

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

RIGHT NUMBER: 63-7678

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
134.000 APY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and to 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: 10/26/1972

POINT OF DIVERSION:

T04N R03W S18 SWSW Lot 8 Within CANYON CountyT04N R03W S18 SESW Within CANYON CountyT04N R03W S18 NWSE Within CANYON CountyT04N R03W S19 SENE Within CANYON CountyT04N R03W S19 NESE Within CANYON CountyT04N R03W S19 NWSE Within CANYON CountyT04N R03W S20 NESW Within CANYON CountyT04N R03W S20 NWSW Within CANYON CountyT04N R03W S20 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.400 CFS 134.00 APY

PLACE OF USE: STOCKWATER in CANYON County

<u>T04N R03W S18</u>	<u>NESW</u>	<u>T04N R03W S18 Lot 7 NWSW</u>
<u>T04N R03W S18 Lot 8 SWSW</u>		<u>T04N R03W S18</u>
	<u>SESW</u>	
<u>T04N R03W S18</u>	<u>NESE</u>	<u>T04N R03W S18</u>
	<u>NWSE</u>	
<u>T04N R03W S18</u>	<u>SWSE</u>	<u>T04N R03W S18</u>
	<u>SESE</u>	
<u>T04N R03W S19</u>	<u>NENE</u>	<u>T04N R03W S19</u>
	<u>NWNE</u>	
<u>T04N R03W S19</u>	<u>SWNE</u>	<u>T04N R03W S19</u>
	<u>SENE</u>	
<u>T04N R03W S19 Lot 1 NWNW</u>		<u>T04N R04W S13</u>
	<u>NESW</u>	
<u>T04N R04W S13</u>	<u>SESW</u>	<u>T04N R04W S13</u>
	<u>NESE</u>	
<u>T04N R04W S13</u>	<u>NWSE</u>	<u>T04N R04W S13</u>
	<u>SWSE</u>	

SF5 Right No. 63-7678

<u>T04N R04W S13</u>	<u>SESE</u>	<u>T04N R04W S24</u>	<u>NENE</u>
<u>T04N R04W S24</u>	<u>NWNE</u>	<u>T04N R04W S24</u>	<u>SWNE</u>
<u>T04N R04W S24</u>	<u>SENE</u>		

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

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, and 63-21541.

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

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

Stockwater use is for 10,000 range cattle.

01/27/2009

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

RIGHT NUMBER: 63-7678

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

SOURCE: GROUND WATER

TRIBUTARY:

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T04N R03W S18 SWSW Lot 8 Within CANYON County
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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>
STOCKWATER	01/01 12/31	0.400 CFS 134.00 AFY

PLACE OF USE: STOCKWATER in CANYON County

T04N R03W S18	NESW	T04N R03W S18 Lot 7	NWSW
T04N R03W S18 Lot 8	SWSW	T04N R03W S18	SESW
T04N R03W S18	NESE	T04N R03W S18	NWSE
T04N R03W S18	SWSE	T04N R03W S18	SESE
T04N R03W S19	NENE	T04N R03W S19	NWNE
T04N R03W S19	SWNE	T04N R03W S19	SENE
T04N R03W S19 Lot 1	NWNW	T04N R04W S13	NESW
T04N R04W S13	SESW	T04N R04W S13	NESE
T04N R04W S13	NWSE	T04N R04W S13	SWSE
T04N R04W S13	SESE	T04N R04W S24	NENE

01/27/2009

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

T04N R04W S24	NWNE	T04N R04W S24	SWNE
T04N R04W S24	SENE		

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

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, and 63-21541.

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Idaho Department of Water Resources

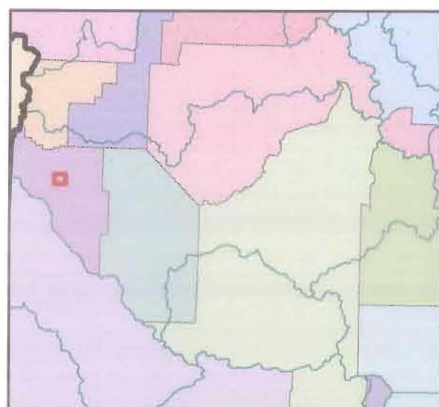
SRBA Recommendation

63-7678

(STOCKWATER)

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: File 63-7678

FROM: KAY WALKER *KW*

RE: Revised Recommendation

Date: December 12, 2008

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The recommendation of this claim was not objected to in the SRBA. The recommendation is based on the right as it was licensed in April of 1979. The claim was submitted showing that this right as part of the integrated system that was in place prior to November of 1987. The evidence submitted regarding the combined system can be found in file 63-5036 under Affidavit by Kenneth Mefford.

After conducting my field exam and review of the exam completed by Carter Fritschle in 1987, I found that the well under this license is no longer used. I am, therefore, changing the recommended point of diversion to the points found to be active under the integrated system. Carter found 5 active wells during his exam and I found that the well known as the "Parking Lot" well could be used as a backup well if needed. I have made my recommendations for the use of 6 wells under the integrated system.

The changes to this recommendation include the correction of the points of diversion, addition of the larger stock water place of use, and a combined use remark that limits all the rights from the integrated system to 12.48 cfs and annual volume of 5779.7 afa. An amended director's report should be submitted to the Court, on this recommendation, when we prepare SF5's for the claims that had been objected to.

MEMORANDUM

TO: SIMPLOT FILES

FROM: KAY WALKER



RE: ADDITIONAL INFORMATION

Date: September 30, 2008

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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} fw



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 black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

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