

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: A63-05036

Date Received: 3/22/90

Receipt No: 6015841

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: MAR 10, 1943

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	18	SW	SW			CANYON
			SE	SW			CANYON
		19	NW	NE			CANYON
			SE	NE			CANYON
			SW	NE			CANYON
			NE	NW	NW 2		CANYON
			NE	NE	SE		CANYON
			NE	NW	SE		CANYON
		20	SW	NE	SW		CANYON
			SE	NW	SW		CANYON
	04W	13	NE	NW			CANYON
			SW	SE			CANYON

5. Description of diverting works:
14 WELLS, 14 PUMPS, COMMON SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.670		
INDUSTRIAL	01/01	12/31	2.670		

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

A.F.A.

A63-05036

Page 1

Date: 03/21/90

SCANNED

APR 21 2008

MICROFILMED

AUG 20 1992

8. Total consumptive use is 3496.5 Acre Feet Per Annum.

9. Non-irrigation uses:
I/WASTE RECOVERY AND APPLICATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	17	NW	NW		IRR	5.0
			SW	NW		IRR	5.0
			NE	SW		IRR	15.0
			NW	SW		IRR	10.0
			SW	SW		IRR	25.0
			SE	SW		IRR	35.0
			Section Acres				95.0
		18	NE	NE		IRR	35.0
			NW	NE		IRR	15.0
			SW	NE		IRR	15.0
			SE	NE		IRR	25.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
			NE	SW		IRR	15.0
			SE	SE		IRR	29.0
			Section Acres				289.0
		19	NE	NE		IRR	25.0
			NE	NW		IRR	20.0
			NW	NW		IRR	30.0
			SW	NW		IRR	35.0
			SE	NW		IRR	25.0
			NE	SE		INDUST	
			Section Acres				135.0
		20	NE	NW		IRR	30.0
			NW	NW		IRR	30.0
			SW	NW		IRR	25.0
			SE	NW		IRR	30.0
			Section Acres				115.0
	04W	12	SE	SE		IRR	30.0
			Section Acres				30.0
		13	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	30.0
			SE	NE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	13	SW	SE		IRR	40.0
			SE	SE		IRR	35.0
			Section Acres				215.0
		24	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
			SW	NE		IRR	20.0
			SE	NE		IRR	40.0
			Section Acres				120.0
			Total Acres				999.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

A63-10034, -05038, -05039, -05037, PIONEER DIXIE DITCH CO.

14. Remarks:

THIS CLAIM IS FOR UTILIZATION OF EFFLUENT FROM FOOD PROCESSING PLANT FOR IRRIGATION USE.

SEE ATTACHMENTS FOR MAP AND DESCRIPTION OF WELLS IN COMMON SYSTEM.

TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.

15. Basis of Claim: STATUTORY CLAIM

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 X

For Organizations:

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

James L. Shaw
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

03-22-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 90

Vicki A. Lounsbury
Notary Public

Seal

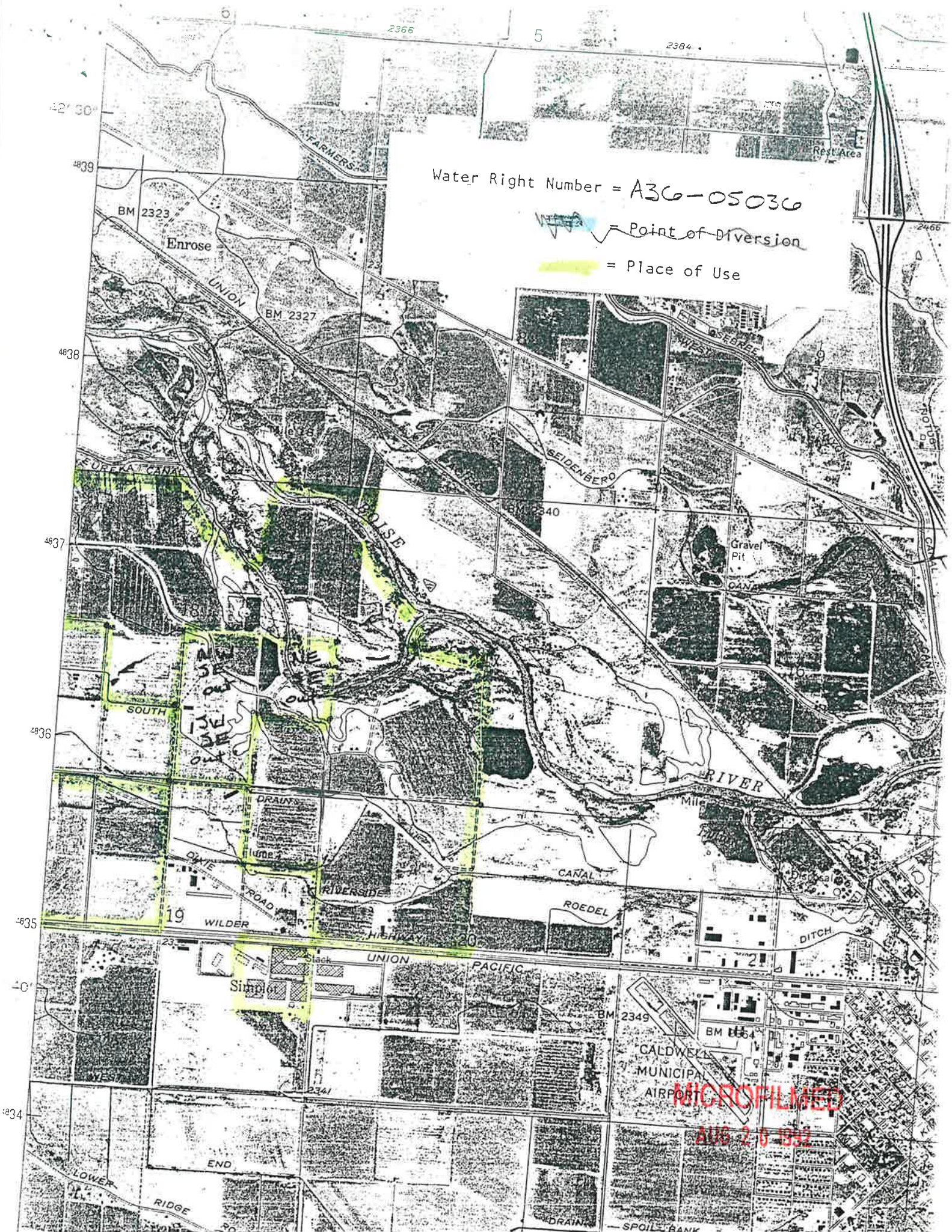
Residing at Meridian

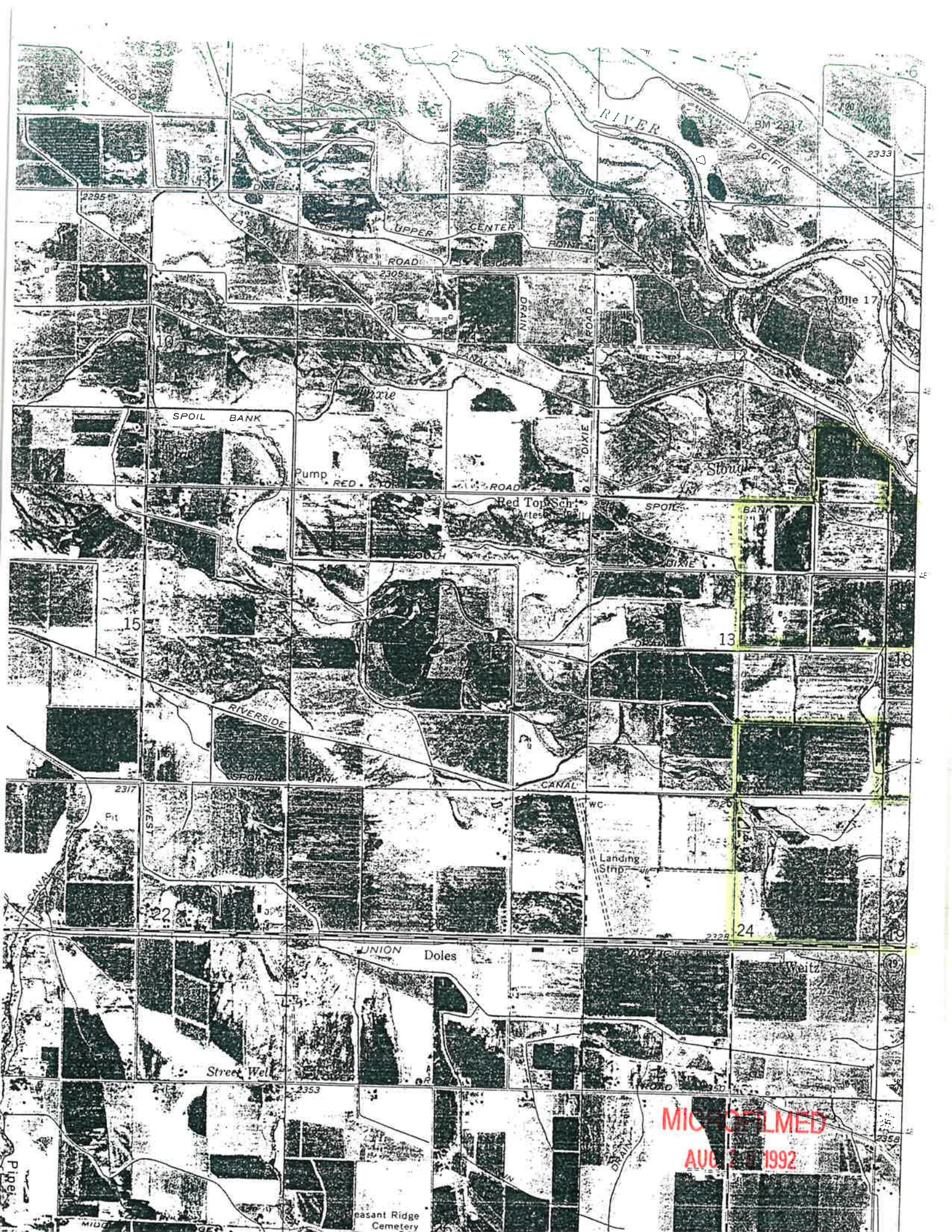
My Commission Expires 11-06-91

Water Right Number = A36-05036

 = Point of Diversion

 = Place of Use





WELL3.XLS

Common Systems Descriptions

The following is a list of legal descriptions for wells involved in two separate common water systems. The first common system is located at Simplot Feedlot #3 near Caldwell, Idaho. The primary function of this system is to provide stockwater for the feedlot #3, water for 4 domestics, and water to the offices.

The second common system is located at Simplot's food processing plant near Caldwell, Idaho. The primary function of this system is to provide industrial water to the food processing and waste recovery system.

Any one well from either system is considered an alternative point of diversion for any other well from either system.

1 = Indicates that well is in the Feedlot #3 common water system

2 = Indicates that well is in the Food processing common water system

Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
4N	3W	19		NW	NE	HOSPITAL WELL	1
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	~~24~~ 13		NE	NW	ARTESIAN 500 WELL	1
4N	4W	13		SW	SE	POST PLACE WELL	1
4N	3W	19	NE	NE	SE	WELL #3	2
4N	3W	19	SW	SE	NE	WELL #4	2
4N	3W	19	NE	NW	SE	WELL #6	2
4N	3W	20	SW	NE	SW	WELL #8	2
4N	3W	19	NE	NW	NW	WELL #9	2
4N	3W	20	SE	NW	SW	WELL #10	2

MICROFILMED

AUG 20 1992

RECEIVED

MAR 30 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 27 2009	
By _____	Clerk
Deputy Clerk	

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

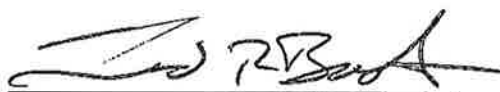
) AMENDED SPECIAL MASTER'S
) REPORT

)
)
) FOR WATER RIGHT 63-05036
)
)

A *Special Master's Report and Recommendation* was issued for the above-captioned water right on March 17, 2009. On March 25, 2009, the claimant of the water right, J. R. Simplot Company, sent correspondence to the Court stating that the *Recommendation* contained clerical errors which omitted some of the places of use. Those errors have now been corrected.

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-05036 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 27, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication

SCANNED
APR 28 2011

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-05036

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 27 2009

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS:

J R SIMPLOT COMPANY
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

SOURCE:

GROUND WATER

QUANTITY:

2.67 CFS
1747.70 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands herein.
The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

PRIORITY DATE:

03/10/1943

POINT OF DIVERSION:

T04N R03W S18 LOT 8 (SWSW) Within Canyon County
SESW
NWSE
S19 SENE
NESE
NWSE
S20 NESW
NWSW
NWSW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	2.67 CFS 600.80 AFY
Industrial	01-01 TO 12-31	2.67 CFS 1146.90 AFY

Industrial use is for food processing plant.

PLACE OF USE:

Irrigation		Within Canyon County	
T04N R03W S07 LOT 6	(SWSW) 7.0	LOT 7	(SESW) 3.0
S17 LOT 7	(NESW) 9.0	LOT 6	(NWSW) 5.0
	SWSW 21.0		SESW 34.0
S18 LOT 3	(NWNW) 14.0	LOT 4	(NENW) 31.0
LOT 5	(NWNW) 35.0	LOT 6	(SNNW) 29.0
	SESW 33.0		NESW 3.0
	NESE 1.0		NWSE 12.0
	SESE 25.0		
S19	NENE 30.0		NENW 24.0
LOT 1	(NWNW) 25.0	LOT 2	(SNNW) 31.0
	SESW 25.0		
S20	NENW 36.0		NWNW 20.0
	SNNW 25.0		SESW 32.0
R04W S12 LOT 10	(NESE) 2.0		NESE 1.0
	SESE 1.0	LOT 10	(SESE) 31.0
S13	NENE 34.0		NWNE 35.0
	SWNE 31.0		SENE 33.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

		S24	S24	
		933.0 Acres Total		
Industrial				Within Canyon County
T04N R03W S07 LOT 6	(SWSW)	LOT 7	(SESW)	
S17 LOT 7	(NESW)	LOT 6	(NWSW)	
	SWSW		SESW	
S18 LOT 3	(NWNE)	LOT 4	(NENW)	
LOT 5	(NWNW)	LOT 6	(SWNW)	
	SESW		NESW	
	NESE		NWSE	
	SESE			
S19	NENE		NWNE	
	SWNE		SENE	
	NENW	LOT 1	(NWNW)	
LOT 2	(SWNW)		SESW	
	NESE		NWSE	
S20	NENW		NWNW	
	SWNW		SESW	
	NWSW			
R04W S12	NESE	LOT 10	(NESE)	
	SESE	LOT 10	(SESE)	
S13	NENE		NWNE	
	SWNE		SENE	
	SWNW		SESW	
	NESW		NWSW	
	SWSW		SESW	
	SWSE		SESE	
S24	NENE		NWNE	
	SWNE		SENE	

This right is limited to the irrigation of 133.5 acres within the place of use described above in a single irrigation season. The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 27 2009	
By _____	Clark
Deputy Clerk	

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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

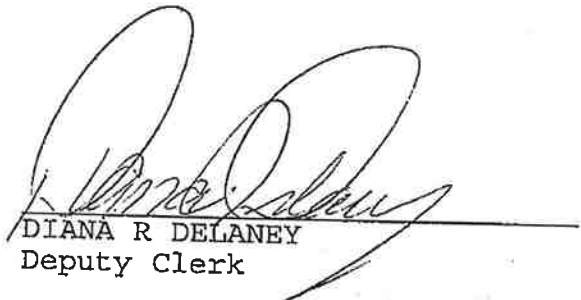
Water Right(s): 63-05036

On March 27, 2009, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 27, 2009.


DIANA R DELANEY
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
03/27/09

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 27 2009	
By _____	Clerk
_____ Deputy Clerk	

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-05036

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 27, 2009, with sufficient first-class postage prepaid to the following:

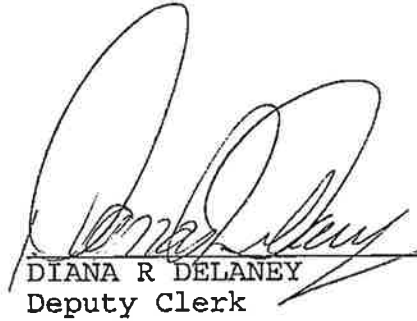
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

J R SIMPLOT COMPANY
Represented by:
GRAY A YOUNG
J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110

CERTIFICATE OF MAILING

PAGE 1
03/27/09

J R SIMPLOT COMPANY
Represented by:
TERRY T UHLING
J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707-0027
Phone: 208-336-2110



DIANA R DELANEY
Deputy Clerk

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

RIGHT NUMBER: 63-5036

NAME AND ADDRESS:

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

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.670 CFS1,747.700 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE:

03/10/1943

POINT OF DIVERSION:

T04N R03W S18 Lot 8 SWSW
Within CANYON CountyT04N R03W S18 SESW
Within CANYON CountyT04N R03W S18 NWSE
Within CANYON CountyT04N R03W S19 SENE
Within CANYON CountyT04N R03W S19 NESE
Within CANYON CountyT04N R03W S19 NWSE
Within CANYON CountyT04N R03W S20 NESW
Within CANYON CountyT04N R03W S20 NWSW
Within CANYON CountyT04N R03W S20 NWSW
Within CANYON CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION03/01 11/152.670 CFS600.80 AFYINDUSTRIAL01/01 12/312.670 CFS1,146.90 AFY

Industrial use is for food processing plant.

