

Meeting with V Caprad
2-8-09
02/03/2009

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

RIGHT NUMBER: 2-6

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.780 CFS

The rights listed below are limited to a total combined diversion rate of 9.05 cfs. Combined Right Nos.: 2-6, 2-15, 2-2166.

PRIORITY DATE: 04/01/1969

POINT OF
DIVERSION:

T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	5.780 CFS
PLACE OF USE:	<u>IRRIGATION in OWYHEE County</u>		
	T06S R05E S18 SWNE 40.00	T06S R05E S18 SENE 40.00	
	T06S R05E S18 SWNW 19.00	T06S R05E S18 SENW 40.00	
	T06S R05E S18 NESW 38.00	T06S R05E S18 Lot 3 NWSW 42.00	
	T06S R05E S18 Lot 4 SWSW 12.00	T06S R05E S18 SESW 39.00	
	T06S R05E S18 NESE 37.00	T06S R05E S18 NWSE 39.00	
	T06S R05E S18 SWSE 10.00		

356 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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: 02-2166, & 02-00015..

RECEIVED

DEC 07 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 02-00006
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J.R. Simplot Co., c/o Ron Graves
Address: 999 Main St., Ste. 1300; P.O. Box 27; Boise, Idaho 83707

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

D. 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:
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: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

One place of use description contains both public and private lands. The description should be specific enough to exclude Federal land. Properly describing the POU recommended as SWNW, S18, T06S, R05E as Lot 10 (SWNW) would resolve BLM's objection.

F.

VERIFICATION (Must be Completed)

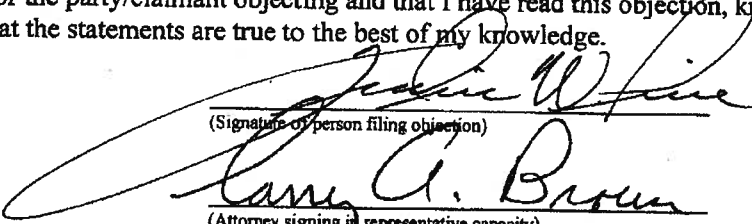
State of Idaho)

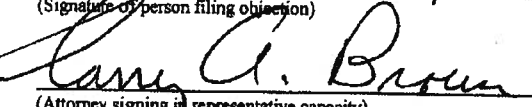
) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

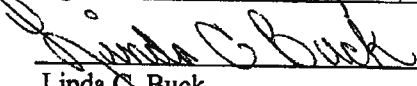
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

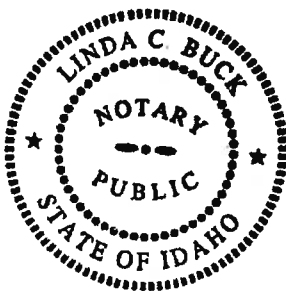

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 4, 2007


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID

My Commission Expires: 12/21/2011

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.

G.

CERTIFICATE OF MAILING

I certify that on 12/5, 2007, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

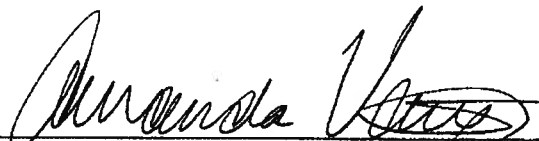
Name: J.R. Simplot Co., c/o Ron Graves
Address: 999 Main St., Ste. 1300; P.O. Box 27; Boise, Idaho 83707
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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


Signature of Objector or attorney mailing on Objector's behalf

12/28/2006

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

RIGHT NUMBER: 2-6
NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 5.780 CFS

The rights listed below are limited to a total combined diversion rate of 9.05 cfs. Combined Right Nos.: 2-6, 2-15, 2-2166.

PRIORITY DATE: 04/01/1969
POINT OF DIVERSION: T06S R05E S8 NESWSW Within OWYHEE County
PURPOSE AND PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/01 11/15	5.780 CFS
PLACE OF USE:	IRRIGATION in OWYHEE County		
Mixed	T06S R05E S18 SWNE	40.00	T06S R05E S18 SENE 40.00
	T06S R05E S18 Lot 10 SWNW	19.00	T06S R05E S18 SENW 40.00
	T06S R05E S18 NESW	38.00	T06S R05E S18 Lot 3 NWSW 42.00
	T06S R05E S18 Lot 4 SWSW	12.00	T06S R05E S18 SESW 39.00
	T06S R05E S18 NESE	37.00	T06S R05E S18 NWSE 39.00
	T06S R05E S18 SWSE	10.00	

356 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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: 02-2166, & 02-00015.

Mixed POU:

-The Place of use recommended as T06S R05E S18 SWNW describes both private and public lands. Please clarify such that only private land is intended by describing the place of use as Lot 10 (SWNW).

02-000006; J. R. Simplot Co.



Mixed POU:

-The Place of use recommended as T06S R05E S18 SWNW describes both private and public lands. Please clarify such that only private land is intended by describing the place of use as Lot 10 (SWNW).

OWYHEE COUNTY 073
BASE DISTRICT SEC 3

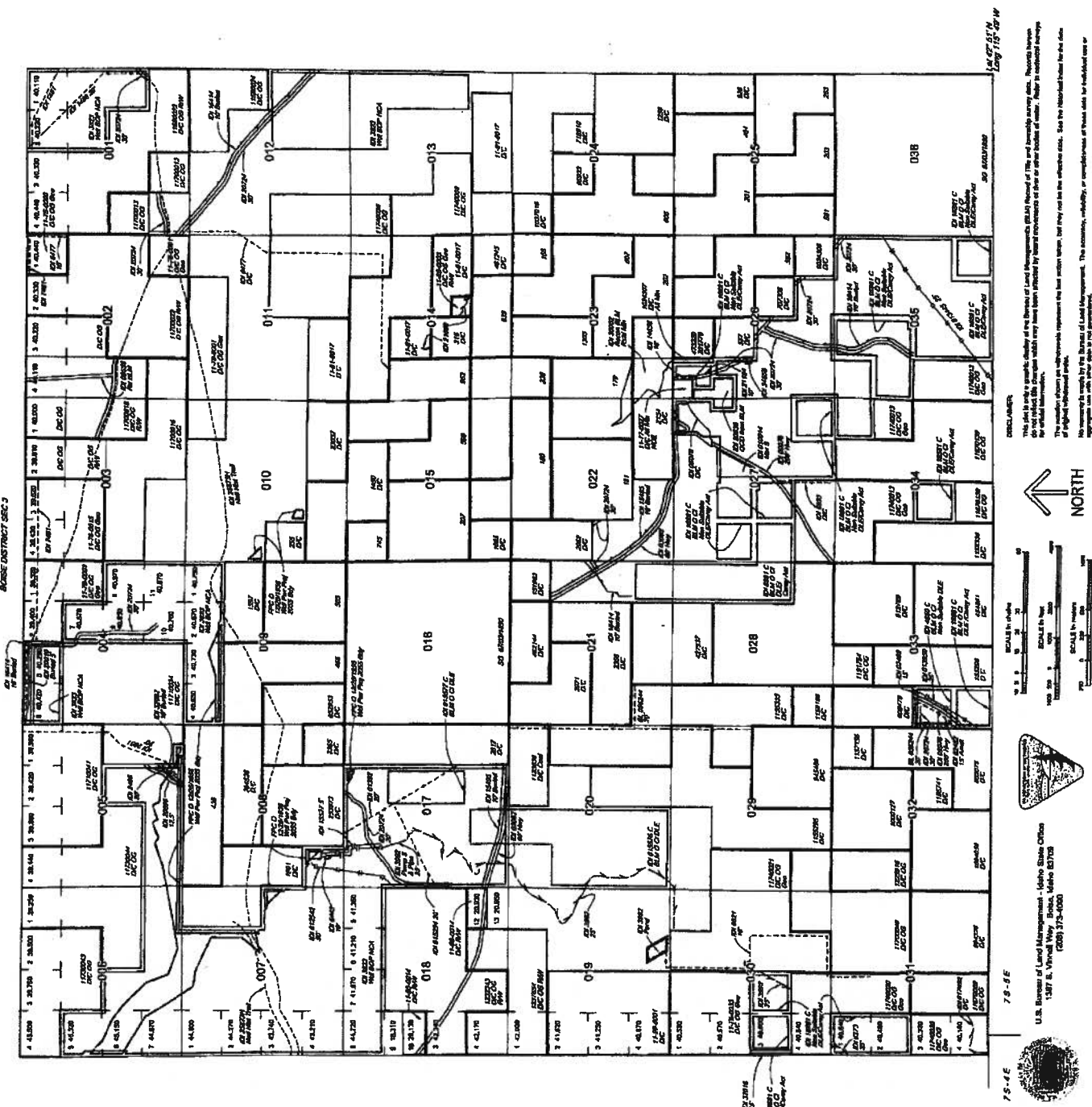
MT PLAT

[illegible][illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

[illegible]

