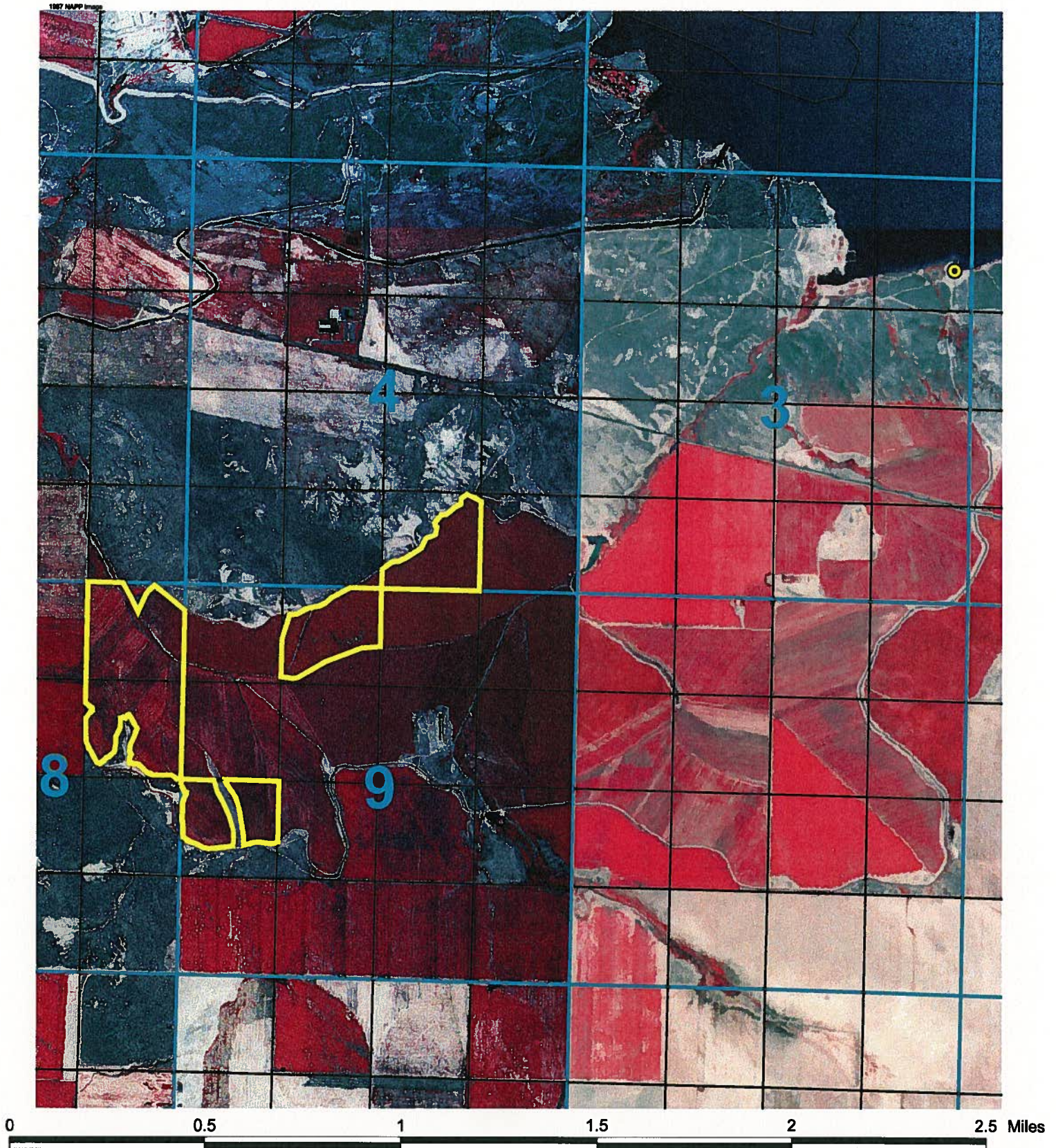


Idaho Department of Water Resources



Claim Number: 02-5

Legal: T06S, R04E, S3 & 4, 8 & 9

Reviewed By: SJR 10/24/05



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter Lines

Idaho Department of Water Resources



Claim Number: 02-5
Legal: T06S, R04E, S4, 8 & 9
Reviewed By: SJR 10/24/05



-  02_02138_rec_pou.shp
-  02_00005_claim_pou.shp
-  Sections
-  Quarter Quarter Lines

10/24/2005

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

RIGHT NUMBER: 2-5

NAME AND ADDRESS: M L INVESTMENT CO
PO BOX 27
BOISE ID 83707-0027

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.720 CFS

PRIORITY DATE: 06/16/1963

POINT OF DIVERSION:

T06S R04E S3 NENE Lot 1 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.720 CFS

PLACE OF USE:

IRRIGATION Within OWYHEE County

T06S R04E S04	SWSE	22.0	T06S R04E S08	NENE	37.0
T06S R04E S08	SENE	32.0	T06S R04E S09	NENW	26.0
T06S R04E S09	NWSW	29.0			

146 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1408 acres in a single irrigation season. Combined Right Nos.: 2-5, 2-2085, 2-2096, 2-2098, 2-2102, 2-2137, 2-2138, 2-4003A, 2-4003B, 2-7090 and 2-10016

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

The following rights are also diverted through point of diversion described above: 2-2085, 2-2096, 2-2098, 2-2102, 2-2137, 2-2138, 2-4003A, 2-4003B, 2-7090B & 2-10016.

