

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 63-32571
Date Received: 11/16/2006
Receipt No: W034887
Received By: W034923

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 30 2006

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

J R SIMPLOT COMPANY Phone: (208)336-2110
C/O TERRY T UHLING
999 MAIN ST SUITE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 03/15/1957

3. Source: DIXIE SLOUGH Trib. to: WEST END DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	29	NE NE NE	CANYON	

5. Description of diverting works:

Check dam, pump, ditches, pipelines.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.68	

7. Total Quantity Appropriated is:
2.68 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	19	SE	SE	IRRIGATION	12
					Section Acres	12
04N	03W	20	SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	25
					Section Acres	65
04N	03W	29	NE	NW	IRRIGATION	2
			NW	NW	IRRIGATION	5
			NW	NE	IRRIGATION	40
					Section Acres	47
					Total Acres	124

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: 63-2291, 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-10034, 63-21537, 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734

14. Remarks:

15. Basis of Claim: Beneficial Use

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of J.R. Simplot Company, that I have signed the foregoing document in the space below as Senior Vice President, Secretary and General Counsel of J.R. Simplot Company and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sr. VP, Sec + Gen Counsel
Title and Organization

11/27/06
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 27 of Nov 2006

Nel Janet Vannors

Notary Public

Residing at Boise, Idaho

My commission Expires 10/29/08

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 **A63-32571**
Date Received: **11-16-06**
Receipt No: **W034887**
Received By:

RECEIVED

NOV 16 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J. R. Simplot Company Phone: (208)336-2110
C/O Terry T. Uhling
999 Main Street Suite 1300
PO Box 27
Boise ID 83707

2. Date of Priority: 03/15/1957

3. Source: Dixie Slough Trib. to: West End Drain

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
4N	3W	29	NE NE NE	Canyon	

5. Description of diverting works:

Check Dam, pump, ditches, pipelines

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.68	

7. Total Quantity Appropriated is:
2.68 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	19	SE	SE	IRRIGATION	12
					Section Acres	12
4N	3W	20	SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	25
					Section Acres	65
4N	3W	29	NW	NE	IRRIGATION	2040
			NW	NW	IRRIGATION	5
			NE	NW	IRRIGATION	2
					Section Acres	5741
					Total Acres	134124

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: 63-2291, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-21537, 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734, 63-2731, 63-3107, 63-10034

14. Remarks:

15. Basis of Claim: Beneficial Use

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: 1 copy 1957 aerial photograph

For Organizations:

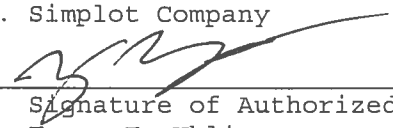
I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of _____ Title

J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Senior Vice President, Secretary and General Counsel
of _____ Title

J. R. Simplot Company and that the statements contained in the
Organization J. R. Simplot Company

foregoing document are true and correct.



Signature of Authorized Agent
Terry T. Uhling
Senior Vice President, Secretary and
General Counsel

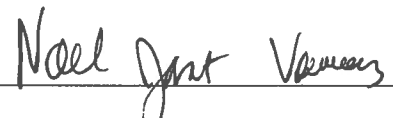
Title and Organization
11/11/06

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of November 2006



Notary Public

Residing at Boise

My commission Expires 10/29/08

7-4-57

DHV-2



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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 26 2009

By _____ Clerk
Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-32571

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

SOURCE: DIXIE SLOUGH TRIBUTARY: WEST END DRAIN

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

QUANTITY: 2.48 CFS

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre at the field headgates.
Right Nos. 63-32570 and 63-32571 are limited to a total combined
diversion rate of 10.95 cfs.

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION: T04N R03W S29 NENENE Within Canyon County

The following rights are diverted through point of diversion
described above: 63-32570

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.48 CFS

PLACE OF USE:	Irrigation	Within Canyon County
	T04N R03W S19	NESE 2.0 SESE 11.0
	S20	SWSE 38.0 SESE 35.0
	S29	NWNE 38.0
	124.0 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. 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

RECOMMENDATION

JUN 26 2009

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-32571 File Number: 02240

PAGE 1
Jun-18-2009

Walker, Kay

From: Walker, Kay
Sent: Wednesday, May 13, 2009 10:09 AM
To: Vic Conrad
Cc: Walker, Kay
Subject: Waste water conditions on Dixie Slough recommendations 63-32570 & 63-32571

Hi, Vic.

I talked to Jan about the Dixie Slough recommendations and she said that we cannot remove the waste water condition, even with the measurements of winter flows that you said you could provide. It would not be fair to all the other water users, out in that area, who also did not want the condition placed on their water rights. We can offer you this; we can replace the condition currently on the recommendations with the following condition, if you are agreeable.

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

Let me know what you think about this solution.

Thanks!
Kay
IDWR
334-2190

Vic ok w/new
condition -
make SF5's
fix across
amt. on
63-32570
5-21-09
KW

Walker, Kay

From: Walker, Kay
Sent: Wednesday, April 15, 2009 1:16 PM
To: Ridgeway, Renea
Cc: Shurte, Jan
Subject: RE: late claims

Hi, Renea.

It looks like the only overlaps for these 2 claims are: 63-3178A and 63-2291. The overlap with 63-3178A is probably an error that I made when completing the recommendation on 63-32570. Thats all.