TR 5 E



1

[illegible]

The students chosen as spokespersons represent the best activity group, but they are not the effective ones. See the attached letter for the names of assigned spokespersons.

19-115

31-54

U.S. Bureau of Land Management - Idaho State Office
1387 E. Vinland Way Boise, Idaho 83702

Way Botas, Idaho 83708

Mount, Misty

From: Fritschle, Carter
Sent: Monday, December 19, 2005 7:30 AM
To: 'Conrad, Vic'
Cc: Mount, Misty
Subject: RE: SRBA Claim Nos. 2-6, 2-15 and 2-2166.

Vic,

I believe JLD is Jennifer Dean. She was a summer intern, so she isn't here right now. Misty Mount has taken over the Basin 02 files, so I will copy her with this reply so she can take a look at the file.

Carter

-----Original Message-----

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Friday, December 16, 2005 5:08 PM
To: Carter.Fritschle@idwr.idaho.gov
Subject: SRBA Claim Nos. 2-6, 2-15 and 2-2166.

Carter,

I prepared 2-2220-2-2221 and 2-2222 for signature and should have them ready Monday morning. I have a meeting on an unrelated matter in your offices at 10:00 on Monday and will deliver these amended claims. Thank you for your help.

With respect to the recommendations for claim nos. 2-6, 2-15 and 2-2166.

These were reviewed by "JLD" - so if I should be discussing these with JLD - please let me know. The recommendations for 2-15 and 2-2166 appear to be okay. However, the recommendation for 2-6 reduces the quantity of water from the claimed 6.03cfs down to 1.310 cfs. Most of the place of use recommended under 2-15 and 2-6 overlap. For the overlapped acres, the recommended quantity for both rights combined is .009 cfs/acre (less than 1/2 inch per acre).

The recommended place of use under 2-6 extends beyond the place of use recommended under 2-15, consequently some of the places of use identified under 2-6 are covered with 2-6 alone. For those places of use covered by 2-6 only, the quantity recommended only provides .006 cfs/acre.

Can you tell me if there is any reason JLD provided for reducing the quantity under 2-6? Everything else in the recommendation for 2-6 appears to be okay.

2-15 Qty = verified for the exam for permit 2-2165 in 1968.

7.1 cfs capacity

6 cfs for 300 acres

5.7 cfs - previous right

1.31 ?? (7.1 - 5.7 = 1.4)

↑
capac.

↑

2-2166 Recd amnt

1.31 + 4.98 = 6.29
 1.31 + 5.78 = 7.09

7.12 limit

650 acres - covered on same system.

9.05 cfs / 650 = 0.14 rate per acre

12/20/2005

$$\begin{array}{r} 356 \\ \underline{294} \\ 650 \end{array}$$

$$\frac{9.05 \text{ cfs}}{650} \approx 0.014$$

1964	2-15	as	1.31	on	300 ac	
1969	2-6	as	4.98 or 5.78	on	<u>356 ac</u> 356 ac	(0.014 cfs/ac)
1961	2-2166	as	5.7	on	294 ac	(as licensed)

2-6 & 2-15 & 2-2166 limited to 9.05 cfs

12/20/2005

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

RIGHT NUMBER: 2-6

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.040 CFS *-Based on 1983 FE by D. Staff*

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION:

T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

2.040 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

* T06S R05E S18	SWNE	40.0	* T06S R05E S18	SENE	40.0
- T06S R05E S18	SWNW	19.0	+3 T06S R05E S18	SENW	40.0
+ 2 T06S R05E S18	NESW	38.0	+3 T06S R05E S18 Lot 3	NWSW	42.0
- T06S R05E S18 Lot 4	SWSW	12.0	* T06S R05E S18	SESW	39.0
* T06S R05E S18	NESE	37.0	+7 T06S R05E S18	NWSE	39.0
- T06S R05E S18	SWSE	10.0			

356 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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

add channel 100 w/ 2166.15

*measured 9.05 cfs in 83 F.E.
for capacity.*

all 3 rights combined = 9.05 cfs

Water Right 2-6

letter on 3-30-83

1

from 8-23-83

all share the POD - which has a 7.1 capacity

12/20/2005

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

RIGHT NUMBER: 2-15

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.310 CFS

PRIORITY DATE: 06/01/1964

POINT OF DIVERSION:

T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
1.310 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

* T06S R05E S18	SWNE	40.0	* T06S R05E S18	SENE	40.0
* T06S R05E S18	SENE	37.0	* T06S R05E S18	NESW	36.0
* T06S R05E S18 Lot 3 NWSW		39.0	* T06S R05E S18	SESW	39.0
* T06S R05E S18	NESE	37.0	* T06S R05E S18	NWSE	32.0

300 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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

add shared POD w/ 2-6

add cond. cannot exceed 7.1 cfs ??

if we rec 7.1 - 2.04 = 5.06 for this land?

2-15 & 2-6 = 3.35 cfs on land w/ current Rec.

12/20/2005

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

RIGHT NUMBER: 2-2166

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.700 CFS
~~1,500.000~~ AFY

PRIORITY DATE: 08/16/1961

POINT OF DIVERSION:

T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

5.700 CFS
1,500.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within OWYHEE County

T06S R04E S13	SENE	33.0	T06S R04E S13	NESE	40.0
T06S R04E S13	SESE	39.0	T06S R05E S18 Lot 4 SWSW		32.0
T06S R05E S18	SWSE	29.0	T06S R05E S19	NWNE	38.0
T06S R05E S19	NENW	39.0	T06S R05E S19 Lot 1 NWNW		44.0