07/28/2005

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

RIGHT NUMBER: 2-5

NAME AND ADDRESS: M L INVESTMENT CO
PO BOX 27
BOISE ID 83707-0027

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.720 CFS

PRIORITY DATE: 06/16/1963

POINT OF DIVERSION:

T06S R04E S3 NENE Lot 1 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.720 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R04E S04	SWSE	22.0	T06S R04E S08	NENE	37.0
T06S R04E S08	SENE	32.0	T06S R04E S09	NENW	26.0
T06S R04E S09	NWSW	29.0			

146 ACRES TOTAL

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

Recommended as Right No. 2-2138.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Recommended as Right No. 2-2138: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Disallow Conditions
P1, P3, P11, P12

22.99 cfs Apr 63

Disallowed Dec. 01 2-2-1982

22.5-
22.5-

Water Right #	Priority Date	Basis	Owner	POD	Diversion Amount	Remaining Diversion	Acres	cfs/acre
2-02085	11/14/1950	License	ML Investment Co.	6S 4E S3 NENE	12.3	10.69	632	0.019462025
2-02098	3/17/1952	License	ML Investment Co.	6S 4E S3 NENE	3.2	7.49	160	0.02
2-02096	3/18/1952	License	ML Investment Co.	6S 4E S3 NENE	1.66	5.83	632	0.002626582
2-02102	12/5/1952	License	ML Investment Co.	6S 4E S3 NENE	1	4.83	50	0.02
2-02137	9/4/1956	License	ML Investment Co.	6S 4E S3 NENE	0.66	4.17	33	0.02
2-04003A	4/1/1961	BU	ML Investment Co.	6S 4E S3 NENE	0.1	4.07	119	0.000840336
2-00005	6/16/1963	BU	ML Investment Co.	6S 4E S3 NENE	0.72	3.35	146	0.004931507
2-02138	6/16/1963	License	ML Investment Co.	6S 4E S3 NENE	2.2	1.15	146	0.015068493
2-04003B	4/1/1964	BU	ML Investment Co.	6S 4E S3 NENE	2.28	-1.13	119	0.019159664
2-10016	12/31/1986	BU	ML Investment Co.	6S 4E S3 NENE	1.66	-2.79	80	0.02075
2-07090B	8/24/1971	License	Thomas and Diana Nicholson	6S 4E S3 NENE	3.04	-5.83	152	0.02

3 pumps

2 pumps

expansion

91

E37: E31

2-2096

Add to

10172

K02, K09, C11

Overlaps

— 2-7090B Overlapping Claims

2-2085 - 11/14/50 - 12.30 - 632 - ≈ 0.0195 > 0.0021 ML, Simplot
 2-2096 - 3/18/52 - 1.66 - 632 - ≈ 0.0026 ML, investment owner, Simplot att
 (see 2-10016 for expansion)

2-4003A - 4/1/61 - 0.1 - 119 - ≈ 0.0008 > 0.02 ML, Simplot
 2-4003B - 4/1/61 - 2.28 - 119 - ≈ 0.0192
 (53 NESE39, NWSE25, 59 SWNW38, NESW17)
 2-4003 - statutory .1 + 2.32 = 121 - 0.02 - fixed 8/29/68
 (53 NESE37, NWSE25, 59 SWNW39, NESW15, NESW55)

2-2137 - 9/4/56 - 0.66 - 33 - $= 0.02$ ML, Simplot
 (license "supplemental irrigation")

2-2098 - 3/17/52 - 3.2 - 160 - $= 0.02$ ML, Simplot

— 2-2137 overlapping claims

2-7090B (see above)

2-5 - 6/16/63 - 0.72 - 146 - $= 0.0049$ > 0.02 ML, Simplot

2-2138 - 6/16/63 - 2.20 - 146 - $= 0.0151$ ML, Simplot

Claims

2-2137

claim HOLLERS $\Rightarrow 2 \times 40 = 80$

claim acres = 33

overlook

65 4E

54 NENW 2-2137 (9), 2-5 (26), 2-2133 (26) ✓

NW1/4 2-2137 (24), 2-7090B (9), 2-7090B (40 on face of POA) ✓

overlook 27m PPOU = 33 + 26 + 9 = 68

Claims

2-7090B

claim POUPLS $\Rightarrow 12 \times 40 = 480$ ac

claim acres $\Rightarrow 152$

tax lots $\rightarrow$ all Simplot

(S11 NWNW not in shape)

T06504E

Same 7011 (65 4E 53 LI NENE)

