. Conrad said that he believed that this policy originated with a department memorandum or a policy memorandum written by Norm Young. I replied that I was not familiar with any such policy, but that I would speak with my supervisor, Jan Shurte, regarding this assumption and get back to him within the next few days.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 6, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

J R SIMPLOT CO
ENV AND REGULATORY AFFAIRS
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: Snake River Basin Claim No(s): 63-2731, 63-3107, 63-7244, & 63-10034

Dear Claimant,

Please fill-out the *Industrial Use Volume* questionnaires for Claim Nos. **63-2731, 63-3107, 63-7244, & 63-10034** and submit them to the IDWR Western Region office, ATTENTION: Kimberly Brown by June 21, 2006.

In addition, during my review of **63-2731, 63-3107, 63-7244, & 63-10034**, I found that fewer wells were licensed than what was claimed by your company. For example, for Claim No. 63-2731, four wells were licensed for this water right and 14 wells were claimed. It is necessary that you submit (for all four of the claims listed above):

1. the date of this change and
2. evidence to support this change.

The date of this change and the required evidence supporting this change must also be submitted by June 21, 2006. If I do not receive this information by June 21, 2006; the use of water from the new points of diversion will not be recommended due to lack of evidence of a change without injury or new appropriation not in violation of the mandatory permit statute.

Please contact me at #334-2190 if you have any questions.

Respectfully Submitted,

Kimberly Brown
Water Resource Agent
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 6, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

J R SIMPLOT CO
ENV AND REGULATORY AFFAIRS
ATTN: VIC CONRAD
P.O. BOX 27
BOISE ID 83707

RE: Snake River Basin Claim No(s): A63-2731

Dear Claimant,

During my review of Claim No. 63-2731, I found that 4 wells were licensed for this water right and that 14 wells were claimed. Since Transfer No. 3194 is still pending, it is necessary that you submit both:

1. the date of this change and
2. evidence to support this change.

The date of this change and the required evidence supporting this change needs to be submitted by June 21, 2006. Please contact me at #334-2190 if you have any questions.

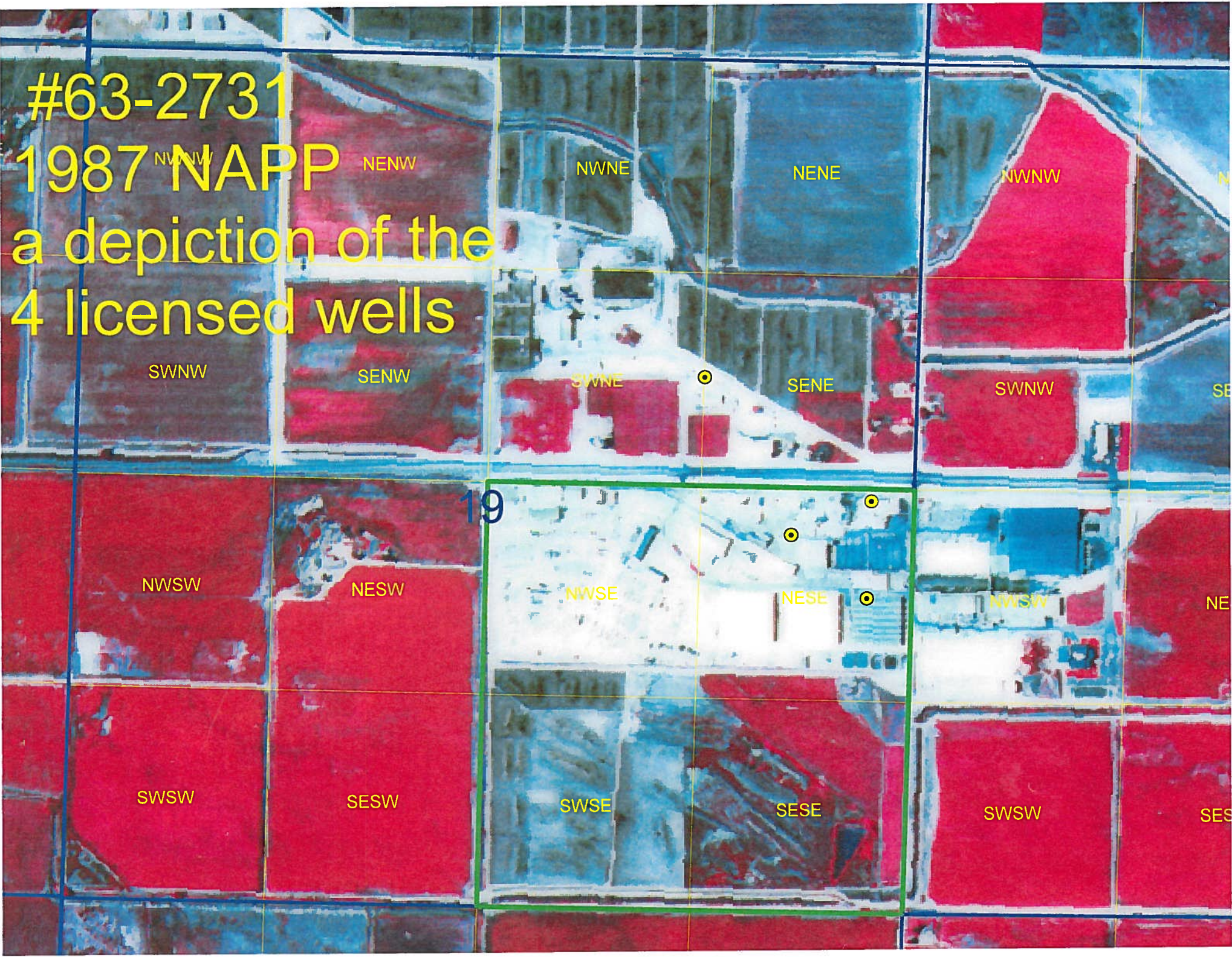
If I do not receive this information by June 21, 2006; the use of water from the new points of diversion will not be recommended due to lack of evidence of a change without injury or a new appropriation not in violation of the mandatory permit statute.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Kimberly Brown'. The signature is written in a cursive, flowing style.

