

07/18/2008

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

---

RIGHT NUMBER: 63-22210

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

SOURCE: BARDSL Y GULCH DRAIN                      TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.500 CFS

PRIORITY DATE: 03/01/1949

POINT OF DIVERSION:

T04N R03W S29 SESE Within CANYON County

Right No. 63-2291 is also diverted through point of diversion described above.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 0.500 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T04N R03W S29 | SWNW | 17.00 | T04N R03W S29 | SENE | 8.00 |
|---------------|------|-------|---------------|------|------|

25 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



# Idaho Department of Water Resources

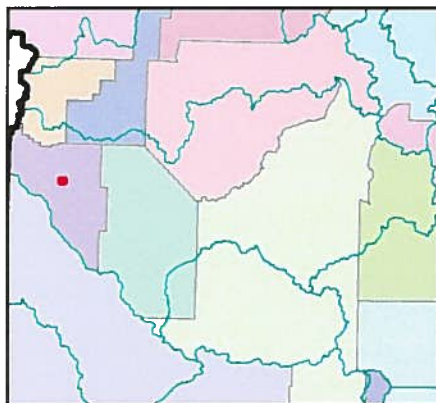
SRBA Recommendation

63-22210

(IRRIGATION)

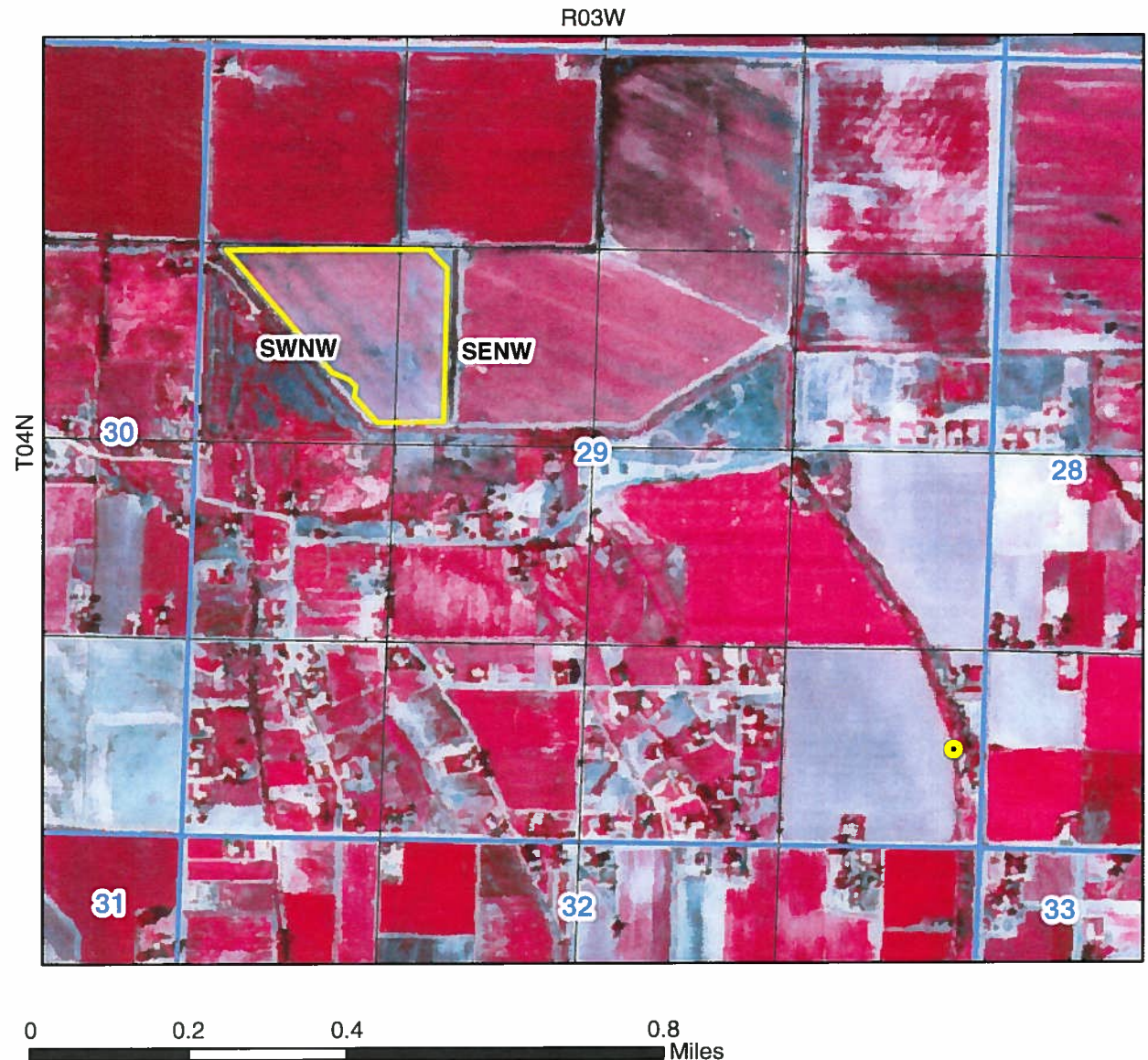
## Legend

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



**Canyon County**  
**IDWR Basin 63**

Prepared by Kay Walker  
On Thursday, July 17, 2008  
1987/88 Aerial Photography



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22210 V2

WATER RIGHT NUMBER: 63-22210 V2

|                   |                                                                                                                                        |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                                |
| Current Owner     | SIMPLOT LIVESTOCK CO<br>PO BOX 27<br>BOISE, ID 83707                                                                                   |
| Attorney          | J R SIMPLOT CO<br>ENV AND REGULATORY AFFAIRS<br>ATTN: GRAY YOUNG OR TERRY UHLING<br>PO BOX 27<br>BOISE, ID 83707-0027<br>(208)389-7318 |

Priority Date: 03/15/1949

Basis: Beneficial Use

Status: Active

|                     |                  |
|---------------------|------------------|
| <u>Source</u>       | <u>Tributary</u> |
| BARDSLY GULCH DRAIN | SNAKE RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 0.500 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.500 CFS             |                      |

Location of Point(s) of Diversion

|                     |            |                                 |
|---------------------|------------|---------------------------------|
| BARDSLY GULCH DRAIN | SE1/4SE1/4 | Sec. 29, Twp 04N, Rge 03W, B.M. |
| CANYON County       |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |      |     | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|------|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW   | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 03W | 29  |    |    |    |    |    |    | 17.0 | 8.0 |    |    |    |    |    |    |    |    | 25.0   |

Total Acres: 25

Conditions of Approval:

1. G21 The source of this water right is waste water. The wasting of water may be discontinued at any time.
2. C18 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.
3. F05 Right No. 63-2291 is also diverted through point of diversion described above.
4. R65 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.