Kay

From: Ridgeway, Renea
Sent: Wednesday, April 15, 2009 11:30 AM
To: Shurte, Jan
Cc: Walker, Kay
Subject: RE: late claims

Thanks! Carter showed me a different and easier way to find the overlaps. The first way I was shown was extremely tedious and time consuming. In any case, I'm good – unless I hear otherwise, I will insert Kay's name as the water agent but I need no other information.

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

From: Shurte, Jan
Sent: Tuesday, April 14, 2009 3:25 PM
To: Ridgeway, Renea
Cc: Walker, Kay
Subject: RE: late claims

Hi Renea,

It is my understanding that Kay will be handling the objections for Simplot as her last Adj duty. So, I am forwarding this message to her. Kay, if you don't agree with this email, please feel free to let me know and I'll do them.

Thanks,
Jan

From: Ridgeway, Renea
Sent: Tuesday, April 14, 2009 3:13 PM
To: Shurte, Jan
Subject: late claims

4/15/2009

Hi Jan –

Will you be handling these late claims? If so, could you let me know what the overlaps are, if any? If you are not the agent in charge then could you direct to who is? Thanks!

J R Simplot Company (T.Uhling)	J R Simplot Company (T.Uhling)	63-32570
J R Simplot Company (T.Uhling)	J R Simplot Company (T.Uhling)	63-32571

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
Paralegal
Office of the Attorney General
Natural Resources Division
Idaho Department of Water Resources
(208) 287-4814 office
(208) 287-6700 fax

4/15/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3178A V1

WATER RIGHT NUMBER: 63-3178A V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 83707-0027 (208)389-7318
Original Owner	ROY A ROARK 1210 W LOGAN CALDWELL, ID 83605 (208)459-2108
Current Owner	SIMPLOT LIVESTOCK CO PO BOX 27 BOISE, ID 83707

Priority Date: 05/09/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE DRAIN	BOISE 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	3.480 CFS	
<u>Total Diversion:</u>		3.480 CFS	

Location of Point(s) of DiversionDIXIE DRAIN
CANYON County

NW1/4NE1/4

Sec. 28, Twp 04N, Rge 03W, B.M.

Place of Use
IRRIGATION
call Vic -
389-7359

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	03W	28	40.0	40.0	19.0	16.0	115.0
04N	03W	29	40.0	19.0			59.0
Total Acres: 174							

Conditions of Approval:

Vic says
OK to fix during settlement
Simplot has mnts.
in winter months -
of flow in
slough -
will provide
it will help

63-32570

37
15
under

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3178A V1

1. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
2. J01 Property is also known as Blk 1-24 Inc, Park West Addition.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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.
5. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Remarks:Comments:

1. kbrown 6/7/2006 Parcel Numbers
Comment: PARCEL NOS: R3546900000 & R0554550000.

2. kbrown 6/7/2006 63-3178
Comment: Remarks from Notice of Claim: This split from the parent right is being claimed for 174 acres at the licensed diversion rate, but with a slightly different dispersion of the irrigated acres; but still resulting in a reduction of the irrigated total.

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:Water Supply Bank:

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

RIGHT NUMBER: 63-32571

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

SOURCE: DIXIE SLOUGH

TRIBUTARY: WEST END DRAIN

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

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

QUANTITY: 2.480 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.

Right Nos. 63-32570 and 63-32571 are limited to a total combined diversion rate of 10.95 cfs.

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION:

T04N R03W S29 NENENE Within CANYON County

The following rights are diverted through point of diversion described above:
63-32570

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.480 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S19	NESE	2.00	T04N R03W S19	SESE	11.00
T04N R03W S20	SWSE	38.00	T04N R03W S20	SESE	35.00
T04N R03W S29	NWNE	38.00			

124 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Page1

[illegible]

Idaho Dept. of Water Resources
Place of Use Comparison Report

↓ ↓

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 32571	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W20															38	35	73
Right	63 2323	M A ROBERTS, CHARLES O PICARD,	BARDSLY GULCH DRAIN	04N03W20											40	40			40		120
Rec	63 10034	J R SIMPLOT CO,	GROUND WATER	04N03W20					30	30	25	30									115
Right	63 10034	J R SIMPLOT CO,	GROUND WATER	04N03W20					36	20	25	32									113
Rec	63 137A	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 222C	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 222M	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 222N	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 233C	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 233L	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20				X	X	X	X										0
Rec	63 2343	SIMPLOT LIVESTOCK CO,	DIXIE DRAIN	04N03W20									30				37	37			104
Right	63 2343	LLOYD A WATERMAN, WALTER K WATERMAN,	DIXIE DRAIN	04N03W20									30				37	37			104
Rec	63 2657	SIMPLOT LIVESTOCK CO,	SOUTH DRAIN	04N03W20						40	40										80
Right	63 2657	W G MARTIN,	SOUTH DRAIN	04N03W20						40	40										80
Rec	63 290	SIMPLOT LIVESTOCK CO,	BOISE RIVER	04N03W20		2			40			40									82
Right	63 290	ROC HELMS,	BOISE RIVER	04N03W20		X	X		X			X									0
Right	63 305	KARL F ROEDEL, OTTO W ROEDEL,	BOISE RIVER	04N03W20	X	X	X	X													0
Rec	63 305A	ROBERT C ROBERTS, NANCY ROSE ROBERTS,	BOISE RIVER	04N03W20			40	35													75
Rec	63 32570	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W20											33	36					69
Rec	63 374	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20					X	X	X	X									0
Right	63 374	PIONEER DIXIE DITCH CO,	BOISE RIVER	04N03W20						X	X										0
Rec	63 5036	J R SIMPLOT CO,	GROUND WATER	04N03W20					36	20	25	32									113
Right	63 5036	J R SIMPLOT CO,	GROUND WATER	04N03W20					30	30	25	30									115
Rec	63 5037	J R SIMPLOT CO,	GROUND WATER	04N03W20					36	20	25	32									113
Right	63 5037	J R SIMPLOT CO,	GROUND WATER	04N03W20					30	30	25	30									115
Rec	63 5038	J R SIMPLOT CO,	GROUND WATER	04N03W20					36	20	25	32									113
Right	63 5038	SIMPLOT LIVESTOCK CO, J R SIMPLOT CO,	GROUND WATER	04N03W20					30	30	25	30									115
Rec	63 5039	J R SIMPLOT CO,	GROUND WATER	04N03W20					36	20	25	32									113
Right	63 5039	J R SIMPLOT CO,	GROUND WATER	04N03W20					30	30	25	30									115