Kimberly Brown
Senior Water Resource Agent
Western Region Adjudication Bureau

Enclosure: 1987 NAPP



#63-2731
1987 NAPP
a depiction of the
4 licensed wells

19

Receipt Details for ID C015841

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 10:48:32 AM	3/22/1990	State	\$5,363.80	Check
Payer	J. R. SIMPLOT COMPANY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
48902			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5,363.80	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2731		\$1,102.00	Claim
63	3107		\$272.80	Claim
63	4968		\$117.00	Claim
63	5036		\$317.00	Claim
63	5037		\$273.00	Claim
63	5038		\$388.00	Claim
63	5039		\$228.00	Claim
63	7244		\$572.00	Claim
63	10034		\$1,030.00	Claim

63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim
63	21597	\$25.00	Claim
63	21598	\$94.00	Claim
63	21599	\$25.00	Claim
63	21734	\$699.00	Claim
63	2731	\$1,102.00	Claim
63	3107	\$272.80	Claim
63	4968	\$117.00	Claim
63	5036	\$317.00	Claim
63	5037	\$273.00	Claim
63	5038	\$388.00	Claim
63	5039	\$228.00	Claim
63	7244	\$572.00	Claim
63	10034	\$1,030.00	Claim
63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim

[Print Report](#)

Transfer No. 3194Water Right No. 63-2731

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

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant J. R. Simplot Co. Phone 459-0071
Post Office address P. O. Box 1059 Caldwell, ID 83605

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to J. R. Simplot Co.
(Name)
in case of _____ vs _____
dated in 11-4-48 in _____ county of _____
(Name of court)
- b. License No. 20735 (63-2731) issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Well tributary to _____4. Date of priority 11-4-48

5. Water is used for the following purposes:

amount 10.52 CFS for Industrial Processing purposes from 1/1 to 12/31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 10.52 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19
Township 4N Range 3W, B.M., in Canyon County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	3W	19													X	X	X	X	

Total number of acres to be irrigated _____

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

MICROFILMED

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
b. _____ &/or _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

MICROFILMED

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 10.52 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Well
 - c. Describe the reasons for the proposed changes To have a sand free well
2. Change in point of diversion

Point of diversion NW ¼ SW ¼, Section 20 Township 4N
Range 3W, B.M., Canyon County
Additional points NESE Sec. 19 T4N R3W
3. Change in place of use NO CHANGE
 - a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes NO No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands and place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

T 4N R 36W

Oldwell IX

Newwell XI

Section 19

Section 20

SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

MICROFILMED

D. REMARKS

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

I understand that any willfull misrepresentations made in this application may result in volding its approval.