NOT IN  
PIONEER IRRIG.  
Boundary

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-22210 V2

Remarks:Comments:

1. kwalker 7/17/2008 Recommendation

Comment: Recommendation can be changed from disallow due to submittal of evidence of priority. Evidence submitted consists of aerial photo dated 6-12-1949 and land was definitely irrigated at that time. Recommend priority of 1st day of irrigation season in 1949.

Dates and Other Information:

Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Defendant:  
Plaintiff:  
Civil Case Number:  
Judicial District:  
Notice of Error Flag:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 7/17/2008 1:48:22 PM      | kwalker         |                           |                 | Active        |
| Priority Date  | 7/17/2008 1:50:34 PM      | kwalker         |                           |                 | Active        |
| POD            | 7/17/2008 1:51:56 PM      | kwalker         |                           |                 | Active        |
| Source         | 7/17/2008 2:23:59 PM      | kwalker         |                           |                 | Active        |
| POU            | 7/17/2008 2:36:05 PM      | kwalker         |                           |                 | Active        |
| Use            | 7/17/2008 2:55:16 PM      | kwalker         |                           |                 | Active        |
| Season         | 7/17/2008 2:58:24 PM      | kwalker         |                           |                 | Active        |
| Quantity       | 7/17/2008 2:59:16 PM      | kwalker         |                           |                 | Active        |
| Summary        |                           |                 | 07/17/2008                | kwalker         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
| POD            | 7/17/2008 1:55:00 PM   | kwalker         | Updated Shape   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-22210 V2

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------|----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 7/17/2008 2:55:15 PM | kwalker | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - In office verification</p>                                                                                                                                                             |
| Season   | 7/17/2008 2:58:24 PM | kwalker | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                  |
| Quantity | 7/17/2008 2:59:16 PM | kwalker | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(Yes) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - See field examination of 63-2291 which is same system.</p> |
| POU      | 7/17/2008 2:52:35 PM | kwalker | Updated Shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Source   | 7/17/2008 2:23:59 PM | kwalker | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(Yes) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - 1958 topo map in File 63-2291</p>                                                                                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-22210 V2