PLACE OF USE: IRRIGATION within CANYON County

T04N R03W S07 Lot 6 SWSW 7.0
T04N R03W S07 Lot 7 SESW 3.0
T04N R03W S17 Lot 7 NESW 9.0
T04N R03W S17 Lot 6 NWSW 5.0
T04N R03W S17 SWSW 21.0
T04N R03W S17 SESW 34.0
T04N R03W S18 Lot 3 NWNW 14.0
T04N R03W S18 Lot 4 NENW 31.0
T04N R03W S18 Lot 5 NWNW 35.0
T04N R03W S18 Lot 6 SWNW 29.0
T04N R03W S18 SENW 33.0
T04N R03W S18 NESW 3.0
T04N R03W S18 NESE 1.0
T04N R03W S18 NWSE 12.0
T04N R03W S18 SESE 26.0
T04N R03W S19 NENE 30.0
T04N R03W S19 NENW 24.0
T04N R03W S19 Lot 1 NWNW 25.0
T04N R03W S19 Lot 2 SWNW 31.0
T04N R03W S19 SENW 25.0
T04N R03W S20 NENW 36.0
T04N R03W S20 NWNW 20.0
T04N R03W S20 SWNW 25.0
T04N R03W S20 SENW 32.0
T04N R04W S12 NESE 1.0
T04N R04W S12 Lot 10 NESE 2.0
T04N R04W S12 SESE 1.0
T04N R04W S12 Lot 10 SESE 31.0
T04N R04W S13 NENE 34.0
T04N R04W S13 NWNW 35.0
T04N R04W S13 SWNE 31.0
T04N R04W S13 SENE 33.0
T04N R04W S13 SWNW 30.0
T04N R04W S13 SENW 26.0
T04N R04W S13 NESW 34.0
T04N R04W S13 NWSW 28.0
T04N R04W S13 SWSW 27.0
T04N R04W S13 SESW 30.0
T04N R04W S13 SWSE 33.0
T04N R04W S13 SESE 30.0
T04N R04W S24 NENE 7.0
T04N R04W S24 SENE 9.0

INDUSTRIAL within CANYON County

T04N R03W S07 Lot 6 SWSW
T04N R03W S07 Lot 7 SESW
T04N R03W S17 Lot 7 NESW
T04N R03W S17 Lot 6 NWSW
T04N R03W S17 SWSW
T04N R03W S17 SESW
T04N R03W S18 Lot 3 NWNE
T04N R03W S18 Lot 4 NENW
T04N R03W S18 Lot 5 NWNW
T04N R03W S18 Lot 6 SWNW
T04N R03W S18 SENW
T04N R03W S18 NESW
T04N R03W S18 NESE
T04N R03W S18 NWSE
T04N R03W S18 SESE
T04N R03W S19 NENE
T04N R03W S19 NWNE
T04N R03W S19 SWNE
T04N R03W S19 SENE
T04N R03W S19 NENW
T04N R03W S19 Lot 1 NWNW
T04N R03W S19 Lot 2 SWNW
T04N R03W S19 SENW
T04N R03W S19 NESE
T04N R03W S19 NWSE
T04N R03W S20 NENW
T04N R03W S20 NWNW
T04N R03W S20 SWNW
T04N R03W S20 SENW
T04N R03W S20 NWSW
T04N R04W S12 NESE
T04N R04W S12 Lot 10 NESE
T04N R04W S12 SESE
T04N R04W S12 Lot 10 SESE
T04N R04W S13 NENE
T04N R04W S13 NWNE
T04N R04W S13 SWNE
T04N R04W S13 SENE
T04N R04W S13 SWNW
T04N R04W S13 SENW
T04N R04W S13 NESW
T04N R04W S13 NWSW
T04N R04W S13 SWSW
T04N R04W S13 SESW
T04N R04W S13 SWSE
T04N R04W S13 SESE

SF5 Right No. 63-5036

T04N R04W S24 NENE

T04N R04W S24 NWNE

T04N R04W S24 SWNE

T04N R04W S24 SENE

933 ACRES TOTAL

This right is limited to the irrigation of 133.5 acres within the place of use described above in a single irrigation season.

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are diverted through points of diversion described above: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678. Use of this right is combined with water from Pioneer Dixie Ditch Co.

~~No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

01/27/2009

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

RIGHT NUMBER: 63-5036

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.670 CFS
1,747.700 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/10/1943

POINT OF DIVERSION:

T04N R03W S18 SWSW Lot 8 Within CANYON County
T04N R03W S18 SESW Within CANYON County
T04N R03W S18 NWSE Within CANYON County
T04N R03W S19 SENE Within CANYON County
T04N R03W S19 NESE Within CANYON County
T04N R03W S19 NWSE Within CANYON County
T04N R03W S20 NESW Within CANYON County
T04N R03W S20 NWSW Within CANYON County
T04N R03W S20 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.670 CFS
INDUSTRIAL	01/01 12/31	600.80 AFY
		2.670 CFS
Industrial use is for food processing plant.		1,146.90 AFY

PLACE OF USE:

IRRIGATION in CANYON County

T04N R03W S07 Lot 6 SWSW	7.00	T04N R03W S07 Lot 7 SESW	3.00
T04N R03W S17 Lot 7 NESW	9.00	T04N R03W S17 Lot 6 NWSW	5.00
T04N R03W S17 SWSW	21.00	T04N R03W S17 SESW	34.00
T04N R03W S18 Lot 3 NWNE	14.00	T04N R03W S18 Lot 4 NENW	31.00
T04N R03W S18 Lot 5 NWNW	35.00	T04N R03W S18 Lot 6 SWNW	29.00

01/27/2009

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

T04N R03W S18	SENW	33.00	T04N R03W S18	NESW	3.00
T04N R03W S18	NESE	1.00	T04N R03W S18	NWSE	12.00
T04N R03W S18	SESE	26.00	T04N R03W S19	NENE	30.00
T04N R03W S19	NENW	24.00	T04N R03W S19 Lot 1	NWNW	25.00
T04N R03W S19 Lot 2	SWNW	31.00	T04N R03W S19	SENW	25.00
T04N R03W S20	NENW	36.00	T04N R03W S20	NWNW	20.00
T04N R03W S20	SWNW	25.00	T04N R03W S20	SENW	32.00
T04N R04W S12	NESE	1.00	T04N R04W S12 Lot 10	NESE	2.00
T04N R04W S12	SESE	1.00	T04N R04W S12 Lot 10	SESE	31.00
T04N R04W S13	NENE	34.00	T04N R04W S13	NWNE	35.00
T04N R04W S13	SWNE	31.00	T04N R04W S13	SENE	33.00
T04N R04W S13	SWNW	30.00	T04N R04W S13	SENW	26.00
T04N R04W S13	NESW	34.00	T04N R04W S13	NWSW	28.00
T04N R04W S13	SWSW	27.00	T04N R04W S13	SESW	30.00
T04N R04W S13	SWSE	33.00	T04N R04W S13	SESE	30.00
T04N R04W S24	NENE	7.00	T04N R04W S24	SENE	9.00

INDUSTRIAL in CANYON County

T04N R03W S07 Lot 6	SWSW		T04N R03W S07 Lot 7	SESW	
T04N R03W S17 Lot 7	NESW		T04N R03W S17 Lot 6	NWSW	
T04N R03W S17	SWSW		T04N R03W S17	SESW	
T04N R03W S18 Lot 3	NWNE		T04N R03W S18 Lot 4	NENW	
T04N R03W S18 Lot 5	NWNW		T04N R03W S18 Lot 6	SWNW	
T04N R03W S18	SENW		T04N R03W S18	NESW	
T04N R03W S18	NESE		T04N R03W S18	NWSE	
T04N R03W S18	SESE		T04N R03W S19	NENE	
T04N R03W S19	NWNE		T04N R03W S19	SWNE	
T04N R03W S19	SENE		T04N R03W S19	NENW	
T04N R03W S19 Lot 1	NWNW		T04N R03W S19 Lot 2	SWNW	
T04N R03W S19	SENW		T04N R03W S19	NESE	
T04N R03W S19	NWSE		T04N R03W S20	NENW	
T04N R03W S20	NWNW		T04N R03W S20	SWNW	
T04N R03W S20	SENW		T04N R03W S20	NWSW	
T04N R04W S12	NESE		T04N R04W S12 Lot 10	NESE	
T04N R04W S12	SESE		T04N R04W S12 Lot 10	SESE	

01/27/2009

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

T04N R04W S13	NENE	T04N R04W S13	NWNE
T04N R04W S13	SWNE	T04N R04W S13	SENE
T04N R04W S13	SWNW	T04N R04W S13	SENW
T04N R04W S13	NESW	T04N R04W S13	NWSW
T04N R04W S13	SWSW	T04N R04W S13	SESW
T04N R04W S13	SWSE	T04N R04W S13	SESE
T04N R04W S24	NENE	T04N R04W S24	NWNE
T04N R04W S24	SWNE	T04N R04W S24	SENE

933 ACRES TOTAL

This right is limited to the irrigation of 133.5 acres within the place of use described above in a single irrigation season.

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are diverted through points of diversion described above: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678.

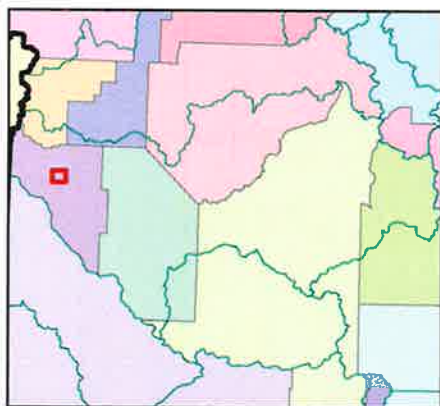
Use of this right is combined with water from Pioneer Dixie Ditch Co.



SRBA Recommendation
63-5036
(INDUSTRIAL)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On January 27, 2009
1987/88 Aerial Photography

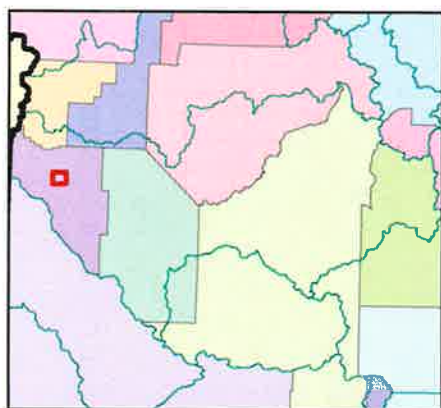




SRBA Recommendation
63-5036
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On January 27, 2009
1987/88 Aerial Photography

Idaho Department of Water Resources



13

18

HOSPITAL

FEEDLOT 300

FEEDLOT 400

added
1/27/2009
per Vic's
GPS
coordinates -

17

24

19

HOG HOUSE

WELL #9

WELL #6

20

PARKING LOT WELL

WELL #8

WELL #10

30

29

KW
1/27/2009

Walker, Kay

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Tuesday, January 27, 2009 7:56 AM
To: Walker, Kay
Subject: GPS Locations for Stock Water Wells at Caldwell.

Kay,

I visited each of the following wells on Friday, January 23, 2009 and obtained the following GPS coordinates:

Hospital Well:

N 43°40.822'
W 116°44.535' Elevation: 2,341 ft.

Feedlot 400 Well

N 43°40.662'
W 116°44.923 Elevation: 2,330 ft.

Feedlot 300 Well

N 43°40.602'
W 116°44.624' Elevation: 2,343 ft.

Please let me know if you need anything else for these.

Vic Conrad -

3 feedlot wells ^{are} still there →
main stockwater system

Kenneth Mofford affidavit
talks about these -

1 w/pump - "300 well" ⁶³⁻⁷⁶⁷²
has power - "400 well" -
no power or pump → "hospital well" -
used till 1999 -

Call him to set up exam
time — kw 1/20/2009

MEMORANDUM

RECEIVED

NOV 20 2001

Department of Water Resources

TO: FILE 63-10034

FROM: DANIEL A. NELSON

DATE: 10/23/01

SUBJECT: RESOLUTION OF CONVERSATION MEMORANDUM DATED
3/19/1990

Over the past few months I have been working with Vic Conrad of JR Simplot in order to resolve the questions he raised with Steve Lester in a memo dated 3/19/1990. In our discussions I mentioned the 11/20/1986 memo from Don Martin of JR Simplot outlining their water rights included with the field exam and the Supplemental Information submitted by the field examiner, Carter Fritschle. All of the information provided in the field exam suggested that the Ethanol Plant use was covered under previous rights.

After discussing this information with Mr. Conrad, we agreed that the Ethanol Plant was covered under the other rights since the entire system is tied together. The industrial use has shifted from one use to another through conservation efforts of JR Simplot, but the amount of water use has not changed. All of the uses including the Ethanol Plant deal with potato processing, and should not be considered different than the original potato processing uses listed on the original licenses. The Ethanol Plant was in place prior to 1987, which would also qualify it for an accomplished transfer through the adjudication process.

Therefore, my review of the field exam for this permit is that it should be licensed as Mr. Fritschle recommended during his field exam and ~~not include the industrial use under this permit.~~

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

Common Systems Descriptions

The following is a list of legal descriptions for wells involved in two separate common water systems. The first common system is located at Simplot Feedlot #3 near Caldwell, Idaho. The primary function of this system is to provide stockwater for the feedlot #3, water for 4 domestics, and water to the offices.

The second common system is located at Simplot's food processing plant near Caldwell, Idaho. The primary function of this system is to provide industrial water to the food processing and waste recovery system.

Any one well from either system is considered an alternative point of diversion for any other well from either system.

1 = Indicates that well is in the Feedlot #3 common water system

2 = Indicates that well is in the Food processing common water system

Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
* 4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
* 4N	3W	19		NW	NE	HOSPITAL WELL — 4N 3W 18	1 NWSE — per VC. GPS
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	24		NE	NW	ARTESIAN 500 WELL	1
4N	4W	13		SW	SE	POST PLACE WELL	1
4N	3W	19	NE	NE	SE	WELL #3 — "South Well"	2
4N	3W	19	SW	SE	NE	WELL #4 — "Hog House Well"	2
4N	3W	19	NE	NW	SE	WELL #6	2
4N	3W	20	SW	NE	SW	WELL #8 —	2
4N	3W	19	NE	NW	NW	WELL #9	2
4N	3W	20	SE	NW	SW	WELL #10	2

* "400" well



INTER-OFFICE COMMUNICATION

FOOD DIVISION

TO: BOB WHIPKEY

DATE: NOVEMBER 20, 1986

FROM: DON MARTIN

RECEIVED

SUBJECT: CALDWELL WELLS

DEC 15 1986

J.R. SIMPLOT COMPANY

WELL LOCATIONS AT CALDWELL

Well numbers 1, 2, 3 and 9 are located in the NE 1/4 of the SE 1/4 of Section 19.

- A. No. 1 Well was drilled in 1943 under Permit No. 63-5036. Formerly referred to as the Main Well, it has been abandoned because of the amount of sand pumped.
- B. No. 2 Well was drilled in 1942 under Permit No. 63-4968. Formerly referred to as the Sulphur Well and used only for Boiler Feed Water, has been abandoned because of moving the Boilers to Plant II.
- C. No. 3 Well was drilled in 1947 under Permit No. 63-5039. Formerly referred to as the South Well, has been abandoned for Plant use except for a small amount used in the Bacteria Lab.
- D. No. 9 Well was drilled in 1977 under Permit No. 63-10034. This Well is the source of water for Plant I.

Well No. 4 is located in the SE 1/4 of the NE 1/4 of Section 19.

- A. The No. 4 Well was drilled in 1944 and is used as the main water supply for the Alcohol Plant, the Recovery Plant and the Division Offices. Permit No. 63-5038.

Well numbers 5, 7 and 10 are located in the NW 1/4 of the SW 1/4 of Section 20.

- A. Well No. 5 was drilled in 1957 under Permit No. 63-3107. Formerly known as the Parking Lot Well, this well has not been used for about ten (10) years.
- B. No. 7 Well was drilled in 1969 under Permit No. 63-7244. This was to be the main water supply for Plant II, but because it pumped so much sand a new Well was drilled (No. 8) and this Well was not used after 1972. Last year when the Technical Center Well did not produce they put a small pump back in the Well and used 200-300 G.P.M.'s.
- *C. No. 10 Well was drilled in 1985 under Permit No. 63-2731. Because No. 8 Well was no longer supplying an adequate supply of water for Plant II it was decided to drill another Well.

1985

TO: BOB WHIPKEY
FROM: DON MARTIN
NOV. 20, 1986
RE: CALDWELL WELLS
Page 2

Well No. 6 is located in the NW 1/4 of the SE 1/4 of Section 19.

- A. Well No. 6 was drilled in 1961 under Permit No. 63-5037. This Well is used as a supply of water for the Accounting Offices, Soilbuilders Office and Fire Systems in that area. It also is used to water the cattle South of the Plant. On rare occasions it is used as Plant I water (when repairs to No. 9 Well are necessary).

Well No. 8 is located in the NE 1/4 of the SW 1/4 of Section 20.

- A. Well No. 8 was drilled in 1972. I have a letter dated 06-09-72 from Ron Graves asking the State to change the point of Diversion from the NW 1/4 of the SW 1/4 Section 20 to the NE 1/4 of the SW 1/4 Section 20 using Permit No. 63-7244.

* The Permit number for No. 10 Well was, apparently, originally issued in 1948 for the original four (4) Wells.

No. 1 - Main Well	2.25
No. 2 - Sulphur Well	3.77
No. 3 - South Well	2.25
No. 4 - Hog House Well	2.25 C.F.S.

Of those four (4) Wells, No. 4 is the only one that is used. No. 10 Well is capable of something less than 7.0 C.F.S..

/mkv

Don Martin

Walker, Kay

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Tuesday, January 20, 2009 4:09 PM
To: Walker, Kay
Subject: RE: Information on the 3 wells

You bet Kay. I will get the coordinates for you. Thanks.

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Tuesday, January 20, 2009 4:10 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: Information on the 3 wells

Hi, Vic...

When I discussed the need for a field visit (to locate the wells you want included on your recommendations) with Jan, she suggested that maybe you could have someone GPS the wells and send me the information. Do you think this would be possible?

I looked at the water right record for 63-7678 and found we have information on the pump, capacity and location so we can add that well (the "300" well) easily enough. I need information on the other two wells though because we do not have any information on them in the paperwork I have. The two needing information are the "hospital" and "400" wells.

Let me know. Thanks!

Kay

12/12/2008

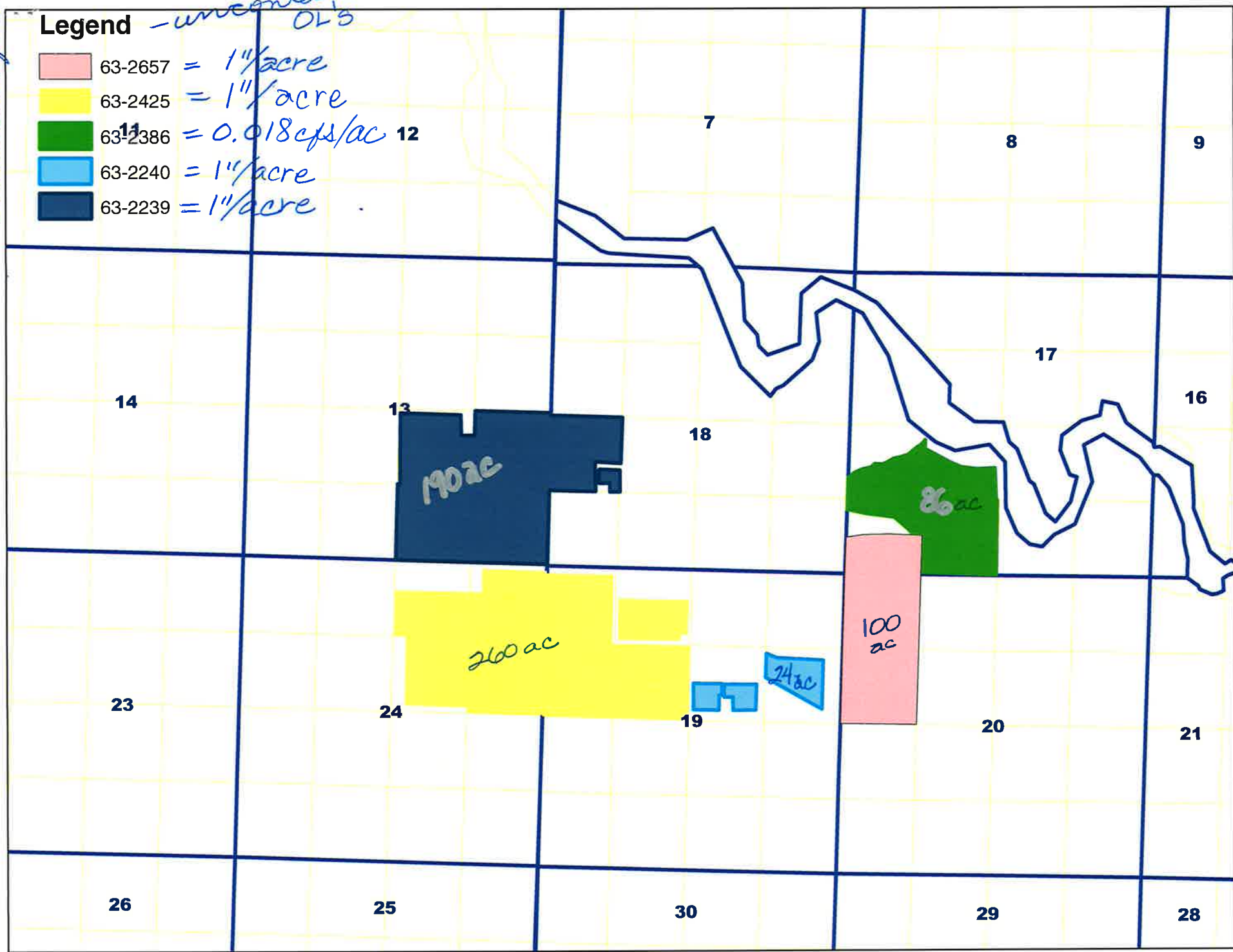
[illegible]

water rights

Legend

- uncontested
OL's

- 63-2657 = 1"/acre
- 63-2425 = 1"/acre
- 63-2386 = 0.018 cfs/ac
- 63-2240 = 1"/acre
- 63-2239 = 1"/acre



Stock

<u>Basin</u>	<u>Sequence</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Water Use(s)</u>	<u>PRIORITY DATES</u>	<u>SOURCE</u>	<u>HEAD</u>	
63	21537**	0.67	85.10	COMMERCIAL, STOCKWATER	6/1/1949*	ground water	6,350	
63	21541**	0.58	35.50	STOCKWATER	1/1/1955***	ground water	2,650	
63	21598	0.44	26.80	STOCKWATER	4/15/1945	ground water	2,000	
63	21559	0.46	28.10	STOCKWATER	4/1/1955	ground water	2,100	
63	21561	0.31	18.80	STOCKWATER	4/1/1955	ground water	1,400	
63	21557	0.46	28.10	STOCKWATER	4/1/1957	ground water	2,100	
63	7678**	0.40	134.00	STOCKWATER	10/26/1972	ground water	10,000	
63	21538**	0.11		STOCKWATER, DOMESTIC	1/1/1925	ground water	1,040	Decreed
63	21539**	0.11		STOCKWATER, DOMESTIC	1/1/1930	ground water	1,040	Decreed
63	21540**	0.11		STOCKWATER, DOMESTIC	1/1/1930	ground water	1,040	Decreed
63	21597	0.04		STOCKWATER, DOMESTIC	1/1/1929	ground water	100	Decreed
							29,820	
*pursuant to aerial photography								
**common system with 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037								
***pursuant to affidavit of Richard Bicandi								

Walker, Kay

From: Walker, Kay
Sent: Thursday, December 18, 2008 2:25 PM
To: Spencer, Nick
Cc: Walker, Kay
Subject: RE: Simplot Recommendations

should be 2239

The lead subcase number is 63-2731 (at least that is the first one on Becky's Case Management listing we received in August of 2007). On the status conference orders we have received from the Court the first number is 63-2239 but that right is an uncontested overlap. I hope this helps... Thanks. Kay

From: Spencer, Nick
Sent: Thursday, December 18, 2008 2:12 PM
To: Walker, Kay
Cc: Williams, Ray
Subject: RE: Simplot Recommendations

Yes, I think the SM will be fine with that. He will just set it over for another status conference two or three months down the road. Can you remember what the lead subcase number is, so I can put a copy of this e-mail in the file to remind me what to tell the SM on January 6th?

From: Walker, Kay
Sent: Thursday, December 18, 2008 2:04 PM
To: Spencer, Nick
Cc: Walker, Kay
Subject: Simplot Recommendations

Hi, Nick.

I have finished the recommendations for Simplot's claims that I have been working on. These are in B63, Part 3, Canyon County - they were objected to because Kimberly disallowed them for failure to submit evidence of priority. The evidence was submitted and I have made version 2 recommendations.

Simplot has a status conference with the SRBA Court on January 6th (10-10:30) Vic Conrad will be out of the office for the next 2 weeks, due to the holidays, and we won't be able to meet with me until January 8th so I can go over the new recommendations with him. Will this be enough information to request more time from the court to resolve the objections? I am hopeful that we can obtain SF5's once I show Vic the new recommendations.

Let me know...
Thanks.
Kay

4N-4W

SE1/4, S13 - not on OBT

(Carter Found 26 ac) left
off the area. Vic wants
added - can not include
under irrig. from wells -

NE1/4, S24 - included on OBT -

Not included on Carter's
exam so cannot recommend
under irrigation from wells.

KW

1/15/09

Walker, Kay

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Tuesday, September 09, 2008 11:24 AM
To: Walker, Kay
Cc: Young, Gray A; Hamanishi, Henry A
Subject: RE: Claims in Canyon County
Attachments: Possible Holt & Rainey Parcels.pdf

Kay,

The attached image is my attempt to identify the parcels that you refer to as the "Holton & Rainey" parcels? (Canyon County Assessor Parcel nos. R3498611 and R34591010 shown on the attached). Simplot does not have any interest in these parcels and if they are included in any of the places of use described on the Simplot water rights – then this is an error and the place of use needs to be corrected to remove these parcels from the Simplot's place of use.

Will you please confirm these are the Holton & Rainey parcels you describe below?

From: Conrad, Vic E
Sent: Tuesday, September 09, 2008 9:55 AM
To: 'Walker, Kay'
Cc: Young, Gray A; Hamanishi, Henry A
Subject: RE: Claims in Canyon County

Kay,

Attached is copy of the Bargain and Sale Deed that was used to convey Simplot's interest in the "Island Farm" to Look Lane, LLC ("Look Lane"). The deed contains the description of the property Simplot conveyed to Look Lane. Also attached is a map that helps illustrate the location of the Island Farm that was conveyed to Look Lane.

From your email below, it is my impression this is the land that you describe as currently held by Staker Parson. If so, we need to remove this from the place of use of the water rights that currently describe this land as receiving industrial effluent. This land is no longer involved in the land application of industrial effluent from the plant.

Will you please confirm that this is the same as the "Staker Parson" parcel described below?

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Friday, September 05, 2008 3:09 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: FW: Claims in Canyon County

Hi, Vic.

I am back from vacation and got the voice mail you had left me. If you could send me an e-mail, or a letter, requesting the removal of the Holton & Rainey property from your place of use it would be appreciated. I also need to know what your intentions are concerning the lands sold to Summit Stone (now Staker Parson Companies).

Also, as stated in the e-mail below, if you want the licensed rights to show where the waste water from the potato plant is used we need to have amended claims as soon as possible.

9/9/2008

We have a status conference with the SRBA Court on October 7th and it would be nice to be able to report that we have made progress on these recommendations. I have very limited time to finish up these claims, but have been given the green light to go ahead and work on them once I receive the information from you. I would really appreciate having all the information no later than September 15th so I can try to get these finalized. If you have any questions, please do not hesitate to contact me.

Thanks!

Kay

From: Walker, Kay
Sent: Wednesday, August 27, 2008 3:43 PM
To: Vic Conrad
Cc: Walker, Kay
Subject: Claims in Canyon County

Hi, Vic.

In preparing to make recommendations on the Simplot claims, I find that the original claims on the licensed rights only include the licensed and/or transferred place of use. In the case of License 63-3107 there are 14 points of diversion claimed but only one 40-acre tract for the place of use. The objection that was submitted lists quite a large place of use (999 acres) and in order for us to recommend the larger place of use we will need to have amended claims that actually claim the larger place of use. It would also be handy if the amended claims had maps attached that identify the place of use you are claiming.

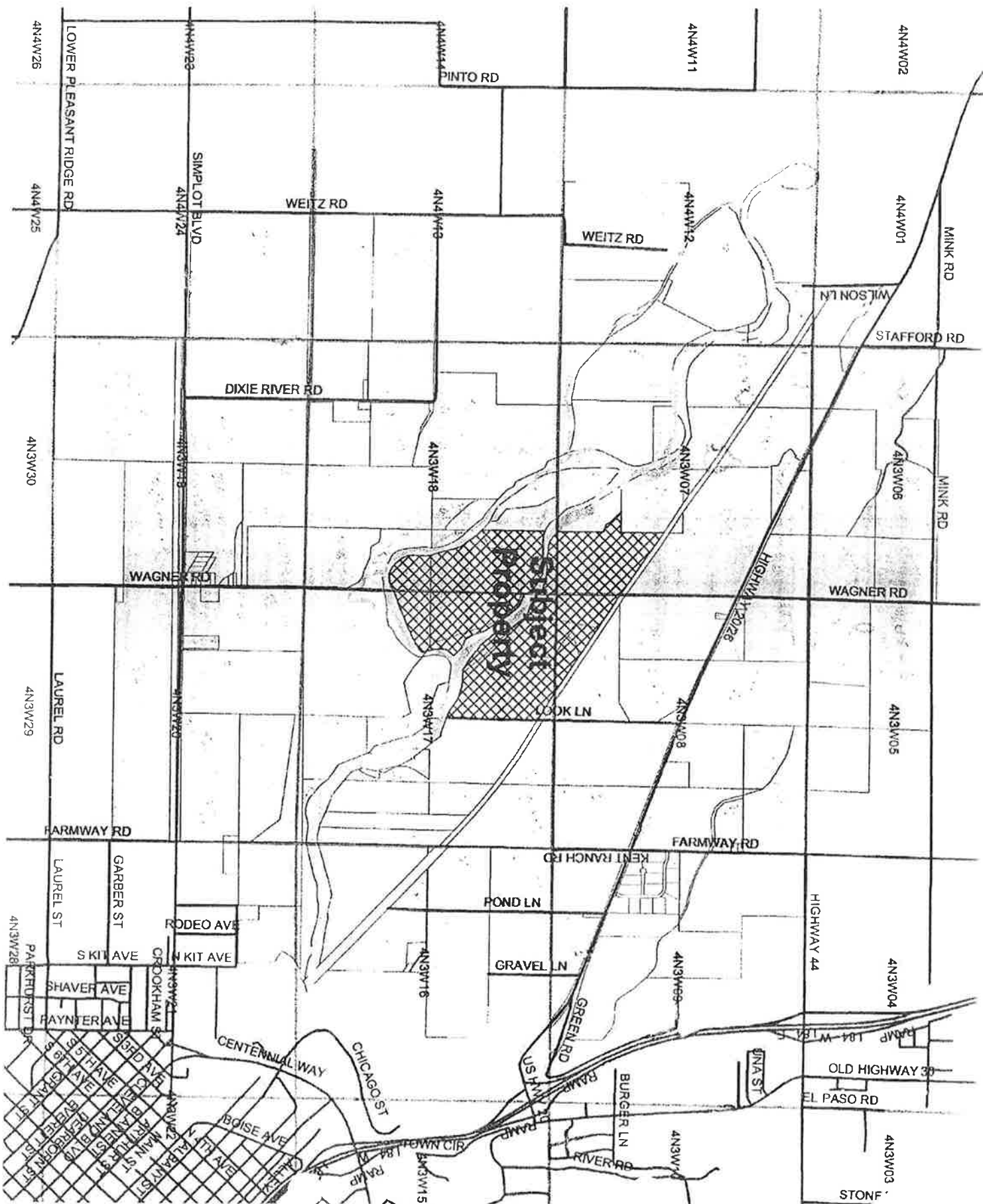
Also, I left you a voice message yesterday in regard to the place of use listed on the objection forms (and also on the beneficial use claims) that were submitted. Canyon County tax lot information shows some of the place of use listed as belonging to other parties. The legal description for these properties is:

Twp. 4N, Rge. 3W Sec. 17 - NW1/4 and a portion of NW1/4SW1/4 (Staker Parson Companies)
 Sec. 18 - E1/2NE1/4 (Staker Parson Companies)
 Sec. 18 - NW1/4NE1/4 (Holton & Rainey)

Should this place of use be included under the recommendations?

I am going to be out of the office tomorrow thru September 4th so if you have any questions you could contact Jan or wait until I get back. Thanks for your help in resolving these issues.

Kay Walker
334-2190



12/20/04 [Signature]

BARGAIN AND SALE DEED

GRANTOR, **SIMPLIT LIVESTOCK CO., a Nevada corporation, as successor by merger to Simplot Feedlots, Inc., an Idaho corporation, formerly known as Richardson Feedlots, Inc., an Idaho corporation,** whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **LOOK LANE, LLC, an Idaho limited liability company,** whose principal address is 575 S. Linder Road, Eagle ID 83616, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Canyon County, State of Idaho:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, including 205 shares of stock in the Siebenberg Co-Operative Ditch Company, Limited, which shall be conveyed by separate assignment of even date herewith, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

AND ALSO TOGETHER with any interest Grantor may have in lands which may be claimed by accretion or reliction as appurtenant to the real estate conveyed hereunder, without warranty and subject to the claims of the State of Idaho, the U.S. Government or others.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 21 day of March, 2005.

SIMPLIT LIVESTOCK CO.

By [Signature]
Lawrence S. Hlobik, Vice-President

ATTEST:

By [Signature]
Terry T. Uhling, Secretary

STATE OF IDAHO)
) ss.
County of ADA)

On this 21 day of March, 2005, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Terry T. Uhling, known to me to be the Vice-President and Secretary, respectively of Simplot Livestock Co., the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/25/09

EXHIBIT A
Legal Description of Property

That certain parcel of land situated, lying and being in the County of Canyon State of Idaho, bounded and particularly described as follows:

Parcel I:

That part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 7, lying Southwest of the right-of-way of the Oregon Short Line Railroad Company;

All of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) and

BEGINNING at the Northeast corner of Lot 1: thence West along the North boundary line of said Lot 1 a distance of 425 feet; thence meandering

South 44° 0' East 302 feet; thence

South 31° 30' East 112 feet, and

South 71° 45' East 165 feet to a point in the East boundary line of said Lot 1; thence North 368 feet along said East boundary line to POINT OF BEGINNING, all being in Section 7;

That part of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 8 lying Southwest of the right-of-way of the Oregon Short Line Railroad Company and West of a line beginning at a point on the South boundary line of said Section 8, 2,118 feet West of the Quarter corner on the South boundary line of said Section 8 and running thence

North 9° 35' East to the right-of-way of the Oregon Short Line Railroad Company;

All that part of Lot 4 of Section 17 lying West of a line beginning at a point on the North boundary line of said Section 17, 2,118 feet West of the Quarter corner on the North line of said Section 17 and running thence

South 9° 35' West to a point in the Southerly boundary line of said Lot 4;

All of Lot 5 in Section 17;

BEGINNING at the Northeast corner of Lot 1 in Section 18; thence West along the North boundary line of said Lot 1 (being along the South boundary line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of aforesaid Section 7) to the extended West boundary line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7; thence South along the extended West boundary line of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7 to a point in the South boundary line of Lot 1 in said Section 18; thence in an Easterly and Northerly direction along the Southerly boundary line of Lot 1 of said Section 18 to a point in the East boundary line of Lot 1 in said Section 18; thence North along said East line to the POINT OF BEGINNING;

All of Lot 2 of Section 18 EXCEPTING THEREFROM, Beginning at the Southwest corner of Lot 2; thence

North 0° 40' 20" East along the West boundary line of said Lot 2 a distance of 780 feet to the present Southwesterly bank of the Boise River; thence along the Southwesterly bank

South 44° 22' 40" East a distance of 175 feet; thence

South 35° 49' 40" East a distance of 220 feet; thence
South 23° 05' East a distance of 235 feet; thence
South 12° 25' East a distance of 115 feet; thence
South 6° 36' 20" East a distance of 147.60 feet to a point in the South boundary line of
said Lot 2; thence
South 89° 48' 40" West along said South boundary line 394.15 feet to the POINT OF
BEGINNING;

All being in Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Parcel II:

Lot 3 in Section 17, Township 4 North, Range 3 West of the Boise Meridian, Canyon County,
Idaho
and
The Northeast Quarter of the Northwest Quarter, Section 17, Township 4 North, Range 3 West
of the Boise Meridian, Canyon County, Idaho.

Except that portion conveyed to GLADYS C. BRAUN by Deed recorded October
17, 2002 as Instrument No. 200249060, described as follows:

A parcel of land being a portion of the Northeast Quarter of the Northwest Quarter of Section 17,
Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly
described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter of the Northwest Quarter of
Section 17, (North 1/4 corner), said corner monumented with a found 1 inch diameter iron bar;
thence

North 89° 40' 09" West a distance of 561.20 feet along the Northerly boundary of said
Northeast Quarter of the Northwest Quarter to a point on the Southwesterly right of way
boundary of the Union Pacific Rail Road Company, said point being the POINT OF
BEGINNING and is monumented with a set 5/8 inch diameter iron pin; thence leaving the
Southwesterly right of way of said Union Pacific Rail Road Company and leaving the Northerly
boundary of said Northeast Quarter of the Northwest Quarter,

South 1° 16' 55" West a distance of 31.87 feet parallel with the Easterly boundary of said
Northeast Quarter of the Northwest Quarter to a point on the centerline of an existing gravel
road, said point monumented with a set 5/8 inch diameter iron pin; thence along the centerline of
said existing gravel road the following courses and distances: thence

North 80° 29' 18" West a distance of 66.46 feet to a set 5/8 inch diameter iron pin; thence
South 89° 33' 06" West a distance of 691.25 feet to a point on the Westerly boundary of
said Northeast Quarter of the Northwest Quarter said point monumented with a set 5/8 inch
diameter iron pin; thence leaving said centerline of said gravel road and along the Westerly
boundary of said Northeast Quarter of the Northwest Quarter, North 1° 19' 42" East a distance of
30.66 feet to the Northwest corner of said Northeast Quarter of the Northwest Quarter, (West
1/16 corner common to Sections 8 and 17), said corner monumented with a set 5/8 inch diameter
iron pin; thence

South 89° 40' 09" East a distance of 756.80 feet along the Northerly boundary of said Northeast Quarter of the Northwest Quarter to the POINT OF BEGINNING.

Parcel III:

A parcel of land being the Easterly 20.00 feet of Government Lot 4 of Section 17, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 17, (North 1/4 corner), said corner monumented with a found 1 inch diameter iron bar; thence

North 89° 40' 09" West, a distance of 1,318.00 feet along the Northerly boundary of said Northeast Quarter of the Northwest Quarter to the Northeast corner of said Government Lot 4, said corner monumented with a set 5/8 inch diameter iron pin; thence

South 1° 19' 42" West, a distance of 30.66 feet along the Easterly boundary of said Government Lot 4 to a point on the centerline of an existing gravel road, said point being the POINT OF BEGINNING and is monumented with a set 5/8 inch diameter iron pin; thence leaving said centerline of said gravel road and continuing along the Easterly boundary of said Government Lot 4, South 1° 19' 42" West, a distance of 1,489.15 feet to a point on the "Ordinary High Water Line" of the Northerly bank of the Boise River, said point monumented with a set 5/8 inch diameter iron pin; thence

North 44° 28' 01" West, a distance of 27.89 feet along said Ordinary High Water Line to a set 5/8 inch diameter iron pin; thence

North 1° 19' 42" East, a distance of 1,469.08 feet parallel with the Easterly boundary of said Government Lot 4 to a point on the centerline of said existing gravel road, said point monumented with a set 5/8 inch diameter iron pin; thence

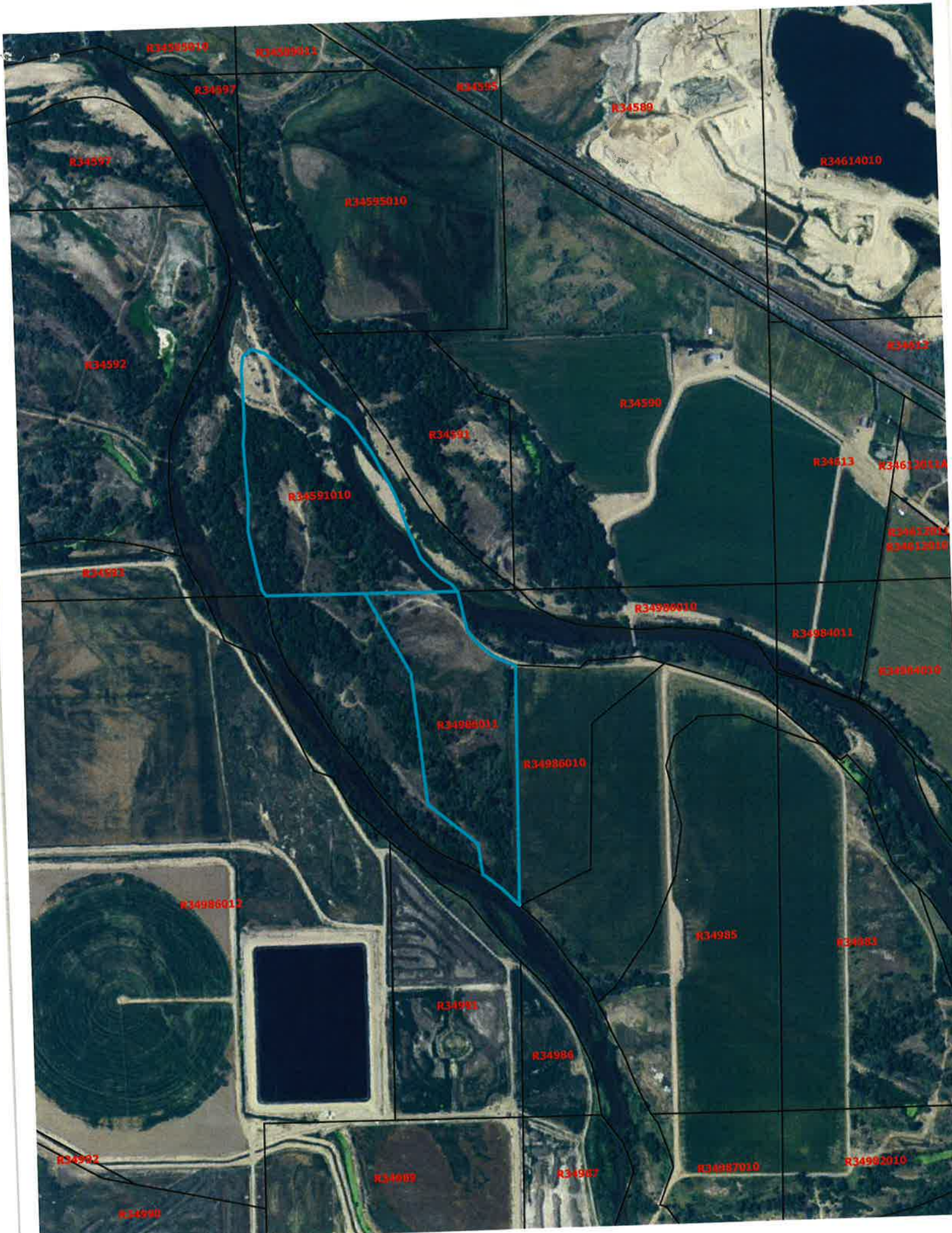
North 89° 33' 06" East, a distance of 20.00 feet along centerline of said existing gravel road to the POINT OF BEGINNING.

Parcel IV:

That portion of Government Lots 6 and 7 of Section 17, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, State of Idaho, lying Northerly of the South Fork of the Boise River

and

That portion of the Northeast Quarter of the Southeast Quarter of Section 18, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, State of Idaho lying Northeasterly of the South Fork of the Boise River.



R34585010

R34586011

R34597

R34595

R34589

R34597

R34614010

R34595010

R34612

R34592

R34590

R34591

R34591010

R34613

R346120114

R34593

R346120114

R346120118

R34986010

R34984011

R34984010

R34988011

R34986010

R34986012

R34985

R34983

R34981

R34986

R34982

R34989

R34987

R34987010

R34982010

R34590

Walker, Kay

From: Walker, Kay
Sent: Friday, August 22, 2008 3:13 PM
To: 'Conrad, Vic E'
Subject: RE: SRBA Claims for Canyon County

Vic: I still have the affidavit from Kenneth Mefford. I was under the impression you were going to submit something else too. I will get started on the recommendations right away. Thanks, Kay

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Friday, August 22, 2008 2:51 PM
To: Walker, Kay
Subject: RE: SRBA Claims for Canyon County

Kay,
If you recall, I provided another affidavit from Kenneth Mefford explaining the valve that was used to send water from the south side of Hwy 19, to the north side of Hwy 19. This was (and still is) the connection between the two water systems and all of the wells. I cannot recall, the date that Ken described his first direct use of that valve in the affidavit – but I think it was in the latter 1960's.

I do not have information about when the wells were first connected – but I suspect they have been connected since the early 1940's. All I have is Ken's confirmation about using the valve that connects the wells in the 1960s.