Overlaps

52 NWSW 2-2085 (12), 2-2096 (12), 2-7090B (24) ✓

53 NWSE 2-4003A (25), 2-4003B (25), 2-7090B (9) ✓

SWSE 2-2085 (22), 2-2096 (22), 2-7090B (13) ✓

SESE 2-2085 (35), 2-2096 (35), 2-7090B (4) ✓

59 NWNW ^{5 fields} 2-2137 (24), 2-7090B (9) ✓

SESW 2-2098 (36), 2-7090B (4) ✓

NWSW 2-2098 (36), 2-7090B (4) ✓

510 NESW 2-2085 (29), 2-2096 (29), 2-7090B (11) ✓

NWSW 2-2085 (12), 2-2096 (12), 2-7090B (27) ✓

NESE 2-2085 (25), 2-2096 (25), 2-7090B (13) ✓

511 NWNW 2-2085 (10), 2-2096 (10), 2-7090B (30) ✓

Overall within PPOU = $152 + 12 + 25 + 22 + 35 + 24 + 36 + 29 + 12 + 25 + 10$ (418)

72-2-5 $\pm$ 6/16/63 - ?

13.30-2-2085 $\pm$ 11/14/50 - 1 - 12.3

1.65-2-2096 $\pm$ 3/18/52 - 3 - 17.1

3.20-2-2098 $\pm$ 3/17/52 - 2 - 15.3

1.00-2-2102 $\pm$ 12/5/52 - 4

✓ 66-2-2137 $\pm$ 9/4/56 - 5

2.20-2-2158 $\pm$ 6/16/63 - 7

2.10-2-4003A $\pm$ 4/1/61 - 6

2.23-2-4003B $\pm$ 4/1/64 - 9

✓ 3.04-2-7090B $\pm$ 8/24/71 - 10

1.26-2-10016 $\pm$ (approx. 2-2096) - 13/5/50 - 11

Σ 38.32

* M. R. Investment Co (overco.)

1. R. Simplot Co (772 records)

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-00005

Date: 8

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	65	4E	4															22		
GIS																		40		
Claim			8	37			32													
GIS				40			40													
Claim			9					26				29								55
GIS								40												
Claim																				
GIS																				

Number of POD's

Total Claimed Acres: 10

Overlapping FOU Claim #'s:

Total GIS Acres: 2

02-070903, 02-02137, 02-02138

In sec 9 SW
Nicholson

In sec 9 NW
Grandview

M.L. V

COMMENTS:

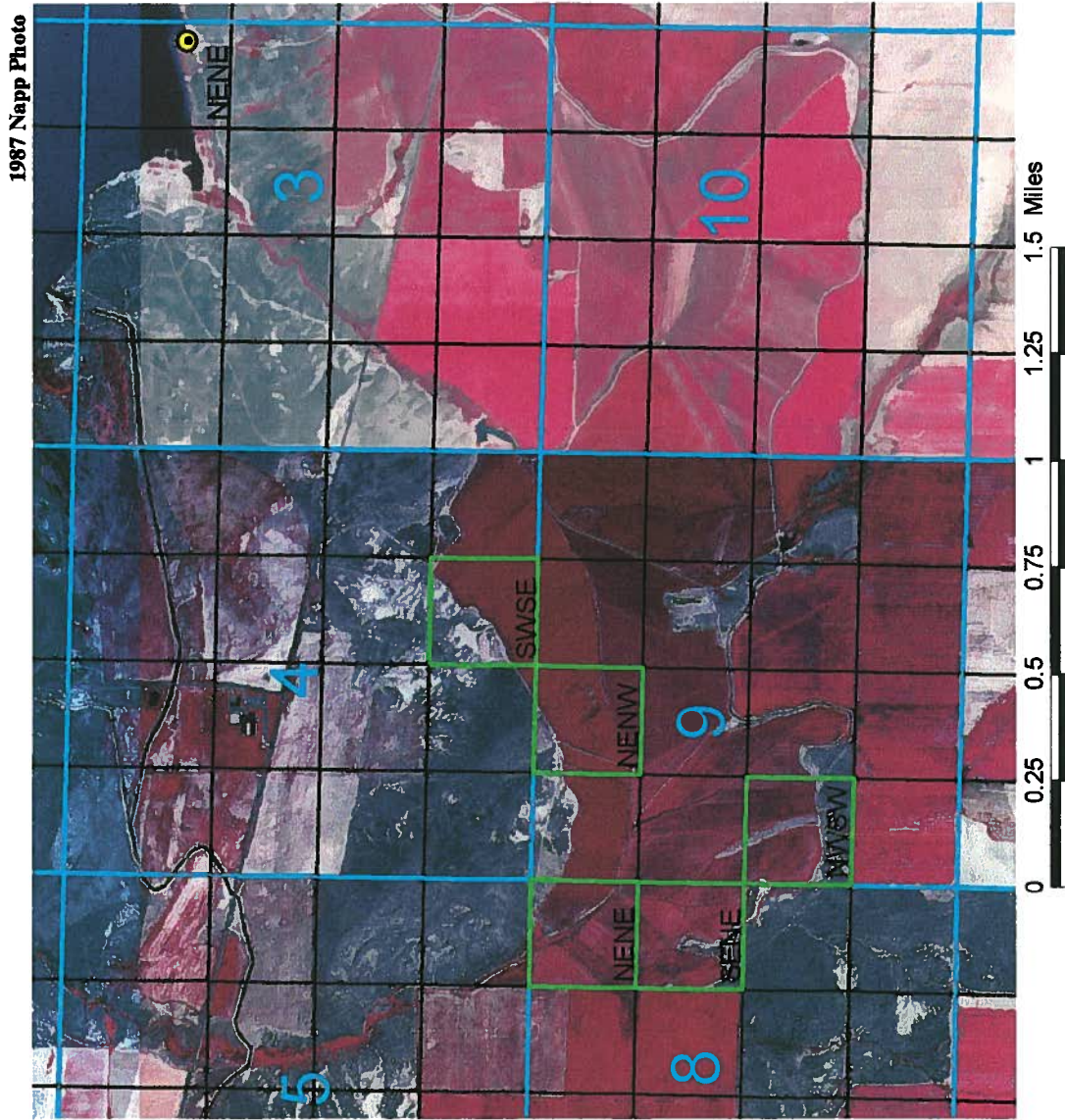
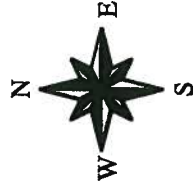
County data indicates Simplot as owner in sections 8+9, and
M.L. Investments owner in section 4. Per claim map.