63-2323
not claimed

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 32571	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W29		38															38
Rec	63 2291	SIMPLOT LIVESTOCK CO,	BARDSLEY GULCH DRAIN	04N03W29		40	40											20			100
Right	63 2291	CHARLES O PICARD, M A ROBERTS,	BARDSLY GULCH DRAIN	04N03W29		40	40											20			100
Rec	63 161BU	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2114	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21706	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21713	PIONEER IRRIGATION DISTRICT,	PIPE GULCH DRAW CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21731	PIONEER IRRIGATION DISTRICT,	FIVEMILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21739	PIONEER IRRIGATION DISTRICT,	ELIJAH DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 22210	SIMPLOT LIVESTOCK CO,	BARDSLY GULCH DRAIN	04N03W29							17	8									25
Rec	63 224	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 225	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2275	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2276	PIONEER IRRIGATION DISTRICT,	MASON CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2294	PIONEER IRRIGATION DISTRICT,	FIVEMILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2529	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2891	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 294	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 295	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 3178A	SIMPLOT LIVESTOCK CO,	DIXIE DRAIN	04N03W29	40			19													59
Rec	63 32514	PIONEER IRRIGATION DISTRICT,	FIVE MILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 32515	PIONEER IRRIGATION DISTRICT,	MASON CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 32570	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W29	37			15	40	40	19	36									187
Rec	63 371	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5199	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5200	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5219	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5237	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5255	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 9109	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Right	63 11200	BRENDA SUE DAVIES, KEN DAVIES,	GROUND WATER	04N03W29														2.5			2.5
Right	63 11280	RONALD V WARREN,	GROUND WATER	04N03W29												2					2
Right	63 2529	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29																	0
Right	63 2891	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29																	0
Right	63 3178	ROY A ROARK,	DIXIE DRAIN	04N03W29	40			19													59
Right	63 4722	DONALD H SHANNON,	WASTE WATER	04N03W29												3					3

63-2291 -
different source
OK

RECEIVED

JAN 18 2009

Department of Water Resources
Adjudication Bureau

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

Subcase 63-32571

(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: _____
2. ☒ **Source**
Should be Dixie Slough (See "Reasons to Support Objection(s)" below)
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

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 Idaho Department of Water Resources ("IDWR") Recommended Water Rights Acquired Under State Law dated November 17, 2008 for claim no. 63-32571 contains the following remark under the "Source" element recommended for this water right:

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

The Dixie Slough, which is the source for this water right, flows year round. Unquestionably, the quantity of water available from this source increases after irrigation commences further upgradient in the Boise River Basin. And arguably, this increase in flow may in some part be attributable to return flows from the upgradient irrigation practices.

There is a lag, however, from the time the irrigation season begins until this increased flow is available from the source. The Claimant relies and has always relied on the use of this source for irrigation prior to the time when the increased flow caused by these return flows becomes available. For this reason, the Claimant agrees that a portion of the source of this water right may be “waste water”. However, this remark incorrectly implies that the entire source depends on others continuing the practice of wasting water. For this reason, the Claimant objects to this remark.

This remark should be removed in its entirety from IDWR’s recommendation for this water right; or in the alternative the remark should be modified to clarify that only some portion of the source of this right depends on wastewater.

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada)ss.

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

January 9, 2009
Noel Vannoy
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/29/2016

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 January 9, 2009, 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

Die C. O. Director Land, Water & Asset Recovery
Signature of Objector or attorney
mailing on Objector's behalf

08/20/2008

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

RIGHT NUMBER: 63-32571

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

SOURCE: DIXIE SLOUGH TRIBUTARY: WEST END DRAIN

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

QUANTITY: 2.480 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.

Right Nos. 63-32570 and 63-32571 are limited to a total combined diversion rate of 10.95 cfs.

