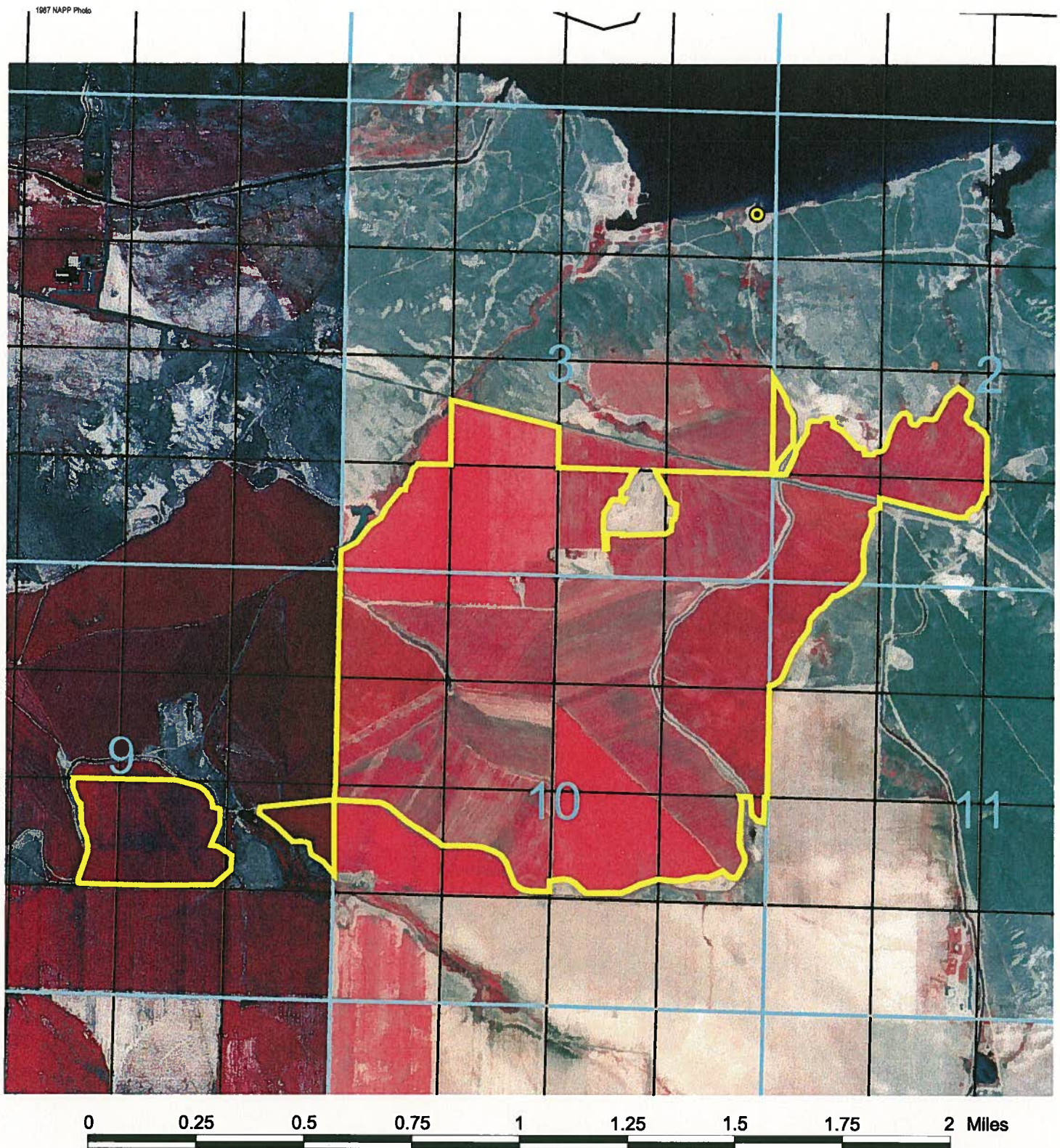


# Idaho Department of Water Resources



Claim Number: 02-10016

Legal: T06S, R04E, S2,  
S3, S9, S10, & S11

Reviewed By: JLD 7/26/05

07/26/2005

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

RIGHT NUMBER: 2-10016

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.600 CFS

Right Nos. 2-2096 and 2-10016 are limited to a total combined diversion rate of 1.66 cfs.

PRIORITY DATE: 12/31/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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            | 03/01 11/15          | 1.600 CFS       |

PLACE OF USE: IRRIGATION Within OWYHEE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T06S R04E S02 | NESW | 18.0 | T06S R04E S02 | NWSW | 12.0 |
| T06S R04E S02 | SWSW | 32.0 | T06S R04E S02 | SESW | 11.0 |
| T06S R04E S03 | NESW | 15.0 | T06S R04E S03 | SWSW | 25.0 |
| T06S R04E S03 | SESW | 39.0 | T06S R04E S03 | SWSE | 22.0 |
| T06S R04E S03 | SESE | 35.0 | T06S R04E S09 | NESW | 10.0 |
| T06S R04E S09 | NESE | 30.0 | T06S R04E S09 | NWSE | 40.0 |
| T06S R04E S10 | NENE | 38.0 | T06S R04E S10 | NWNE | 38.0 |
| T06S R04E S10 | SWNE | 39.0 | T06S R04E S10 | SENE | 37.0 |
| T06S R04E S10 | NENW | 39.0 | T06S R04E S10 | NWNW | 39.0 |
| T06S R04E S10 | SWNW | 40.0 | T06S R04E S10 | SENW | 40.0 |
| T06S R04E S10 | NESW | 29.0 | T06S R04E S10 | NWSW | 12.0 |
| T06S R04E S10 | NESE | 25.0 | T06S R04E S10 | NWSE | 37.0 |
| T06S R04E S11 | NWNW | 10.0 |               |      |      |

712 ACRES TOTAL

This right authorizes the irrigation of 80 total acres.

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

This right is based upon an enlargement of Right No. 2-2096 pursuant to Section 42-1426, Idaho Code.

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

Water Right 2-10016

07/26/2005

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

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This right is for an enlargement of 80 acres within the place of use described for this right.

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.

E52 Added <sup>↑</sup> these rights are limited to 22.99 cfs.

2-10016

7/26/2005

Expansion of license 2-2096

Owner: Simplot in the name of ML Investment Co. (Same address, okay)

Priority date: 1987 aerial photography indicates irrigation of land, sufficient due to claim so late in 1986

POD: same system as ~~2-5~~, 2-2085, 2-2096, 2-2098, 2-2102, 2-2137, 2-2138, 2-4003A, 2-4003B, 2-7090 B, & 2-10016.

Source: as per POD

POU: as per aerial photography 1987

Use: as per aerial photography 1987

Season: recommended as per standard

Quantity: recommended at .02 cfs/acre with condition that 2-2096+2-10016 not exceed 1.66 cfs

Disallow Conditions  
P1, P3, P11, P12

22.99 cfs Apr 63

Disallowed Dec. at 2.8182

2.5-  
2.5-

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

5 pumps

expansion

91

Add to 2-20096 E37, E31

originals in 2-2085

Overlaps

— 2-7090B Overlapping Claims

2-2085 - 11/14/50 - 12.30 - 632 -  $\approx 0.0195$  ML  $> 0.0001$  Simplot  
 2-2096 - 3/18/52 - 1.66 - 632 -  $\approx 0.0026$  ML investment owner, Simplot att  
 (see 2-10016 for expansion)

2-4003A - 4/1/61 - 0.1 - 119 -  $\approx 0.0008$   $> 0.02$  ML, Simplot  
 2-4003B - 4/1/61 - 2.28 - 119 -  $\approx 0.0192$   
 (53 NESE39, NWSE25, 59 SWNW38, NESW12)  
 2-4003 - statutory 1+2.32 - 121 - 0.02 - fixed 8/29/68  
 (53 NESE37, NWSE25, 59 SWNW39, NESW15, NESSE5)

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

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

— 2-2137 overlapping claims

2-7090B (see above)

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

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

Claims

2-2137

claim HOU FK5  $\Rightarrow 2 \times 40 = 80$

claim (HOU) = 33

overlook

65 4E

54 NENW 2-2137 (9), 2-3 (26), 2-2138 (26) ✓

NWVW 2-2137 (24), 2-7090B (9), 2-7090B (40 on face 77004) ✓

overlook 270m PPOU = 33 + 26 + 9 = 68 -

Claims

2-7090B

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

claim acres  $\Rightarrow 152$

tax acts > 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 <sup>5 fields</sup> 2-2137 (24), <sup>N field</sup> 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 7011 (65 4E 53 LI NENE)

72-2-5 + 6/16/63 - 2

12.30-2-2025 - 11/14/50 - 1 - 12.3

1.65-2-2096 - 3/18/52 - 3 - 17.2

3.20-2-2048 - 3/17/52 - 2 - 15.0

1.00-2-2102 - 12/5/52 - 4

✓ 66-2-2137 - 9/4/56 - 5

2.20-2-2178 - 6/16/63 - 7

2.10-2-4003A - 4/1/61 - 6

2.23-2-4003B - 4/1/61 - 4

✓ 3.04-2-7090B - 8/24/71 - 10

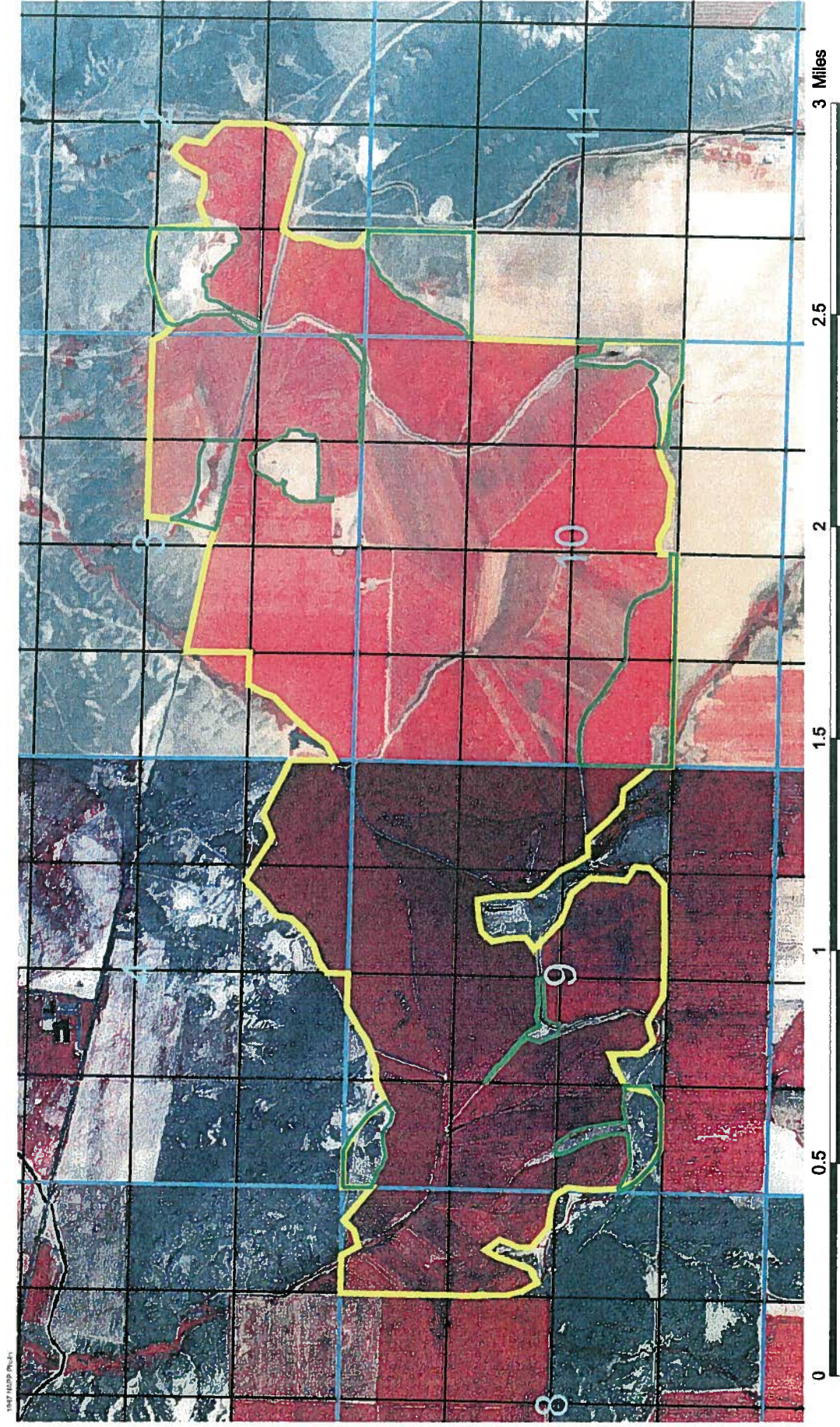
1.66-2-10016 - 2/20/75 - 12/3/75 - 11

$\Sigma$  28.32

\* M. R. Investment Co (owner)