POD per claim legal.

Idaho Department of Water Resources

Claim Number: 02-00005
Legal: T06S, R04E, S04, 08, 09
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 02-00005

Legal: T06S, R04E, S04, 08, 09

Reviewed By:



Point of Diversion



Place of Use

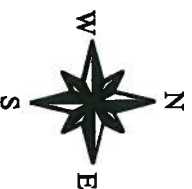
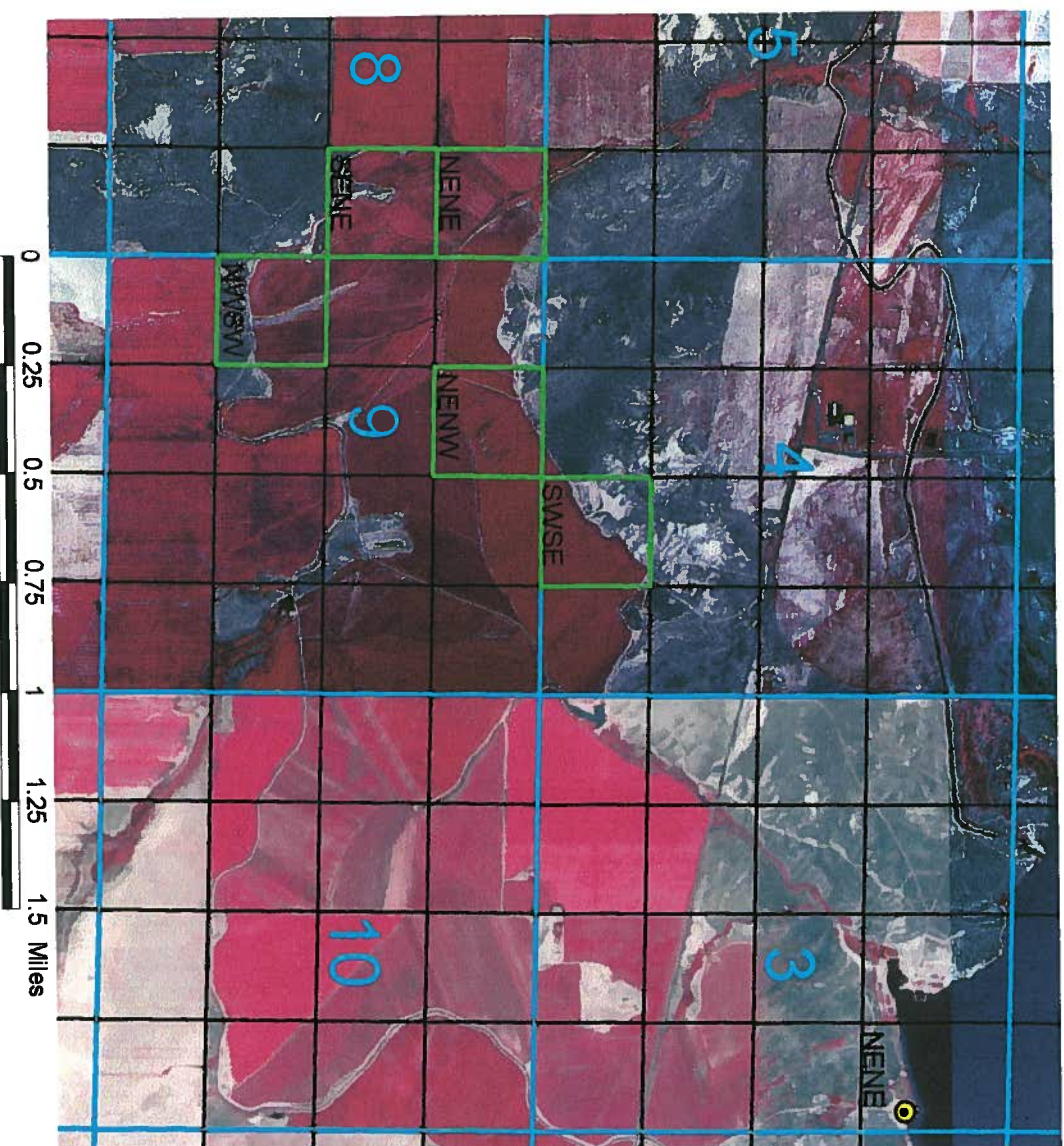