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION:

T04N R03W S29 NENENE Within CANYON County

The following rights are diverted through point of diversion described above:
63-32570

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.480 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S19	NESE	2.00	T04N R03W S19	SESE	11.00
T04N R03W S20	SWSE	38.00	T04N R03W S20	SESE	35.00
T04N R03W S29	NWNE	38.00			

124 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



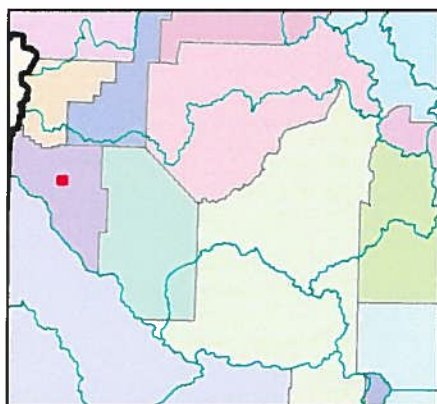
SRBA Recommendation

63-32571

(IRRIGATION)

Legend

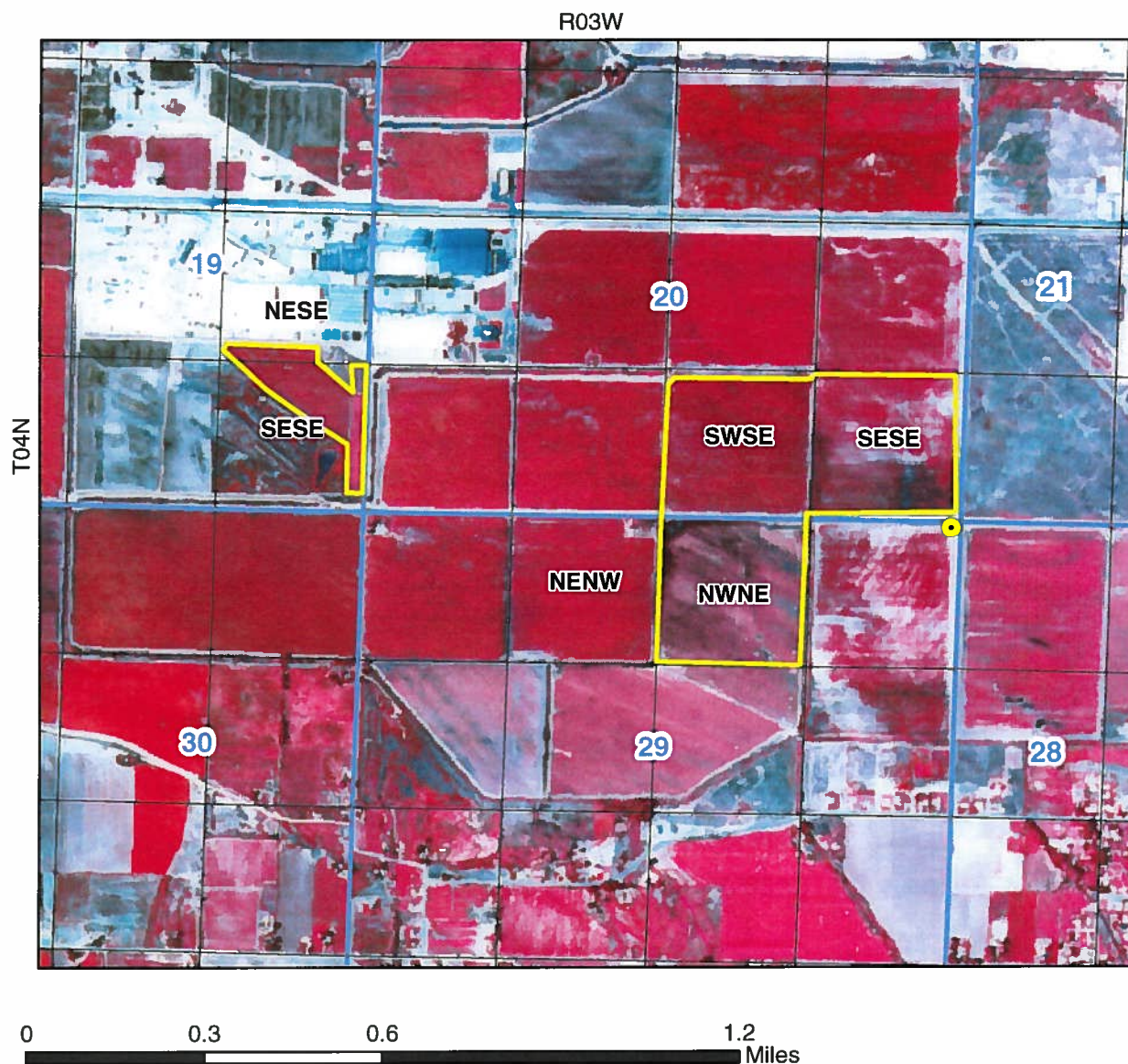
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On August 20, 2008
1987/88 Aerial Photography

Idaho Department of Water Resources



**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
- ☐ Well logs (if needed)
- ☐ 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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 43-32571Owner: Simplest Phone No. 336-2110Current Address: PO Box 27, Boise 83707

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? since 1950's

Accompanied by: Jan Shulte, Vic Conrad, Gray Young, Vince Carter, Johnny Perez (irrig. manager)**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: 3/15/1957

(If priority date, based on your exam, seems questionable, explain below.)

1957 aerial photo & affidavit of Richard BicandiSource: Dixie Slough Tributary to Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: NENENW, S29, 4N, 3W
- ☒ If different, when did POD change? 1998 - transfer needed -

Recommend original claimed p/d. Pump Station #2 put in in '98.

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	NE	NE	29	4N	3W	Canyon	Site Visit - original

Description of diverting works

P/D was changed in 1998 to NENE NW, Sec 29, 4N, 3W - cannot recommend since > 1987. Transfer needs OVERLAP REVIEW to be filed.