2-600 by 44 Ac - no, no 00

294 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

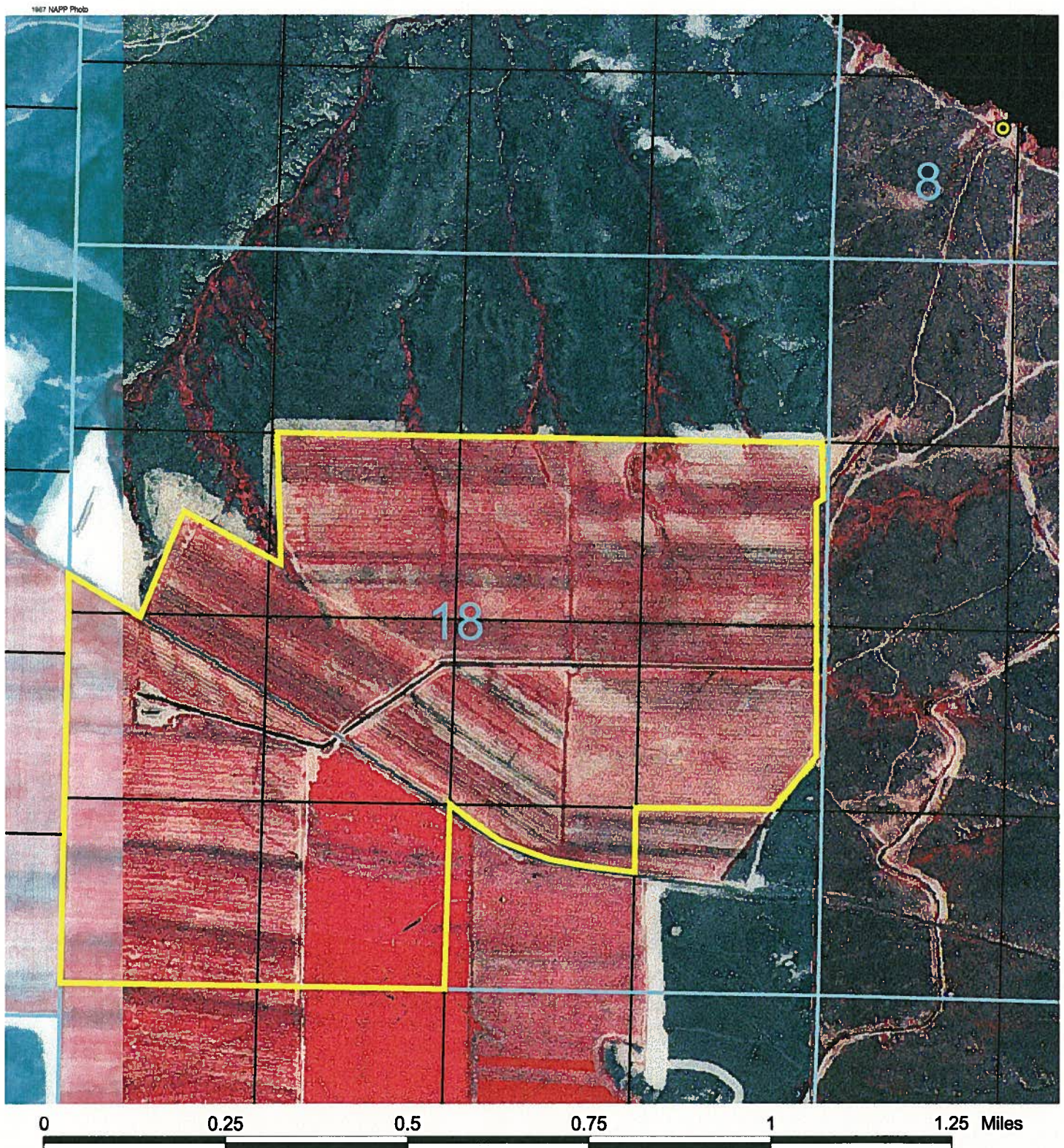
The following rights are also diverted through point of diversion described above: 02-00006, & 02-00015.

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

Recommended as per license

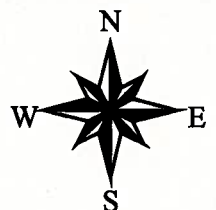


Idaho Department of Water Resources

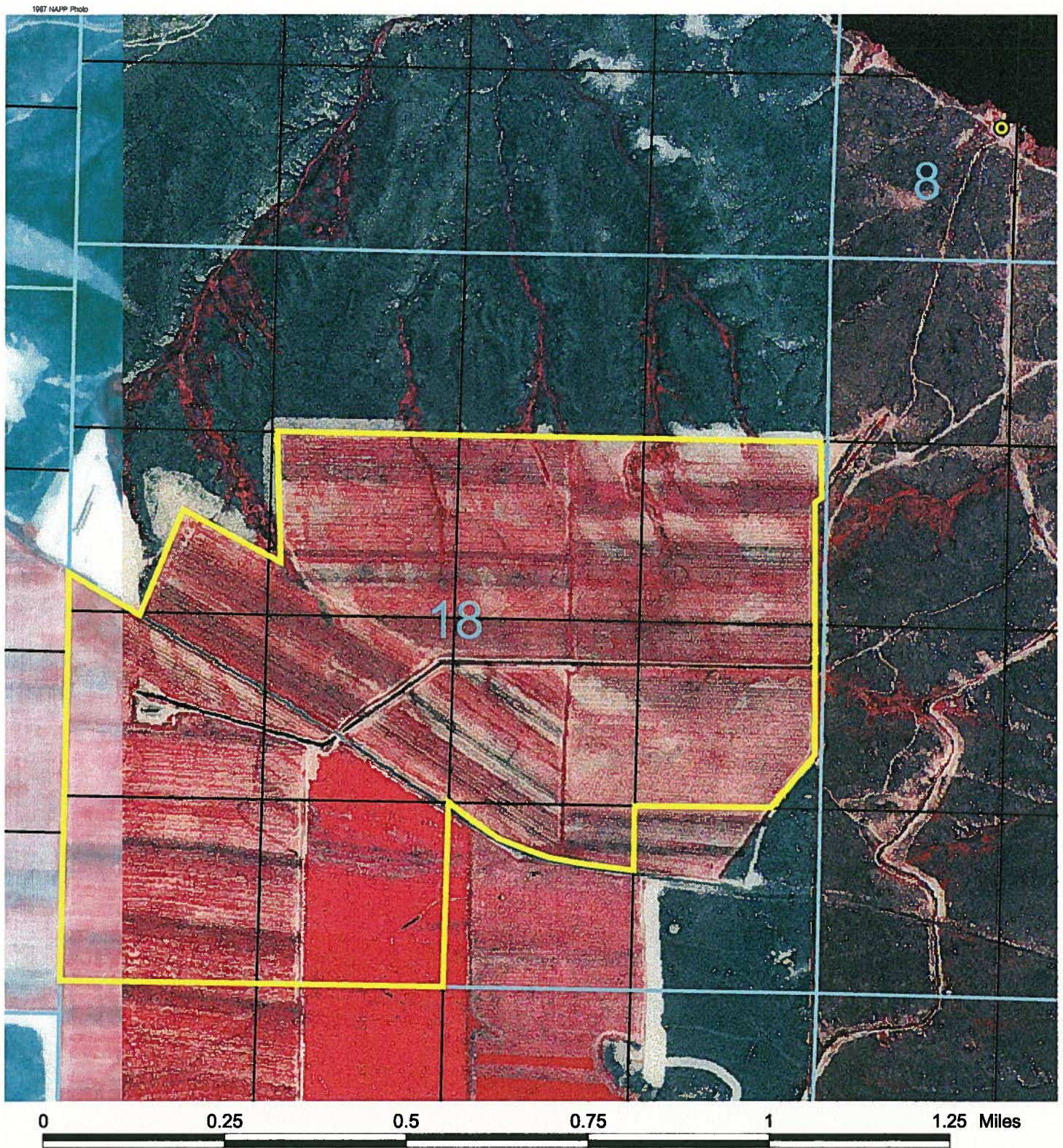


Claim Number: 02-00006
Legal: T06, R05, S8 & S18
Reviewed By: JLD 7/12/05

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

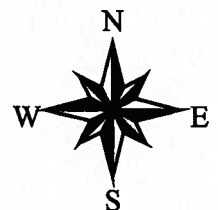


Idaho Department of Water Resources



Claim Number: 02-00006
Legal: T06, R05, S8 & S18
Reviewed By: JLD 7/12/05

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



07/12/2005

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

RIGHT NUMBER: 2-6

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.040 CFS

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION:

T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.040 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R05E S18	SWNE	40.0	T06S R05E S18	SENE	40.0
T06S R05E S18	SWNW	19.0	T06S R05E S18	SENW	40.0
T06S R05E S18	NESW	38.0	T06S R05E S18 Lot 3	NWSW	42.0
T06S R05E S18 Lot 4	SWSW	12.0	T06S R05E S18	SESW	39.0
T06S R05E S18	NESE	37.0	T06S R05E S18	NWSE	39.0
T06S R05E S18	SWSE	10.0			

356 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Notes from Permit 2-2165 (30089) Microfiche

Application for permit was for 6.4 cfs from the Snake River, SWSW S8, T06S, R05E
Owyhee County for Irrigation

The application set forth the following timeline: 5 years to proof of works and 6 years to
proof of beneficial use

Permit G-26382 was also used at the place of use, but there was insufficient water

Application received 11:20 8/16/1961

Proof of works by 2/18/1964

Proof of beneficial use by 8/18/1966

Proof of works made 6/24/1966

Proof of Completion of Works – Affidavit of Holder

Remarks: "The works have been completely and permanently installed, and beneficial
use of water has been fully appropriated and utilized for approximately 2 years. The
irrigation system has enabled permit holder to irrigate and successfully reclaim his Desert
Land Entry."