Section Lines



Quarter Quarter Lines

1987 Napp Photo



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: A02-00005
Date Received: 3/1/89
Receipt No: C005639
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 01 1989

1. Name: M. L. INVESTMENT CO.
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: JUN 16, 1963

Department of Water Resources

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	04E	3	NE	NE		1	OWYHEE

5. Description of diverting works:
PUMP & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.720		

7. Total Quantity Appropriated is:
0.720 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 511.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	04E	4	SW	SE		IRR	22.0
Section Acres							22.0

A02-00005

Page 1

Date: 02/24/89

MICROFILMED
AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	04E	8	NE	NE		IRR	37.0
			SE	NE		IRR	32.0
						Section Acres	69.0
		9	NE	NW		IRR	26.0
			NW	SW		IRR	29.0
						Section Acres	55.0
						Total Acres	146.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
02-2138

14. Remarks:
FARM 2.

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 Map

For Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title _____

M. L. Investment Co. _____, that I have signed the foregoing Organization _____

document in the space below as _____ Secretary _____ of _____ Title _____

M. L. Investment Co. _____ and that the statements contained in the Organization _____ foregoing document are true and correct.

Harold L. Gower
Signature of Authorized Agent

Secretary, M. L. Investment Co.
Title and Organization

2-28-89

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89

Vicki A. Lowe
Notary Public

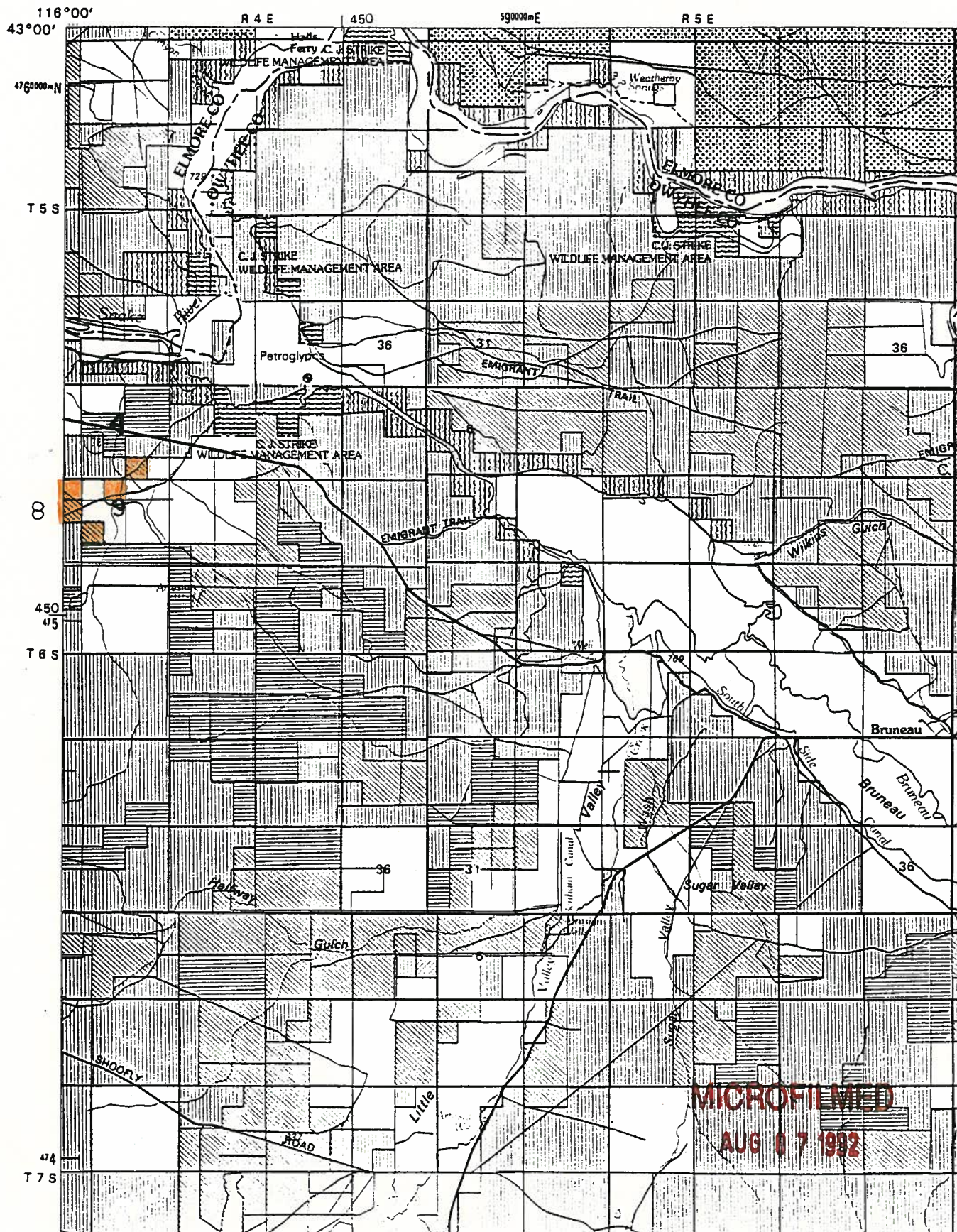
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