Other water rights with the same point of diversion: 63-2343 - different pld per Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: recommended - see file
Land also has wastewater from plant -

WATER USES

- ☐ No change
- ☐ Different Uses

Use Irrig. From 3/1 To 11/15 Amount 2.48 CFS AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

$$124 \times 0.02 = 2.48 \text{ cfs}$$

TOTAL VOLUME - Groundwater only N/A

- ☐ Incomplete on claim, the total is, Amount CFS 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: N/A

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

PLACE OF USE:

- ☐ No Change N1/2 NW, Sec. 29 covered under
- ☒ Changes shown below: 63-32570 - Add NESE, S19 to cover field -

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	
4N	3W	19													2			11	13
		20															38	35	73
		29		38															38
																			124

Overlap with other water rights: wastewater from process plant

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

surface water right for same lands covered under waste water -

Delivery System Narrative: 10" pipeline to center pivots from pump station. Pumps 1 & 2 to west center pivots. Pumps 3 & 4 to east center pivots

Water in pump station either Dixie Slough or wastewater from plant. Water from these 2 sources is never mixed.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
Pump #1	Highthrust 3phase	100	998J4-8118-27480288		
Pump #2		50	5313J-B06-6091M		

FLOW MEASUREMENTS: theoretical - see attached
total Q = 10.95 cfs

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Pump #3 807-53-138-M-D12 50 HP
Pump #4 53138-B07-6658M 50 HP

Pump Station #2 63-32570
63-32571

Pump #1 - 100 HP 60 psi 2' lift

$$Q = \frac{8.8 \times 100 \times 0.70}{2 + (60 \times 2.31)} = \frac{616}{140.6} = 4.38 \text{ cfs}$$

Pump #2 50 HP 60 psi 2' lift

$$Q = \frac{8.8 \times 50 \times 0.70}{2 + (60 \times 2.31)} = \frac{308}{140.6} = 2.19 \text{ cfs}$$

Pump #3 = 2.19 cfs (same as #2)

Pump #4 = 2.19 cfs (same as #2)