24 June 1966

As per Don Shaff, the previous statement is "Sufficient."

Certificate of Completion of works 6.4 cfs made June 24, 1966... Proof 3/5/1968

App for permit 6.4 cfs, SR, SWSW S8 T6S R5E Owyhee
Irrigation

5.7 cfs
vs 6.4 cfs

5 years to works, 6 yrs to BU

Permit G-26382 also used, but insufficient water

Permit App received 11:20 8/16/1961

Proof of works by 2/18/64

" " BU by 8/18/66

Proof of works made 6/24/66

Proof of completion of works - Affidavit of Holder

Remarks: "The works have been completely & permanently installed, and beneficial use of water has been fully appropriated and utilized for approximately 2 years. The irrigation system has enabled permit holder to irrigate successfully & reclaim his Desert Land Entry."

- 24 June 1966

Certific Camp Works 6.4 cfs made Jun 24, 1966

Proof 3/5/68

Don says
"sufficient."

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-00006

Date: 8-16-02

	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	5E	18			40	40			19	40	38	-3	-4	39	37	39	10		356
GIS						41	41			44	42	42	45	44	42	42	42	42		467
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 356

Overlapping FOU Claim #'s:

02-02166

Total GIS Acres: 467

COMMENTS:

No county data for this area. Per claim map.

POD per claim. legal.

Idaho Department of Water Resources

Claim Number: 02-00006

Legal: T06S, R05E, S18

Reviewed By:

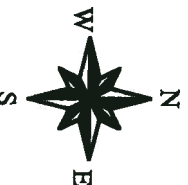
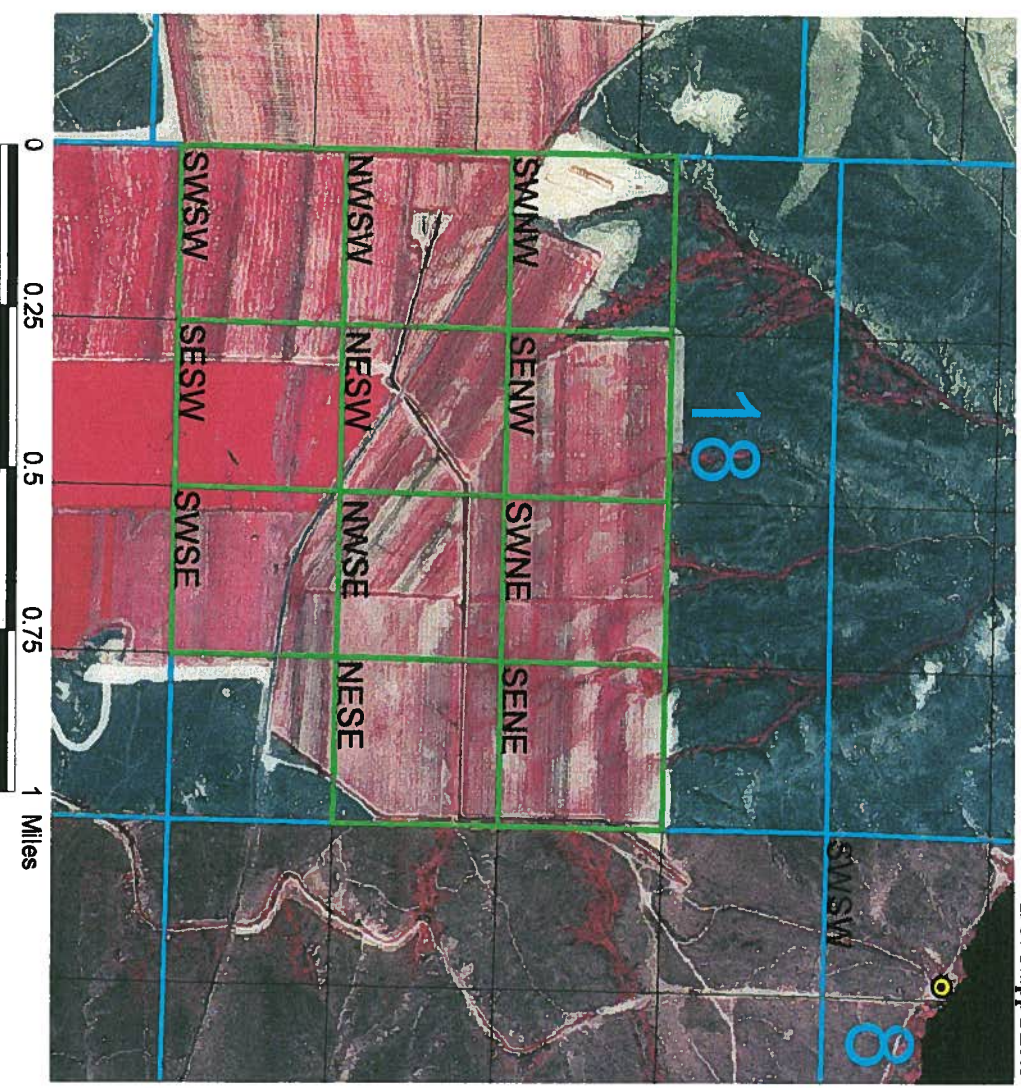
● Point of Diversion

□ Place of Use

□ Section Lines

□ Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 02-00006

Legal: T06S, R05E, S18

Reviewed By:



Point of Diversion



Place of Use

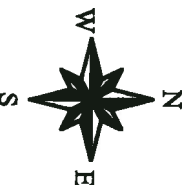
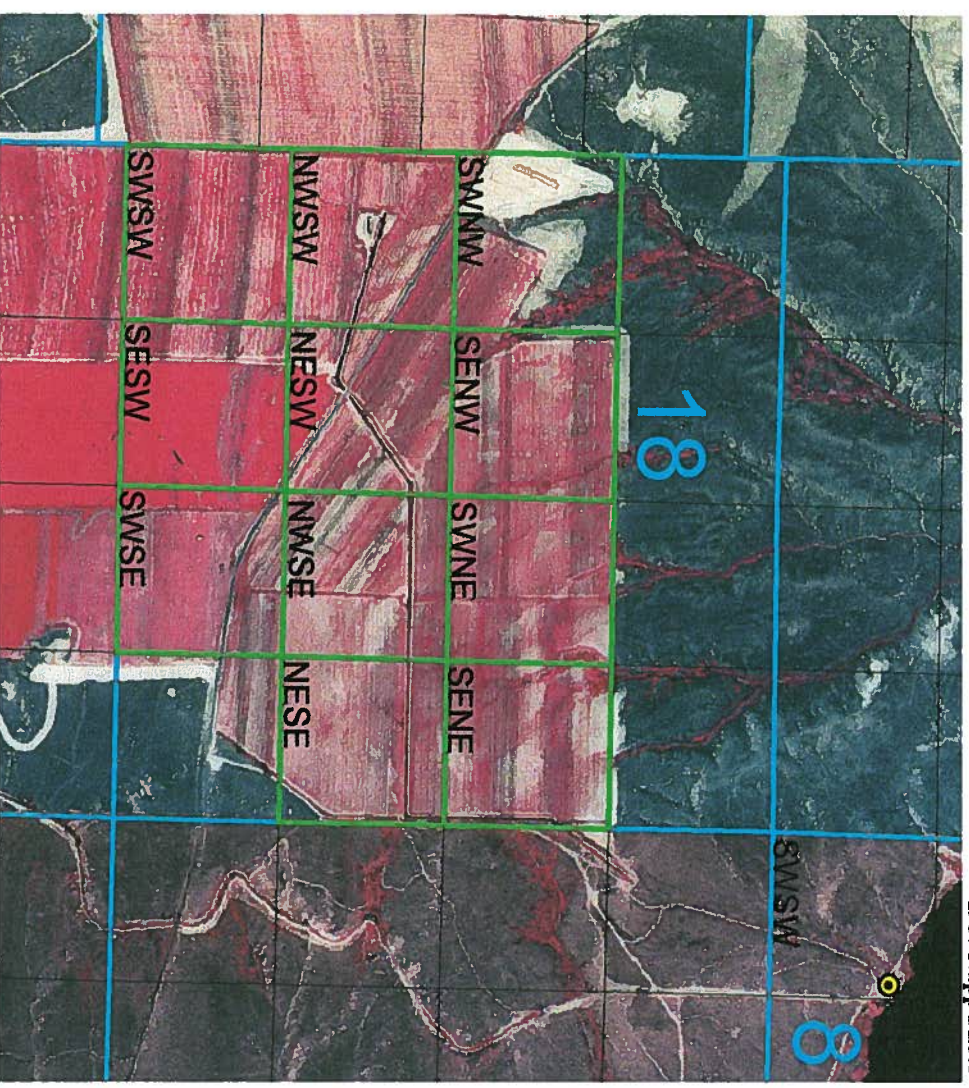


Section Lines



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: A02-00006
Date Received: 3/1/89
Receipt No: C005643
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 01 1989

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

Department of Water Resources

2. Date of Priority: APR 01, 1969

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	05E	8	NE	SW	SW		OWYHEE

5. Description of diverting works:
PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.780		

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

A.F.A.

8. Total consumptive use is 1246.0 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	05E	18	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SW	NW		IRR	19.0

A02-00006

Page 1

Date: 02/24/89

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AUG 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	18	SE	NW		IRR	40.0
			NE	SW		IRR	38.0
			NW	SW	3	IRR	42.0
			SW	SW	4	IRR	12.0
			SE	SW		IRR	39.0
			NE	SE		IRR	37.0
			NW	SE		IRR	39.0
			SW	SE		IRR	10.0

Section Acres 356.0

Total Acres 356.0

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:
02-00015

14. Remarks:
FARM 3.
LAND IN SWNW OF SEC 18 IS BLM LAND WHICH IS USED BASED ON VERBAL AGREEMENT

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 _____

J. R. Simplot Company _____, that I have signed the foregoing
Organization
document in the space below as _____ Secretary _____ of
Title _____

J. R. Simplot Company _____ and that the statements contained in the
Organization
foregoing document are true and correct.

David N. Shaw
Signature of Authorized Agent

Secretary, J. R. Simplot Company
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 C. Lower
Notary Public

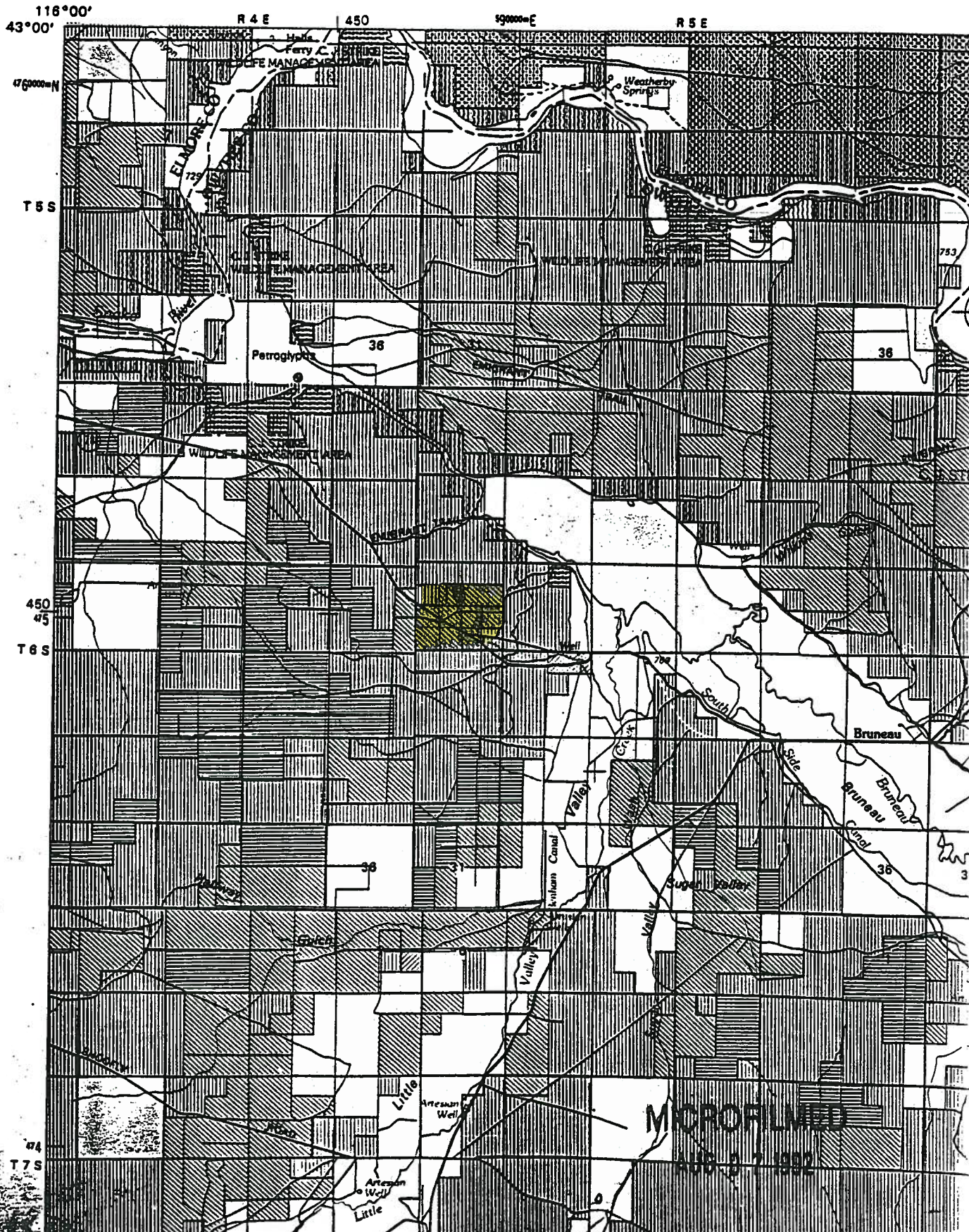
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

(MURPHY)





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

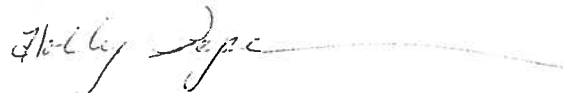
Dear Mr. Shaff:

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
7 Boise, Idaho 83707
8 Telephone: (208) 389-7318
9 Fax: (208) 389-7515

10 Attorneys for J. R. Simplot Company

1994 APR - 5 PM 2:52
DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED

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

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

Civil Case No. 39576

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

Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

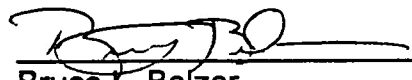
22 The United States; the State of)
23 Idaho; and all claimants to the)
24 use of water from the Snake)
25 River Basin Water System,)

Defendants.)