(MURPHY)



MICROFILMED
AUG 07 1992

IN THE DISTRICT COURT OF THE Fourth

JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~SPAIN~~ ~~XXXXXX~~
Border.

NOTICE OF CLAIM TO A WATER RIGHT

02- 0005

I.D. No.

Map No.

s 45.00
Fee Paid22963
Receipt No.Notice is hereby given that M. L. INVESTMENT COMPANY

(Name of Claimant)

P. O. Box 27, Boise, ID 83701

(Mailing Address)

Telephone No.

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right)
June 16, 1963

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 90 cfs Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)(4) 90 cfs TOTAL QUANTITY CLAIMED.

(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source
Sec. 3, Twp. 6S, Rge. 4E, B.M., Owyhee CountyAdditional Points: SC 1: 2720(1) 492.8 492.7

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

pump and canal

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	4E	4															22		19 22
		8	37																70
			38			32													
		9					26				29								66 55
							28				38								

Total no. of acres 155 146

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks (FARM 2)(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.☐ B) Right decreed by court, cite title of case.☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.Department of Water Resources
Western Regional Office

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

May 25, 1982

(Date)

(Signature of Claimant)

State of Idaho

Organization

M. L. Investment Company

County of Ada

ss.

Organization

Seal

(Signature of Spouse)

Secretary

(Signature of Authorized Agent)

On this _____ day of May, 1982, before me
a notary public, personally appeared Ronald N. Graves

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires lifetime

Notary Public residing at

Boise, Idaho

DL 1/7/80



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

W.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

HOLLY PEPE
LEGAL DEPARTMENT
J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

RE: Snake River Basin Adjudication (SRBA)
Co-counsel for J. R. Simplot Company

Dear Ms. Pepe:

Our records were modified May 19, 1994, to reflect Terry Uhling and Gray Young as co-counsel for J. R. Simplot Company. Bruce Belzer was removed from the water right claim records on which he appeared as counsel.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED
AUG 10 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. -Jal*

RE: Snake River Basin Adjudication
Case No. 39576 and Subcase Nos. 36-13320 & 57-02203A

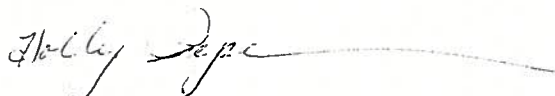
Dear Mr. Shaff:

In response to your letter of March 24, 1994, please modify your records to reflect that Terry T. Uhling and Gray Young are co-counsel of record in the above referenced matter. Mr. Uhling and Mr. Young are in-house counsel for J. R. Simplot Company, and, therefore, would be apprised of all matters relating to the claims of Simplot and its related company subsidiaries and affiliates as a matter of course. The attached Exhibit A does represent all water rights we are aware of at this time to which the Notice applies.

For your information, I have also enclosed a copy of a letter and attached Notice of Withdrawal from Diana Delaney, Chief Deputy Clerk of the Snake River Basin Adjudication Clerk's Office, which indicates that Bruce Belzer never was recorded as being counsel for J. R. Simplot Company.

If you have any questions, feel free to call me at 389-7201.

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

AUG 10 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

Gray Young
Terry Uhling
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. - Sel

RE: Appearance of J. R. Simplot in Subcase Nos. 36-13320 and 57-02203A

Dear Mr. Young and Mr. Uhling:

Enclosed I am returning your *Notice of Withdrawal of Counsel* which was received by the court on April 5, 1994, and which stated that Bruce L. Belzer was withdrawing as counsel for J. R. Simplot Company in the above-referenced subcases.

After a search of the files for the above subcase, I am unable to locate any appearance by Bruce L. Belzer. However, on January 28, 1994, a *Notice and Entry of Appearance* was filed on behalf of J. R. Simplot in these subcases. That notice listed Gray Young and Terry Uhling as counsel for J. R. Simplot.