#1 4.38

#2 2.19

#3 2.19

#4 2.19

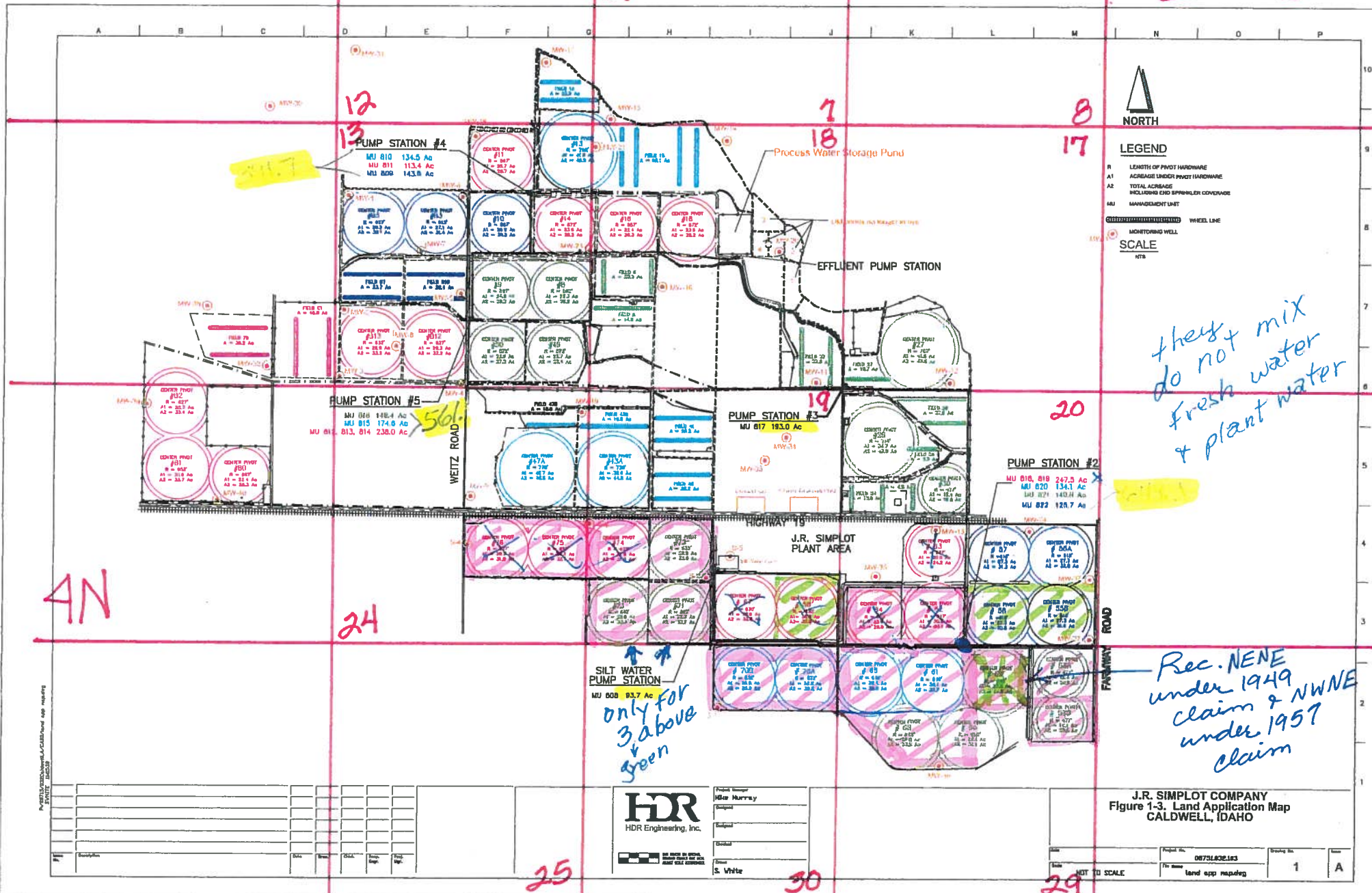
Total: 10.95 cfs

Pumps 3 & 4 to East to
center pivots -
Pumps 1 & 2 to West to
center pivots -

COPY

4W
3W

4N



= Claim 63-32570
 = Claim 63-32571

they do not mix
fresh water
& plant water

Rec. NENE
under 1949
claim & NWNE
under 1957
claim

J.R. SIMPLOT COMPANY
Figure 1-3. Land Application Map
CALDWELL, IDAHO

HDR
HDR Engineering, Inc.
Project Manager
HBO Murray
Engineer
S. White

Scale: NOT TO SCALE
Project No: 06731832.183
Drawing No: 1
Sheet: A

copy from claim

7-4-57

DHV-2



original diversion point
(NENENE, S29, 4N, 3W)



Current diversion point - Went
into use 1998 (NENENW, S29,
4N, 3W)

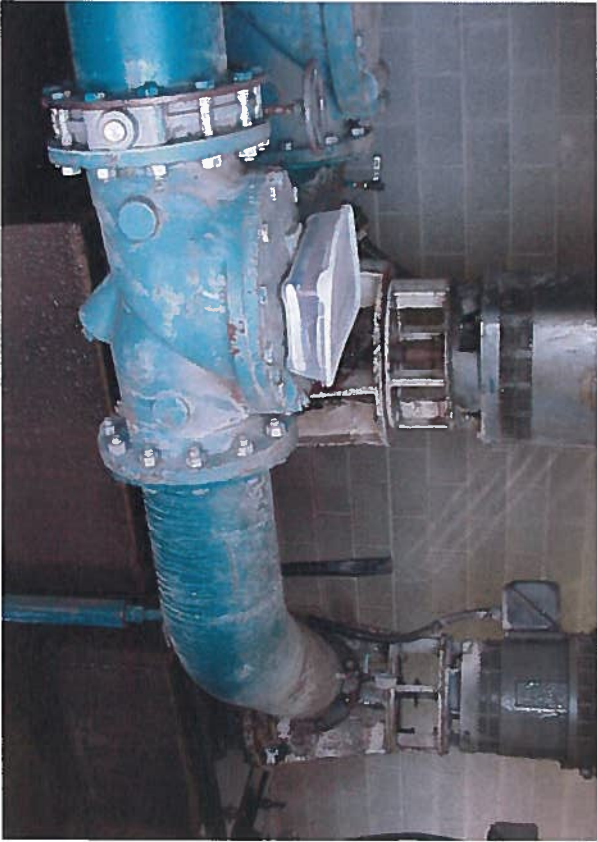
Pump Station #2



Catch basin from Diversion -
4 hydraulic valves - Each valve
to different pump

10/10/15 - 10/10/17 - 10/10/19 - 10/10/21.

↑ Pump 1 & pump 2 with
18" pipeline to center pivots



↓ Pump #1 - 100 HP
2 phase



↑ Pump #2 - 50 HP



↑ Pump #3 - 50 HP



Pumps #3 & 4 - 10" pipeline to center pivots



Pump #4 - 50 HP

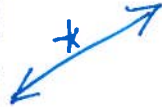


West Pipeline to center pivots



East Pipeline to center pivots -

Directly south of factory Dixie
Slough piped underground where
it connects to West End Drain & continues West.



* From Pump Station - Flows
west & overflow to the south
w/ headgate to the north - pulling
water from pump house #1 to co-mingle on 3 "green" pivots in SW 1/4 Sec. 19

Process Water Storage Pond
SENE, S18, 4N, 3W



↑ Silt Water Pump
 Station
 NWSE, S19, 4N, 3W
 Only used on "green"
 pivots in SW1/4, S19
 25 HP - 3 phase



Process Storage Pond -
 Potato Processing

for 63-32571

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Permit	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Rec	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Claim	63 137A	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 137A	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 21734	J R SIMPLOT CO.	GROUND WATER	04N03W19					6												6
Claim	63 222C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 222C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 222M	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 222M	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 222N	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 222N	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 2240	SIMPLOT LIVESTOCK CO.	UNNAMED STREAM	04N03W19			10	14													24
Rec	63 2240	SIMPLOT LIVESTOCK CO.	UNNAMED STREAM	04N03W19			10	14													24
Right	63 2240	D G RUBY,	UNNAMED STREAM	04N03W19		40	30	14													84
Claim	63 233C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 233C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 233L	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 233L	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Right	63 233N	AMERICAN DITCH CO.	BOISE RIVER	04N03W19																	0
Claim	63 2425	SIMPLOT LIVESTOCK CO.	UNNAMED DRAIN	04N03W19					20	30	40	40									130
Rec	63 2425	SIMPLOT LIVESTOCK CO.	UNNAMED DRAIN	04N03W19					20	30	40	40									130
Right	63 2425	J W SMEED, J E SMEED,	UNNAMED DRAIN	04N03W19					20	30	40	40									130
Claim	63 32570	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W19									38	36	37	40					151
Claim	63 32571	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W19															12		12
Claim	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	40	40	40	40	40	40	40	40									320
Rec	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Right	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W19	X	X	X	X	X	X	X	X									0
Claim	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Right	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
TClaim	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Claim	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Right	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
TClaim	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Claim	63 5038	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Right	63 5038	SIMPLOT LIVESTOCK CO, J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
TClaim	63 5038	SIMPLOT LIVESTOCK CO, J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Claim	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
Right	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135
TClaim	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W19	25				20	30	35	25									135