Don Martin
(Signature of Applicant)
Materials Manager

Subscribed and sworn to before me this 25th day of July, 19 85

Shirley F. Rife
(Notary Public)

My commission expires 2-13-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2731
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 17th day of September, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by mm Date 7-26-85 Protest filed by _____
Prelim. check by CHS Fee 50.00 36129 _____
Recelpted by JP Date 8/12/85 _____
Published in Press-Tribune Copies of protest forwarded by _____
Pub. dates 8/22 & 8/29/85 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DRT Sum

State of Idaho

Water License No. 20735

Amount 10.52 second feet

Water District No.

Priority November 4, 1948

THIS IS TO CERTIFY that J. R. SIMPLOT COMPANY
of Caldwell, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 4, 1948; that Permit No. 20735
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
10.52 second feet, was issued thereunder on March 4, 1950, showing that said works
were completed on the 6th day of January, 1949; and that on the 6th
day of January, 1949,

J. R. SIMPLOT COMPANY

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of four wells, a tributary of _____, for the purpose of manufacturing and fire protection, under Use Permit No. 20735 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 _____ of Licenses at page 4510, on the 4th day of March, 1950:

The right hereby confirmed dates from November 4, 1948:

The Points of Diversion ~~located~~ in the SE ~~NE~~ and
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Twp. 4 N., R. 8 W., B. M. Saylor 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 10.62 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Manufacturing and processing plant of J. R. Simplot Company, located in the Southeast Quarter of Section 19, Township 4 North, Range 3 West, B.M.		

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
4th day of March, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

N^o 20735
63-2731

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28376
PERMIT No. 20735
DISTRICT No.

R. I. Troxell & C. R. Donaldson
Continental Bank Bldg., Boise, Idaho

1. Name of Applicant: J. R. SIMPLOT COMPANY

Postoffice address: 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:
- (b) Treasury stock:
 - (d) Other resources:

- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 10.52 cubic feet per second.

3. Source of water supply: Subterranean flow (4 wells) which is a tributary of
Well # 1-2.25 c.f.s. Well # 2- 3.77 c.f.s. Well # 3-2.25 c.f.s. Well # 4-2.25 c.f.s.

4. Location of point of diversion: See Remarks feet distant from the
corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 19 , T. 4 N. , R. 3 W. , B.M., County of Canyon

5. Water is to be used for Manufacturing purposes and fire protection

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

(a) Point of use of water: See Remarks feet distant from corner of Section
T. , R. , B.M., in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 , T. 4 N. , R. 3 W. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to Adjacent drain ditch at a point feet
distant from the corner of Section , T. , R. , B.M., in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 19 , T. 4 N. , R. 3 W. , B.M.

7. Estimated cost of works: \$ 16,000.00

8. Kind of works: Wells, deep well turbine pumps and casing

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 feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water 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 years. Wells have been completed and
water has already been applied to a beneficial use. See Remarks.