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Chief, Natural Resources Division
U.S. Department of Justice

MICROFILMED

AUG 10 1994

1 GRAY YOUNG, Assistant General Counsel
2 TERRY T. UHLING, Assistant General Counsel
3 Environmental & Regulatory Affairs
4 J. R. SIMPLOT COMPANY
5 P.O. Box 27
6 999 Main Street, Suite 1300
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

1991 APR - 2 PM 12:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

12 In Re the General Adjudication)
13 of Rights to the Use of Water)
14 from the Snake River Basin)
Water System.)

Civil Case No. 39576

15 _____)
16 The State of Idaho, ex rel.)
17 R. Keith Higginson in his)
18 official capacity as director)
of the Idaho Department of)
Water Resources,)

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

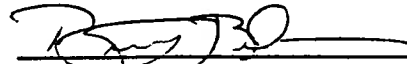
21 _____)
22 The United States; the State of)
23 Idaho; and all claimants to the)
24 use of water from the Snake)
River Basin Water System,)

25 Defendants.)
26 _____)

1 **PLEASE TAKE NOTICE** that Bruce L. Belzer hereby withdraws as
2 counsel of record for J. R. Simplot Company in the above entitled matter
3 and the following listed subcases:
4

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8 
9 _____
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1994, I caused to be served a true and correct copy of the foregoing by United States mail, postage prepaid, addressed to the following:

James Annest
Law Office of James Annest
1742 Overland Avenue
Burley, Idaho 83318

Richard F. Smith
P.O. Box 70
Rexburg, Idaho 83440

Josephine P. Beeman
MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
First Security Bank Building
911 West Idaho
P.O. Box 829
Boise, Idaho 83701

Brad A. Flinders
STUNZ, FONDA, NICHOLS, KIYUNA,
OKAI, HORTON & FLINDERS
P.O. Box 1565
Nyssa, Oregon 97913

Cliff S. Bentz
YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
P.O. Box 450
Fruitland, Idaho 83619

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Randall C. Budge
RACINE, OLSON, NYE,
COOPER & BUDGE, CHARTERED
201 East Center, Suite 2A
P.O. Box 1391
Pocatello, Idaho 83204-1391

Randall C. Fredricks
COSHO, HUMPHREY, GREENER &
WELSH, P.A.
Carnegie Building
815 West Washington Street
Boise, Idaho 83702

Rebecca Craven
Deputy Counsel
Robert T. Anderson
Staff Attorney
Nez Perce Tribal Executive
Committee
Office of Legal Counsel
P.O. Box 305
Lapwai, Idaho 83540-0305

Raymond D. Givens
Jeffrey C. Fereday
Michael C. Creamer
Christopher H. Meyer
Roy L. Eiguren
GIVENS, PURSLEY, & HUNTLEY
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
P.O. Box 955
Boise, Idaho 83701

Blair J. Grover
Grover Law office, Chartered
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036

5 John D. Hansen
6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
P.O. Box 51718
Idaho Falls, Idaho 83402-1718

Roger D. Ling
LING, NIELSEN & ROBINSON
615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
P.O. Box 389
Twin Falls, Idaho 83303-0389

J. Dee May
MAY & MAY LAW OFFICES
516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303

13 Cecil D. Hobdey
14 HOBDEY & HOBDEY
15 Attorneys at Law
16 125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83330

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY, TROXELL, ENNIS & HAWLEY
877 West Main Street
P.O. Box 1617
Boise, Idaho 83701

18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

Bert L. Osborn
26 South Ninth Street
P.O. Box 158
Payette, Idaho 83661

23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
P.O. Box 66
Twin Falls, Idaho 83303-0066

David B. Lincoln
Scott L. Campbell
ELAM & BURKE
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701

1 William A. Parsons
2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

8 William F. Ringert
9 Daniel V. Steenson
10 RINGERT, CLARK, CHARTERED
11 455 South Third Street
12 P.O. Box 2773
13 Boise, Idaho 83701-2773

14 James P. Speck
15 HOGUE, SPECK & AANESTAD, P.A.
16 120 East Avenue
17 P.O. Box 987
18 Ketchum, Idaho 83340

19 Douglas R. Whipple
20 WHIPPLE'S LAW OFFICE, CHTD.
21 111 West 15th Street
22 P.O. Box 249
23 Burley, Idaho 83318

24 Craig R. Zaiss
25 CRAIG R. ZAISS, P.A.
26 Attorney at Law
27 305 Grover Street
28 P.O. Box 628
Parma, Idaho 83660

Jerry R. Rigby
Ray W. Rigby
RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, CHARTERED
25 North Second East
P.O. Box 250
Rexburg, Idaho 83440

John A. Rosholt
James C. Tucker
ROSHOLT, ROBERTSON & TUCKER
142 Third Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Larry Sullivan
SCHROEDER, HUTCHENS & SULLIVAN
P.O. Box 220
Vale, Oregon 97918

Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

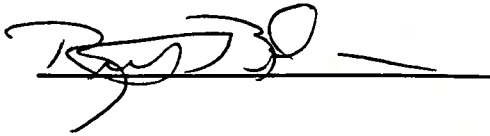
Addresses Under A.O.1., Section 7.d(2)

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

MICROFILMED

AUG 10 1994

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Forth Street, Box 33
4 Boise, Idaho 83724