Ø OL

for 63-32571

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Permit	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Rec	63 10034	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Claim	63 137A	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 137A	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Claim	63 222C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 222C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Claim	63 222M	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 222M	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Claim	63 222N	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 222N	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Right	63 2323	M A ROBERTS, CHARLES O PICARD,	BARDSLY GULCH DRAIN	04N03W20											40	40			40		120
Claim	63 233C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 233C	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Claim	63 233L	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 233L	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Claim	63 2343	SIMPLOT LIVESTOCK CO.	DIXIE DRAIN	04N03W20									30				37	37			104
Rec	63 2343	SIMPLOT LIVESTOCK CO.	DIXIE DRAIN	04N03W20									30				37	37			104
Right	63 2343	LLOYD A WATERMAN, WALTER K WATERMAN,	DIXIE DRAIN	04N03W20									30				37	37			104
Claim	63 2657	SIMPLOT LIVESTOCK CO.	SOUTH DRAIN	04N03W20							40	40									80
Rec	63 2657	SIMPLOT LIVESTOCK CO.	SOUTH DRAIN	04N03W20							40	40									80
Right	63 2657	W G MARTIN,	SOUTH DRAIN	04N03W20							40	40									80
Claim	63 290	SIMPLOT LIVESTOCK CO.	BOISE RIVER	04N03W20			2			40			40								82
Rec	63 290	SIMPLOT LIVESTOCK CO.	BOISE RIVER	04N03W20			2			40			40								82
Right	63 290	ROC HELMS,	BOISE RIVER	04N03W20		X	X		X				X								0
Right	63 305	KARL F ROEDEL, OTTO W ROEDEL,	BOISE RIVER	04N03W20	X	X	X	X													0
Claim	63 305A	ROBERT C ROBERTS, NANCY ROSE ROBERTS,	BOISE RIVER	04N03W20				40	35												75
Rec	63 305A	ROBERT C ROBERTS, NANCY ROSE ROBERTS,	BOISE RIVER	04N03W20				40	35												75
Claim	63 32570	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W20											39	10					49
Claim	63 32571	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W20															40	25	65
Claim	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20							40	40									80
Rec	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20				X	X	X	X										0
Right	63 374	PIONEER DIXIE DITCH CO.	BOISE RIVER	04N03W20					X	X	X										0
Claim	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Right	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
TClaim	63 5036	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Claim	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Right	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
TClaim	63 5037	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Claim	63 5038	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Right	63 5038	SIMPLOT LIVESTOCK CO, J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
TClaim	63 5038	SIMPLOT LIVESTOCK CO, J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Claim	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
Right	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115
TClaim	63 5039	J R SIMPLOT CO.	GROUND WATER	04N03W20					30	30	25	30									115

OL w/ 63-2323?
NO-per.
Vic

for 63-32571

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	63 11200	BRENDA SUE DAVIES, KEN DAVIES,	GROUND WATER	04N03W29															2.5		2.5
Right	63 11280	RONALD V WARREN,	GROUND WATER	04N03W29												2					2
Rec	63 161BU	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2114	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Claim	63 21443	OLITA F ROARK, ROY A ROARK,	WASTE WATER	04N03W29				20													20
Rec	63 21706	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21713	PIONEER IRRIGATION DISTRICT,	PIPE GULCH DRAW CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21731	PIONEER IRRIGATION DISTRICT,	FIVEMILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 21739	PIONEER IRRIGATION DISTRICT,	ELIJAH DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Claim	63 22210	SIMPLOT LIVESTOCK CO.,	BARDSLY GULCH DRAIN	04N03W29							20	5									25
Rec	63 224	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 225	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2275	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2276	PIONEER IRRIGATION DISTRICT,	MASON CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Claim	63 2291	SIMPLOT LIVESTOCK CO.,	BARDSLY GULCH DRAIN	04N03W29		40	40										20				100
Rec	63 2291	SIMPLOT LIVESTOCK CO.,	BARDSLEY GULCH DRAIN	04N03W29		40	40										20				100
Right	63 2291	CHARLES O PICARD, M A ROBERTS,	BARDSLY GULCH DRAIN	04N03W29		40	40										20				100
Rec	63 2294	PIONEER IRRIGATION DISTRICT,	FIVEMILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 2529	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Right	63 2529	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29																	0
Rec	63 2891	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Right	63 2891	PIONEER IRRIGATION DISTRICT,	WILSON DRAIN	04N03W29																	0
Rec	63 294	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 295	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Right	63 3178	ROY A ROARK,	DIXIE DRAIN	04N03W29	40			19													59
Claim	63 3178A	SIMPLOT LIVESTOCK CO.,	DIXIE DRAIN	04N03W29	40			19													59
Rec	63 3178A	SIMPLOT LIVESTOCK CO.,	DIXIE DRAIN	04N03W29	40			19													59
Rec	63 32514	PIONEER IRRIGATION DISTRICT,	FIVE MILE CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 32515	PIONEER IRRIGATION DISTRICT,	MASON CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Claim	63 32570	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W29		20		33	38	35	20	40									186
Claim	63 32571	J R SIMPLOT COMPANY,	DIXIE SLOUGH	04N03W29		40			2	5											47
Rec	63 371	PIONEER IRRIGATION DISTRICT,	BOISE RIVER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Right	63 4722	DONALD H SHANNON,	WASTE WATER	04N03W29												3					3
Rec	63 5199	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5200	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5219	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5237	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 5255	PIONEER IRRIGATION DISTRICT,	INDIAN CREEK	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0
Rec	63 9109	PIONEER IRRIGATION DISTRICT,	GROUND WATER	04N03W29			X	X			X	X	X	X	X	X	X	X	X	X	0