1 of 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

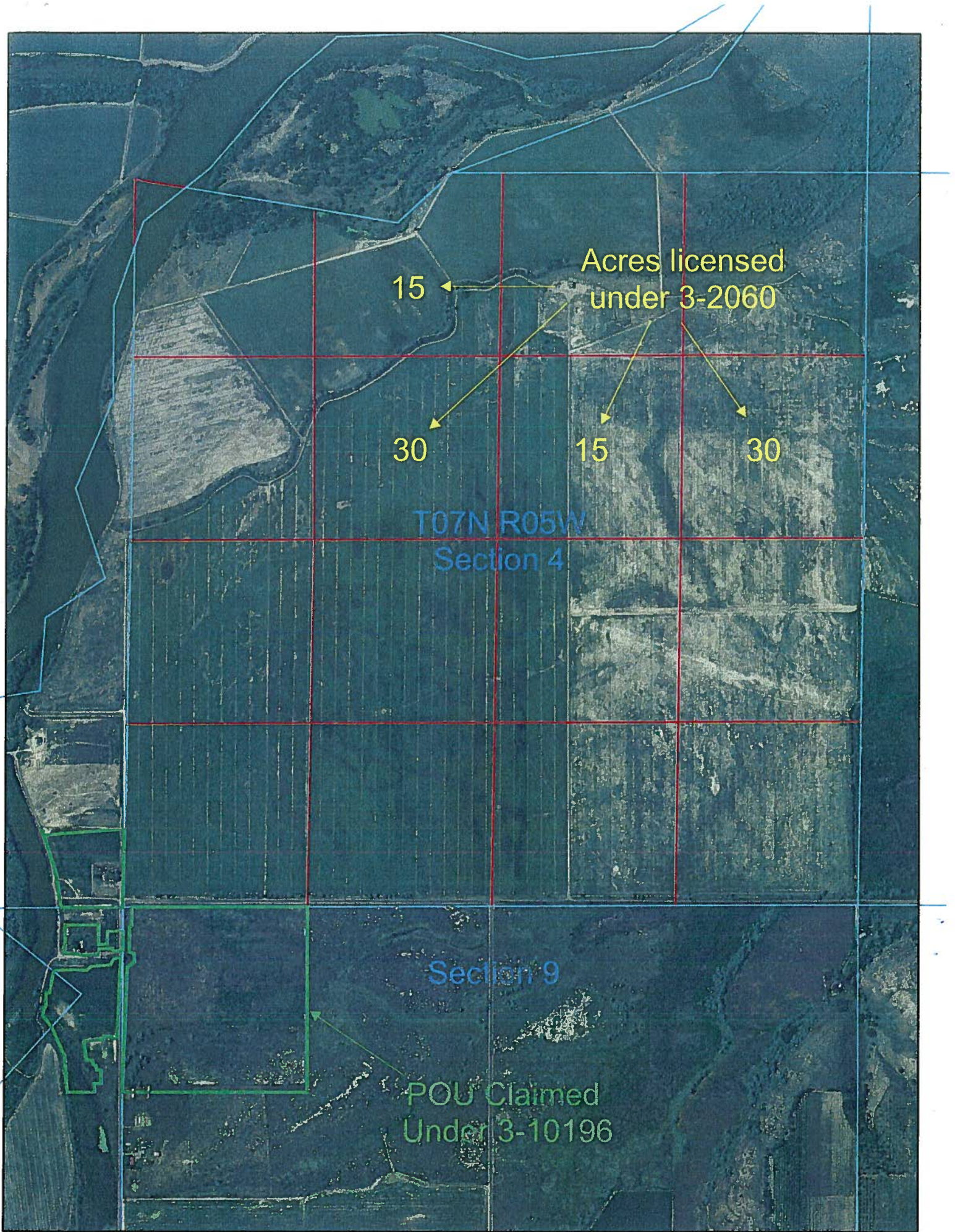
2-4003B, 2-7090B and 2-10016

- 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                                       |

Needs Change of Ownership

|         |             |     |
|---------|-------------|-----|
| 2-7090B | SR verified | 152 |
|---------|-------------|-----|



Acres licensed  
under 3-2060

15

30

15

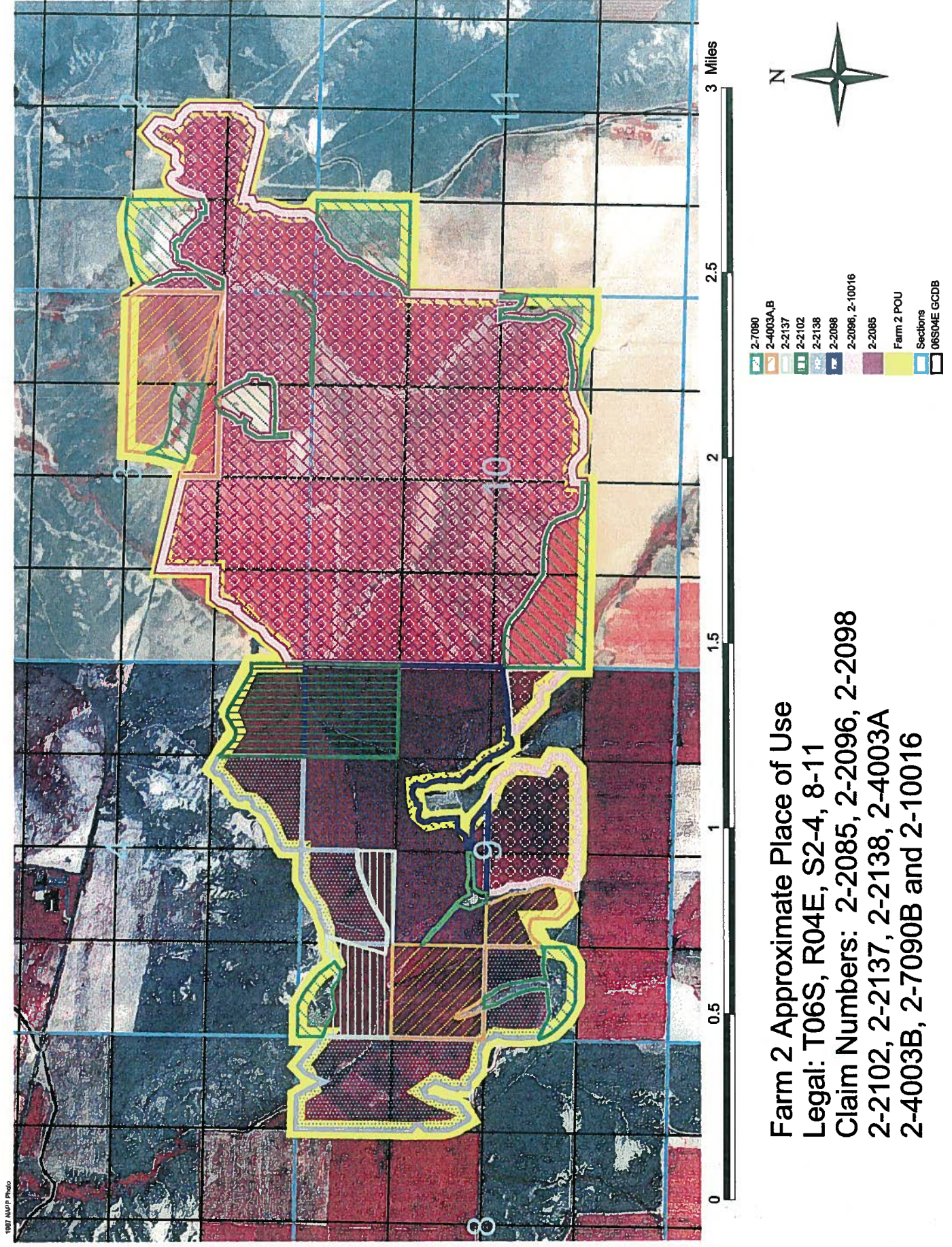
30

T07N R05W  
Section 4

Section 9

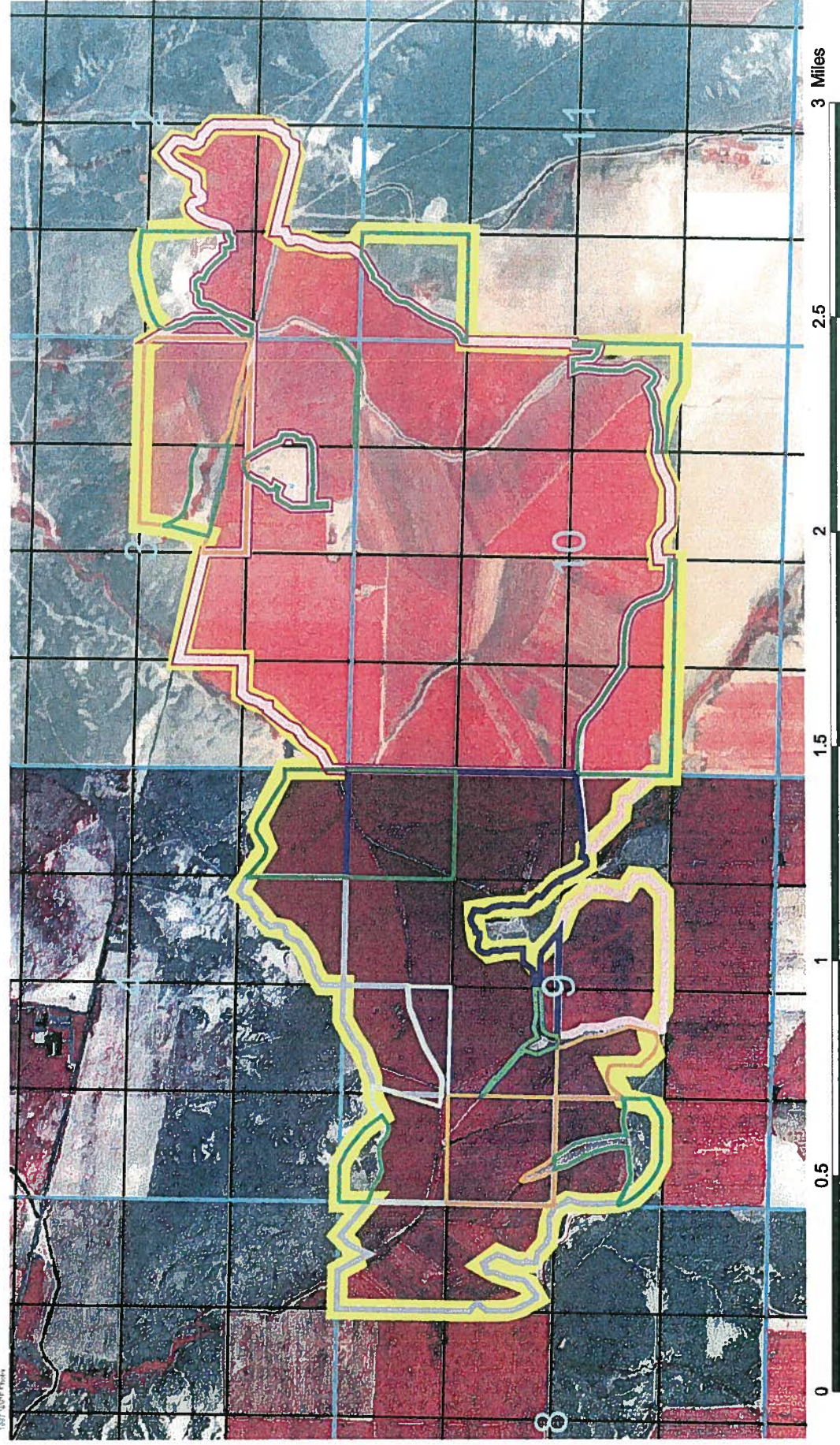
POU Claimed  
Under 3-10196

# 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**

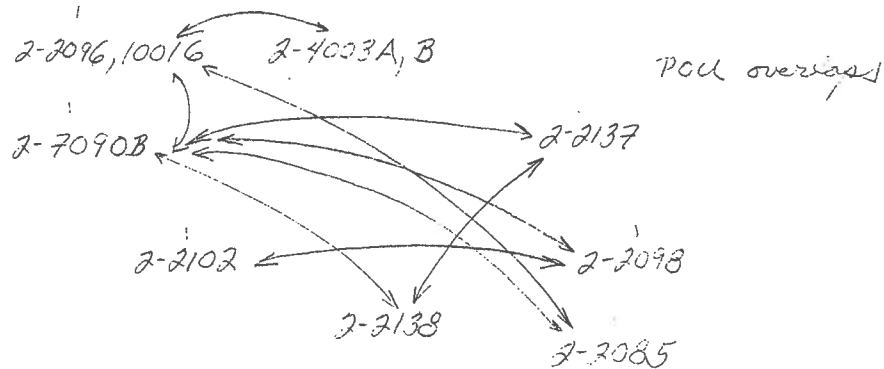
# Idaho Department of Water Resources



**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**

|           |                     |                 |                          |
|-----------|---------------------|-----------------|--------------------------|
| Ⓟ 2-1085  | 632                 | 12.3            | $85 + 96 = 632$          |
| Ⓟ 2-2096  | 712 (232)           | 1.66            | $96 + 10016 \leq 1.66$   |
| Ⓟ 2-2098  | 160                 | 3.2             |                          |
| Ⓟ 2-2102  | 50                  | 1.0             |                          |
| Ⓟ 2-2137  | 33                  | 0.66            |                          |
| Ⓟ 2-2138  | 146                 | 2.2             |                          |
| Ⓟ 2-4003A | 119 (5)             | 0.1             | $4003A + 4003B \leq 119$ |
| ✓ 2-4003B | <del>119 (5)</del>  | 2.28            | $\sum n_i \leq 22.99$    |
| Ⓟ 2-7090B | 152                 | 3.04            | ? overlap                |
| Ⓟ 2-10016 | <del>712 (30)</del> | <del>1.66</del> | enlargement of 2-2096    |

total 2 share = 1408 acres ← E56 POU-springs



# The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss  
COUNTY OF OWYHEE )

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)  
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

MARCH 8, 15, 2006

SIGNED: \_\_\_\_\_

STATE OF IDAHO  
COUNTY OF OWYHEE )

On this 30<sup>th</sup> day of Mar in the year of 2006 before me, a

Notary Public, personally appeared JOE E. AMAN  
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stuthett  
Notary Public of Idaho  
Residing at HOMEDALE, IDAHO  
My commission expires: JANUARY 3, 2009

RECEIVED  
APR 03 2006

ACCTS PAYABLE

## NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Owyhee County are shown to the nearest section -- more specific locations are available upon request.

**Water Right: 02-10011**

NAME & ADDRESS: RODNEY D & VIRGINIA ST CLAIR, RT 1  
BOX 772, MARSING ID 83639  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 04/01/1982  
POINT OF DIVERSION: T02N R04W S26 LT 4 (SWSE)  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: T02N R04W S26 LT 4 (SESU)  
This right is for an enlargement of 10 acres

**Water Right: 02-10016**

NAME & ADDRESS: J R SIMPLOT CO, PO BOX 27, BOISE ID  
83707-0027  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 12/31/1986  
POINT OF DIVERSION: T06S R04E S03 LT 1 (NENE)  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: T06S R04E Within Sections 02, 03, 09, 10, & 11  
This right is for an enlargement of 80 acres within the total 712 acres recommended.

**Water Right: 02-10060**

NAME & ADDRESS: WILSON & WILSON CO INC, PO BOX 33,  
HAMMETT ID 83627  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 09/02/1987  
POINT OF DIVERSION: T05S R06E S36 LT 6 (SESESE)  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: T06S R07E S06 LT 5(SWNW) SENW NESW LT 6(NWSW)  
This right is for an enlargement of 23.1 acres.

**Water Right: 02-10171**

NAME & ADDRESS: HOWARD J FIELD, 23608 FIELD LN,  
GRAND VIEW ID 83624-5054  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 03/15/1987

POINT OF DIVERSION: T05S R04E S34 LT 10 (NWSW)  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: T05S R03E S23 NWSW SWSW SESW  
S26 NWNW SWNE NENW NWNW SWNW SENW  
NESW NWSW SWSW SESW NWSE SWSE  
This right is for an enlargement of 87 acres within the total 401 acres recommended.

**Water Right: 02-10172**

NAME & ADDRESS: TERRY C & JACKIE L CAROTHERS, PO  
BOX 331, GRAND VIEW ID 83624  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 03/15/1987  
POINT OF DIVERSION: T05S R04 S34 LT 10 (NWSW)  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: T05S 03E S23 NWSW SESW S26 NWNW  
This right is for an enlargement of 7 acres within the total 33 acres recommended.

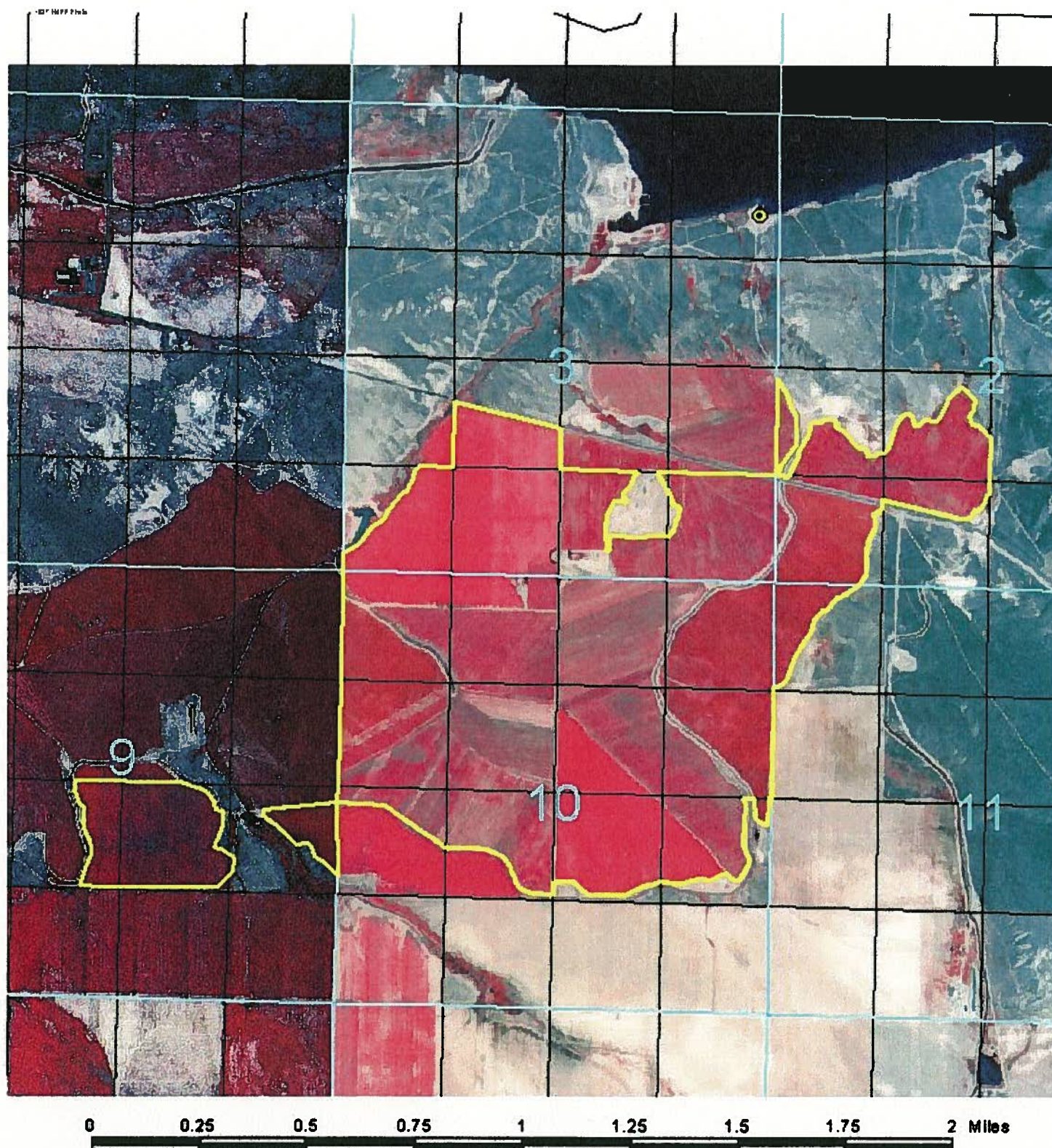
**Water Right: 02-10294**

NAME & ADDRESS: LITTLE VALLEY MUTUAL IRRIGATION  
CO, C/O BART FOWERS, PO BOX 160, GRAND VIEW ID 83624  
SOURCE: SNAKE RIVER  
TRIBUTARY: COLUMBIA RIVER  
PRIORITY DATE: 04/01/1985  
POINT OF DIVERSION: T06S R04E S02 NENW  
PURPOSE OF USE: IRRIGATION  
PLACE OF USE: Place of use is within the area served by Little Valley Mutual Irrigation Co  
This right is for an enlargement of 7 acres within the total 4189 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, PO Box 83720, Boise ID 83720-0098 on or before April 17, 2006.

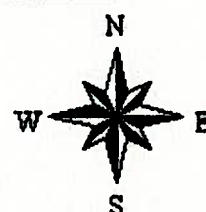
3/8.15/06

# Idaho Department of Water Resources



**Claim Number: 02-10016**  
**Legal: T06S, R04E, S2,**  
**S3, S9, S10, & S11**  
**Reviewed By: JLD 7/26/05**

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



# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-10016

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 | 6S  | 4E  | 9   |    |    |    |    |    |    |    |    | 10 |    |    |    | 30 | 40 |    |    | 80  |
| GIS   |     |     |     |    |    |    |    |    |    |    |    | 40 |    |    |    | 40 | 40 |    |    | 120 |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

Number of POD's 1

Total Claimed Acres: 80

Overlapping FOU Claim #'s:

Total GIS Acres: 120

02-04003A, 02-04003B, 02-02098

## COMMENTS:

County data indicates Simplot as owner.

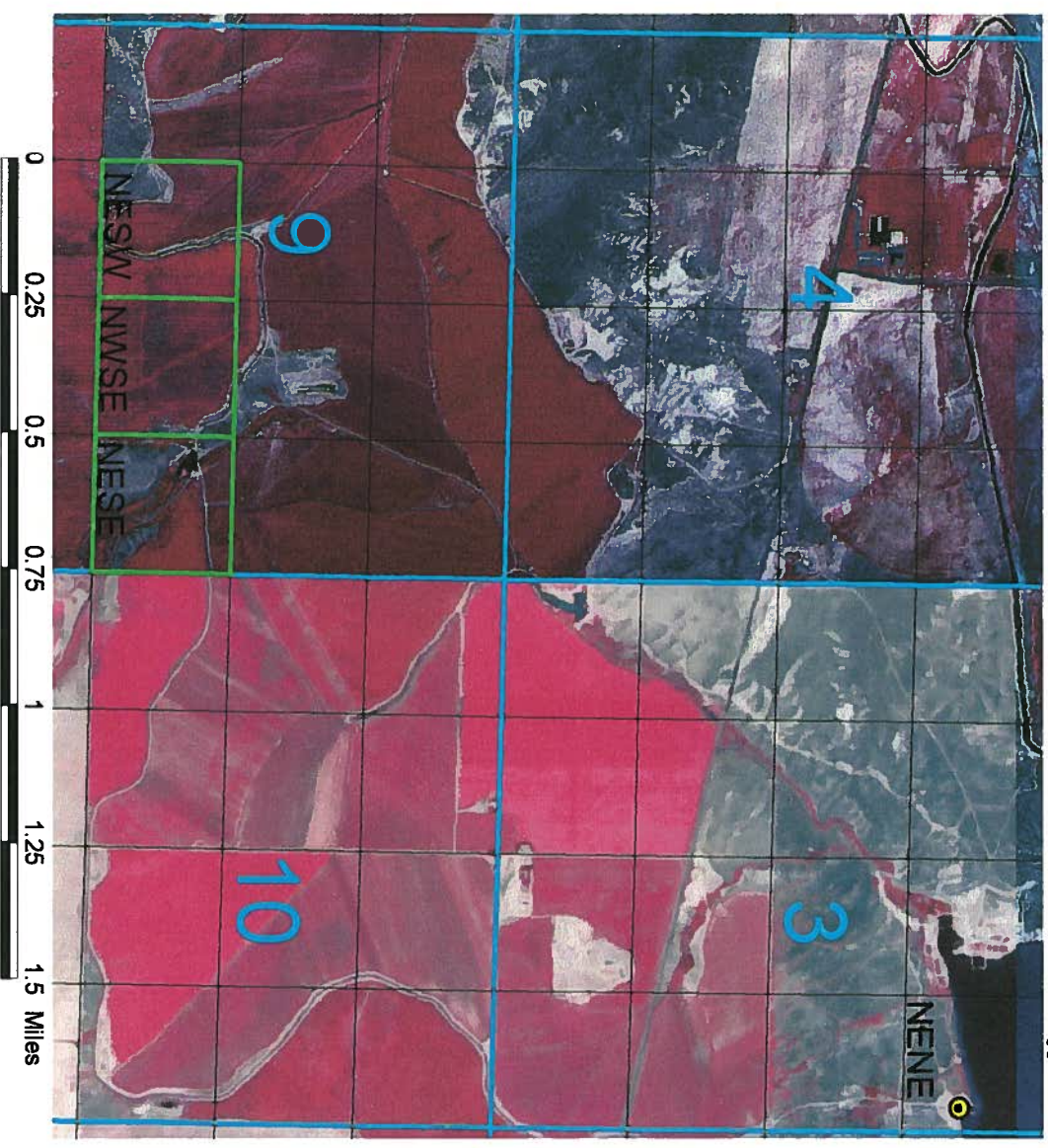
POD per claim legal.

# Idaho Department of Water Resources

Claim Number: 02-10016  
Legal: T06S, R04E, S09  
Reviewed By:

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

1987 Napp Photo

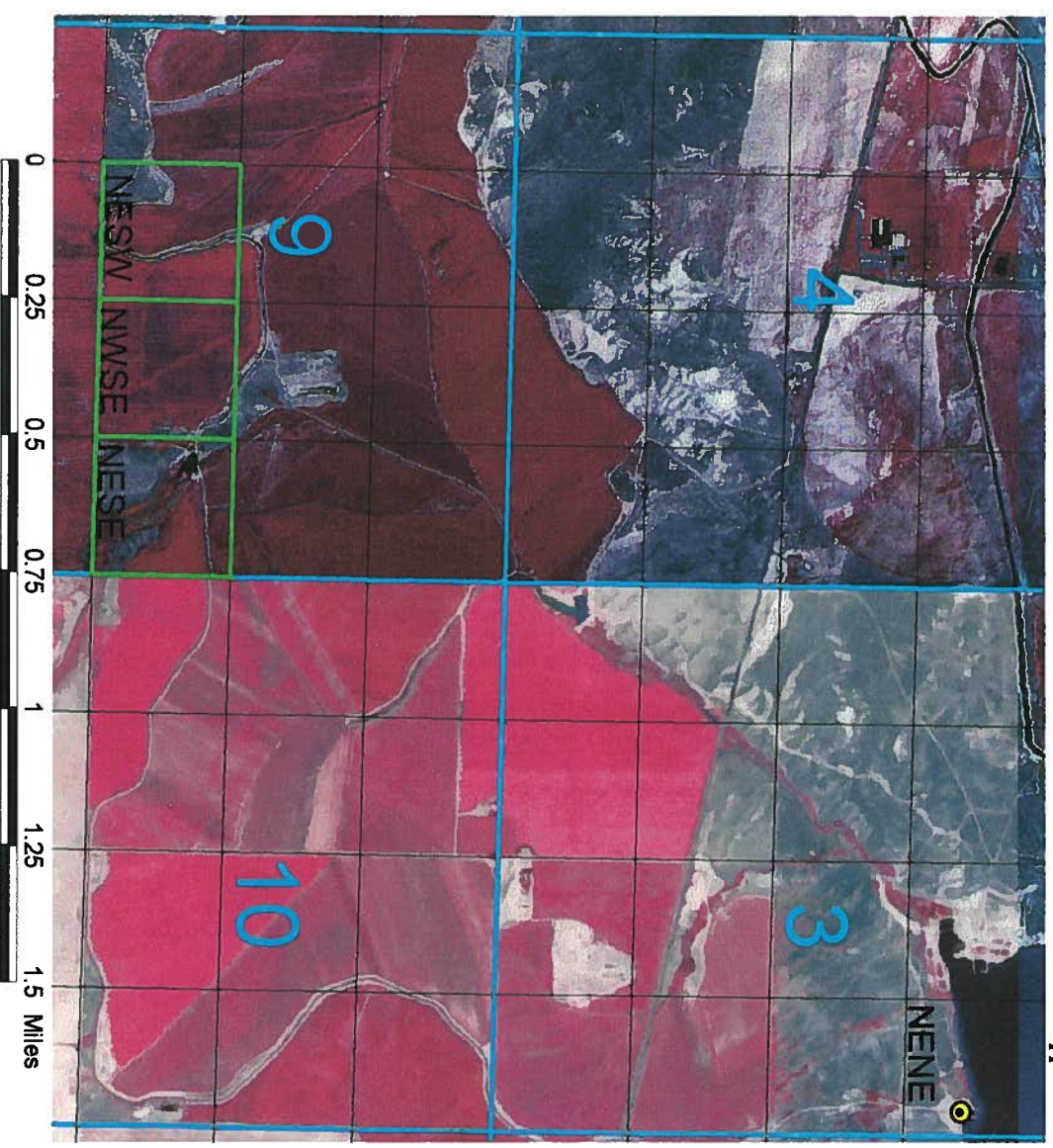


# Idaho Department of Water Resources

Claim Number: 02-10016  
Legal: T06S, R04E, S09  
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: A02-10016  
Date Received: 3/1/89  
Receipt No: C005639  
Received By: 9

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

Department of Water Resources

2. Date of Priority: DEC 31, 1986

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

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

5. Description of diverting works:  
PUMPS AND CANALS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.660  |      |        |

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

8. Total consumptive use is 280.0 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   | 9       | NE     | SW  |     | IRR | 10.0  |
|          |       |         | NE     | SE  |     | IRR | 30.0  |
|          |       |         | NW     | SE  |     | IRR | 40.0  |

Section Acres 80.0

A02-10016

Page 1

Date: 02/24/89

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AUG 10 1992

10. Place of Use: Continued

Total Acres        80.0

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:  
    NONE

14. Remarks:  
    EXPANSION OF WR LICENSE 02-02096

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ Secretary \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_

M. L. Investment Co. \_\_\_\_\_, that I have signed the foregoing \_\_\_\_\_ Organization \_\_\_\_\_ document in the space below as \_\_\_\_\_ Secretary \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_

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

*Robert L. Gower*  
Signature of Authorized Agent

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

2-28-89

Date

State of Idaho )  
County of Ada ) SS.

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

*Vicki A. Lower*  
Notary Public

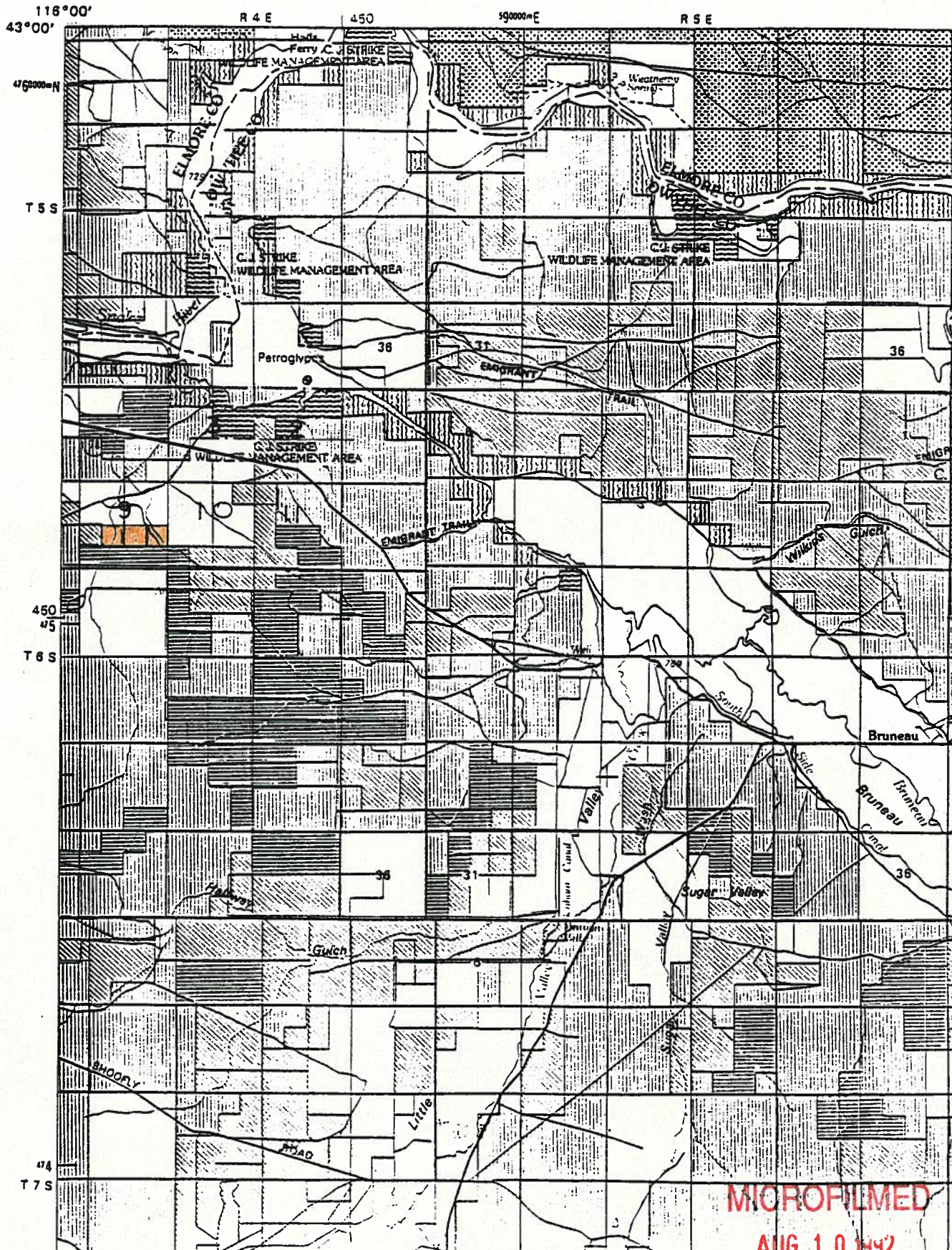
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

(MURPHY)



MICROFILMED  
AUG 10 1992



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 16 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

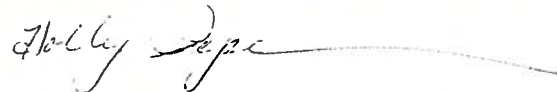
Dear Mr. Shaff:

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 16 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 16 1994

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

7 Attorneys for J. R. Simplot Company

1994 APR - 12 PM 2:52  
DISTRICT COURT - SRB  
TWIN FALLS CO., IDAHO  
FILED

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

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

Civil Case No. 39576

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

19 Petitioner, )

20 v. )

NOTICE OF WITHDRAWAL  
OF COUNSEL

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

24 Defendants. )  
25 \_\_\_\_\_ )

26  
27  
28  
MICROFILMED  
AUG 16 1994

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  
12  
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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

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P.O. Box 70  
Rexburg, Idaho 83440

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ROCK & FIELDS  
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911 West Idaho  
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OKAI, HORTON & FLINDERS  
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Christopher H. Meyer  
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Boise, Idaho 83701

**MICROFILMED**  
**AUG 16 1994**

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7 PETERSON & SULLIVAN,  
8 CHARTERED  
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24 HOLLIFIELD AND TOLMAN  
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4 FLETCHER  
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7 Daniel V. Steenson  
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20 Attorney at Law  
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22 P.O. Box 628  
23 Parma, Idaho 83660

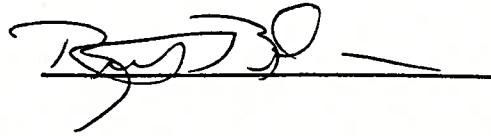
24 **Addresses Under A.O.1., Section 7.d(2)**

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

**MICROFILMED**

**AUG 16 1994**

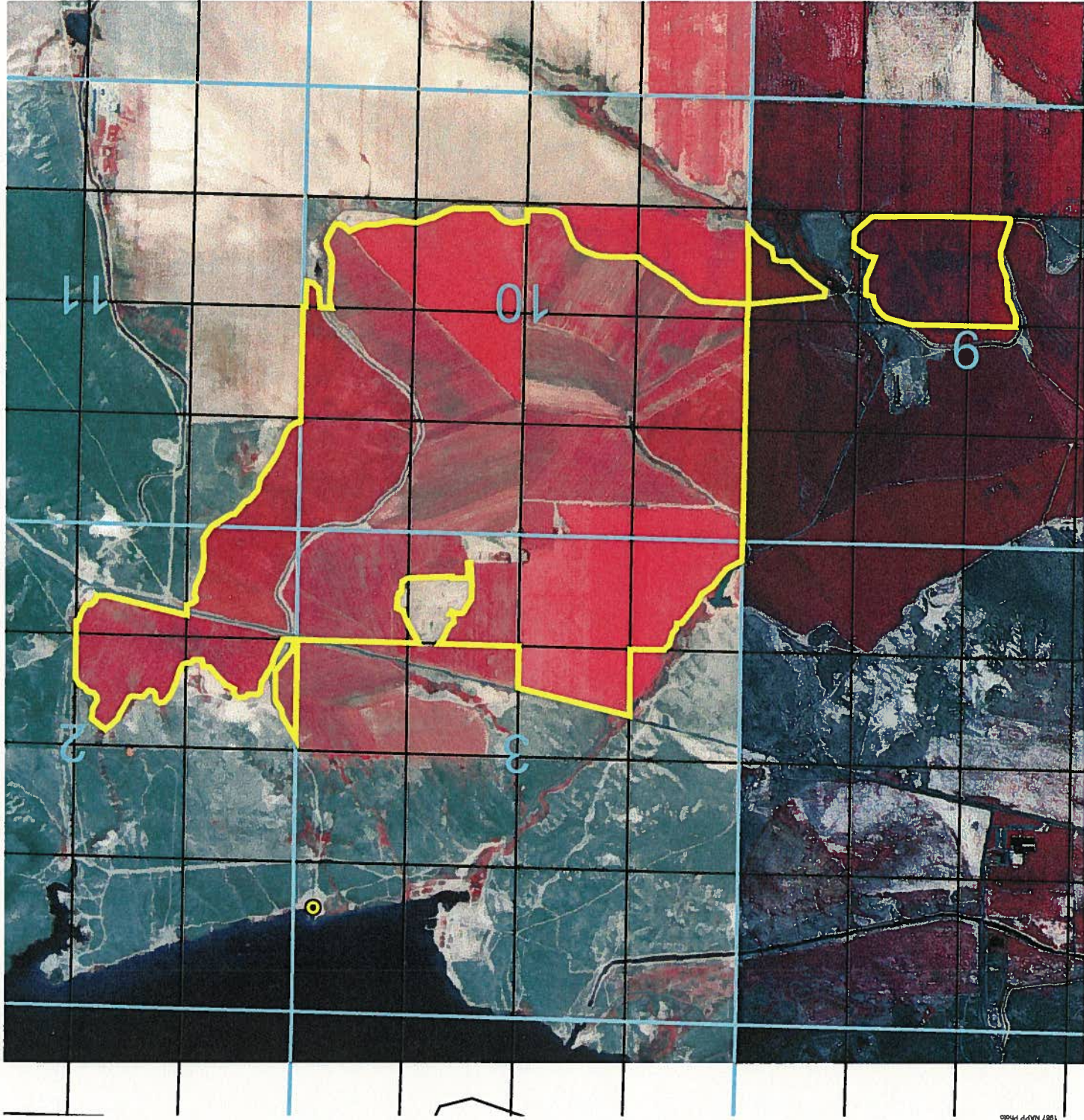
1 United States Department of Justice  
2 Environment & Natural Resources Division  
3 550 West Forth Street, Box 33  
4 Boise, Idaho 83724

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6

7 5500v  
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# Idaho Department of Water Resources

1987 NAIP Photo



Place of Use  
Point of Diversion  
Section Lines  
Quarter Quarter Lines



Claim Number: 02-10016  
Legal: T06S, R04E, S2,  
S3, S9, S10, & S11  
Reviewed By: JLD 7/26/05