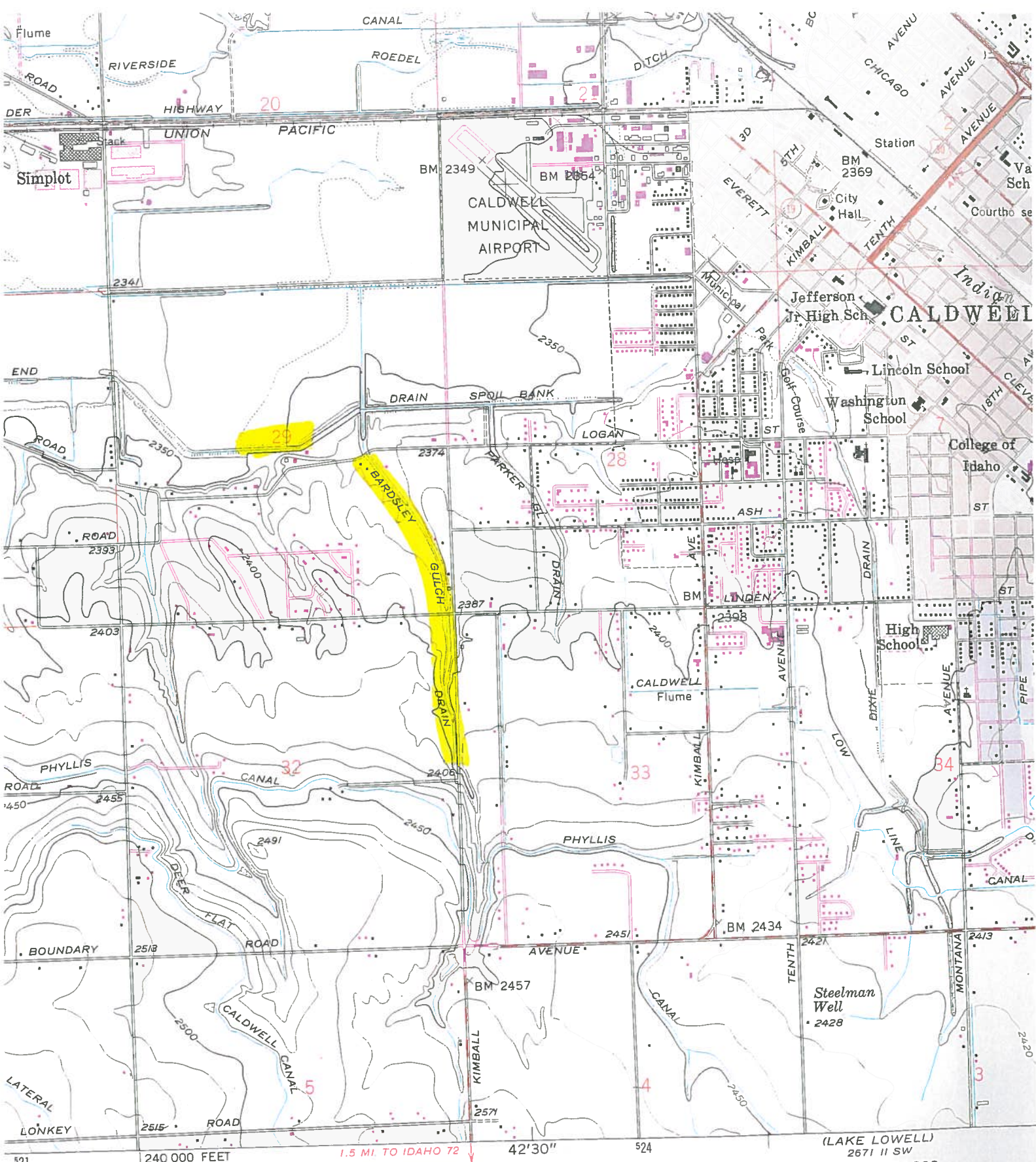
|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 7/17/2008 2:36:05 PM | kwalker | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - 6-12-1949 aerial photo & 1987 aerial photo                                                                                                                                      |
| POU      | 7/17/2008 2:41:27 PM | kwalker | Updated Shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 7/17/2008 2:42:24 PM | kwalker | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POU      | 7/17/2008 2:45:34 PM | kwalker | Updated Shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 7/17/2008 2:46:10 PM | kwalker | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POU      | 7/17/2008 2:49:28 PM | kwalker | Updated Shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 7/17/2008 2:54:14 PM | kwalker | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Summary  | 7/17/2008 3:34:59 PM | kwalker | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(No) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Contacts | 7/17/2008 1:48:22 PM | kwalker | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: This claim is for an expansion of licensed right. When exam done on Rt. 63-2291 the examiner found 4.0 cfs could be diverted. Recommend using that information to substantiate this claim.                                                                                                                                                                                                                                                                                                                      |

## IDAHO DEPARTMENT OF WATER RESOURCES

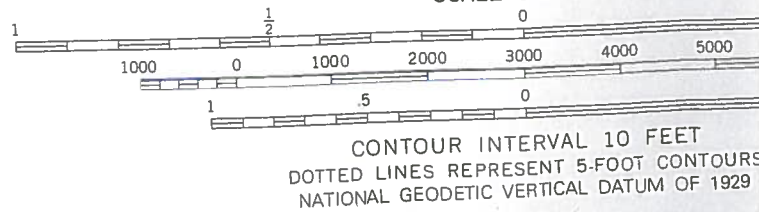
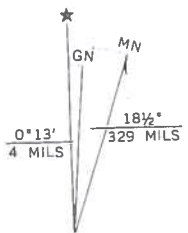
## Adjudication Recommendation Report 63-22210 V2

|         |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------|----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | 7/17/2008 1:50:34 PM | kwalker | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - Aerial photograph dated 6-01-1949. Claim filed for 1-1-1940 but recommend first day of irrigation season in 1949 as priority. |
| POD     | 7/17/2008 1:51:56 PM | kwalker | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(Yes) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POD     | 7/17/2008 1:56:00 PM | kwalker | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Water Supply Bank:



Published by the Geological Survey  
 C&GS  
 Photographs by photogrammetric methods  
 1958. Aerial photographs taken 1954  
 1927 North American datum  
 in Idaho coordinate system, west zone  
 transverse Mercator grid ticks,



(LAKE LOWELL)  
 2671 II SW  
 SCALE: 1:24 000

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 12291

Amount 2.0 sec. ft

Water District No. 22

Priority 6-10-1916

THIS IS TO CERTIFY that Charles C. Picard and M. A. Roberts of Caldwell, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated June 10, 1916, that Permit No. 12291 was issued under said application; that on June 10, 1916, a water right carrying capacity of 2.0 second feet, was issued thereunder; that on June 10, 1917, showing that said works were completed on the 10th day of June, 1917, and that on the 20th day of June, 1917.

Charles C. Picard and M. A. Roberts

of Caldwell, State of Idaho made proof to the satisfaction of the Commissioner of Reclamation, Barusley Gulch, a tributary of Snake River, for the purpose of irrigation and domestic use under Use Permit No. 12291 of the State Engineer, 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 Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2556, on the 26th day of May, 1920.

The right hereby confirmed dates from June 10, 1916.

The Point of Diversion is located in the SE 1/4 of SE 1/4, Sec. 29, T. 4 N., R. 3 W., B. M. County of Canyon.

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 2.0 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|------|------------------|-------------------------------|------------------------------|
| 4 N  | 3 W   | 29   | NW 1/4           | 40                            | 40                           |
|      |       |      | SW 1/4           | 40                            | 40                           |
|      |       |      | NW 1/4           | 40                            | 20                           |
|      |       |      |                  |                               | Total 100                    |

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 26th day of May, 1920.

(SEAL)

W. A. SWEETMAN  
Commissioner of Reclamation - State Engineer

63 12291

# REPORT OF ENGINEER

This proof is for beneficial use

In Water District No. 12 A

Permit: 12291

1. State name of applicant and number of permit: Charles C. Picard and M. A. Roberts
2. State source of water supply: Bardsley Gulch
3. Location of point of diversion: SE 1/4 Sec. 29, T. 4 N., R. 3 W. B. M.

4. Describe works as they exist, giving dimensions and capacities of same: Combined wooden dam, head-gate and flume, with waste-gate. 10 ft. wide, 4 ft. high. Ditch 2 ft. wide, 2 ft. deep. Capacity 4 sec. ft.

5. State whether or not water has been turned into works of diversion: Yes.

6. Give exact location 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 for other than irrigation): NW 1/4, SW 1/4, NW 1/4, Sec. 29, T. 4 N., R. 3 W. B. M.

~~200 acres SE 1/4, NE 1/4, NW 1/4, and NW 1/4, Sec. 29, T. 4 N., R. 3 W. B. M.~~

7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Two.
9. Give names and amount of each right: Charles C. Picard and M. A. Roberts. Each own half of the water.

10. What large stream would the water here appropriated finally reach? Snake River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Thru drains to Boise River to Snake River.

Remarks: Land cleared, partly plowed.

This examination was made on the 8 day of Apr. 1920.

(Signed)

L. R. Annett  
L. R. Annett.

Examiner.

NAME OF APPLICANT *Charles G. Howard and M. F. [unclear] parts per 12291*

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC  
29  
20

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

*Barclay G. [unclear]*

*0.1*

*HG*

*MC*

*FM: A3W*

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22210 V1

WATER RIGHT NUMBER: 63-22210 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                                |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | SIMPLOT LIVESTOCK CO<br>PO BOX 27<br>BOISE, ID 83707                                                                                   |
| Attorney          | J R SIMPLOT CO<br>ENV AND REGULATORY AFFAIRS<br>ATTN: GRAY YOUNG OR TERRY UHLING<br>PO BOX 27<br>BOISE, ID 83707-0027<br>(208)389-7318 |

Priority Date: 01/01/1940

Basis: Beneficial Use

Status: Closed

| <u>Source</u>       | <u>Tributary</u> |
|---------------------|------------------|
| BARDSLY GULCH DRAIN | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.500 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.500 CFS             |                      |

Location of Point(s) of Diversion

|                     |            |                                 |
|---------------------|------------|---------------------------------|
| BARDSLY GULCH DRAIN | SE1/4SE1/4 | Sec. 29, Twp 04N, Rge 03W, B.M. |
| CANYON County       |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |      |     | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|------|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW   | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 03W | 29  |    |    |    |    |    |    | 20.0 | 5.0 |    |    |    |    |    |    |    |    | 25.0   |

Total Acres: 25

Conditions of Approval:

1. P13 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.
2. P03 No beneficial use found.
3. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-22210 V1

Comments:

1. kbrown 9/20/2006 Reason for Disallowal

Comment: A request for evidence of the priority date was sent on 3/22/06; with a due date of 4/19/06. When nothing was received by 4/19, I sent an email message to Vic Conrad, Simplots attorney, on 5/30/06. In response, Mr. Conrad called and spoke with me on 6/06/06 and, per our conversation, the due date was extended to 6/09/06. When nothing was received by June 9th, I sent a second email message to Mr. Conrad on 6/14/06 and, as of this date, no evidence of the priority date has been received. Therefore, this claim is being recommended as disallowed due to lack of evidence of priority. (See file for copies of the email messages and the conversation memorandum.)

Dates and Other Information:

Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Defendant:  
Plaintiff:  
Civil Case Number:  
Judicial District:  
Notice of Error Flag:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 03/24/2006                | lharris         | Closed        |
| Contacts       | 9/20/2006 11:45:36 AM     | kbrown          |                           |                 | Closed        |
| Summary        |                           |                 | 09/20/2006                | kbrown          | Closed        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 9/20/2006 11:45:36 AM  | kbrown          | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Disallowed due to lack of evidence of the priority date. |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-22210 V1

|         |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------|-----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 9/20/2006 11:47:33 AM | kbrown  | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(No) 4. Is any portion of the claim be recommended?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Summary | 3/24/2006 8:18:43 AM  | lharris | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?                                                                                                                                                                                                                                                                                                                                                                       |

## SubCase:

SubCase Number: 63-22210  
Class: 1  
SF5 Filed Date:  
Special Master Recom Signed Date:  
Attorney Assigned:  
Adjudication Agent: kbrown  
Basis of Claim: Beneficial Use  
Date Filed: 6/13/2007 Objection Status: Active

Water Supply Bank:

**Legend - 2004 photography**

-  63-22210
-  Sections



IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-22210

07/17/2008

1

| Right # | Type  | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                 |
|---------|-------|-----|-----|-----|----|----|-----|----------------|-------------|----------------------|
| 22210   | Claim | 04N | 03W | 29  | SW | NW |     | IRRIGATION     | 20/25       | SIMPLOT LIVESTOCK CO |
| 2570    | Claim | 04N | 03W | 29  | SW | NW |     | IRRIGATION     | 20/546      | J R SIMPLOT COMPANY  |
| 2210    | Claim | 04N | 03W | 29  | SE | NW |     | IRRIGATION     | 5/25        | SIMPLOT LIVESTOCK CO |
| 2570    | Claim | 04N | 03W | 29  | SE | NW |     | IRRIGATION     | 40/546      | J R SIMPLOT COMPANY  |

6-12-'49

4N1W

DAY-2F-20

5 1/2 NW  
29



6-12-49

DAV-2F-20



RECEIVED

JUL 15 2008

WATER RESOURCES  
WESTERN REGION

Sec 29-4N-3W

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> 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](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 black ink that reads "Kay Walker". The signature is written in a cursive style with a large, looped "K" and "W".

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 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