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

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
REMARKS (Continued)			<u>SIZE AND DESCRIPTION:</u> Well # 1- Depth 325 ft., flowing well, 325 ft. of solid casing to the bottom. Well # 2- Depth 187 ft., 95 ft. of solid casing, the rest perforated casing to the bottom. Well # 3- Depth 140 ft., 45 ft. of solid casing, the rest perforated casing to the bottom. Well # 4- Depth 117 ft., 67 ft. of solid casing, the rest perforated casing to the bottom. 12 and 13: Well # 1- The water of the well was first appropriated for a beneficial use October, 1942. Well # 2- The water of the well was first appropriated for a beneficial use July, 1943. Well # 3- The water of the well was first appropriated for a beneficial use April, 1944. Well # 4- The water of the well was first appropriated for a beneficial use August, 1947. Permit No. 20735 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that J. R. SIMPLOT COMPANY of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. 20735, issued upon Application No. 26376 bearing date of priority of November 4, 1948, as the diversion of 10.52 second feet of the waters of subterranean flow from four wells, County of Canyon, State of Idaho, for manufacturing and fire protection purposes, has fully complied with the provisions of the laws of the State relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 10.52 second feet of the waters of said well; that the points of diversion of said waters are located in the SE¼ NE¼ and NE¼ SE¼ Section 19, Township 4 North, Range 3 West, B.M. and that the place of use of said waters is at the applicant's manufacturing and processing plant located in the Southeast Quarter of Section 19, Township 4 North, Range 3 West, B.M. Witness my hand this 4th day of March, A. D. 1950. MARK R. KULP State Reclamation Engineer Proof of Completion of Works made January 6, 1950. Certificate of Completion of Works issued March 4, 1950.																
			10.52 SEC. FT. þ 4510																

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

Permit No. 20735This proof is for Completion of works and beneficial use In Water District No. _____1. Name of applicant J. R. Simplot Company, Caldwell, Idaho2. Source of water supply: Subterranean (four wells)
All3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19T. 4 N. R. 3 W. County of Canyon4. Describe works as they exist, giving dimensions and capacities of same:
Well #1. 30 H.P., 3 phase, 1460 R.P.M., 78.39 amps., 60 cycles, 220 volts.
1750 " 71.2/35.6 60 " 440 "Well #3. Pomona 15 H.P., 20.5 amps., full load 1755 R.P.M., 60 cycles, 220/440 volts, 6" discharge
Flow - 125 miners inches, 13' to water table, & 13' drawdown after 24 hrs. of pumping.Well #4. 40 H.P., 3 phase, 1710 R.P.M., 98.4/49.2 amps. 60 cycles, 220 volts.
1470 " 104.2/52.1 " 50 " 440 "Well #2. Pomona 75 H.P., 220 volts, 3 phase, 60 cycles, 178 amps per terminal at
full load, 1770 R.P.M., 8" outlet.5. Water is used for: manufacturing and fire protection6. 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):

Place of use at the manufacturing and processing plant of the company
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, Twp. 4 North, Range 3 West, B. M.

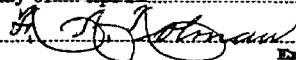
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