OL w/ 63-2291?
Rec. R62-



CORPORATE HEADQUARTERS

June 13, 2007

Kay Walker
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: Response to Letter dated April 18, 2007 Requesting Additional Evidence of
Priority; SRBA Claim Nos. 63-32570 and 63-32571.**

Dear Kay:

Copies of aerial photographs flown June 12, 1949 and July 4, 1958 were supplied by Simplot to the IDWR when the above referenced claims were filed. It is my understanding your letter dated April 18, 2007 was sent in an attempt to gather additional information to clarify that the claimed source of water was that same as that used to conduct the irrigation that appears on the photographs.

Attached is a copy of an affidavit of Richard L. Bicandi who conducted the irrigation of the place of use described by these claims in 1955. In his affidavit, Mr. Bicandi confirms that in 1955 the source of water was the same as the claimed source and that the system for diverting water from the source existed at the time he first became involved with the irrigation of this land.

Please accept the enclosed affidavit as evidence that the source of water for the irrigation shown on the 1949 and 1957 photos was the same as the source claimed.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

RECEIVED

JUN 14 2007

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF RICHARD L. BICANDI

STATE OF IDAHO)
) S.S.
Canyon County)

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

1. My name is Richard L. Bicandi, and I reside on a farm near Caldwell, Idaho.
2. My current mailing address is 1905 Mason Road, Caldwell, ID 83605.
3. I was born on December 20, 1940. In June, 1955 I became employed by Richardson Feedlots, Inc. ("Richardson") which was later purchased by the J. R. Simplot Company ("Simplot") and which held the real property interests described by the place of use contained on Snake River Basin Adjudication Claim Numbers 63-32570 and 63-32571. During my employment with Richardson one of my responsibilities was to conduct the irrigation of crops raised on the land described by these claims.
4. In June, 1955 an existing head gate was used to divert water from the Dixie Slough within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 T.4N R.3W, B.M. Canyon County, Idaho. Water diverted from this location was then delivered to the places of use described under claim nos. 63-32570 and 63-32571 through a series of ditches and laterals. Except for the irrigated land claimed under 63-32571 within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 T.4N R.3W. B.M., water diverted from the Dixie Slough was the sole source of water used to irrigate the balance of the places of use described under both claims. I was not involved with the irrigation of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, consequently I cannot verify the source of water used to raise crops on this 40 acre parcel.
5. I was employed by Richardson until 1967, when I temporarily ended my employment. I resumed working for Richardson in 1968 and continued my employment until Simplot acquired Richardson, including its interest in the corporation and the farm in 1971. From 1971 until 1977, I continued to conduct the irrigation of this land as an employee of Simplot. In 1977 my involvement with farming this land concluded when my employment with Simplot at this location ended.
6. Except for the period between 1967 to 1968 (when I briefly stopped working for Richardson), and except for the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19 T.4N R.3W (which I never irrigated myself), I hereby confirm that the places of use described under claim nos. 63-32570 and 63-32571 were irrigated each year from 1955 until 1977 with water diverted from the Dixie Slough within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 T.4N R.3W. B.M.

Further the affiant sayeth not.

AFFIANT:


Richard L. Bicandi

STATE OF IDAHO)
) S.S.
COUNTY OF CANYON)

On this 13 day of JUNE, 2007, before me, a Notary Public in and for said State, personally appeared **Richard L. Bicandi**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: BOISE, IDAHO
My Commission Expires: JUNE 13, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 18, 2007

J R SIMPLOT COMPANY
C/O TERRY T UHLING
PO BOX 27
BOISE ID 83707

Re: Claims to Water Right Nos. 63-32570 & 63-32571

Dear Claimants:

In November of 2006, you submitted the above referenced claims in the Snake River Basin Adjudication. Enclosed are computer generated print-outs of the claims for your reference only; these print-outs are **NOT** to be returned or re-filed. You have indicated, when these claims were filed, that the water rights were based on a "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-outs. These claims have not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible.

The required evidence supporting the priority dates must be submitted by **June 1, 2007**, referencing all documents with the corresponding claim numbers. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

NOV 30 2006

WATER RESOURCES
WESTERN REGION

November 29, 2006

Lori Harris
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Amended Notice of Claim nos. 63-32570 and 63-32571.

Dear Lori:

Enclosed for filing are the original amendments of the above referenced claim together with a \$780.00 check to cover the balance of the original filing fee.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

NOV 16 2006

WATER RESOURCES
WESTERN REGION

November 16, 2006

Kimberly Brown
Water Resource Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA Claims.

Dear Ms. Brown:

Enclosed for filing in the Snake River Basin Adjudication are two claims for the rights to divert water from the Dixie Slough located west of Caldwell, Idaho to be used for irrigation purposes. Also enclosed is a \$780.00 check to cover the filing fees for these claims and the related \$50.00 late fee for each claim.

Please let me know the number you assign to each of the enclosed claims.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures