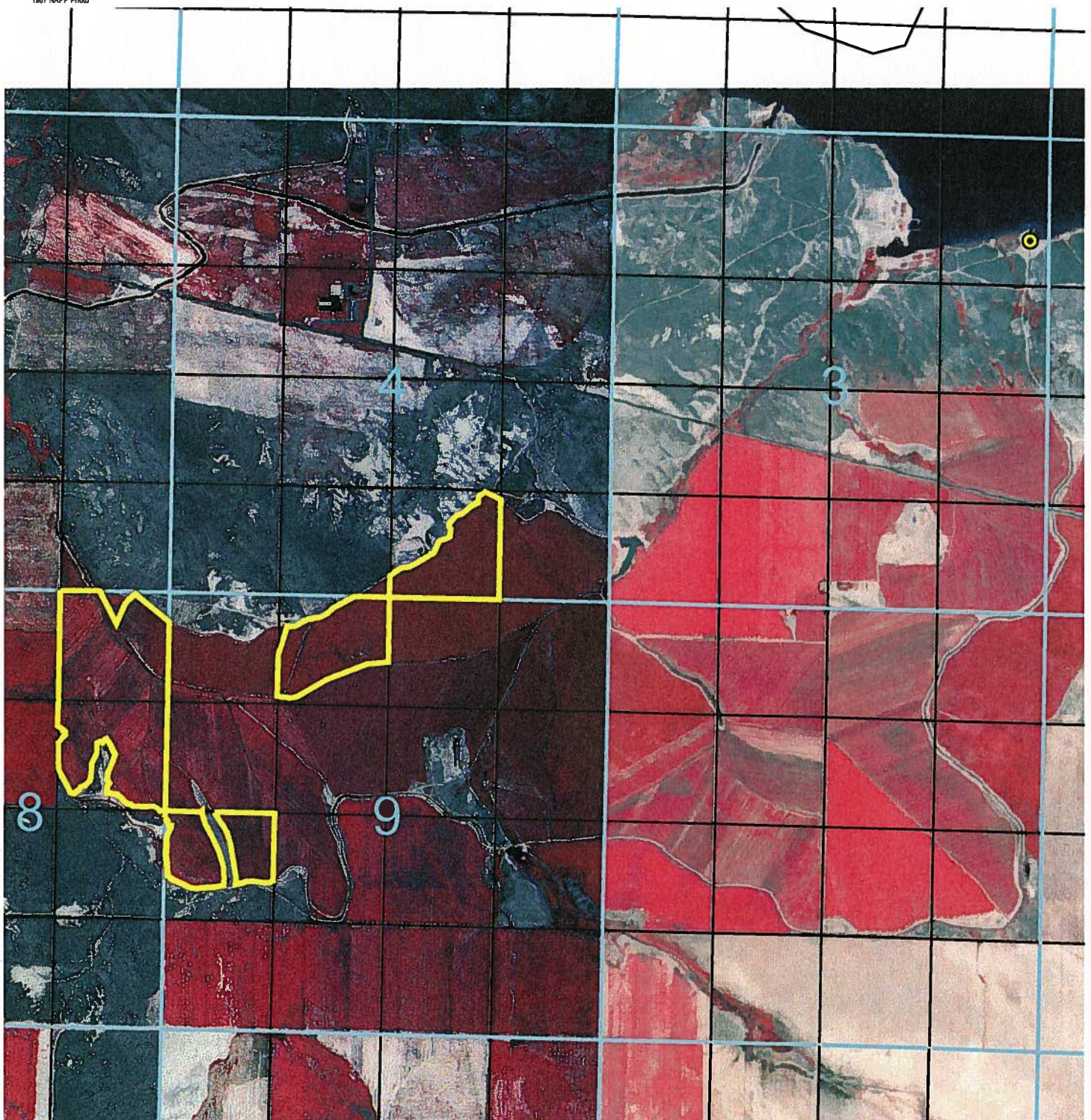


Idaho Department of Water Resources

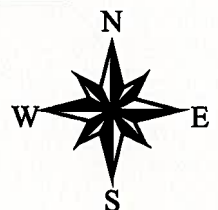
1007 NAPP Photo



0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 Miles

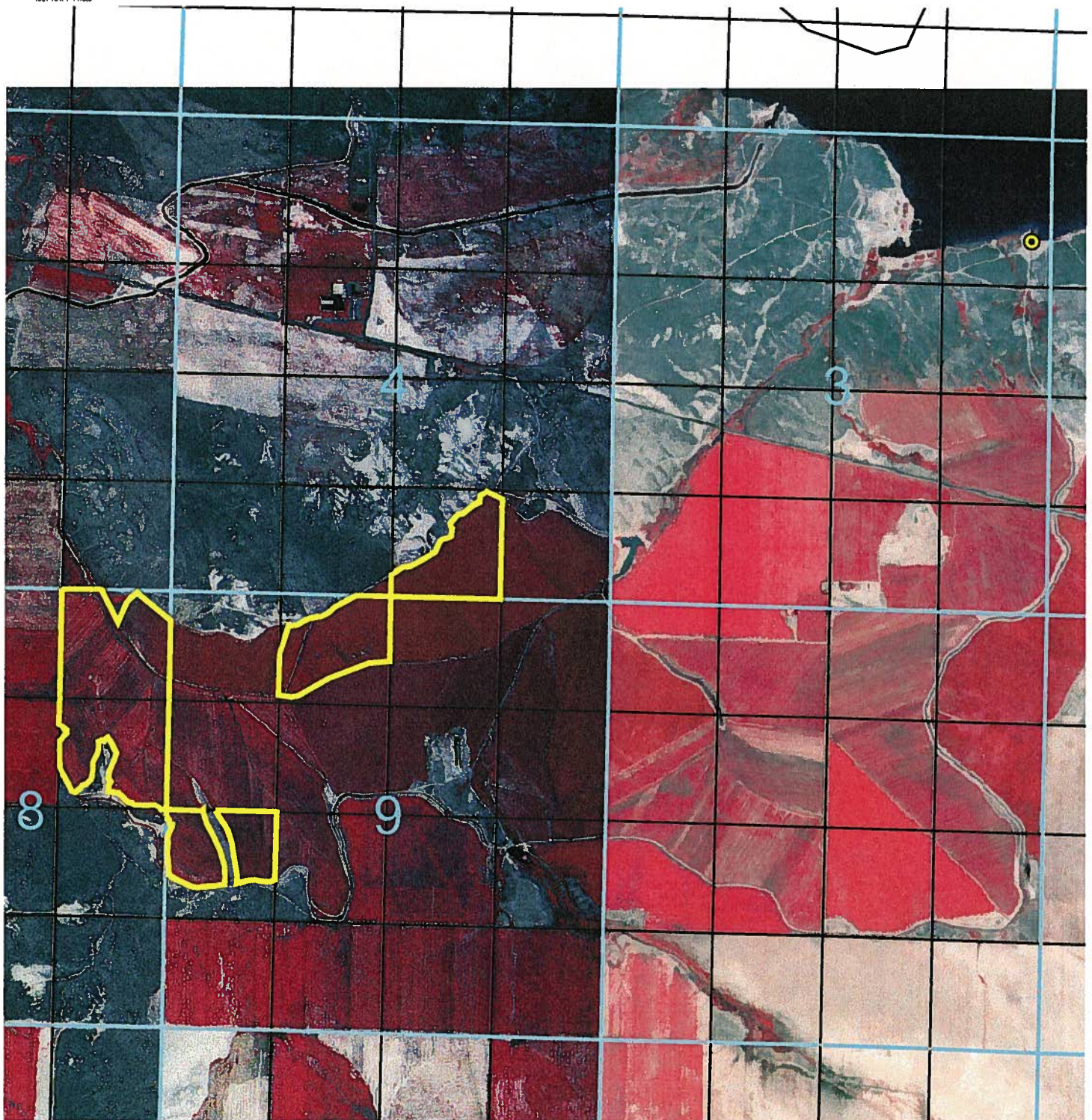
Claim Number: 02-2138
Legal: T06S, R04E, S3,
S4, S8, & S9
Reviewed By: JLD 7/28/05

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



Idaho Department of Water Resources

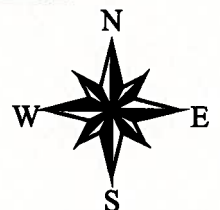
1987 NAPP Photo



0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 Miles

Claim Number: 02-2138
Legal: T06S, R04E, S3,
S4, S8, & S9
Reviewed By: JLD 7/28/05

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



07/28/2005

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

RIGHT NUMBER: 2-2138

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.200 CFS
669.000 AFY

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	04/01 10/31	2.200 CFS 669.00 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 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:

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 - License

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

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.

2138 part

WATER LICENSE

Water License No. 26757/02-2138 (part) Priority June 16, 1963 Amount 1.5 c.f.s.
(late proof)

THIS IS TO CERTIFY, that John Reid Robinson, Mildred E. Swanson, Margaret E. Robinson & Ralph E. Gale - Assignee - Lloyd E. Haight
of Boise, Idaho, made application for a permit to appropriate the public waters of _____

the State of Idaho, dated February 20, 1957; that Permit 26757/02-2138 (part) was issued pursuant to said application; that the proposed works were completed on or about 1957

with a storage/or carrying capacity of 1.5 c.f.s., said works consisting of pumps, motors, pipes and open ditch; and that on June 27, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 375
or 5080 acre feet per season when combined with all other rights appurtenant to the
acre feet per season, with a maximum rate of diversion of 1.5 cubic feet per second of the waters same

of Snake River, tributary of Columbia River

for the purpose of irrigation from April 1 to October 31

and for _____ from _____ to _____; and for

from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-

mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is

located in Lot 1 (NE ¼ NE ¼) Sec. 3, T. 6 S, R. 4 E, B.M., and

other additional points _____, in the County of _____

Owyhee; and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 375 acre feet per year, or 5080 acre feet per season when combined with all other rights appurtenant to the same land and shall not exceed that amount.

Description and location of place of use:

[illegible]

Total number of acres irrigated 75

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of January, 19 69.

amixed at Boise, Idaho, this

R. Kirk Higin

State Reclamation Engineer

26757
02-2138

2138 part

WATER LICENSE

Water License No. 26757/02-2138 (part) Priority June 16, 1963 Amount 0.7 c. f. s.
(late proof)

THIS IS TO CERTIFY, that John Reid Robinson, Mildred E. Swanson, Margaret E. Robinson & Ralph E. Gale - Assignee - GRANDVIEW REALTY, INC.
of Boise, Idaho made application for a permit to appropriate the public waters of _____

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 20, 1957; that Permit 26757/02-2138 (part) was issued pursuant to said application; that the proposed works were completed on or about 1957

with a storage/or carrying capacity of 0.7 c. f. s., said works consisting of pumps, motors, pipes and open ditch; and that on June 27, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 294
or 5080 acre feet per season when combined with all other rights appurtenant to the
acre feet per season/with a maximum rate of diversion of 0.7 cubic feet per second of the waters same
land.

of Snake River, tributary of Columbia River

for the purpose of irrigation from April 1 to October 31

and for _____ from _____ to _____; and for _____

_____ from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is

located in Lot 1 (NE 1/4 NE 1/4) Sec. 3, T. 6 S, R. 4 E, B.M., and

other additional points _____, in the County of _____

Owyhee

Owyhee ; and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 294 acre feet per year. or 5080 acre feet per season when

combined with all other rights appurtenant to the same land and shall not exceed that amount.

Description and location of place of use:

[illegible]

Total number of acres irrigated 88

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of January, 19 69

State Reclamation Engineer

2 2138

02-2138
26757

Disallow Conditions
P1, P3, P11, P12.

22.99 cfs Apr 63

Disallowed Rec. as 2-8-98

22.5
22.5

10172
K02, K09, C11

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

pumps

pansion

41

Add to 2-2096 E 37, E 31

originals in 2-2085

Overlaps

— 2-7090B Overlapping Claims

2-2085 - 11/14/50 - 12.30 - 632 - ≈ 0.0195 ^{ML} _{> 0.0001} Simplot
 2-2096 - 3/18/52 - 1.66 - 632 - ≈ 0.0026 ^{ML} _{> 0.0001} Simplot 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 _{> 0.02} ML, Simplot
 (53 NESE39) NWSE25 59 SWNW38; NESW17)
 2-4003 - statutory 1 + 2.32 - 121 - 0.02 - fixed 8/29/68
 (53 NESE39) NWSE25 59 SWNW39; NESW15; (NESE55)

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

2-2098 - 3/17/52 - 3.2 - 160 - $= 0.02$ _{> 0.02} ML, Simplot

— 2-2137 overlapping claims

2-7090B (see above)

2-5 - 6/15/63 - 0.72 - 146 - $= 0.0049$ _{> 0.02} ML, Simplot

2-2138 - 6/16/63 - 2.20 - 146 - $= 0.0151$ _{> 0.02} ML, Simplot

Claims



22-139 100 sheets

2/

2-2137

claim POLK PLS $\Rightarrow 2 \times 40 = 80$

claim notes = 33

overlooked

65 4E

54 NENW 2-2137 (?), 2-5(26), 2-2138(26) ✓

NW 1/4 2-2137(24), 2-7090B(9), 2-7090B(40 acres PROU) ✓

overlook 217m PROU = 33 + 26 + 9 = 68 -

Claims

2-7090B

claim POU 7125 $\Rightarrow 12 \times 40 = 480$ ac

claim acres $\Rightarrow 152$

tax lots > all Simplot

(S11 NWNW not in shape)

T06504E

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 ^{S field} 2-2137 (24), ^{N field} 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 upon PPOU = $152 + 12 + 25 + 22 + 35 + 24 + 36 + 29 + 12 + 25 + 10 = 418$

Some TWD (65 4E 53 11 NENE)

72-2-5 $\pm$ 6/16/63 - 7

12.30-2-2085 $\pm$ 11/14/50 - 1 - 12.3

1.65-2-2096 $\pm$ 3/18/52 - 3 - 17.6

3.20-2-2048 $\pm$ 3/17/52 - 2 - 15.5

1.00-2-2102 $\pm$ 1/18/52 - 4

✓ 66-2-2137 $\pm$ 9/4/56 - 5

2.20-2-2135 $\pm$ 6/16/63 - 7

2.20-2-4003A $\pm$ 4/1/61 - 6

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

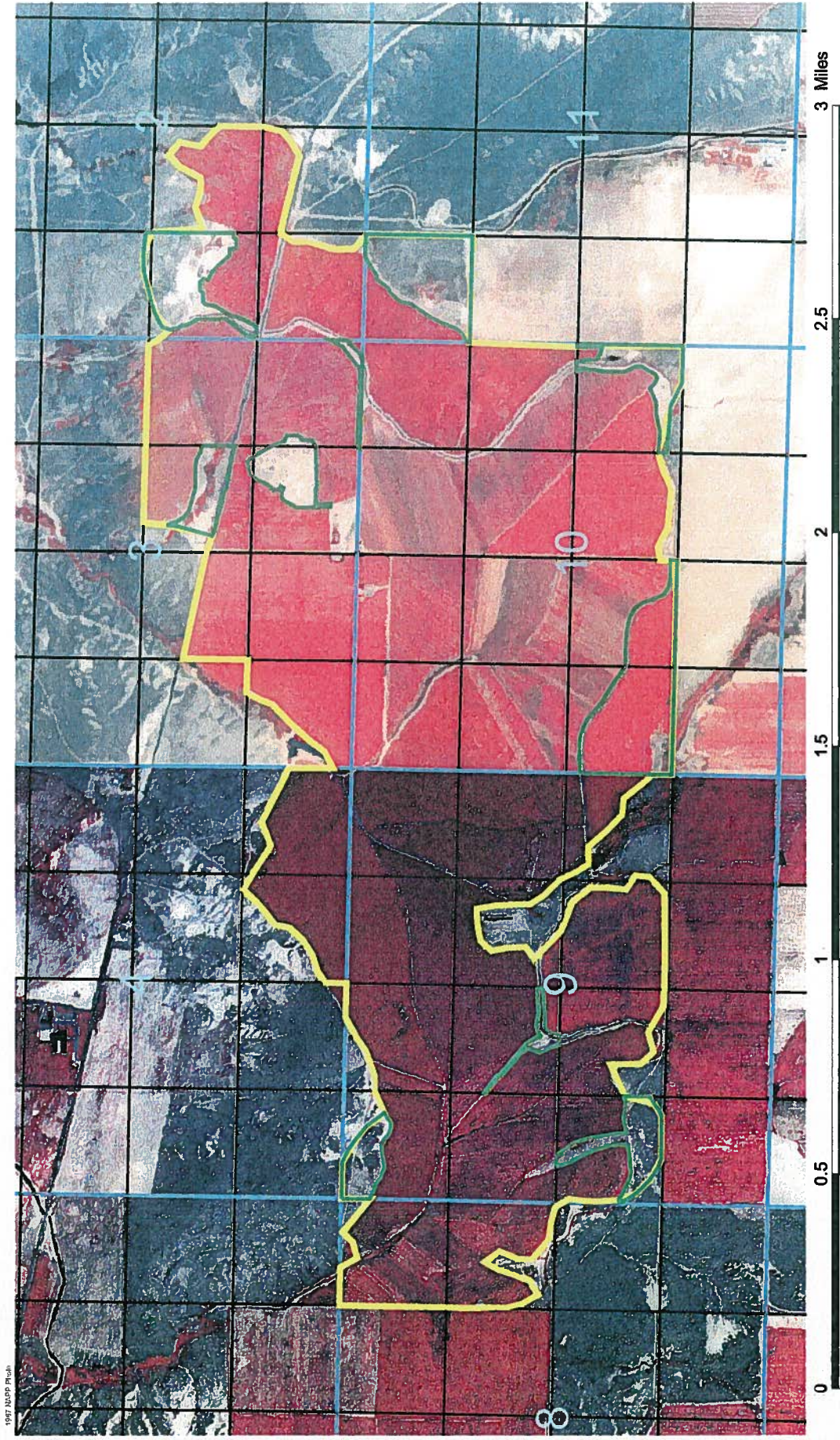
✓ 3.04-2-2090B $\pm$ 8/24/71 - 10

1.66-2-10016 $\pm$ (approx of 2-2096) - 12/3/53 - 11

Σ 29.32

* M.R. Investment Co (owner)
1 Simplot Co (772 records)

Idaho Department of Water Resources

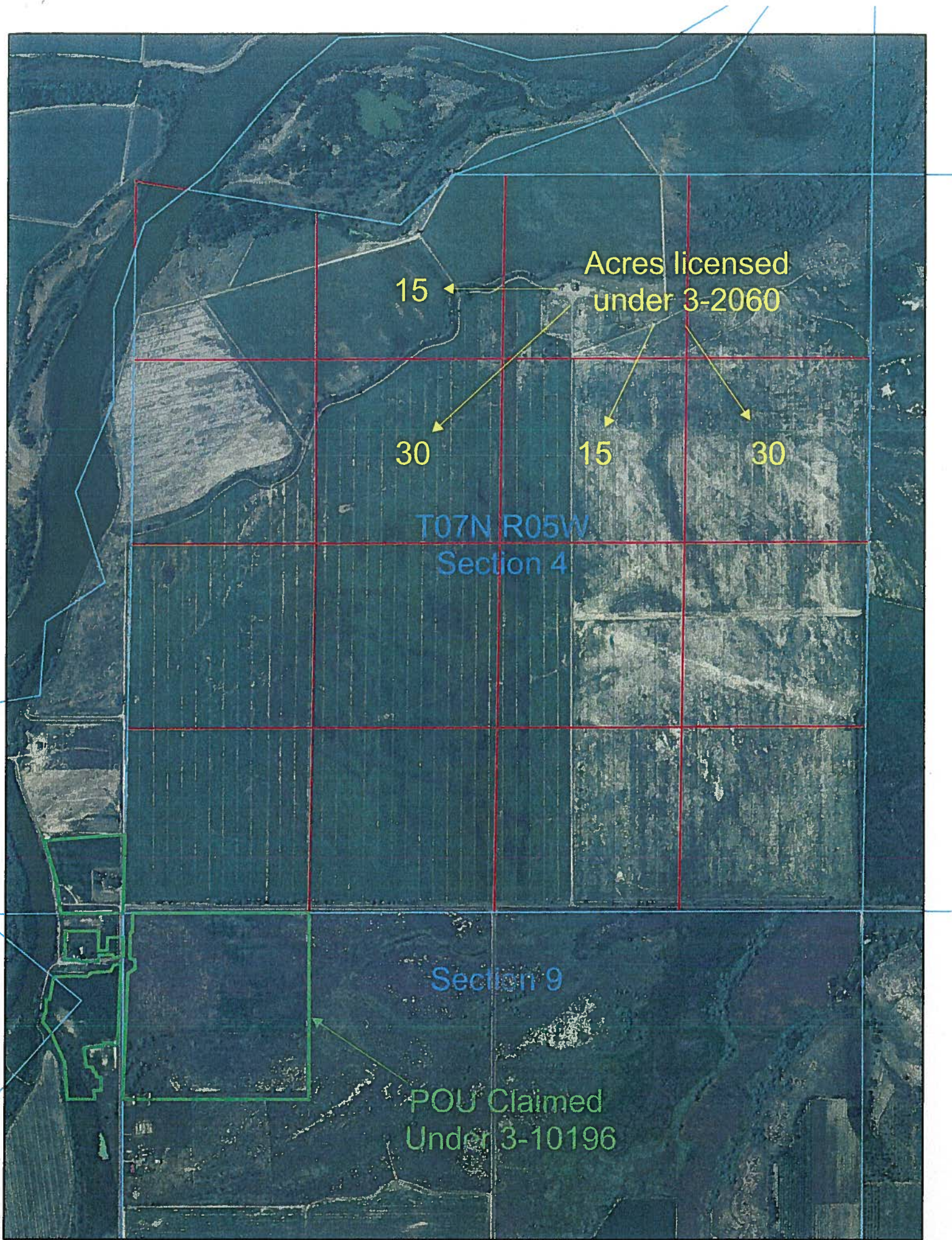


Farm 2 Approximate Place of Use
 Legal: T06S, R04E, S2-4, 8-11
 Claim Numbers: 2-2085, 2-2096, 2-2098
 2-2102, 2-2137, **2-2138**, 2-4003A
 2-4003B, 2-7090B and 2-10016

- 2-7090B Rec POU
- Farm 2 POU
- Sections
- 06S04E GCDB

Claim Number	Recommendation Status	Acres	TextBlock
2-5	Disallowed	146	FARM 2.□□
2-2085	JD verified	632	FARM 2
2-2096	JD verified	712	FARM 2 SEE CLAIM A02-10016 FOR EXPANSION OF THIS RIGHT
2-2098	JD verified	160	FARM 2
2-2102	JD verified	50	FARM 2
2-2137	SR verified	33	FARM 2
2-2138	JD verified	146	FARM 2
2-4003A	JD verified	119	FARM 2
2-4003B	JD verified	119	FARM 2
2-10016	JD verified	712	See 2-2096 above

2-7090B	SR verified	152	Needs Change of Ownership
---------	-------------	-----	---------------------------



Acres licensed
under 3-2060

15

30

15

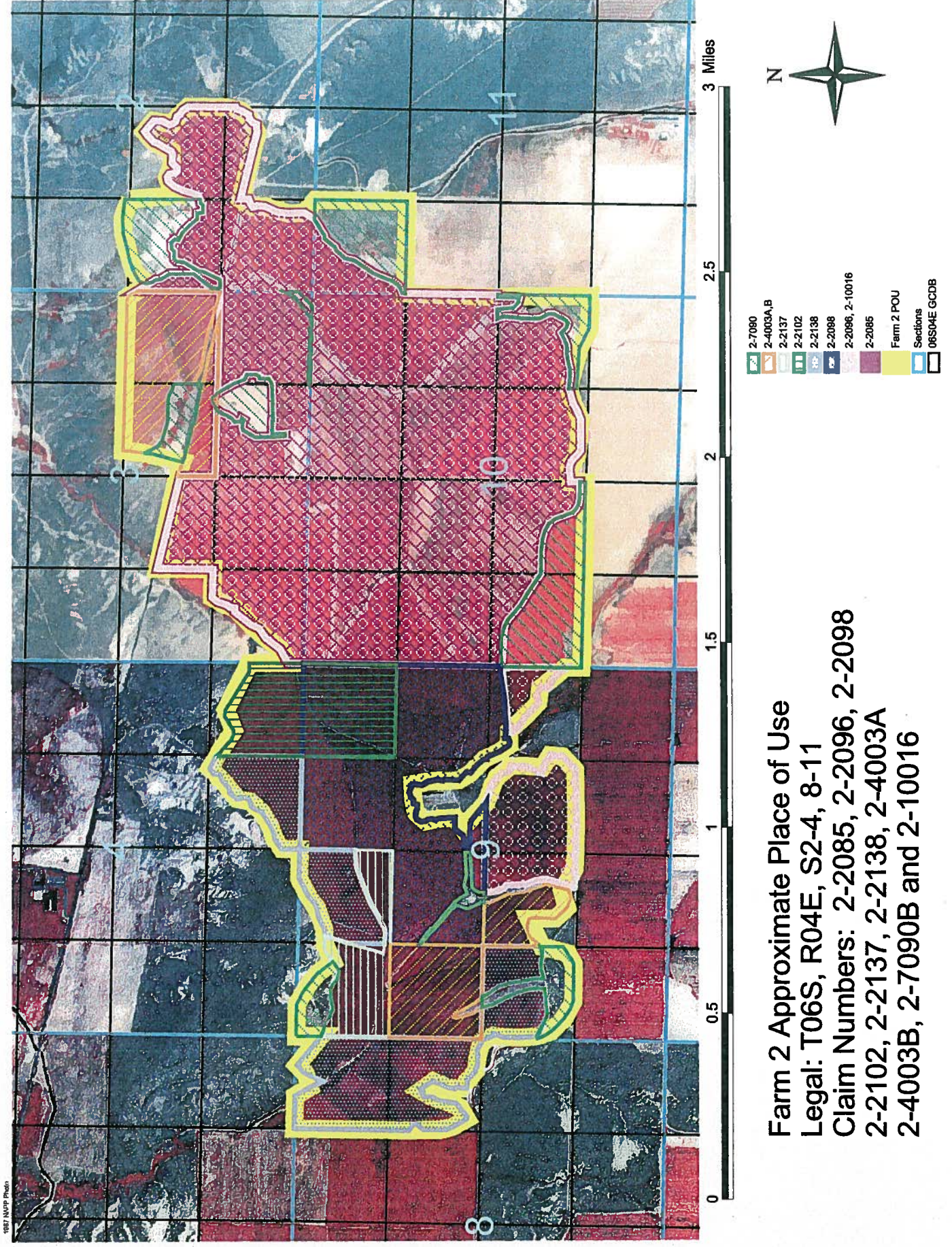
30

T07N R05W
Section 4

Section 9

POU Claimed
Under 3-10196

Idaho Department of Water Resources



Farm 2 Approximate Place of Use
Legal: T06S, R04E, S2-4, 8-11
Claim Numbers: 2-2085, 2-2096, 2-2098
2-2102, 2-2137, 2-2138, 2-4003A
2-4003B, 2-7090B and 2-10016

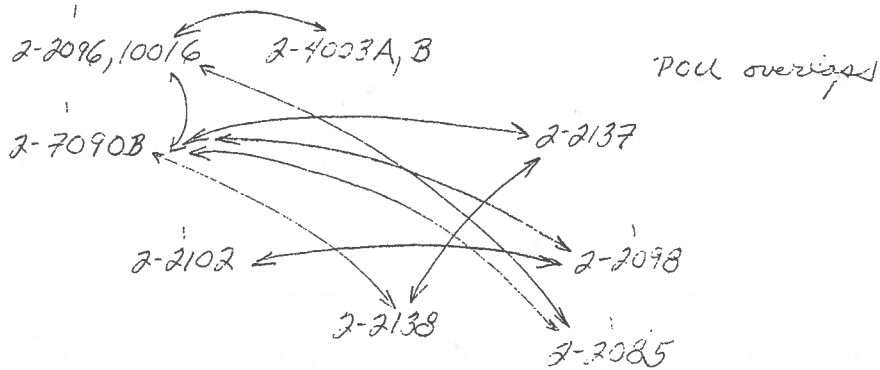
Idaho Department of Water Resources



Farm 2 Approximate Place of Use
Legal: T06S, R04E, S2-4, 8-11
Claim Numbers: 2-2085, 2-2096, 2-2098
2-2102, 2-2137, 2-2138, 2-4003A
2-4003B, 2-7090B and 2-10016

⑧ 2-2085	632	12.3	$E5 + 76 = 632$
⑧ 2-2096	712 (232)	1.66	$76 + 10016 \leq 1.66$
⊗ 2-2098	160	3.2	
⊗ 2-2102	50	1.0	
⊗ 2-2137	53	0.66	
⊗ 2-2138	146	2.2	
⊗ 2-4003A	119 (5)	0.1	$4003A + 4003B \leq 119$
⊗ 2-4003B	<u>119 (44)</u>	2.28	$\Sigma n_i \leq 22.99$
⊗ 2-7090B	152	3.04	? overlap
* 2-10016	<u>712 (30)</u>	1.66	enlargement of 2-2096

total 2 shape = 1408 acres ← E56 POU configuration



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02138

Date: 8-13-02

	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	4E	4															22		
GIS																		40		40
Claim			8	37			32													69
GIS				40			40													80
Claim			9				26					29								55
GIS							40					40								80
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 146

Overlapping FOU Claim #'s:

Total GIS Acres: 200

02-070903, 02-02137, 02-00005

COMMENTS:

County data indicates Simplot as owner in sections 8 & 9; and M.L. Investments as owner of section 4. Per claim map. This file contains two separate licenses with different claimants, same priority dates, and different acres. POD per claim legal.

Idaho Department of Water Resources

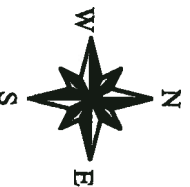
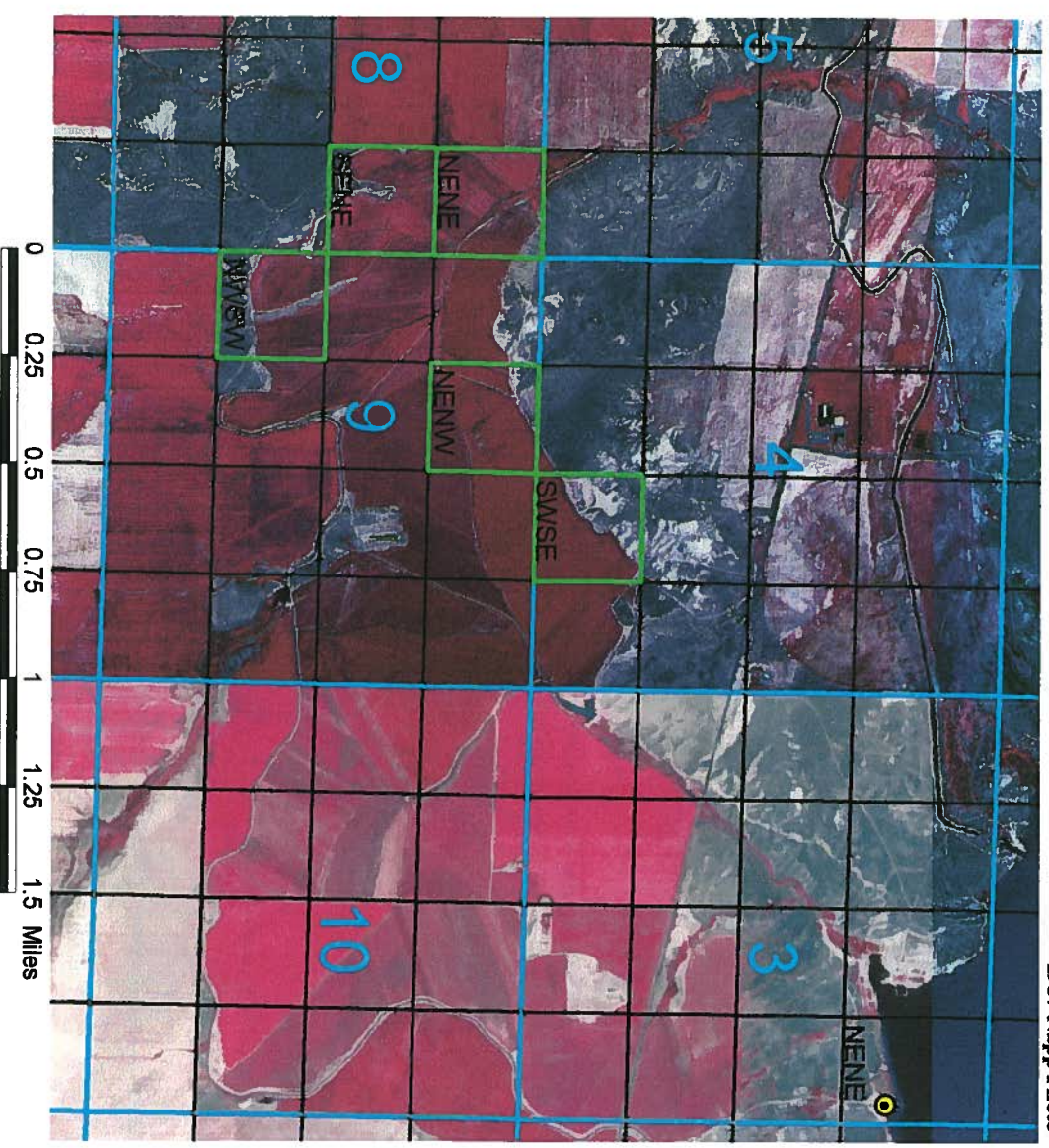
Claim Number: 02-02138

Legal: T06S, R04E, S04, 08, 09

Reviewed By:

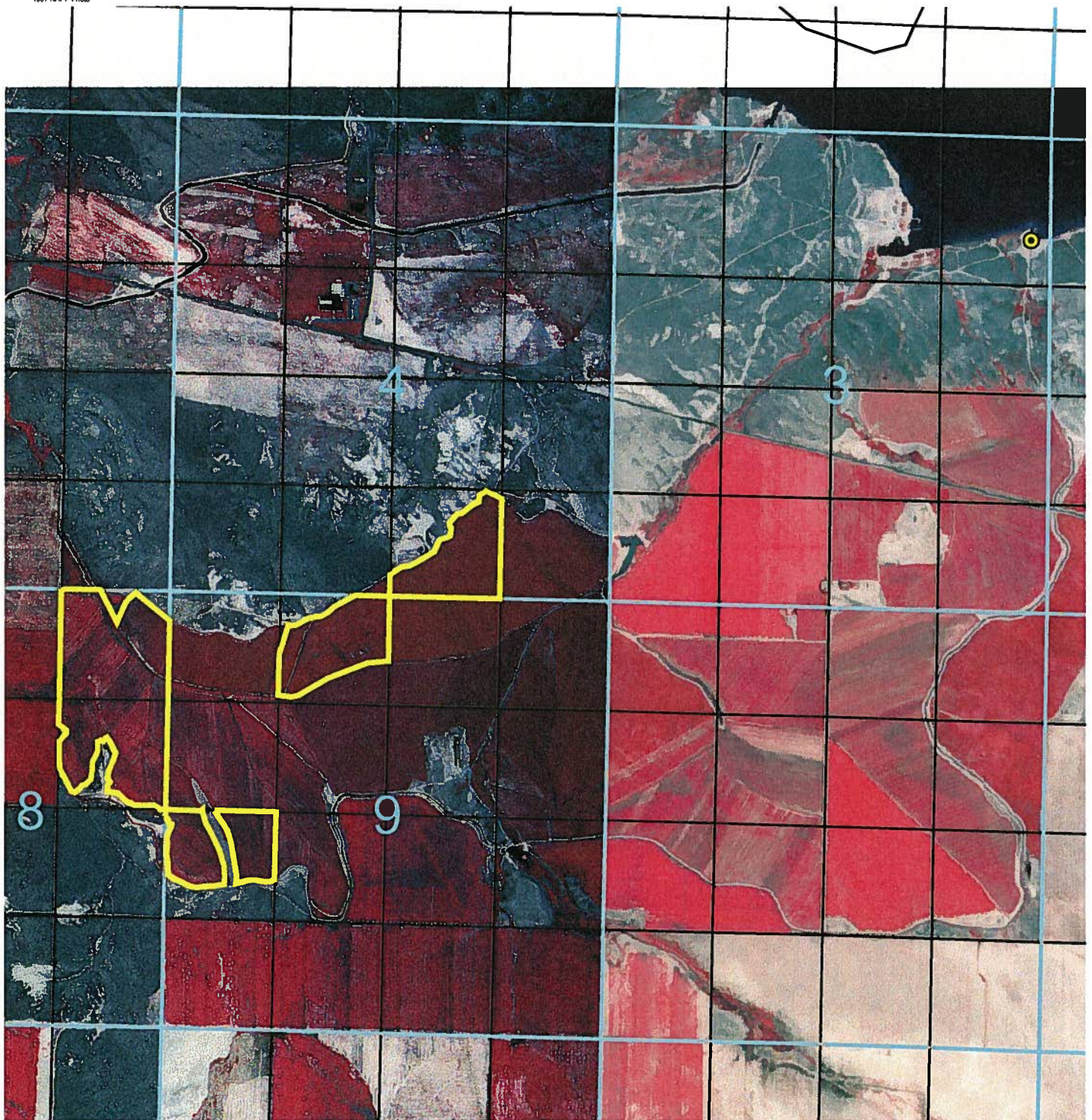
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

1987 NAPP Photo



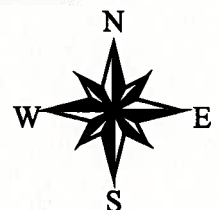
0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 Miles

Claim Number: 02-2138

Legal: T06S, R04E, S3,
S4, S8, & S9

Reviewed By: JLD 7/28/05

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



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: A02-02138
Date Received: 3/1/89
Receipt No: 0005639
Received By: 91

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	NE	1	OWYHEE

5. Description of diverting works:
PUMP AND CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

7. Total Quantity Appropriated is:
2.200 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

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:
02-00005

14. Remarks:
FARM 2

15. Basis of Claim: LICENSE

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.

