

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09961
Date Received: 5/7/90
Receipt No: 2016710
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT MEAT PRODUCTS, INC. 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: DEC 10, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	16	SW	NW			CANYON
			SE	NW			CANYON

5. Description of diverting works:
3 WELLS, 3 PUMPS, AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	1.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL FOR BEEF PACKING SLAUGHTERHOUSE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	16	SE	NW		INDUST	

11. Place of use in counties: CANYON

A63-09961

Page 1

Date: 05/03/90

SCANNED
APR 11 2008

MICROFILMED
AUG 24 1992

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

13. Other Water Rights Used:
A63-04936, A63-02597

14. Remarks:

THERE ARE TWO WELLS LOCATED IN THE SENW, SEC.16, T03N, R02W.
BOTH WELLS ARE IN THE SAME HOLE, BUT HAVE DIFFERENT SIZED CASINGS
ONE CASING IS 16" AND THE OTHER IS 8". THE WELL FOR THIS CLAIM
IS PLUMBED TO THOSE WELLS AND IS KNOWN LOCALLY AS THE CONDENSER
WELL.

15. Basis of Claim: PERMIT

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: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Simplot Meat Products, Inc., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Simplot Meat Products, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Secretary, Simplot Meat Products, Inc.
Title and Organization

05-04-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of May 19 90

Vicki A. Lower
Notary Public

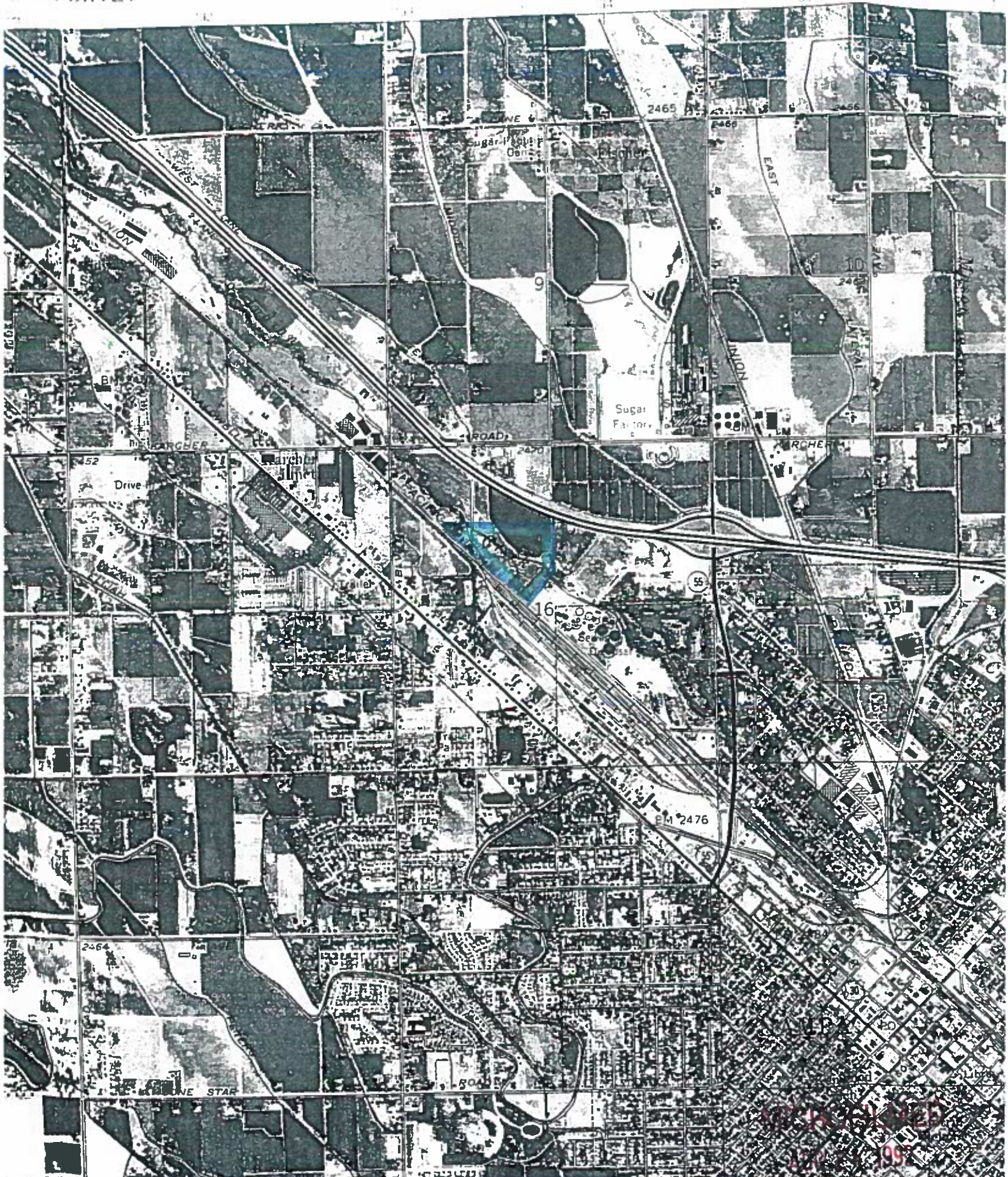
Seal

Residing at Meridian

My Commission Expires 11-06-91

DEPARTMENT OF WATER RESOURCES
UNITED STATES
OF THE INTERIOR
CALIFORNIA SURVEY

Water Right # A63-09961
[Blue mark] = Point(s) of Diversion
[Green mark] = Place(s) of Use



Music, Vicky

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Friday, June 06, 2008 9:51 AM
To: Music, Vicky
Cc: Young, Gray A; Spencer, Nick
Subject: SRBA Subcase Nos. 63-2597, 63-4936 and 63-9961.
Attachments: Nampa_Permit_002696-4.pdf; Nampa_Meats_Sewer_Rates.pdf

Vicki

Attached are the discharge permits we discussed yesterday.

Permit No. 002696-4 is the NPDES authority authorizing the discharge of the non-contact water used to cool the chilling condensers located at the Nampa Meats facility. We believe this discharge is consistent with the flow and volume diverted from the "condenser well" since the use has very little, if any, consumption.

The second permit is the City of Nampa discharge permit authorizing the discharge of effluent from the Nampa Meats plant to the City of Nampa's water treatment plant. We believe the consumption associated with processing prior to discharge amounted to approximately 10% of the quantity diverted. Consequently, 10% of the volume described in this discharge permit should be added back to the permitted volume to arrive at the total quantity diverted from the groundwater source.

63-9961

$$\text{Total effluent} = (110,000 \text{ gpd} \times 1.10) = (121,000 \text{ gpd}) (365) = 44,165,000 / 325,850 = 135.54 \text{ afy}$$

$$(110,000) (1.20) = (132,000) (365) = 48,180,000 / 325,850 = 147.86 \text{ afy}$$

6/10/2008

I. LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge from outfall 001 to Indian Creek, subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

A. Effluent Limitations and Monitoring

1. The pH shall not be less than 6.5 standard units nor greater than 9.5 standard units.
2. Surface waters shall be free from toxic substances in concentrations that impair designated beneficial uses.
3. The permittee shall limit and monitor discharges from outfall 001 as specified in Table 1 below. All figures represent maximum effluent limits. The permittee shall comply with the following effluent limits at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

Table 1 - Effluent Limitations and Monitoring Requirements				
Parameter	Effluent Limitations		Monitoring Requirements	
	Instant Max	Max Daily	Sample Freq	Sample Type
Temperature, °C ¹				
October 15 - March 15	13	9	Cont	Record
March 16 - October 14	22	19		
Effluent Flow, mgd	—	0.11	Cont	Record
Footnote:				
1 Beginning on the effective date of this permit, the permittee shall monitor for temperature. The permittee shall comply with the temperature limitations on or before the last day of the permit term.				

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

RIGHT NUMBER: 63-9961

NAME AND ADDRESS: SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE ID 83707

~~SIMPLOT MEAT PRODUCTS INC~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.990 CFS
715.500 AFY

PRIORITY DATE: 12/10/1982

POINT OF DIVERSION:

T03N R02W S16 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.990 CFS 715.50 AFY
Industrial use is for a slaughterhouse and meat packing plant.		

PLACE OF USE: INDUSTRIAL in CANYON County

T03N R02W S16 SENW

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

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

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

Water Rights: 63-2597, 63-4936,
63-9961

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 23, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 23, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Simplot Meat Products LLC
PO Box 27
Boise ID 83707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE ID 83707

Re: Water Right Nos. 63-2597, 63-4936, 63-9961

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

JUN 23 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-02597	A63-02597				
63-04936	A63-04936				
63-09961	A63-09961				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
PLEASE SEE THE ATTACHED CORPORATION WARRANTY DEED
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) SMP, Inc. formerly known as Simplot Meat Products, Inc.

PO Box 27

Boise, ID 83707

4. New Owner/Claimant(s) Simplot Meat Products, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address PO Box 27

City, State and ZIP Code Boise, ID 83707

New Telephone Number (208) 336-2110 Email: _____

5. Date you acquired the property April 2, 1996
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) By: Annette G. Elg Simplot Meat Products, LLC
Annette G. Elg, Manager (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____
 Received by _____
 Processed by JAL AJ

Date 6-23-08
 Date _____
 Date 7-21-08

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

CORPORATION WARRANTY DEED

THIS INDENTURE, made as of the 1st day of April, 1996, between SMP, Inc. formerly known as Simplot Meat Products, Inc., formerly known as Keim Beef Packing, Inc., a corporation duly organized and existing under the laws of the State of Idaho, and having its principal office in Idaho at 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, in the County of Ada, Grantor, and Simplot Meat Products L.L.C., an Idaho limited liability company, whose address is 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, County of Ada, State of Idaho, Grantee.

W I T N E S S E T H:

That Grantor, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, and to its successors and assigns forever, all the following described real estate situated in Nampa, County of Canyon, State of Idaho, to-wit:

See EXHIBIT A attached hereto and incorporated herein.

Together with the structures, buildings, easements improvements, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including but not limited to all water rights, ditch rights and related rights, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of Grantor.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto Grantee, and to its successors and assigns forever, and the Grantor, and its successors, shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, subject to such easements, covenants, encumbrances, restrictions and zoning regulations as appear in the records of Canyon County, Idaho and subject to the lien for current general property taxes.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be hereunto subscribed by its President and its

corporation seal to be affixed by its Secretary in pursuant to said resolution the day and year first above written.

SMP, INC.

By Stephen A. Beebe
Stephen A. Beebe, President

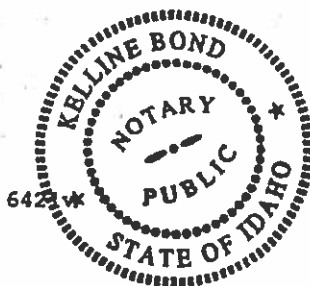
ATTEST:

Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of Ada)

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

On this 2nd day of April, 1996, before me, a Notary Public in and for said State, personally appeared Stephen A. Beebe and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.



Kelline Bond
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10-13-98

PARCEL I:

All that portion of the Northeast Quarter of the Northwest Quarter of Section 16, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South of the Southerly right of way line of Interstate Highway 80 North, EXCEPTING THEREFROM the West 25 feet.

AND

All of that portion of the South Half of the Northwest Quarter, and of the Northeast Quarter of the Southwest Quarter, lying North and East of the Northeasterly right-of-way line of the Oregon Short Line Railroad Company, in Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM, that certain right-of-way in Book 64 of Deed, page 529.

ALSO EXCEPTING THEREFROM:

COMMENCING at the center of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said point being the TRUE POINT OF BEGINNING; thence South 0 degrees 18'05" West 336.71 feet along the Easterly boundary of the Northeast Quarter Southwest Quarter, said Section 16 to a point on the Northeasterly right of way line of the Oregon Short Line Railroad; thence North 46 degrees 16'10" West 575.00 feet along said Northeasterly right of way line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 557 feet to a point on the centerline of Indian Creek; thence Southeasterly along said centerline of Indian Creek to a point on the Easterly boundary of the Southeast Quarter Northwest Quarter, said Section 16; thence South 0 degrees 17'55" West 425 feet along said Easterly boundary of the Southeast Quarter Northwest Quarter, Section 16 to the POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the

said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing South 43 degrees 43'50" West 110.00 feet to a point; thence at right angles and bearing North 46 degrees 16'10" West 58.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to the POINT OF BEGINNING.

PARCEL II:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing

South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing
South 43 degrees 43'50' West 110.00 feet to a point; thence at right angles and bearing
North 46 degrees 16'10' West 58.00 feet along a line parallel to an 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to the POINT OF BEGINNING.

PARCEL III:

A portion of the Northwest Quarter Northwest Quarter, Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds asd follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho and running
South 0 degrees 20'35" West 623.39 feet along the Westerly boundary of said Section 16 to a point on the centerline of the Oregon Short Line Railroad right of way; thence
South 46 degrees 16'10" East 1025.05 feet along said centerline of the Oregon Short Line Railroad right of way to a point on the Southerly boundary of the Northwest Quarter Northwest Quarter, said Section 16, said point bears
South 89 degrees 31'05" East 744.93 feet from the Southwest corner of the said Northwest Quarter Northwest Quarter, Section 16; thence
South 89 degrees 31'05" East 145.95 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the Northeasterly right of way line of the said Oregon Short Line Railroad, said point being the TRUE POINT OF BEGINNING; thence continuing
South 89 degrees 31'05" East 374.00 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the centerline of Indian Creek; thence
North 32 degrees 08'14" West 23.75 feet along said centerline of Indian Creek to a point; thence
North 89 degrees 31'05" West 382.46 feet along a line parallel to and 20.00 feet Northerly from the said Southerly

boundary of the Northwest Quarter Northwest Quarter,
Section 16 to a point on the said Northeasterly right of
way line of the Oregon Short Line Railroad; thence
South 46 degrees 16'10" East 29.19 feet along said Northeasterly
right of way line of the Oregon Short Line Railroad
to the POINT OF BEGINNING.

Purported Address:

616 WEST RAILROAD
NAMPA, IDAHO 83687

9610344

RECORDED

'96 APR 2 PM 4 26

RECEIVED

CANYON CNTY RECORDER

BY *W. G. Adams*

ALLIANCE - NAMPA

REQUEST *Deed* FEE *1800*

TYPE *Deed* FEE *1800*



J.R. SIMPLOT COMPANY 999 MAIN STREET BOISE, IDAHO 83702
P.O. BOX 27 BOISE, IDAHO 83707
(208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

JUN 23 2008

WATER RESOURCES
WESTERN REGION

June 20, 2008

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Claim Nos. 63-2597, 63-4936 and 63-9961.

Dear Vicky:

At the request of and as an accommodation to Simplot Meat Products, LLC, enclosed is a Notice of Change of Water Right Ownership for the above referenced claims. Please update your records to show the current owner for these water rights, Simplot Meat Products, LLC.

Sincerely,

Vic Conrad
Land Water & Asset Recovery

Enclosure

c: N. Spencer
G. Young

INTEROFFICE MEMORANDUM

TO: CLAIM FILE
FROM: VICKY MUSIC, WATER RESOURCE AGENT
SUBJECT: SIMPLOT MEAT PRODUCTS 63-2597 AND 63-9961
DATE: 7/10/2008
CC:

Vic Conrad called yesterday about the meat products plant water rights which Simplot objected to. Simplot objected to the annual volume and quantity recommended for 63-2597 and the annual volume recommended for 63-9961. Vic emailed me documents that will help to correct the annual volume after the initial hearing. Regarding the quantity, the 63-2597 license specifically authorized 1 cfs for industrial and .36 cfs for irrigation but Simplot claimed the entire licensed quantity for industrial and domestic. I recommended the 1 cfs for industrial and domestic. Simplot objected.

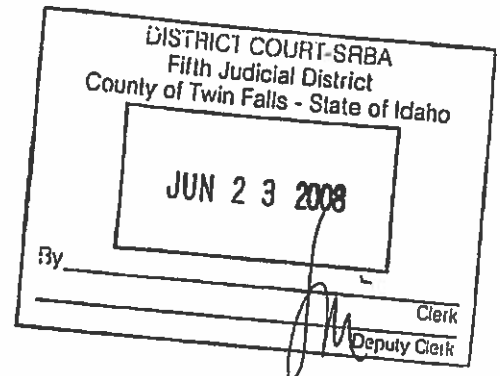
He called to let me know that he had talked to the prior owner Dick ^{KIEM}~~Kiem~~. Mr. Kiem indicated that the property was sold off in pieces and that Simplot did not acquire the irrigation right when the company bought it. Therefore, Simplot was not going to pursue the quantity objection.

I told him that I would hopefully get to the afy issue next week.

CORPORATE HEADQUARTERS

June 19, 2008

Ms. Diana R. Delaney
Deputy Clerk
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, ID 83301



Re: SRBA Case No. 39576, Subcase Nos. 63-02597, 63-04936, 63-09961 ("Simplot Meat Products, LLC") and Subcase Nos. 63-02239, 63-02240, 63-02386, 63-02425, 63-02657, 63-02731, 63-03107, 63-04968, 63-05036, 63-05037, 63-05038, 63-05039, 63-07244, 63-07678, 63-21537, 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-22210 ("J.R. Simplot Company Caldwell Plant Claims and Simplot Livestock Co. Caldwell Feedlot Claims")

Dear Ms. Delaney:

Per our telephone discussion yesterday morning, I am providing you with the following information in connection with the current legal representation and status of ownership of the above-referenced claims. As the Court records show, the initial hearings on the captioned claims were held in Nampa, Idaho on Thursday, June 5, 2008. I appeared as Associate General Counsel for the following entities:

J. R. Simplot Company,
Simplot Livestock Co., and
Simplot Meat Products, LLC

Special Master Booth's notice setting status conference on October 7, 2008 at 9:30 a.m. for all of the captioned Subcases was correctly forwarded to my attention at the appropriate address.

Special Master Booth inquired as to two other matters:

1. Apparently Ronald N. Graves appears as Counsel of Record on at least some of the captioned Subcases. Mr. Graves has retired as General Counsel of the J. R. Simplot Company and its affiliates, and his successor is Terry T. Uhling. Any correspondence from the Court could be properly addressed to Mr. Uhling or to me or to both of us, in the Court's discretion.

Ms. Diana R. Delaney
June 19, 2008
Page 2

2. Due to internal re-organization, Simplot Meat Products, Inc. was succeeded by Simplot Meat Products, LLC, the members of which are SMP, Inc. (which is simply a new name for the corporation previously known as Simplot Meat Products, Inc.) 50% and J. R. Simplot Company 50%. A Notice of Change of Ownership with the Deed will be filed in the very near future with the IDWR to formally document that change. A copy of the Deed has also been enclosed for your information.

Hopefully this letter will provide you with sufficient information to fully update the Court's records in the captioned Subcases. I would be more than happy to submit pleadings or any other documentation that either Special Master Booth or you may request should that be considered necessary.

Thank you for your assistance and please do not hesitate to contact me at (208) 389-7318 if you have any questions.

Sincerely,



GRAY YOUNG
Associate General Counsel
and Assistant Secretary

GY/vs

Enclosure

c: Terry Uhling (w/encl)
Vic Conrad (w/encl)
Director of IDWR, Attn: Nick Spencer, P.O. Box 83720, Boise, ID 83720-0098 (w/encl)

INSTRUMENT NO. 9 10344

Simplot Meat Products
Simplot Meat #21

CORPORATION WARRANTY DEED

THIS INDENTURE, made as of the 1st day of April, 1996, between SMP, Inc. formerly known as Simplot Meat Products, Inc., formerly known as Keim Beef Packing, Inc., a corporation duly organized and existing under the laws of the State of Idaho, and having its principal office in Idaho at 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, in the County of Ada, Grantor, and Simplot Meat Products L.L.C., an Idaho limited liability company, whose address is 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, County of Ada, State of Idaho, Grantee.

W I T N E S S E T H:

That Grantor, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, and to its successors and assigns forever, all the following described real estate situated in Nampa, County of Canyon, State of Idaho, to-wit:

See Exhibit A attached hereto and incorporated herein.

Together with the structures, buildings, easements improvements, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including but not limited to all water rights, ditch rights and related rights, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of Grantor.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto Grantee, and to its successors and assigns forever, and the Grantor, and its successors, shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, subject to such easements, covenants, encumbrances, restrictions and zoning regulations as appear in the records of Canyon County, Idaho and subject to the lien for current general property taxes.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be hereunto subscribed by its President and its

corporation seal to be affixed by its Secretary in pursuant to said resolution the day and year first above written.

SMP, INC.

By Stephen A. Beebe
Stephen A. Beebe, President

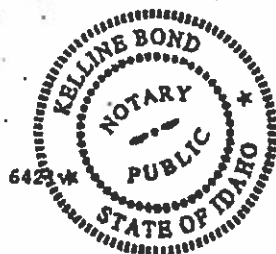
ATTEST:

Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of Ada)

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

On this 2nd day of April, 1996, before me, a Notary Public in and for said State, personally appeared Stephen A. Beebe and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.



Kelline Bond
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10-13-98

PARCEL I:

All that portion of the Northeast Quarter of the Northwest Quarter of Section 16, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South of the Southerly right of way line of Interstate Highway 80 North, EXCEPTING THEREFROM the West 25 feet.

AND

All of that portion of the South Half of the Northwest Quarter, and of the Northeast Quarter of the Southwest Quarter, lying North and East of the Northeasterly right-of-way line of the Oregon Short Line Railroad Company, in Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM, that certain right-of-way in Book 64 of Deed, page 529.

ALSO EXCEPTING THEREFROM:

COMMENCING at the center of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said point being the TRUE POINT OF BEGINNING; thence South 0 degrees 18'05" West 336.71 feet along the Easterly boundary of the Northeast Quarter Southwest Quarter, said Section 16 to a point on the Northeasterly right of way line of the Oregon Short Line Railroad; thence North 46 degrees 16'10" West 575.00 feet along said Northeasterly right of way line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 557 feet to a point on the centerline of Indian Creek; thence Southeasterly along said centerline of Indian Creek to a point on the Easterly boundary of the Southeast Quarter Northwest Quarter, said Section 16; thence South 0 degrees 17'55" West 425 feet along said Easterly boundary of the Southeast Quarter Northwest Quarter, Section 16 to the POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by mates and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the

said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing South 43 degrees 43'50" West 110.00 feet to a point; thence at right angles and bearing North 46 degrees 16'10" West 58.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to the POINT OF BEGINNING.

FARCEL II:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing

South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing
South 43 degrees 43'50" West 110.00 feet to a point; thence at right angles and bearing
North 46 degrees 16'10" West 58.00 feet along a line parallel to an 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to the POINT OF BEGINNING.

PARCEL III:

A portion of the Northwest Quarter Northwest Quarter, Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds asd follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho and running
South 0 degrees 20'35" West 623.39 feet along the Westerly boundary of said Section 16 to a point on the centerline of the Oregon Short Line Railroad right of way; thence
South 46 degrees 16'10" East 1025.05 feet along said centerline of the Oregon Short Line Railroad right of way to a point on the Southerly boundary of the Northwest Quarter Northwest Quarter, said Section 16, said point bears
South 89 degrees 31'05" East 744.93 feet from the Southwest corner of the said Northwest Quarter Northwest Quarter, Section 16; thence
South 89 degrees 31'05" East 145.95 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the Northeasterly right of way line of the said Oregon Short Line Railroad, said point being the TRUE POINT OF BEGINNING; thence continuing
South 89 degrees 31'05" East 374.00 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the centerline of Indian Creek; thence
North 32 degrees 08'14" West 23.75 feet along said centerline of Indian Creek to a point; thence
North 89 degrees 31'05" West 382.46 feet along a line parallel to and 20.00 feet Northerly from the said Southerly

boundary of the Northwest Quarter Northwest Quarter,
Section 16 to a point on the said Northeasterly right of
way line of the Oregon Short Line Railroad; thence
South 46 degrees 16'10" East 29.19 feet along said Northeasterly
right of way line of the Oregon Short Line Railroad
to the POINT OF BEGINNING.

Purported Address:

616 WEST RAILROAD
Nampa, IDAHO 83687

9610344

RECORDED

'96 APR 2 PM 4 26

NEW J. REER

CANYON CNTY RECORDER

BY *A. B. B. B.*

REQUEST ALLIANCE - Nampa

FILED *Deed* FEB 18 1996

2008 JUN 09 PM 01:37
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____		SUBCASE NOS: 63-02597	63-04936
		63-09961	

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 07, 2008 at 09:30 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JUNE 09, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 6/09/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 09, 2008, with sufficient first-class postage to the following:

SIMPLOT MEAT PRODUCTS INC
SIMPLOT MEAT PRODUCTS LLC

Represented by:

GRAY A YOUNG
JR SIMPLOT COMPANY
999 MAIN ST, 13TH FL
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____		SUBCASE NOS: 63-02597 63-04936
		63-09961

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 03:45 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

SIMPLOT MEAT PRODUCTS INC
SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

Subcase 63-9961

(Insert water right number)

In Re SRBA)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Simplot Meat Products, LLC

Address: P. O. Box 27

Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Simplot Meat Products, Inc.

Address: PO Box 27

Boise, ID 83707

I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: **Simplot Meat Products, LLC C/O Terry Uhling 999 Main Street,
Suite 1300, PO Box 27, Boise, ID 83707**

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: **0.99 cfs**

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
3N	2W	16	SW¼NW¼
			SE¼NW¼

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water right should not exist.

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

REASONS SUPPORTING OBJECTION(S):

The quantity of water licensed under this water right provides the right to divert up to 0.99 cfs from groundwater sources used in combination with water diverted under water right no. 63-2597. The recommendation by the IDWR for this water right includes an annual volume limit in the

amount of 715 acre feet per annum. Without an understanding of the basis for the Director's recommendation for the annual volume limit, the claimant must object in order to determine the basis for the IDWR's volume limit recommended for this water right and the appropriate annual volume that should be recommended for water right no. 63-2597.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Terry T. Uhling as Secretary, Senior Vice President, and General Counsel of the J. R. Simplot Company, a Member of Simplot Meat Products, LLC and as Secretary of SMP, Inc. a Member of Simplot Meat Products, LLC, duly sworn, upon oath, deposes and says:

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

SIMPLOT MEAT PRODUCTS, LLC

SMP, Inc. a Member

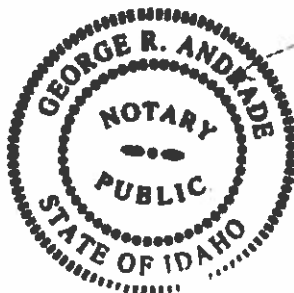
By: [Signature]
Terry T. Uhling, Secretary

J. R. Simplot Company, a Member

By: [Signature]
Terry T. Uhling, Sr. Vice President, Secretary and General Counsel

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: JUNE 12, 2007



[Signature]
Notary Public for _____
Residing at: BOISE, IDAHO
My Commission Expires: JUNE 12, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 13, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Simplot Meat Products, LLC
Address: PO Box 27
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

J.B. Simplot Company
By: Vic C. [Signature], Director
Land Water & Asset Recovery

Signature of Objector or attorney
mailing on Objector's behalf

05/30/2006

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

RIGHT NUMBER: 63-9961

NAME AND ADDRESS: SIMPLOT MEAT PRODUCTS INC
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.990 CFS
715.500 AFY

PRIORITY DATE: 12/10/1982

POINT OF DIVERSION:

T03N R02W S16 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.990 CFS 715.50 AFY
Industrial use is for a slaughterhouse and meat packing plant.		

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S16 SENW

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

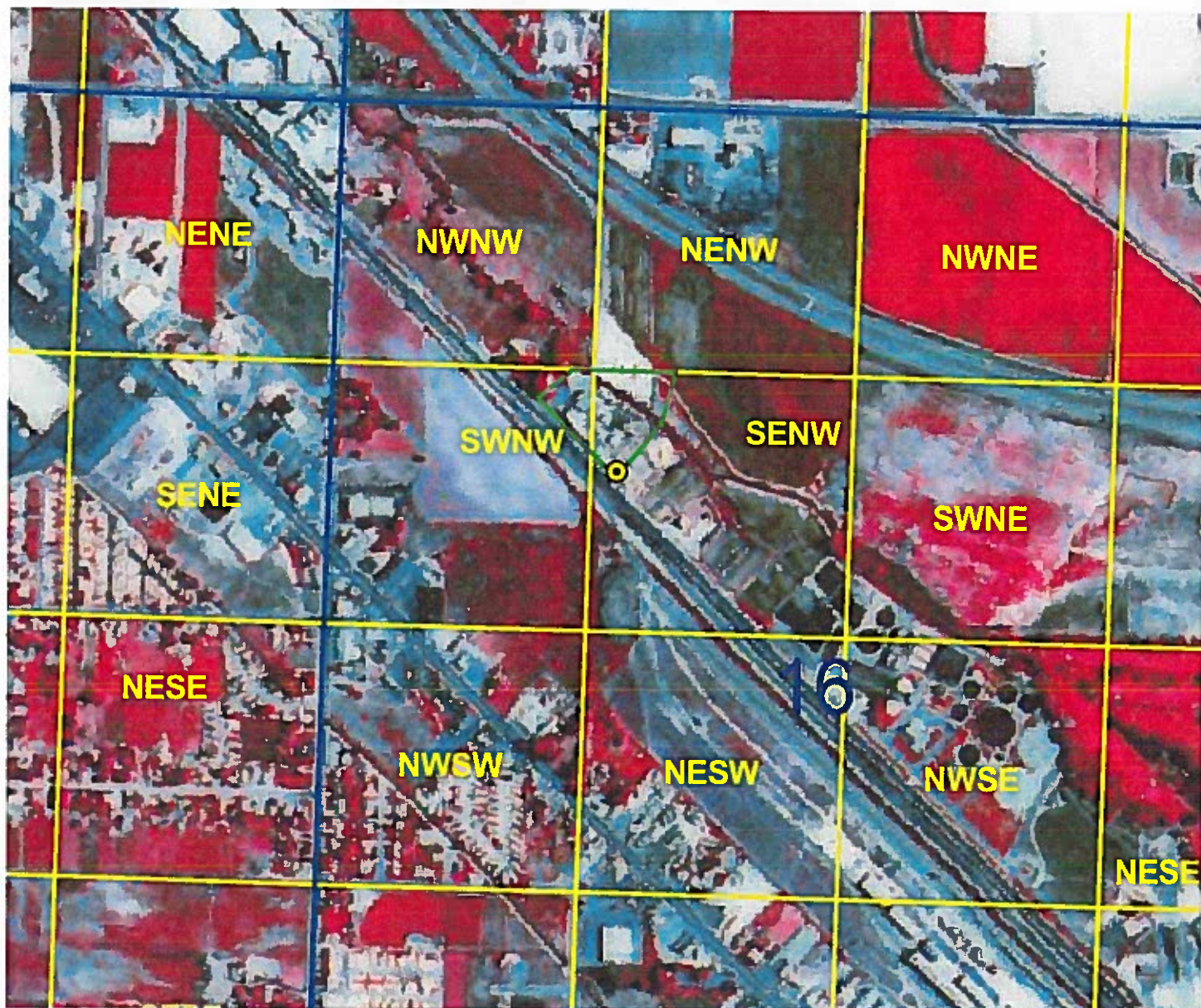
A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-9961



1320 0 1320 Feet



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

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT CO.
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
P.O. BOX 27
BOISE, ID 83707-0027

RE: Snake River Basin Claim No(s): 63-2597, 63-4936 and 63-9961

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Both of these claims are for industrial uses. At the time 63-2597 was licensed, no annual volume component was required. However, to recommend this license and the 63-4936 statutory claim in the SRBA, IDWR must have information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources.

In addition to the annual volume data, the following information is needed.

63-2597 - This right was licensed for diversion from 4 wells for irrigation, domestic and industrial uses.

- 1 - Which of these 4 wells are still used for this right;
- 2 - a description of the domestic use; and,
- 3 - if an accomplished transfer in purpose from irrigation to industrial was made, when the change was made.

63-4936 - This statutory claim was filed for industrial uses with the diversion from an 8" diameter well. In 2003, an IDWR subcontractor did a site visit and gathered well information. No 8" well was being used.

- 1 - Which well is the point of diversion for this claim;
- 2 - If an accomplished transfer in point of diversion took place, when it occurred; and,
- 3 - evidence of priority for the 1944 claimed priority date.

63-9961 - The SRBA claim adds a point of diversion that was not licensed.

- 1 - If an accomplished transfer in point of diversion took place, when it occurred.

Please submit the information by May 26, 2006. Thank you for your attention to this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/Western Region
Idaho Department of Water Resources

Enclosures: Claim Reports for 63-2597, 63-4936; Licenses 63-2597, 63-9961;
Statutory Claim 63-4936.



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

JUL 26 1994

Music, Vicky

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:23 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Oh, I thought you were going to tune me into a slaughterhouse that could run only 2 hours per day, 5 days per week for half the year and actually be profitable. I was ready to invest.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 4:09 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Actually, the 2 hour duration is a minimum well design assumption per Dave T. The 5 days a week is arbitrary and is based on a business week.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:01 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

I understand the minimum well design criteria – but what is the rationale for using a diversion frequency and duration of only 2 hours per day; 5 days per week; 6 mos/year? This is a separate assumption than minimum well design. How was this duration and frequency determined?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:57 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Dave Tuthill has advised the agents to use these minimum well design assumptions in making recommendations when information regarding historical annual volume of water used has been requested of the claimant but not provided.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 3:46 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vicky,
 Was there any basis to the assumption of 2 hours/day/5 days a week x 6 moths a year? Or was this purely an assumption?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:31 PM
To: Conrad, Vic
Subject: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vic -

This email is in response to your phone call of last week re the above claims. The phone message did not include a phone number.

63-2597 - the rate was reduced because the license clearly states that 1 cfs is for industrial use. Simplot claimed 1.36 cfs for industrial use, however, the .36 cfs was for irrigation. The annual volume was calculated at the minimum well design parameters of pumping 2 hours/day/5 days a week x 6 months a year. I had to use these assumptions because I did not receive a response to my letter request dated 5/10/06.

63-4936 - a duplicate claim of license 63-2597 for 1 cfs industrial. disallowed.

63-9961 - recommended as licensed.

hope this provides the information you were looking for.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

3/26/2008

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.
-Sal*

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

JUL 26 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

JUL 26 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 - 2 PM 2:52
DISTRICT COURT - SRP
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 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 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
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Nyssa, Oregon 97913

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BENTZ & HELFRICH
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COOPER & BUDGE, CHARTERED
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Pocatello, Idaho 83204-1391

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COSHO, HUMPHREY, GREENER &
WELSH, P.A.
Carnegie Building
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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
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2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
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5 P.O. Box 955
6 Boise, Idaho 83701

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

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6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
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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
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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

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 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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MICROFILMED
JUL 26 1994

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-9961

WATER RIGHT NUMBER: 63-9961

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 83707-0027 (208)389-7318
Current Owner	SIMPLOT MEAT PRODUCTS INC PO BOX 27 BOISE, ID 83707 (208)336-2110
Original Owner	HH KEIM CO LTD NAMPA, ID 83651
Original Owner	KEIM BEEF PACKING INC RT 5 BOX 5015 NAMPA, ID 83651

Priority Date: 12/10/1982

Basis: ~~Permit~~ *license*

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	1,500 CFS <i>.99</i>	<i>715.5</i>
	<u>Total Diversion:</u>	1,500 CFS	

Location of Point(s) of Diversion

GROUND WATER	~~SW 1/4 NW 1/4~~	Sec. 16, Twp 03N, Rge 02W, B.M.
CANYON County		
GROUND WATER	SE 1/4 NW 1/4	Sec. 16, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of UseINDUSTRIAL Within CANYON County

T03N R02W S16 SENW

Conditions of Approval:

1. THERE ARE TWO WELLS LOCATED IN THE SENW, SEC.16,T03N,R02W.
BOTH WELLS ARE IN THE SAME HOLE, BUT HAVE DIFFERENT SIZED CASINGS ONE CASING IS 16" AND THE OTHER IS 8". THE WELL FOR THIS CLAIM IS PLUMBED TO THOSE WELLS AND IS KNOWN LOCALLY AS THE CONDENSER WELL.

purpose Industrial use is for a slaughter house & meat packing plant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9961

2. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
3. 09D Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

Remarks:

Comments:

Water Supply Bank:

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2597, 63-4936 AND 63-9961
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM REVIEW - ~~BASIS FOR DISALLOWAL~~
DATE: 5/30/2006

These 3 claims are for the Simplot meat packing/ slaughterhouse facility. Two of the claims are licenses and one is a statutory claim. A letter was sent May 10, 2006, to Simplot requesting additional information regarding the wells that are still in use, annual volume data, information re accomplished transfers in PODs and evidence of priority for the statutory claim. There has been no response.

Claims

63-4936 is a beneficial use claim that was first claimed as a statutory claim by HK Keim Co. LTD in 1982. Both the statutory and the SRBA claims for industrial use, 1 cfs, at a meat packing plant and slaughterhouse. The statutory claim states that the pod is a well, 8" diameter, 280' deep that was first put to this beneficial use in April of 1944. The SRBA claim claims as points of diversion 3 wells, the other 2 being licensed under 63-2597 and 63-9961.

63-2597 [priority date of 5/22/1942] was licensed for domestic, irrigation and industrial use from 4 artesian wells. The 2 wells in section 8 were used for irrigation and are not claimed in the SRBA claim. Only the 2 wells of the 4 wells originally licensed in section 16 are claimed in the SRBA. Additionally, irrigation is not claimed as a use in the SRBA, only domestic and industrial. SRBA claims - 3 pods.

63-9961 [priority date of 12/10/1982] was licensed for industrial use [refrigeration for meat] from a well with a 16" diameter and 108' deep. The SRBA claims - 3 PODs.

Issues

1 - All of the water uses claimed were developed by HK Keim. If they applied for licenses in 1942 and 1982, they were clearly aware of the licensing procedure. Why did they not apply for the use developed under the statutory claim when it was developed in 1944?

2 - PODs - the SRBA claims all claim 3 PODs and state that there are 2 wells in one casing. The 16" diameter well drilled in 1982 and licensed under 63-9961 is not doubly completed. There is no information in the older license file or the statutory claim that any of these well are either.

3 - An IDWR subcontractor was on site in 2003 and talked to the Maintenance Manager. He stated that he did not know anything about 2 wells in one casing. He said there were 2 wells on site, the condenser well [63-9961] and the plant well [corresponds to 63-2597]. The wells were not located in the location claimed in 63-4936.

Basis for Recommendation

63-2597 -- will recommend the plant well as the only pod. Will calculate annual volume based on standard minimum well design assumptions from Dave T: 2 hours pumping time, 5 days a week, 6 months a year.

63-4939--No evidence of priority was provided for. Cannot locate well. Disallow.

63-9961 -- will calculate ~~annual~~ volume as above and recommend the licensed pod.

VLM

ATA is licensed - used IIC. ATA

SIMPLOT CLAIMS IN T3N R2W SECTIONS 8 [potato processing plant] AND 16 [slaughter house/ meat packing]

63	7218	License	Active	4/18/1969	3.4		GROUND WATER	FIRE PROTECTION, INDUSTRIAL, IRRIGATION	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING.have well log.
63	9961	License	Active	12/10/1982	1	715.5	GROUND WATER	INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	LICENSE: .99 cfs for industrial use in SENW S 16. Have well log - 16" DIA & 108' DEEP. Use is refrigeration for meat & backup domestic. SRBA CLAIM: 1.5 cfs for industrial. Claim references 2 wells- 8" & 16" in same casing. No info about this in the well or well log. Cliff - maintenance mgr didn't know anything about this, said there were simply 2 wells used for the plant. This is the condenser well. Theor in 2003 calculated at .83 cfs. Lic exam calculated at .99 cfs. Recommend as licensed.
63	10012	Permit	Active	3/7/1983	3		GROUND WATER	DOMESTIC, INDUSTRIAL	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING. need copy of permit. Rec as permitted
63	10066	Permit	Active	6/14/1983	2		GROUND WATER	INDUSTRIAL	J R SIMPLOT CO (Current)	SEC 8. POTATO PROCESSING. need copy of permit. Rec as permitted

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9961

05/30/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2597	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9360	Claim	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-2597	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-4936	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-2597	Water Right	03N	02W	16	SW	NW		GROUND WATER	HH KEIM CO
63-9360	Water Right	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-4936	Water Right	03N	02W	16	SE	NW		GROUND WATER	HH KEIM CO LTD
63-9961	Water Right	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-9961

05/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2597	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
4936	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
9961	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
2597	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO
4936	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO LTD
9961	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

63-9961

1. WELL OWNER Name <u>H & H KEIM Co. L.T.A.</u> Address <u>Nampa Id.</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>2'</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☒ Plug																																																																															
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Other Discharge G.P.M. <u>1,000</u> Draw Down <u>11</u> Hours Pumped <u>7 1/2</u>																																																																															
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☒ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG <u>145133</u> <table border="1"><thead><tr><th>Hole Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr></thead><tbody><tr><td>18"</td><td>0</td><td>5</td><td>BLACKTOP GRAVEL, SAND</td><td></td><td>X</td></tr><tr><td>18"</td><td>5</td><td>9</td><td>TOP SOIL</td><td></td><td>X</td></tr><tr><td>18"</td><td>9</td><td>15</td><td>SUBSOIL + CLAY</td><td></td><td>X</td></tr><tr><td>18"</td><td>15</td><td>20</td><td>GRAVEL SAND CLAY</td><td>X</td><td></td></tr><tr><td>18"</td><td>20</td><td>43</td><td>SUBSOIL + SAND</td><td>X</td><td></td></tr><tr><td>16</td><td>43</td><td>64</td><td>LAVA ROCK</td><td>X</td><td></td></tr><tr><td>16</td><td>64</td><td>70</td><td>LAVA ROCK, BROKEN</td><td>X</td><td></td></tr><tr><td></td><td></td><td></td><td>ROCK + CRACKS</td><td></td><td></td></tr><tr><td>16</td><td>70</td><td>90</td><td>CEMENTED GRAVEL</td><td>X</td><td></td></tr><tr><td>16</td><td>90</td><td>98</td><td>GRAVEL - SAND</td><td>X</td><td></td></tr><tr><td>16</td><td>98</td><td>106</td><td>SAND, VERY COARSE</td><td>X</td><td></td></tr><tr><td>16</td><td>106</td><td>108</td><td>CLAY</td><td></td><td>X</td></tr></tbody></table>		Hole Diam.	Depth From	To	Material	Water Yes	No	18"	0	5	BLACKTOP GRAVEL, SAND		X	18"	5	9	TOP SOIL		X	18"	9	15	SUBSOIL + CLAY		X	18"	15	20	GRAVEL SAND CLAY	X		18"	20	43	SUBSOIL + SAND	X		16	43	64	LAVA ROCK	X		16	64	70	LAVA ROCK, BROKEN	X					ROCK + CRACKS			16	70	90	CEMENTED GRAVEL	X		16	90	98	GRAVEL - SAND	X		16	98	106	SAND, VERY COARSE	X		16	106	108	CLAY		X
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16	106	108	CLAY		X																																																																												
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other																																																																																	
5. WELL CONSTRUCTION Diameter of hole <u>16</u> inches Total depth <u>108</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness Diameter From To <u>2.50</u> inches <u>16</u> inches <u>3</u> feet <u>46</u> feet <u>2.50</u> inches <u>12</u> inches <u>3.5</u> feet <u>107</u> feet ____ inches _____ feet _____ feet ____ inches _____ feet _____ feet ____ inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☒ Factory ☐ Knife ☐ Torch Size of perforation <u>10</u> inches by <u>9</u> inches Number From To <u>4,000</u> perforations <u>17</u> feet <u>97</u> feet ____ perforations _____ feet _____ feet ____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No Size of gravel <u>3/8</u> - Placed from <u>3</u> feet to <u>107</u> feet Surface seal depth <u>43'</u> Material used in seal ☐ Cement grout ☒ Puddling clay ☒ Well cuttings Sealing procedure used ☒ Slurry pit ☒ Temporary surface casing ☒ Overbore to seal depth																																																																																	
6. LOCATION OF WELL Sketch map location must agree with written location. <u>63</u> <table border="1"><tr><td>N</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>W</td><td></td><td></td><td></td><td></td><td>E</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Canyon</u> <u>N.W. 1/4 NW 1/4 Sec. 16, T. 3, N. 2, E. 4</u>		N												W					E													10. Work started <u>5-3-76</u> finished <u>5-18-76</u>																																																	
N																																																																																	
W					E																																																																												
		11. DRILLERS CERTIFICATION Firm Name <u>Bill Doty Well Drilling</u> No. <u>42</u> Address <u>RL # 7</u> Date <u>6-25-76</u> Signed by (Firm Official) <u>Bill Doty Jr.</u> and (Operator) <u>Bill Doty Jr.</u>																																																																															

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09961

Priority: December 10, 1982

Maximum Diversion Rate:

0.99 CFS

Maximum Diversion Volume:¹

715.5 AF

This is to certify, that SIMPLOT MEAT PRODUCTS INC.

P.O. BOX 27

BOISE, ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 10, 1982; and has submitted Proof of Beneficial Use on June 27, 1983. An examination indicates that the works have a diversion capacity of .990 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.99 CFS	715.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 16, Township 03N, Range 02W
CANYON County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

03N 02W 16

SENW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

MICROFILMED

JUL 24 1990

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09961

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of July, 1990.

Acting to R. Keith Higginson, Director

MICROFILMED

JUL 24 1990

JUN 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPINCHED

A. GENERAL INFORMATION

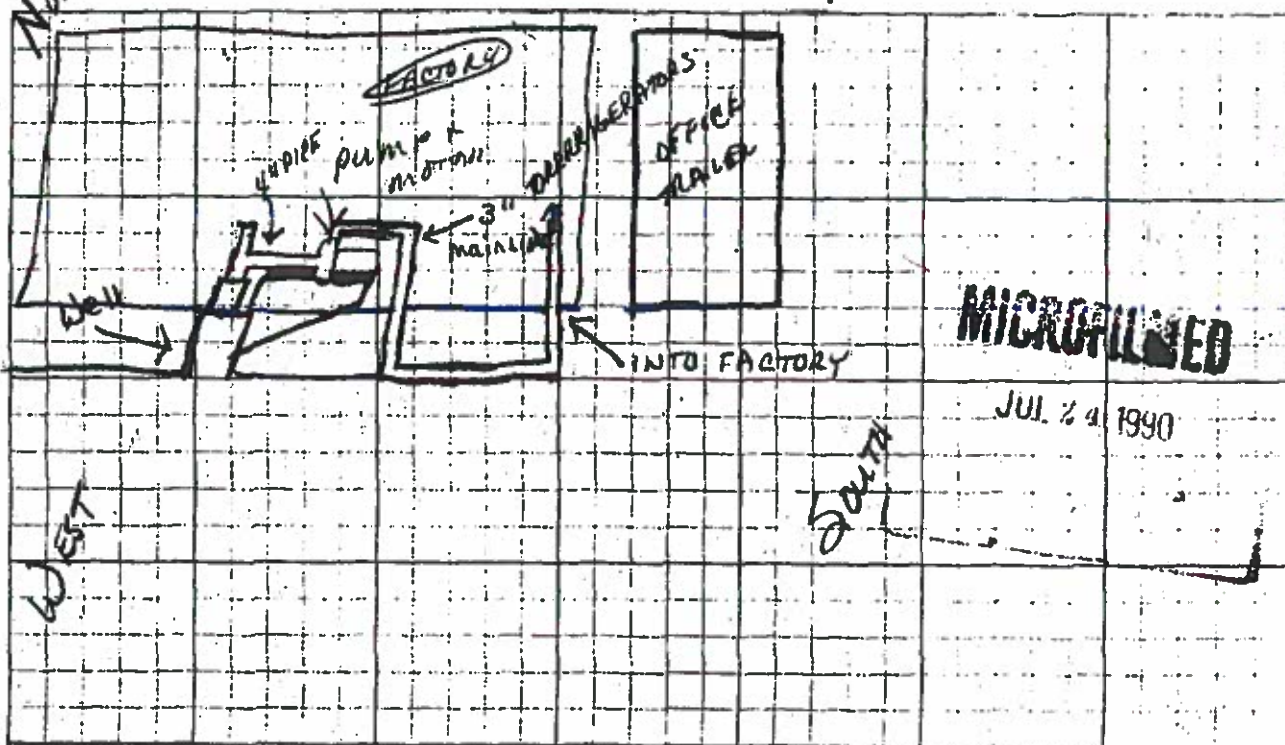
1. Owner: H. H. KEIM CO., LTD Permit No. 63-9961
Current Address: P.O. Box 338, NAMPA, ID Phone No. 466-2478
2. Accompanied by: B.B. HARPER, MTN. ENG. EXAM. DATE: 7/3/86 ✓
Address: _____ Phone No. 466-2478
Relationship to Permit Holder: SEE ABOVE
3. Source: G.W. tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-2597 + 63-4936 - SAME PLACE
REUSE - NOT SAME WELLS. THIS WELL HAS A 10" CASING. ☒ Copies Attached
2. Other water rights with same point of diversion: NONE
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size, ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description of operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SWL - 15' - 16" CASING W/ PUMP & MOTOR AT
SURFACE, CENTRIFUGAL MOTOR W/A 4" OUTLET INTO A
3" MAINLINE TO FACTORY. TOTAL ^{well} DEPTH IS 80', TDH = 40' IN.
TO REFRIGERATION FOR COOLING PURPOSES. PACEW FOR DOMESTIC
USE ALSO. MAIN BLOB. OFF TO SIDE IS WHERE REFRIGERATOR SARE.
PUMP RUNS 24 HRS PER DAY. MAIN BLOB. IS LOCATED TO
THE NORTH OF WELL. REFRIGERATION IS FOR KEEPING MEAT
AFTER BEING PROCESSED, BEFORE SHIPPING.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	CENTURY	25	6-321220-01	BERKELEY	7674218

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NU	16	3N	2W		

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	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	
3N	2W	16								I									

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JUL 24 1990

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
	NO M.O. REQ. - REQUESTING REMOVAL					
	DUE TO AMOUNT OF WATER					
	+ SET-UP OF PUMP - SEE REMARKS					

2. Measurements:

THEORETICAL CALCULATION

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

N/A

143

2. Alternate Method for Checking Purposes:

$$\frac{25 \text{ HP} \times 8.8 \times 1.80}{178} = .99 \text{ cfs}$$

TDH $\rightarrow 40' + (60 \times 2.3)$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 6.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ N/A

$V_{OR} = [\text{Diversion Rate (cfs)}] \times [\text{Days in Irrigation Season}] \times 1.9835 \times .99 \times 365 \times 1.98 = 705 \text{ AF/ANNU}$

$V = \text{Smaller of } V_{IR} \text{ and } V_{OR} =$ N/A

2. Volume Calculations for Other Uses:

.99 cfs 24 HRS/DY

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

This system could not be shut down to do the measurement because the refrigeration system could not be shut down without some problems. The pipe placed in the 3" mainline was not the correct size for the Hall-Cox meter & with reduced would have been inaccurate. The amount of water is .98 cfs which is over .70 cfs (M.D. req.) however due to the circumstances & the nearness to .70 cfs I request removal of the meter device up.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Industrial	1-1	12-31	.98 cfs	705.5 gfa
Totals:			.98 cfs	705.5 gfa

2. 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

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Jan Shurte
JAN SHURTE

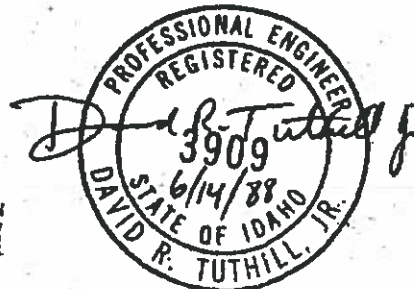
7/3/86 & 2/23/88

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

UNRECORDED

JUL 24 1990



DATE 5/9/88

FROM Jan Shurtl

TO Dave Puthill

SUBJECT Keim's field exam - Permit No. 63-9961

Re my letter of 4/25/88, Mr. Keim called in on May 2nd. He stated that this well was the latest drilled & it was for additional water for cooling in the factory. He did say two of the other wells have been capped, but that both were shallow wells & it had been several years before the new well was drilled. Is this what we
need on this one? Thanks, Jan

JUL 11 1988

MEMORANDUM

TO: FILE

FROM: TIM LUKE *TJL*

RE: LICENSE REVIEW

DATE: 5-17-90

Upon reviewing this field exam for licensing, I developed some questions about the use of the well for refrigeration in the meat packing plant. In particular, I was interested in finding out if and where return flow was discharged, and whether the well does pump water 24 hrs. per day to the refrigeration system.

On this date, I spoke with plant engineer Pete Lancaster. Mr. Lancaster informed me that the well does pump water 24 hrs. per day and that water is discharged to Indian Creek.

Allow ANNUAL volume AS proposed on Field Exam.

MICROFILMED

JUL 24 1990

April 25, 1988

Bob Harper
H. H. Keim Co.
P.O. Box 338
Nampa, ID 83651

Dear Mr. Harper:

A field examination to verify water use for Permit No. 63-9961 in the name of H. H. Keim Co. was conducted on July 3, 1986 (copy of permit enclosed).

Recently, during the review of that exam, questions came up as to the use of your other wells for the factory. The H. H. Keim Co. has two other water rights for wells used at the factory dating back to May 22, 1942, Water Right No. 63-2597 and April, 1946, for Claim to a Water Right No. 63-4936. Copies of these water rights are enclosed for your review, along with a copy of a page from the field exam conducted on Water Right No. 63-2597 which identifies the wells examined at that time.

The reason we are requesting information concerning which wells you are still using, and the uses they are applied to, is because in some cases duplicate filings have been made by water right holders who are not aware that other water rights are already on file with the Department. Sometimes a filing is made on a well that is being drilled to replace an existing well due to a depletion of water from that existing well. In these cases the Department does not require a new permit be filed as long as the replacement well and the existing well combined do not exceed the amount of water issued under the old water right. Water rights with older priority dates (date of first use) are more valuable to have in case of any regulation of water use. Later priority dates would be regulated first and early dates last. If all of your wells are covered under the older priority rights listed above, then Permit No. 63-9961 may not be needed. The Department is hesitant to issue a license for a permit which has older filings covering the same uses, unless it is actually an additional use over and above any of the other rights.

RECORDED
JUL 24 1990

Please contact us at your earliest convenience as to which wells are still being used along with which water use each well has. The Department will not take any action, once this information is received, until we review these water rights with your company. If you have any questions concerning this letter, feel free to contact

me.

Sincerely,

JAN SHURTE
Sr. Water Resource Agent

JS:j
Enclosures

ENCLOSURE

24 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

APPROVED

DEC 10 1982

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant H.H. KEIM CO., LTD Phone 466 2478
Post office address P.O. Box 338 Nampa, Idaho 83651
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 3 N. of
Range 2 W. B.M. CANYON County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.5 for INDUSTRIAL purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.5 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMP

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 110 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 3N

Range 2W ^{66S} B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: BEEF SLAUGHTER & PROCESSING

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]**Total number of acres to be irrigated**

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion H.H. KEIM Co. LTD.

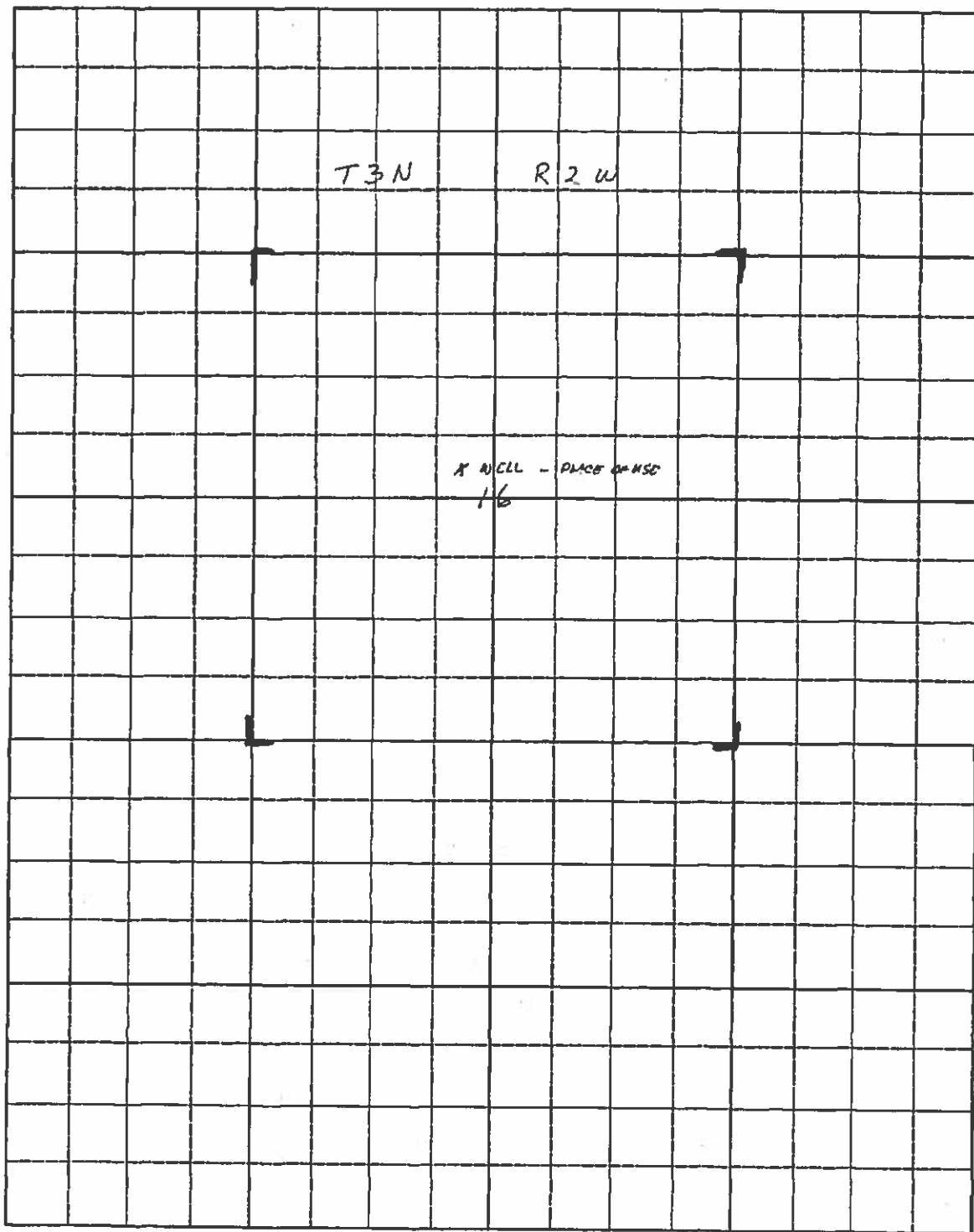
b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks WELL DEVELOPED AND IN USE SINCE JUNE 1971

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 1/4 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

H. H. KEIM CO., LTD.

By H. H. Keim PRES.

(Applicant)

Proposed Priority 12/10/1982

Received by SEC Date 12-14-82 Time 8:30

Preliminary check by GLS Fee \$ 65.00

Received by AP Date 12/14/82 2:30 PM (AS WORK)

Publication prepared by AP Date 12/14/82

Published in Idaho Tribune

Publication dates 12/23 & 12/30/82

Publication approved AP Date 2/1/83

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by per

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9961, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 10th day of February, 1983.

J. Glen Saxton
Chief, Operations Bureau

9961
#16

38-9

NAMPA QI
IDAHO-C.
7.5 MINUTE SERI

