

12/10/2008

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

RIGHT NUMBER: 63-21561

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.310 CFS  
18.800 AFY

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION:

T04N R03W S29 NENW 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          | 0.310 CFS<br>18.80 AFY |

PLACE OF USE: STOCKWATER in CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R03W S28 | NENW | T04N R03W S28 | NWNW |
| T04N R03W S29 | NENE | T04N R03W S29 | NENW |
| T04N R03W S29 | SWNW | T04N R03W S29 | SENW |

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 - Beneficial Use  
Stockwater use is for 1400 range cattle.



# Idaho Department of Water Resources

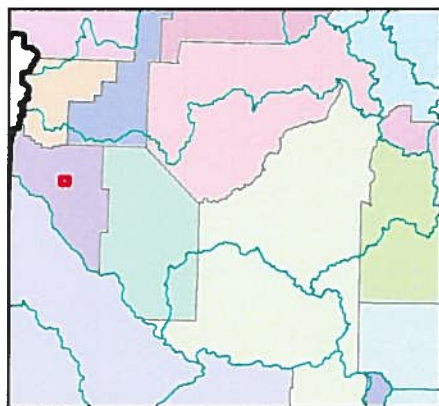
SRBA Recommendation

**63-21561**

(STOCKWATER)

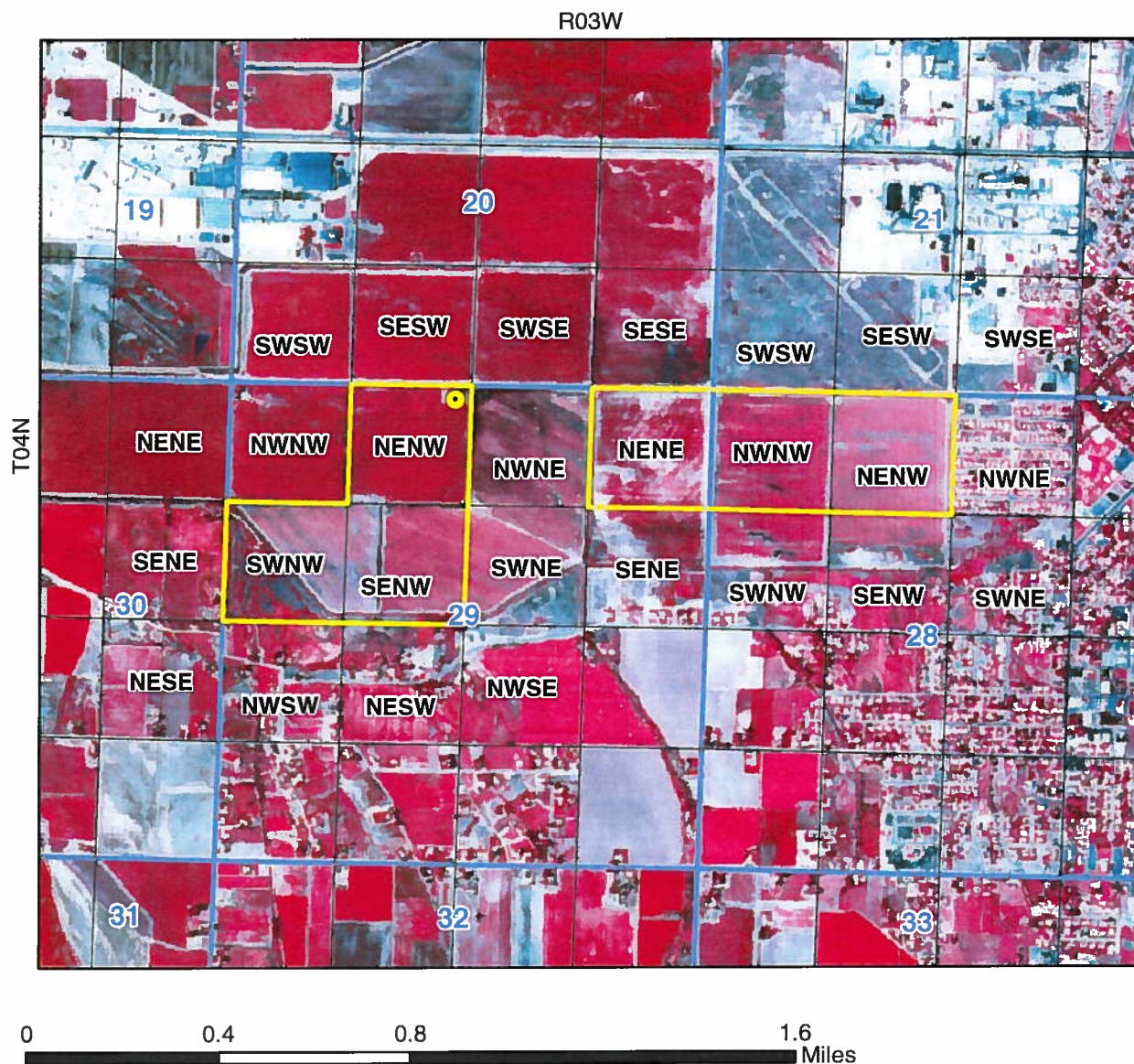
## Legend

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



**Canyon County  
IDWR Basin 63**

Prepared by Kay Walker  
On December 10, 2008  
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. <sup>starting</sup> 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](http://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

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**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

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**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?

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**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 4<sup>th</sup> 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