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 4~~th~~ day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
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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

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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
17 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
26 P.O. Box 66
27 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

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

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

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

10 James P. Speck
11 HOGUE, SPECK & AANESTAD, P.A.
12 120 East Avenue
13 P.O. Box 987
Ketchum, Idaho 83340

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

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
Burley, Idaho 83318

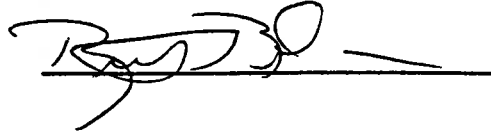
Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
Parma, Idaho 83660

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

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

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

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7 5500v
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CORPORATE HEADQUARTERS

RECEIVED
MAY 13 1986

May 12, 1986

Department of Water Resources

Donald V. Shaff, Adjudication Unit Leader
Department of Water Resources
Statehouse
Boise, ID 83720

Re: 02-0006; 02-0096

Dear Don:

As we discussed by telephone today, it is my understanding that J. R. Simplot Company (successor to Simplot Industries) occupies most if not all of the BLM ground identified in your April 10, 1984, letter on this matter. Simplot's possession is pursuant to an oral arrangement originating in the early or mid 1970's. Evidently, the BLM wanted to install or improve an access road to the Black Sands Beach, but the road needed to cross Simplot property. Simplot agreed to the BLM's proposal for the access road to Black Sands; in exchange, the BLM agreed that we could continue to occupy and use certain BLM owned ground, including the identified areas of conflict.

As I indicated, this agreement is at least 10 years old, and maybe closer to 15. I have been unable to identify any BLM personnel involved in the negotiation, but I will certainly provide the names of such people if I learn their identities. I hope this sufficiently answers your concerns. Please advise me if you have any questions. Thank you for your help in this matter.

Sincerely,



BRUCE L. BELZER
Assistant General Counsel

BLB/dw

MICROFILMED
AUG 10 1994

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF
STATE OF NEVADA

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

RECEIVED
AUG 1 1985

Department of Water Resources

A02-0006

EB 27 1985

Merging

SIMPLOT INDUSTRIES, INC.

into

J. R. SIMPLOT COMPANY

(Pursuant to Section 78.486 of the Nevada Revised Statutes
and 16-10-70 of the Utah Business Corporation Act.)

J. R. SIMPLOT COMPANY, a corporation organized and
existing under the laws of Nevada, the parent corporation, does
hereby certify:

FIRST: That this corporation was incorporated on the
28th day of June, 1955, pursuant to the laws of the State of
Nevada.

SECOND: The number of outstanding shares of each
class of SIMPLOT INDUSTRIES, INC., a Utah corporation, and the
number of shares of each class owned by J. R. SIMPLOT COMPANY
are as follows:

<u>Names of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>Number of Shares Owned by J. R. Simplot Company</u>
Simplot Industries, Inc.	10	Common	10

THIRD: That this corporation, by resolution of its
board of directors, duly adopted the following Plan of Merger,
at a meeting held on the 15th day of February, 1985, and deter-
mined to merge into itself said SIMPLOT INDUSTRIES, INC. at the
Effective Time which resolution is in the following words
to-wit:

NOW, THEREFORE, be it resolved that J. R. SIMPLOT COMPANY
merge, and it hereby does merge into itself said SIMPLOT
INDUSTRIES, INC. and assumes all of its obligations, at the
Effective Time; under the following terms and conditions:

A. BE IT RESOLVED that effective as of the close of busi-
ness on the 28th day of February, 1985, (the Effective
Time), SIMPLOT INDUSTRIES, INC. shall be and it is hereby
merged into J. R. SIMPLOT COMPANY, with the effect and
result that the existence of SIMPLOT INDUSTRIES, INC. shall

cease and J. R. SIMPLOT COMPANY shall continue in existence as the surviving corporation.

B. BE IT RESOLVED that all of the provisions contained in the Articles of Incorporation, as amended, and the By-Laws of J. R. SIMPLOT COMPANY shall remain in force and effect and shall not be deemed altered or amended hereby, and that the laws of the State of Nevada shall continue to govern the surviving corporation.

C. BE IT RESOLVED that the present members of the Board of Directors of J. R. SIMPLOT COMPANY shall continue to hold office during the remainder of the term to which they are elected and until their successors are elected and duly qualified.

D. BE IT RESOLVED that at the Effective Time, all of the property, real, personal or mixed, and all of the assets of SIMPLOT INDUSTRIES, INC. wherever located, shall be deemed automatically transferred to and become vested in J. R. SIMPLOT COMPANY as the surviving corporation, without any further act or deed or instrument of transfer of conveyance for the accomplishment thereof; and whereupon, further, J. R. SIMPLOT COMPANY shall assume and become liable for payment of all of the existing indebtedness and obligations of SIMPLOT INDUSTRIES, INC., including the obligations to perform existing agreements without any special act or assumption of liability for those obligations.

E. BE IT RESOLVED that in as much as SIMPLOT INDUSTRIES, INC. is a wholly-owned subsidiary of J. R. SIMPLOT COMPANY and is being merged into its parent corporation, no additional capital stock of J. R. SIMPLOT COMPANY will be issued upon or as a part of said merger; and after the Effective Time each certificate or certificates theretofore representing issued and outstanding shares of the Capital Stock of SIMPLOT INDUSTRIES, INC. shall be deemed cancelled.

F. BE IT RESOLVED that notwithstanding any action taken with respect to the merger by the Directors of J. R. SIMPLOT COMPANY or SIMPLOT INDUSTRIES, INC. or both, and notwithstanding anything herein or elsewhere to the contrary, the merger may be abandoned at any time prior to the filing thereof by the adoption of a resolution providing for such abandonment by the Board of Directors of J. R. SIMPLOT COMPANY.

G. BE IT RESOLVED that the Executive Vice President and Secretary of this corporation be and they hereby are directed to make and execute, under the corporate seal of this corporation, a certificate of ownership and merger setting forth a copy of the resolution to merge said SIMPLOT INDUSTRIES, INC. and assume its liabilities and obligations, and to file the same in the office of the Secretary of State of Nevada and the Secretary of State of Utah; and

H. BE IT FURTHER RESOLVED that the officers of this corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the States of Nevada and Utah which may be necessary or proper to effect said merger.

JUN 10 1964
MICROFILMED

FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary of State of Utah as its agent to accept service of process in any such proceeding; and (c) agrees that it will promptly pay to the dissenting shareholders of such domestic corporation the amount, if any, to which they shall be entitled under the provisions of the Utah Business Corporation Act with respect to the rights of dissenting shareholders.

SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald N. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By 
Its Executive Vice President

ATTEST:


Secretary

JUN 10 1985
MICROFILMED

STATE OF IDAHO)
) ss
County of Ada)

I, Laurel J. Walker, a notary public, do hereby certify that on this 15th day of February, 1985, personally appeared before me Scott R. Simplot, who, being by me first duly sworn, declared that he is the Executive Vice President of J. R. SIMPLOT COMPANY, that he signed the foregoing document as Executive Vice President of the Corporation, and that the statements therein contained are true.

Laurel J. Walker
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/30/87

APR 10 1987
MICROFILMED

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 DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of
Milner Dam to DRAINAGE BASIN.
Oregon border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

<u>02-0006</u>	I.D. No.	Map No.
\$ <u>165</u>	Fee Paid	<u>27914</u>
		Receipt No.

Notice is hereby given that SIMPLOT INDUSTRIES, INC.

P.O. Box 27, Boise, Idaho 83707

(Name of Claimant)

Telephone No. (208) 336-2110

(Mailing Address)

(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) April 1, 1969

(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 6.03 2.04 Use irrigation A 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) 6.03 2.04 TOTAL QUANTITY CLAIMED.

(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW 1/4
Sec. 8, Twp. 6S, Rge. 5E, B.M., Owyhee 73 County

Additional Points: SCI: 2720(1) 492.9

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, lens and capacities: be as specific as possible. Describe any changes in the system and give the pump and pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in a irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	5E	18	1	1	40	40	1	1	19	40	38	42	12	39	37	39	10	7	366.337
6S	4E	13	1																

Total no. of acres 367 337

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: Grand View Farms

(8) Remarks (Farm 3)

(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

April 5, 1983

(Date)

State of Idaho

County of Ada

ss.

Organization

Seal

(Signature of Spouse)
SIMPLOT INDUSTRIES, INC.

(Signature of Authorized Agent) Secretary
1983

On this 5th day of April, in the year 1983 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 X

My commission expires Lifetime

Notary Public residing at Boise, Idaho

NEED MEASUREMENT

-PART OF 02-2166
02-0015

QUEST. PRI. DATE

-BLM GROUP

4/6/83

RECEIVED

APR 7 1983

D.W. 8/22/84
12/05/84

(Signature of Claimant)

(Signature of Spouse)

(Signature of Authorized Agent) Secretary

My commission expires Lifetime

Notary Public residing at Boise, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

April 10, 1984

Martin "Joe" Zimmer
District Manager
U.S. Department of Interior
Bureau of Land Management
3948 Development Avenue
Boise, ID 83705

RE: 02-0006, 02-0096

Dear Mr. Zimmer:

The enclosed letter is brought to the attention of your agency's staff. The matter involves a water user claiming a water right for land this Department's staff has identified as land administered by your agency.

I hope this knowledge will help resolve the issue speedily so the State of Idaho can recognize the use of the water resource and the benefit derived from that use. Thank you for promptly attending to this matter.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:ns

Enclosure

MICROFILMED

AUG 10 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

April 10, 1984

Bruce Belzer
Assistant Corporate Counsel
J. R. Simplot Company
P. O. Box 27
Boise, ID 83707

RE: 02-0006, 02-0096

Dear Mr. Belzer:

This letter is to address the conflict of use of water on federal land. At the risk of being accused of back pedaling on the issue, this issue was brought to a head as the review of Snake River claims progressed.

As you know, a water right cannot be developed in trespass, particularly with respect to federal lands. Simplot Industries may have been led into the dilemma of claiming such water rights in the case of Farm 3 (02-0006) and the Rawlings Place (02-0096).

The staff for this agency has identified some minor overlap that may only be proven by field surveys of private use on BLM ground and some definite ingress for Farm 3. From Claim 02-0006 Simplot has claimed the place of use on BLM ground, according to our maps, as NENE (1 acre) NWNE (1), NENW (1), Lot 2 (SWNW) (19), SESE (7), Sec. 18, T 6S, R 5E, and NENE (1), Sec. 13, T 6S, R 4E.

The land (NWNE (17 acres), Sec. 17, T 5S, R 4E) for Claim 02-0096 filed by Simplot is identified by this agency's staff as being BLM ground.

This matter is brought back to your attention because this agency's staff is strictly recommending water rights in adjudication procedures. If you will supply this office with evidence of a proprietary interest through an entry or lease by Simplot for this specified land, this agency's staff will continue processing the water rights for it.

MICROFILMED

AUG 10 1994

Bruce Belzer
April 10, 1984
Page 2

BLM has been supplied a copy of this letter to speed processing of any agreements that might be initiated at this point, or to allow them to claim a water right for this land. If Simplot decides the disadvantages outweigh any advantages from maintaining these Claims 02-0006 and 02-0096, you may want to forward instructions to withdraw and/or amend them. If Claim 02-0096 is withdrawn the filing fee for it could be refunded. Claim 02-0006 involves other deeded land that would probably make an amendment at no extra filing fee more attractive. Without the requested proprietary evidence, this agency's staff will recommend the above water rights with the information they have on hand.

I see from our correspondence, Bruce, you foresaw the potential for this problem earlier. Thank you for wrestling with the ownership problem again.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:ns

cc: BLM

MICROFILMED
AUG 10 1994

POOR ORIGINAL

September 9, 1983

Tom Basabe
Simplot Livestock
Grand View, ID 83624

RE: Farm 3 water rights (02-0006)

Dear Tom,

Although I made a measurement in the ditch at Farm 3 on August 26th, I feel uncomfortable about the results of that effort. Staying with this measurement would mean a diversion from C. J. Strike Reservoir of about $\frac{1}{2}$ miners inch per acre for the 961 irrigated acres.

To get around the disadvantages created by the ditch operation, I propose that an access port like those at the Boltz place be installed in the pipeline at the Farm 3 pumps. A set of installation instructions is enclosed for your review. If you can have this access port installed before the system is shut down for the year, I can coordinate through Cindy with the foreman for a time and date to get this second and more accurate and reliable measurement.

Thanks for your help. Let me know if these arrangements can be made.

Regards,

Donald V. Shaff
Adjudication Unit Leader

DVS:kb

Enclosure

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AUG 10 1994

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 9/08/83 12/05/84

Right No. 02-0006

Claimant SIMPLOT

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
- ☐ Previous Statutory Claim.
- ☒ Permits, valid or lapsed. Number(s) if different than above 02-2166
- ☐ 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 8/24/83

☒ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement 9.05 cfs. Amount recommended 2.04 cfs.
Type of measuring device: Pygmy Current Meter Meter No. _____
Condition Good Date 8/24/83 Time _____

Adjudication Photo(s) Used: Name or No. 1974 OA CJ STRIKE, Aug 10 1984

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks Not notified of any arrangement with BLM to use the land not recommended on claim.

Remarks _____

[illegible]

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SWSW SB T6S R5E

Place(s) of Use

[illegible]

367

Recommended Amendments:

- ☐
- Change P.D. as reflected above

- ☐
- Add P.D. as reflected above

- ☐
- None

- ☐
- Change P.U. as reflected above

- ☐
- Add P.U. as reflected above

- ☐
- Other

Examiner's Signature

Checked by

Approved by _____

Date 9/08/83

Date _____

Date _____

POWELL HETER
GOOD, OILED.
LV-200
1-63

AY

10:50 AM to 11:44 AM
2 PUMP CYCLES

8/24/83
CLEAR & WINDY
LEWIS, 70°F

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Date 8/24, 1983 DISCHARGE MEASUREMENT NOTES

SIMPLET (FARM 3) DITCH River at FROM SWAKE RIVER (C. STRIKER)

Angle coef- ficient	Dist. from initial point	Width	Depth	Observa- tion depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At point	Mean in ver- tical			
EW 4°	6°		1.6		.615	66	.263				
	7°		1.7		.615	46	.358			1.7	
	8°		2.1		.610	64	.195			2.1	
	9°		2.0		.620	43	.491			2.0	
	10°		2.05		.630	43	.713			2.05	
	11°		2.4		.620	41	.512			2.1	
	12°		2.3		.640	44	.915			2.2	
	13°		2.1		.620	48	.444				
EW 16°											