Robert D. Grouse
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

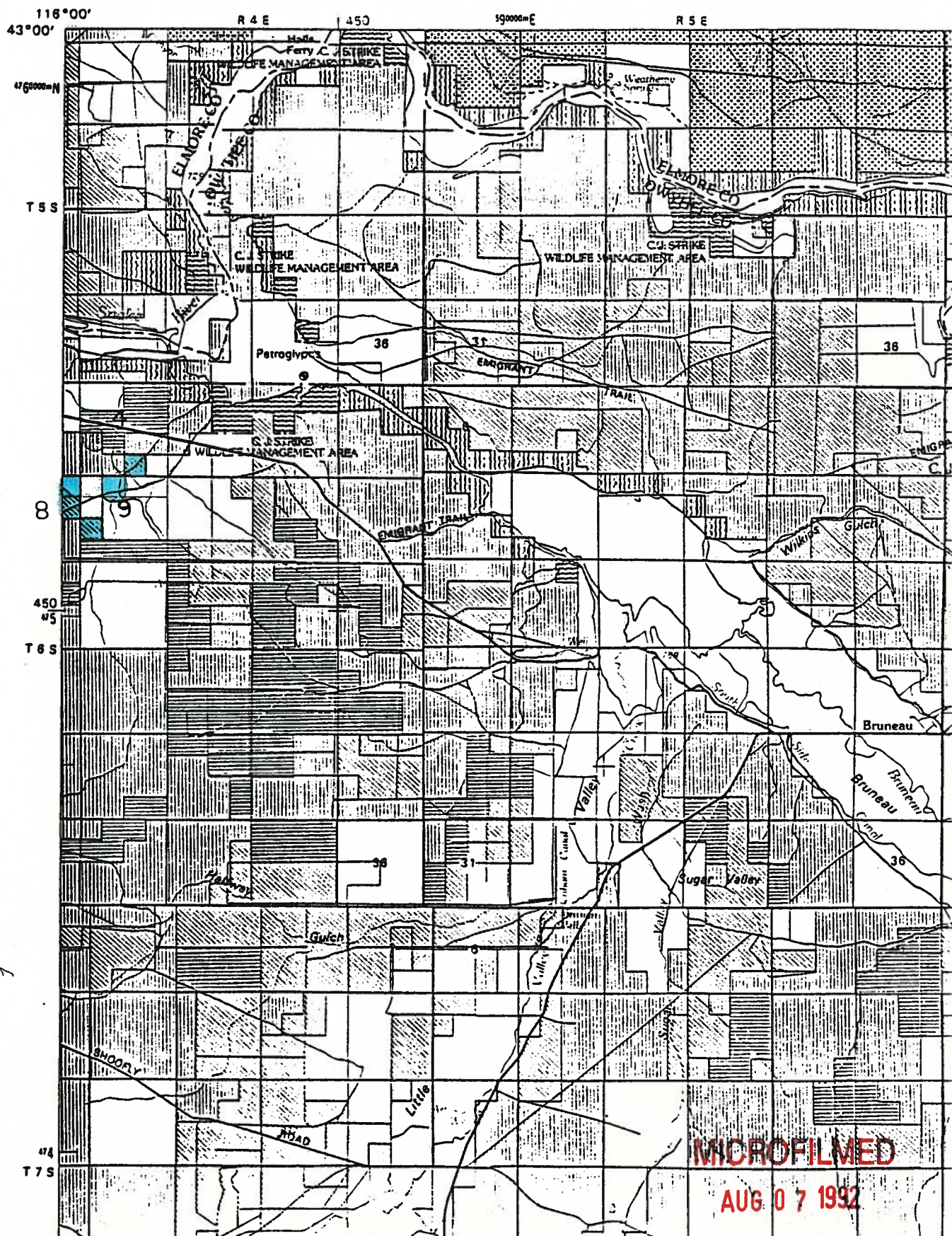
Vicki A. Lowe
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

MURPHY



W.O.



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

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,)

22 Petitioner,)

23 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

28 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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COOPER & BUDGE, CHARTERED
201 East Center, Suite 2A
P.O. Box 1391
Pocatello, Idaho 83204-1391

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COSHON, 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

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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

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2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
5 P.O. Box 955
6 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
10 P.O. Box 51718
11 Idaho Falls, Idaho 83402-1718

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615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
13 P.O. Box 389
14 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
18 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
23 P.O. Box 2527
24 Boise, Idaho 83701

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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

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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

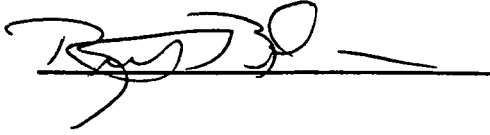
Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

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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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 OREGON
BORDER.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-2138

I.D. No.

Map No.

\$ 10

Fee Paid

12461
Receipt No.

Notice is hereby given that M. L. Investment Company

(Name of Claimant)

Tom Blessinger

P.O. Box 27 Boise, Idaho 83707

(Mailing Address)

(Zip Code)

Telephone No. 342-8194

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) 6/16/1963
- (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 2.2 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) 2.2 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE Lot 1 NE
Sec. 3, Twp. 6S, Rge. 4E, B.M., Owyhee 73 County
Additional Points: SCI: 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 & 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	8	37	38		32													70 69
		9					28	26				38	29				22		66 55
		4															18		18 22

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. 26757/02-2138

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

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

County of Ada

Seal

Organization

M. L. INVESTMENT COMPANYBy: [Signature] Secretary

(Signature of Authorized Agent)

On this 27th day of April, in the year 1981 before me

a notary public, personally appeared Ronald J. 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 individual) executed the same.

My commission

Notary Public residing at Ada, Idaho

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by JS

Date 4/29/82

Right No. 02-2138

Claimant M.L. INVEST

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

P/O CHANGED SLIGHTLY

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 _____

☐ 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

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. 1974 OG 1980 U-2
C.J. STRIKE, 3422-80-152

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks _____

WATER LICENSE

Water license No. 26757-02-213 issued by the State of Idaho on June 16, 1963
(late proof) Amount 0.7 c.f.s.

THIS STATE CERTIFY, that John Reid Robinson, Mildred E. Swanson, Margaret E. Robinson & Ralph Gale - Assignee - GRANDVIEW REALTY, INC., of Boise, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated February 26, 1957, that Permit 26757/02-213 (part) was issued pursuant to said application, that the proposed work was completed on or about 1957 with a storage or carrying capacity of 0.7 c.f.s.

said works consisting of pumps, motors, pipes and open ditch and that on June 27, 1968

proof was made to the satisfaction of the State Reclamation Engineer of the beneficial use of 294 or 5080 acre feet per season when combined with all other rights appurtenant to the same land, with a maximum diversion of 0.7 c.f.s. of the waters of Snake River

tributary of Columbia River for the purpose of Irrigation from April 1 to October 31

and for from to and for from to and that the use of said waters has been made in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer and entered in the records of the State Department of Reclamation the point of diversion is located in Lot 1 (NE 1/4 NE 1/4 Sec 3 T 6 S R 4 E B.M. and other additional points

in the County of Cwyhee and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 294 acre feet per year or 5080 acre feet per season when combined with all other rights appurtenant to the same land and shall not exceed that amount.

