

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

RIGHT NUMBER: 63-5039

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:

1.780 CFS1,165.100 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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: 09/15/1947

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 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:

Purpose of use

Period of use:

Quantity:

IRRIGATION03/01 11/151.780 CFS400.50 AFYINDUSTRIAL01/01 12/311.780 CFS764.60 AFY

Industrial use is for food processing plant.

SF5 Right No. 63-5039

PLACE OF USE: IRRIGATION within CANYON County

T04N R03W S07 Lot 6 SWSW 7.0
T04N R03W S07 Lot 7 SESW 3.0
T04N R03W S17 Lot 7 NESW 9.0
T04N R03W S17 Lot 6 NWSW 5.0
T04N R03W S17 SWSW 21.0
T04N R03W S17 SESW 34.0
T04N R03W S18 Lot 3 NWNE 14.0
T04N R03W S18 Lot 4 NENW 31.0
T04N R03W S18 Lot 5 NWNW 35.0
T04N R03W S18 Lot 6 SWNW 29.0
T04N R03W S18 SENW 33.0
T04N R03W S18 NESW 3.0
T04N R03W S18 NESE 1.0
T04N R03W S18 NWSE 12.0
T04N R03W S18 SESE 26.0
T04N R03W S19 NENE 30.0
T04N R03W S19 NENW 24.0
T04N R03W S19 Lot 1 NWNW 25.0
T04N R03W S19 Lot 2 SWNW 31.0
T04N R03W S19 SENW 25.0
T04N R03W S20 NENW 36.0
T04N R03W S20 NWNW 20.0
T04N R03W S20 SWNW 25.0
T04N R03W S20 SENW 32.0
T04N R04W S12 NESE 1.0
T04N R04W S12 Lot 10 NESE 2.0
T04N R04W S12 SESE 1.0
T04N R04W S12 Lot 10 SESE 31.0
T04N R04W S13 NENE 34.0
T04N R04W S13 NWNE 35.0
T04N R04W S13 SWNE 31.0
T04N R04W S13 SENE 33.0
T04N R04W S13 SWNW 30.0
T04N R04W S13 SENW 26.0
T04N R04W S13 NESW 34.0
T04N R04W S13 NWSW 28.0
T04N R04W S13 SWSW 27.0
T04N R04W S13 SESW 30.0
T04N R04W S13 SWSE 33.0
T04N R04W S13 SESE 30.0
T04N R04W S24 NENE 7.0
T04N R04W S24 SENE 9.0

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

SF5 Right No. 63-5039

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 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 S13 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 EESE
T04N R04W S24 NENE
T04N R04W S24 NWNE
T04N R04W S24 SWNE
T04N R04W S24 SENE

933 ACRES TOTAL

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.

This right is limited to the irrigation of 89 acres within the place of use described above in a single irrigation season.

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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

01/27/2009

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

RIGHT NUMBER: 63-5039

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: 1.780 CFS
1,165.100 AFY

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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>
IRRIGATION	03/01 11/15	1.780 CFS 400.50 AFY
INDUSTRIAL	01/01 12/31	1.780 CFS 764.60 AFY

Industrial use is for food processing plant.

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S07 Lot 6 SWSW	7.00	T04N R03W S07 Lot 7 SESW	3.00
T04N R03W S17 Lot 7 NESW	9.00	T04N R03W S17 Lot 6 NWSW	5.00
T04N R03W S17 SWSW	21.00	T04N R03W S17 SESW	34.00
T04N R03W S18 Lot 3 NWNE	14.00	T04N R03W S18 Lot 4 NENW	31.00
T04N R03W S18 Lot 5 NWNW	35.00	T04N R03W S18 Lot 6 SWNW	29.00

01/27/2009

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

T04N R03W S18	SESW	33.00	T04N R03W S18	NESW	3.00
T04N R03W S18	NESE	1.00	T04N R03W S18	NWSE	12.00
T04N R03W S18	SESE	26.00	T04N R03W S19	NENE	30.00
T04N R03W S19	NENW	24.00	T04N R03W S19 Lot 1	NWNW	25.00
T04N R03W S19 Lot 2	SWNW	31.00	T04N R03W S19	SESW	25.00
T04N R03W S20	NENW	36.00	T04N R03W S20	NWNW	20.00
T04N R03W S20	SWNW	25.00	T04N R03W S20	SESW	32.00
T04N R04W S12	NESE	1.00	T04N R04W S12 Lot 10	NESE	2.00
T04N R04W S12	SESE	1.00	T04N R04W S12 Lot 10	SESE	31.00
T04N R04W S13	NENE	34.00	T04N R04W S13	NWNE	35.00
T04N R04W S13	SWNE	31.00	T04N R04W S13	SENE	33.00
T04N R04W S13	SWNW	30.00	T04N R04W S13	SESW	26.00
T04N R04W S13	NESW	34.00	T04N R04W S13	NWSW	28.00
T04N R04W S13	SWSW	27.00	T04N R04W S13	SESW	30.00
T04N R04W S13	SWSE	33.00	T04N R04W S13	SESE	30.00
T04N R04W S24	NENE	7.00	T04N R04W S24	SENE	9.00

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	SESW		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	SESW		T04N R03W S19	NESE	
T04N R03W S19	NWSE		T04N R03W S20	NENW	
T04N R03W S20	NWNW		T04N R03W S20	SWNW	
T04N R03W S20	SESW		T04N R03W S20	NWSW	
T04N R04W S12	NESE		T04N R04W S12 Lot 10	NESE	
T04N R04W S12	SESE		T04N R04W S12 Lot 10	SESE	