POOR ORIGINAL

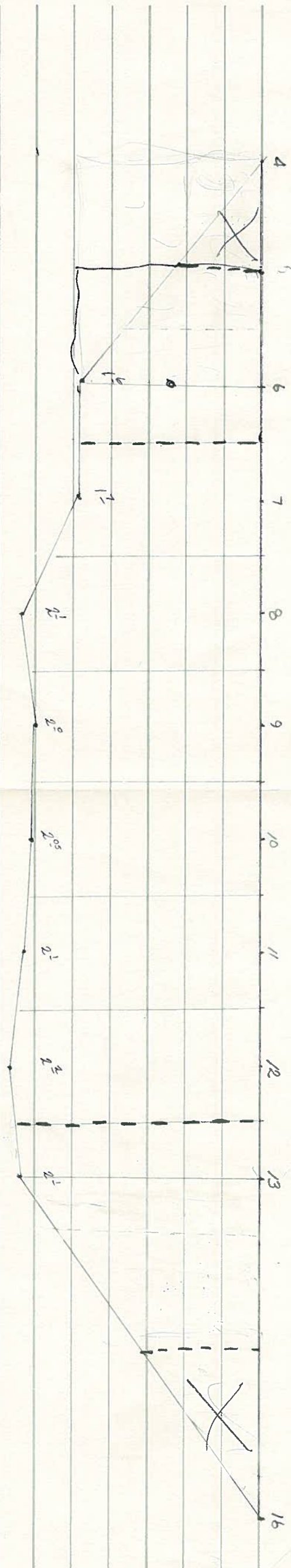
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AUG 10 1994

No. _____ of _____ Sheets. Comp. by _____ Chk by _____

MEASUREMENT LOCATION AT CANAL FLODT
MEASURED BY D. SHAFF ON 8/24/83
LEGAL DESCRIPTION SW1/4 SEC 17 T1P 6S R1G 5E
V = .956N + .046

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC.	FT/SEC.	CFS
4.000	.000	.000	0	.000	.000	.000
5.000	1.600	4.000	15	66.000	.263	4.052 .631
7.000	1.700	1.700	15	46.000	.358	.609
8.000	2.100	2.100	10	64.000	.195	.410
9.000	2.000	2.000	20	43.000	.491	.982
10.000	2.050	2.050	30	43.000	.713	1.462
11.000	2.100	2.100	20	41.000	.512	1.075
12.000	2.200	2.200	40	44.000	.915	2.013
13.000	2.100	2.200	20	48.000	.444	3.263 1.865
16.000	.000	.000	0	.000	.000	.000
TOTALS		23.500				10.866 9.047



Edges checked with water that prevented any for distances 4-5 and 14 1/2 - 16.

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AUG 10 1994

CEM/JH/CH/MI

FEET 0 1 00A

8/23/83

12:55 PM - 1:14 PM 1:40 PM

FARM 3 MOTORS & PUMPS DO NOT RUN CONTINUOUSLY - FLOAT IN CANAL THROUGH

250HP GE MDC # SK6286XH41A #5DJ52Z152

LAYNE BOWLER PUMP 44653

U.S. MOTORS
150 HP HOLOSHAFT SN 1328231 #5DJ
JOHNSON PUMP SN VN 14042

C = 475 FT PENSTOCK = 18" DIA

2635
2460
175'

BHP Formula

80% = 16'13" - friction loss
65% = 13'10" - friction loss
50% = 10'08" - friction loss

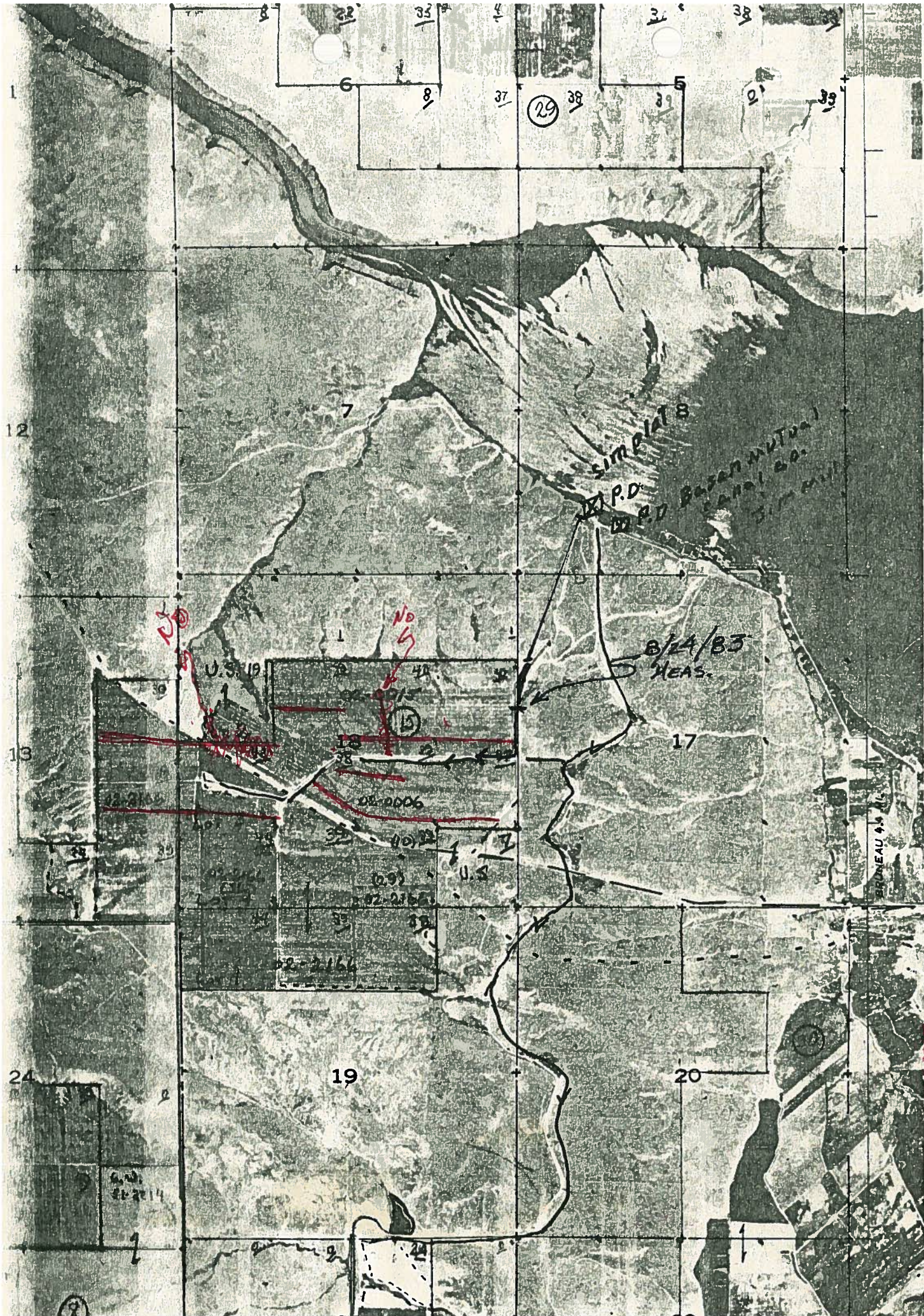
TOO HIGH e

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AUG 10 1994

10 lines
Assume 32 heads/line
320 heads 5 gpm/head
1600 gpm
356 cfs
960 AC
600'
5435

960 Acres
5/8" dia = 12 cfs
144
72



- 17. Rob
- Way
- 18. R.
- 19. Dal
- 20. Ida
- 21. Che
- 22. Sta
- 23. M.
- 24. Gr
- 25. Mau
- 26. Lyl
- 27. All
- 28. Con
- 29. Jes
- 30. Bru
- 31. Zor
- c/o

SPRINKLER
LINES
RODDIN.
8/24

POOR ORIGINAL

MICROFILMED
AUG 10 1994

47 48000m. N

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

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

Notice is hereby given that
(Name of Claimant)
(Mailing Address) (Zip Code) Telephone No.

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)

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

(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 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)
Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source ¼ ¼
Sec. , Twp. , Rge. , B.M., 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.

(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	

Total no. of acres

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.
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.

RECEIVED
APR 7 1983

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.

(Date) (Signature of Claimant)
(Signature of Spouse)
Organization
(Signature of Authorized Agent)

On this day of , in the year before me
a notary public, personally appeared
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 Notary Public residing at