5 
6

7 5500v
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAEFDate 7/21/82Right No. 02-0005Claimant H. C. WEST

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License 02-2138☐ Previous Statutory Claim.☐ Permits, valid or lapsed. Number(s) if different than above _____☐ Decree. Name & date _____☐ Conveyance Loss Calculations. See printout included.☐ Title abstract. ☐ In file. Or, Name & location _____☐ County records. ☐ In file. Or, Name & location _____☐ Affidavits. ☐ In file.☐ Posted Notices, Water Locations Notices. ☐ In file.☐ Deed Records. ☐ In file. Or, Name & location _____☐ Patent Records. ☐ In file. Or, Name & location _____☐ Metzker Maps. Identify _____☐ A.S.C.S. Records. Year & Photograph No. _____☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____☐ Historical Books. Name(s) & location _____☐ Interview(s). Attach conversation memorandum.☐ Other _____☐ _____Field Exam Made: ☒ Yes ☐ No Date _____☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File 02-2138Measurement 230 cfs. Amount recommended ONE 10 1321 cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time WICHOLOTHED☒ Adjudication Photo(s) Used: Name or No. 1974 09 C.J. STRIKE 1980 0-2 2422-80-152Field Photographs Taken ☐ Yes ☒ NoMemorandum in file ☐ Yes ☐ No SEE 5/06/82 LETTER IN ~~THE~~ THIS FILE.

Remarks _____

OK
DS

RONALD N. GRAVES
ATTORNEY AT LAW
P.O. Box 27
Boise, Idaho 83707

Telephone (208) 336-2110

May 26, 1982

State of Idaho
Department of Water Resources
92 South Cole Road
Boise, Idaho 83709

ATTENTION: Donald V. Shaff

RE: 02-2138
Snake River Adjudication
M. L. Investment Company

Gentlemen:

Reference is made to your letter of May 6, 1982, addressed to Blair Jaynes regarding the above-referenced permit. The enclosed Notice of Claim to a Water Right has been executed on behalf of M. L. Investment Company and is being transmitted to you for filing together with a check in the amount of \$45.00 covering your filing fee. If you have any questions regarding the foregoing, please feel free to contact the undersigned. Once a number has been assigned to this claim would you please transmit that information to the attention of the undersigned.

Sincerely,


RONALD N. GRAVES
Attorney at Law

RNG/ljw

RECEIVED

MAY 27 1982

Department of Water Resources
Western Regional Office

MICROFILMED

AUG 10 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

May 6, 1982

file

Blair James
SIMPLOT INDUSTRIES, INC.
P. O. Box 27
Boise, ID 83707

Re: 02-2138, Snake River Adjudication
M. L. Investment Company

Dear Mr. James:

The review of the Farm 2 water rights of M. L. Investment Company have been completed. All of the water rights claimed were essentially in order. But another water right probably exists.

Each of the water rights either singly or in combination provides one miners inch to the acre with the exception of 02-2138 which delivers over 8/10ths inch per acre. This amount of water is probably adequate, but in light of the total diversion rate at the reservoir, a full inch to the acre has been diverted. On April 3, 1963, the flow of the penstock was 23 cfs.

To claim this extra water right the enclosed claim form should be completed and returned with a \$45 filing fee. The priority date should be added to the claim, and supporting documentation of that date should be supplied. It is conceivable this use right would have the same date as the license or earlier. The filing of the Application for a Permit was made in 1957, and the water was used that same year, according to the permit holder on the deposition for Proof of Beneficial Use. The Proof was filed late and the date of priority for the license was advanced.

Call me if you want to discuss this matter further. Thanks for your help.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:aje

Enclosure

MICROFILMED

AUG 10 1994

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

Snake River from base of Milner Dam to Oregon DRAINAGE BASIN.
Border.

NOTICE OF CLAIM
TO A
WATER RIGHT

I.D. No.	Map No.
\$ 45.00	22963
Fee Paid	Receipt No.

Notice is hereby given that M. L. INVESTMENT COMPANY (Name of Claimant)

P. O. Box 27, Boise, ID 83707 (Mailing Address) Telephone No. (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) June 16, 1963

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .90 cfs Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) .90 cfs TOTAL QUANTITY CLAIMED. Lot 1
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NE 1/4
Sec. 3, Twp. 6N, Rge. 4E, B.M., Owyhee County
Additional Points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
pump and canal

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6S	4E	4															19		19
		8		38		32													70
		9					28					38							66

Total no. of acres 135

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:
(8) Remarks

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. Department of Water Resources
Western Regional Office
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho
Department of Water Resources. Give No.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

May 23, 1982 (Date)

Individual (Signature of Claimant)

State of Idaho Organization
County of Ada ss. Seal

Organization (Signature of Spouse)
M. L. Investment Company
(Signature of Authorized Agent)

On this 23 day of May, 1982, before me
a notary public, personally appeared Ronald N. Graves
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership or) executed the same.

My commission expires Lifetime Notary Public residing at Boise, Idaho