01/27/2009

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

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

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Idaho Department of Water Resources

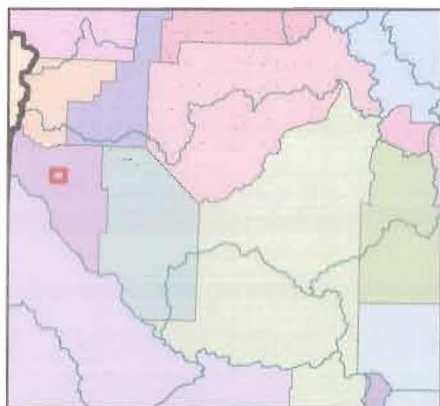
SRBA Recommendation

63-5039

(IRRIGATION)

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



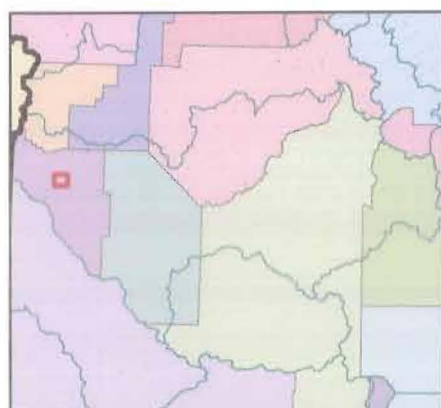


Idaho Department of Water Resources

SRBA Recommendation
63-5039
(INDUSTRIAL)

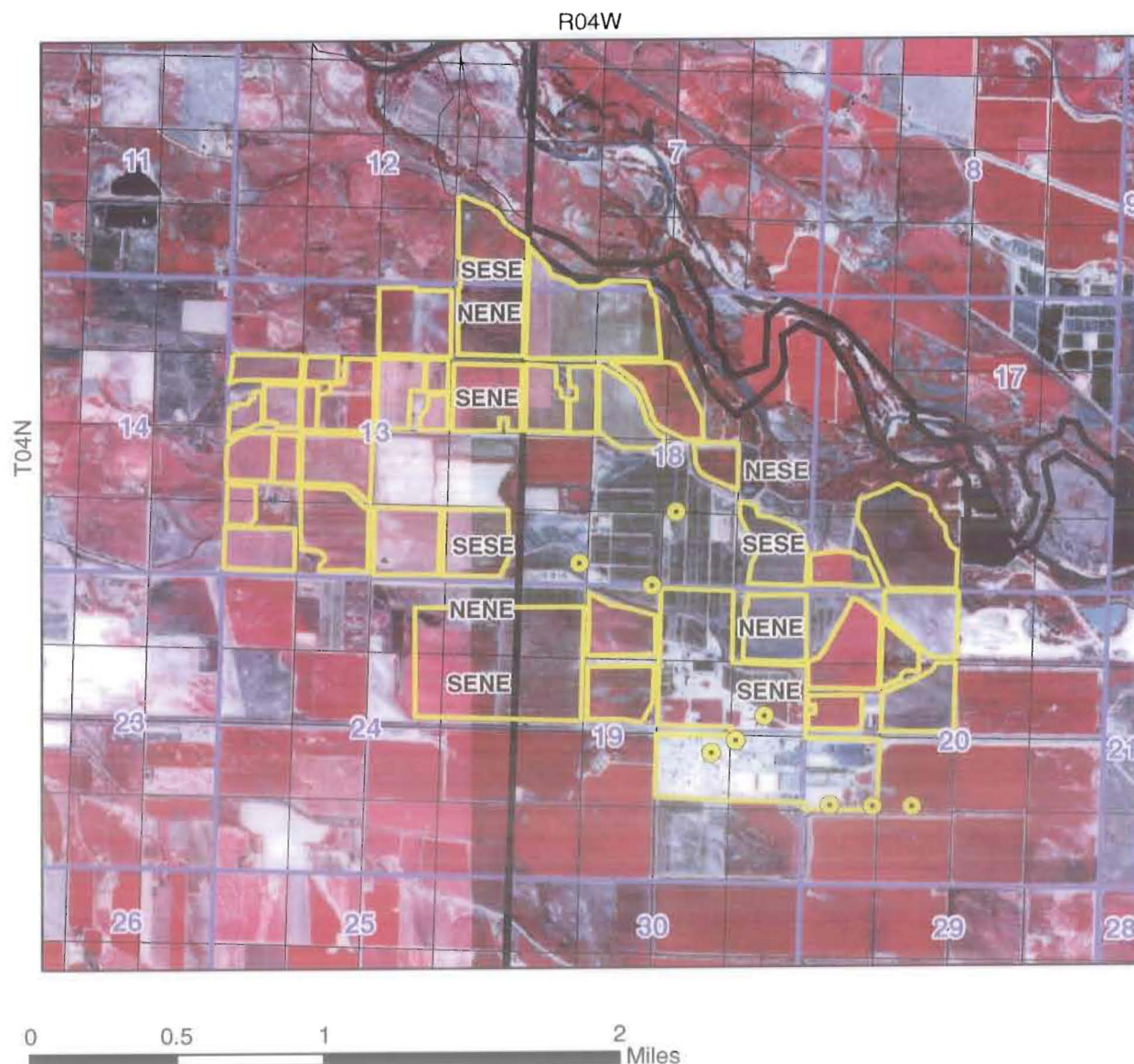
Legend

- 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



MEMORANDUM

TO: SIMPLOT FILES

FROM: KAY WALKER *KW*

RE: ADDITIONAL INFORMATION

Date: September 30, 2008

.....
See file 63-5036 for additional information obtained during field examination and prior to recommendations being made.

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