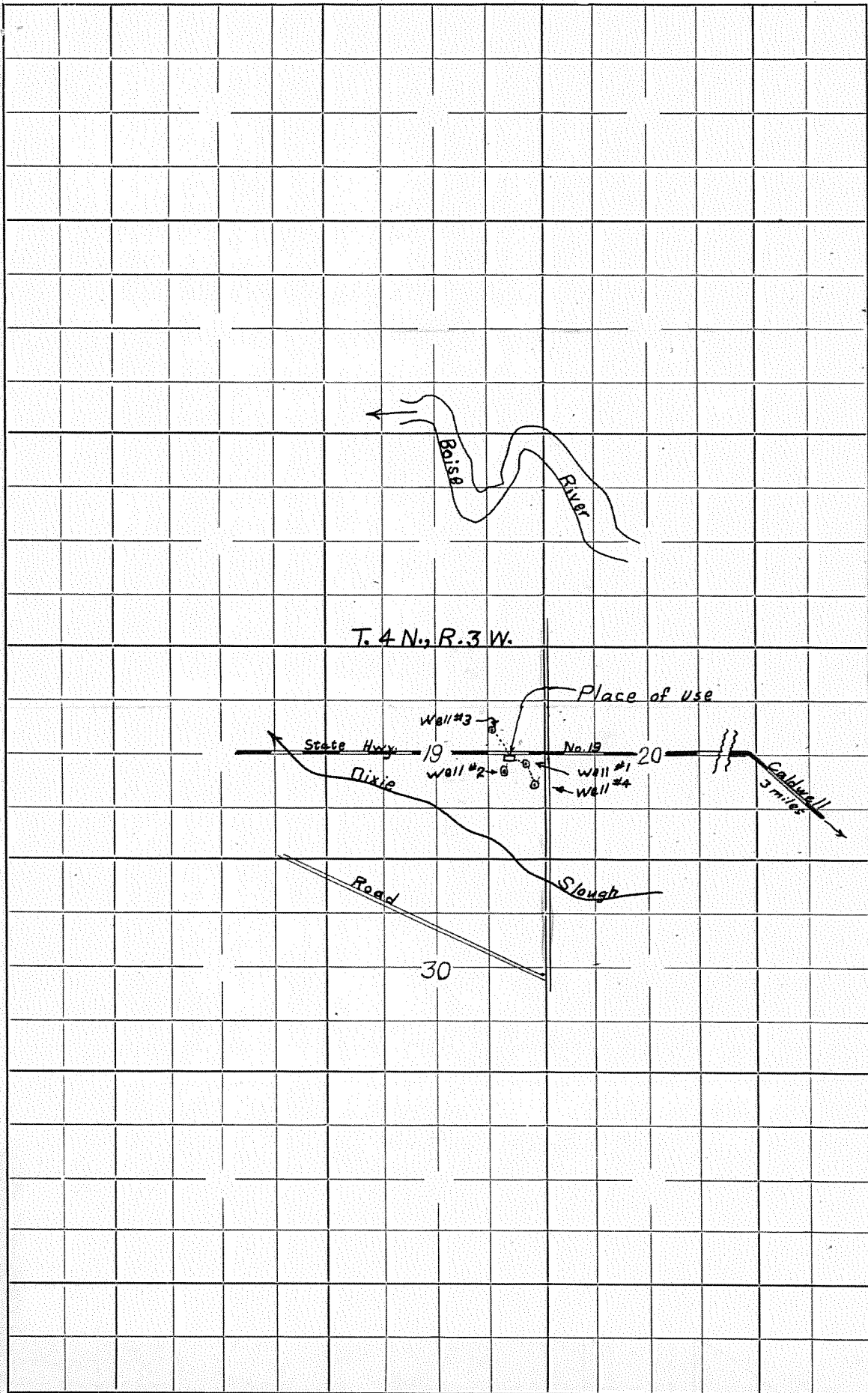
Remarks:

Well #1. 325 ft. deep, solid casing.Well #2. 187 ft. deep, 95 ft. of solid casing, 92 ft. of perforated casing.Well #3. 140 ft. " 45 ft. " " " 95 ft. " " "Well #4. 117 ft. " 67 ft. " " " 50 ft. " " "This examination was made on the 11 th day of April, 1949

(Signed)


Examiner.

20735



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

20735



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,

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

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED
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

1994 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,)

22 Petitioner,)

23 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

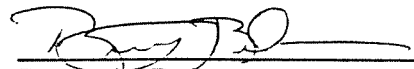
24 The United States; the State of)
25 Idaho; and all claimants to the)
26 use of water from the Snake)
27 River Basin Water System,)

28 Defendants.)

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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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
COSHON, 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
5 P.O. Box 955
6 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
10 P.O. Box 51718
11 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
13 P.O. Box 389
14 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
17 P.O. Box 176
18 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

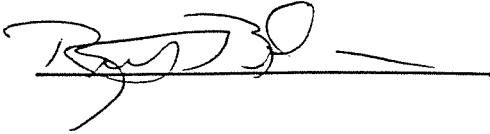
18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
23 P.O. Box 2527
24 Boise, Idaho 83701

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
26 P.O. Box 66
27 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

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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7 5500v
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GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified all thru
C.A.N. program.*

of 2-1-92

MICROFILMED
OCT 02 1996

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

Counterdefendants.)

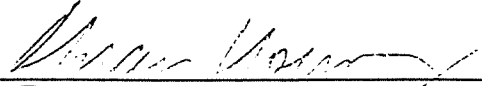
TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By


GRAY YOUNG
Assistant General Counsel

4507v/1-20-92/1:42

MICROFILMED
OCT 02 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

MICROFILMED
OCT 02 1996