Description and location of place of use

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
6 S	4 E	8	38																38
		9					25					22							50

SUPPLEMENTAL IRRIGATION

Total number of acres irrigated 88

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho

Witness the seal and signature of the State Reclamation Engineer affixed at Boise, Idaho, this 5th day of January 1968

[Signature]
State Reclamation Engineer

POOR ORIGINAL

State of Idaho

WATER LICENSE

Water License No. 26757/02-2138 (part) Priority June 16, 1963 Amount 1.5 c.f.s.
(late proof)

THIS IS TO CERTIFY that John Reid Robinson, Mildred E. Swanson, Margaret E. Robinson & Ralph E. Gale - Assignee - Lloyd E. Haight of Boise, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated February 20, 1957, that Permit 26757/02-2138 (part) was issued pursuant to said application that the proposed works were completed on or about 1957

with a storage or carrying capacity of 1.5 c.f.s., said works consisting of pumps, motors, pipes and open ditch and that on June 27, 1968

proof was made to the satisfaction of the State Reclamation Engineer of the beneficial use of 375 or 5080 acre feet per season when combined with all other rights appurtenant to the acre feet per season with a maximum rate of diversion of 1.5 cubic feet per second of the waters same land,

of Snake River, tributary of Columbia River

for the purpose of irrigation from April 1 to October 31

and for to and for

and that the use

of said water has been made in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation the point of diversion is

located in Lot 1 (NE 1/4 NE 1/4 Sec 3 T. 6 S. R. 4 E B.M., and

other additional points in the County of

Owyhee and that the amount of water to which such right is

entitled and which has been for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 375 acre feet per year, or 5080 acre feet per season when combined with all other rights appurtenant to the same land and shall not exceed that amount.

Description and location of place of use

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
6 S	4 E	4															19		19
		8				32													32
		9								24									24
SUPPLEMENTAL IRRIGATION																			

Total number of acres irrigated 75

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided in the laws of Idaho

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

5th day of January

19 69

State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 26757 (part)

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLMES

Ques. 1. State your name, residence, occupation and postoffice address: _____

A. R. Holmes, 1824 Montclair Dr., Boise, Idaho, attorney and lit. agent, Grandview Realty, Inc., P.O. Box 2777, Boise, Idaho 83701

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Acting as vice-president, Grandview Realty, Inc., Box 2777, Boise, Idaho 83701

Ques. 3. State number, approval date of permit, and date of priority: 26757,approved 3/1/57, priority 4/9/57Ques. 4. State source of water supply: Sagehen River

Give location of point of diversion, showing subdivision, section, township and range

Lot 1 (NE1/4), Sec. 3, T6S-R4E, B.M.

Ques. 5. Describe your works of diversion: _____

Works consist of 1 turbine type pump, 150 horsepower, producing 3300 gpm; 1-60 hp turbine type pump, producing 1200 gpm; 1-275 hp centrifugal pump, producing 5800 gpm, all installed to fall into a 30" pipeline which is capable of carrying 1500 miner's inches. This falls into a ditch approximately 1/4 mile long. This is a private ditch which will readily carry 1500 miner's inches, then this branches into several laterals and distribution ditches over the entire area which will adequately carry all the water produced. The drawdown, static water level would be from 150' to 143'. This is a point where it is discharged from the pipeline into the ditch and then flows from gravity. This was measured by an engineer hired by Grandview Realty, Inc. I have not seen it measured myself, I only know that it should do that from having seen other water measured. All surface gravity, no sprinklers.

or nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: irrigation
 (If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

T6S-R4E, B.M., Sec. 8 - NE1/4 - 38 ac., Sec. 9 - NE1/4 - 28 ac.

POOR ORIGINAL

State nature of all improvements which have been made as a direct result of said use:

all improvements made are a direct result of said use

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

irrigation only

Ques. 8. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

assigned from John Reid Robinson, Mildred E. Robinson, Margaret E. Robinson, & Ralph E. Gale

Ques. 9: State when and in what amount the water diverted under above mentioned permit has been first used: _____ Time used since first use:

This water was immediately developed after it was filed on in 1937 and has been used each season since then.

Ques. 10. Describe all other water rights appurtenant to same place of use: 26518

GRANTVIEW REALTY, INC.

(sign)

L. E. Knight, Vice-president

I hereby certify that the foregoing testimony was read to the _____ e subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Boise, County of Ada

State of Idaho, on this 27th day of June, A. D. 19 68

Laura J. Henderson

My commission expires: 8/12/70

26757

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 OREGON
BORDER. ~~ON IMAGE BASIS~~

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-2138
I.D. No. Map No.
\$ 10 Fee Paid 12461 Receipt No.

Notice is hereby given that M. L. Investment Company

(Name of Claimant)

Tom Blessinger

P.O. Box 27 Boise, Idaho 83707

(Mailing Address)

(Zip Code)

Telephone No. 342-8194

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) 6/16/1963
- (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 2.2 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) 2.2 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF) Lot 1

- (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. 6S, 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 & 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	8	38			32													70
		9					28					38							66
		4														19			19

Total no. of acres 155

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. 26757/02-2138

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

4/27/81
(Date)

(Signature of Claimant)

State of Idaho

Organization

County of Ada

ss.

Seal

Organization M. L. INVESTMENT COMPANY

By: WICHOLITWED Secretary
(Signature of Authorized Agent)

On this 27th day of April, in the year 1981 before me
a notary public, personally appeared Gonzalez

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 11/27/83

Notary Public residing at Boise, Idaho

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.

NOTICE OF CLAIM
TO A
WATER RIGHT

02-2138	
I.D. No.	Map No.
\$ <u>10</u>	<u>19461</u>
Fee Paid	Receipt No.

Notice is hereby given that M. L. Investment Company (Name of Claimant)
P.O. Box 27 Boise, Idaho 83707 (Mailing Address) Telephone No. 342-8194 (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) 6/16/1963

(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 2.2 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) 2.2 cfs TOTAL QUANTITY CLAIMED. Lot 1

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 3, Twp. 6S, 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 & 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	8	38			32													70
		9					28					38							66
		4															19		19

Total no. of acres 155

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. Department of Water Resources
☐ B) Right decreed by court, cite title of case. Western Regional Office
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 26757/02-2138

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.

4/27/81 (Date)
Individual

State of Idaho Organization M. L. INVESTMENT COMPANY
County of Ada ss. Seal By: Ronald T. Walker Secretary
(Signature of Authorized Agent)

On this 27th day of April, in the year 1981, before me
a notary public, personally appeared Ronald T. Walker
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 4/27/83 Notary Public residing at Laurel, Idaho

RECEIVED
JUN 22 1981