Do you need me to send another copy of Ken's affidavit?

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Friday, August 22, 2008 2:37 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: RE: SRBA Claims for Canyon County

Vic:
We were waiting for an affidavit regarding when the wells were interconnected. I need something that shows they were all interconnected before 1987 in order to recommend the claims with multiple points of diversion as requested. If this information is not available I can go ahead and recommend each right with the original point (or points) of diversion. I just need to know if you are going to try to submit something, or not, before I start preparing recommendations.

Thanks.
Kay

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Friday, August 22, 2008 1:05 PM
To: Walker, Kay
Cc: Young, Gray A
Subject: RE: SRBA Claims for Canyon County

Kay,
Attached is a PDF of the affidavit that explains the development of the feedlot and the number of cattle that were stocked in the feedlot during the course of development. Please let me know if you need anything more to help with your recommendations.

8/22/2008

AFFIDAVIT OF RICHARD L. BICANDI

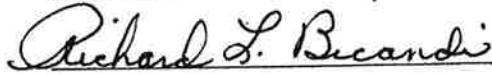
STATE OF IDAHO)
) S.S.
Canyon County)

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

1. My name is Richard L. Bicandi, and I reside on a farm near Caldwell, Idaho.
2. My current mailing address is 1905 Mason Road, Caldwell, ID 83605.
3. I was born on December 20, 1940. In June, 1955 I became employed by Richardson Feedlots, Inc. ("Richardson") who owned and operated a cattle feedlot operation north of Idaho State Highway 19 located approximately 2.5 miles west of Caldwell, Idaho. At the start of my employment the operation was used to feed approximately 9,000 head of beef cattle.
4. From June, 1955 until I entered basic training in the United States National Air Guard in 1963, the capacity of the feedlot expanded to hold 20,000 head of beef cattle. After completing my 2-month basic training, I returned to my employment with Richardson.
5. The 20,000 head capacity remained constant from 1963 until 1971 when the feedlot was purchased by the J. R. Simplot Company ("Simplot"). After the feedlot was acquired by Simplot, I became a Simplot employee and my involvement with the operation continued until 1977.
6. During the period between 1971 to 1973, Simplot expanded the feeding operation which doubled the capacity of the feedlot up to 40,000 head of beef cattle. This capacity remained constant until my employment with Simplot ended in 1977.
7. Although I was not employed with Simplot after 1977, I remained in contact with the operation and assisted in its operation from time-to-time. In 1979 Simplot installed a "confinement pen" with a 1,000 head capacity that was used as a test for the design of a new feeding operation Simplot eventually constructed in Boardman, Oregon. The confinement pen thus increased the capacity of the Caldwell feedlot to 41,000 head. I am not aware of any further expansions of the Caldwell feedlot beyond the 41,000 head capacity after 1979.

Further the affiant sayeth not.

AFFIANT:

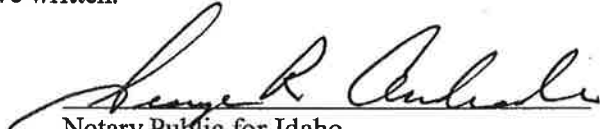

Richard L. Bicandi

STATE OF IDAHO)
) S.S.
COUNTY OF CANYON)

On this 21st day of August, 2008, before me, a Notary Public in and for said State, personally appeared **Richard L. Bicandi**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 13, 2012

Walker, Kay

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Monday, August 18, 2008 8:43 AM
To: Walker, Kay
Subject: RE: SRBA Claims for Canyon County

Thank you Kay for the heads-up. I the affidavit was drafted and sent it to Mr. Bicandi for review. I will contact him today to see if it acceptable or if he needs any changes before signing. I will do my best to get this ASAP to help with the recommendations.

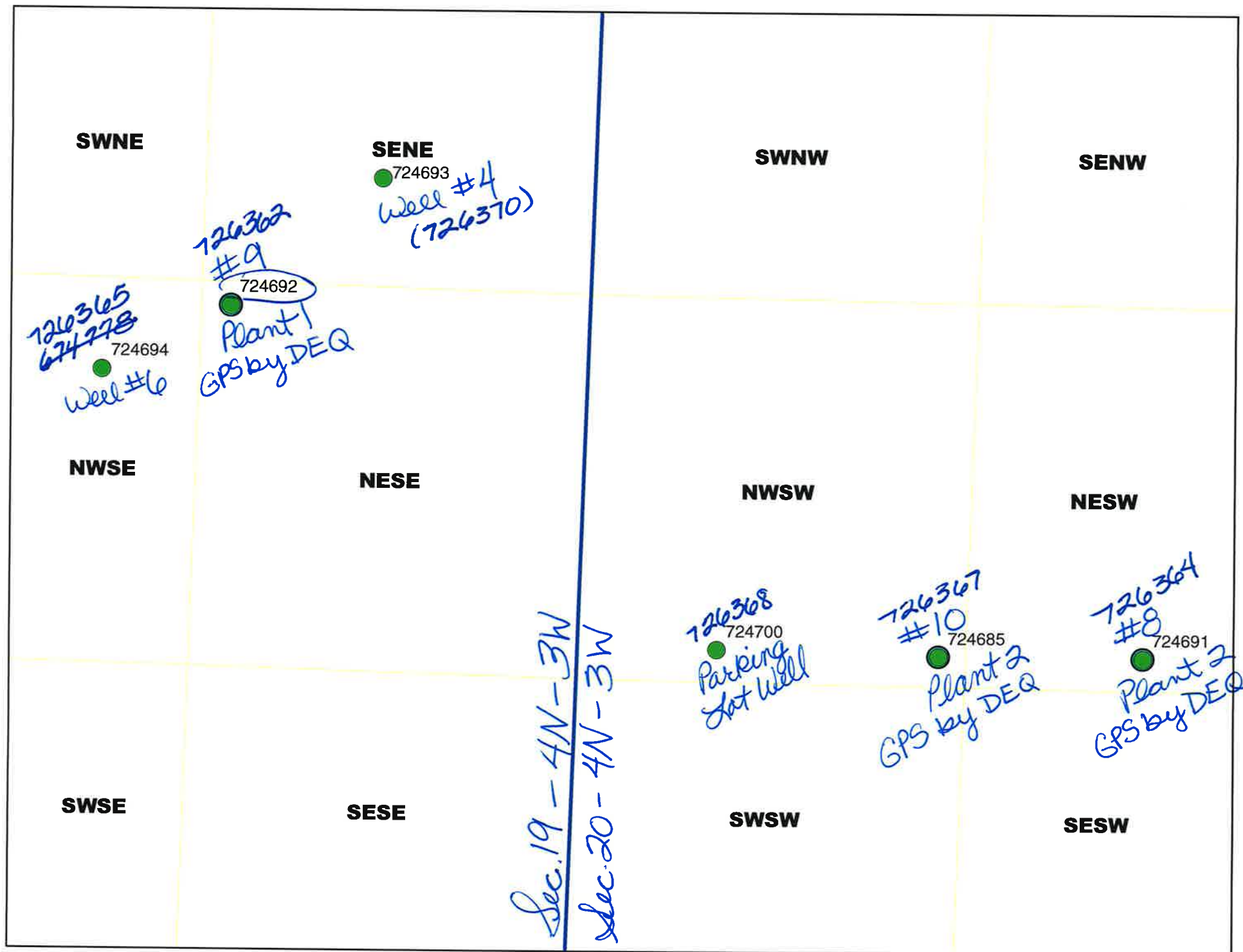
From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Thursday, August 14, 2008 3:36 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: SRBA Claims for Canyon County

Hi, Vic!

I am beginning the review of all of the Simplot Claims for final recommendations and still need to have the affidavit you were going to submit as evidence of when all the wells were combined into a single system. I have 2 weeks to complete my recommendations so the sooner you can submit the affidavit the better for me. I will be leaving the SRBA process the first of September and working on Allocations full time. Jan will have to complete any recommendations that I don't finalize so it would be best if you could get the affidavit to me right away. (Lori says if you don't get the affidavit in we will scan a certain "most wanted" picture onto the internet.)

I am sorry I keep bothering you about this but time is getting short. Thanks!

Kay Walker
334-2190



Per DEQ & Carter's '87 exam & my exam 7/24/08 - kw

Well Name	Date	Status	Location	Quantity	per Don Martin (11/20/1986)	Per DEQ info in ArcView
Main Well (No. 1)	1943	abandoned	NESE, 19	2.25 cfs		
Sulpher Well (No. 2)	1942	abandoned	NESE, 19	3.77 cfs		
South Well (No. 3)	1947	Bacteria Lab	NESE, 19	2.25 cfs		
No. 9	1977	Plant 1	NESE, 19			
Hog House Well (No. 4)	1944	Alcohol Plant, etc.	SENE, 19	2.25 cfs		
Park Lot Well (No. 5)	1957	not used	NWSW, 20			
No. 6	1961	Offices & cattle	NWSE, 19			
No. 7	1969	replaced by #8	NWSW, 20			
No. 8	1972	Technical Center	NESW, 20	200-300 GPM (in 1985)		
No. 10	1985	Plant 2	NWSW, 20	>7.0 cfs		

per Dan Nelson (10/23/2001)

Hog House Well	SENE, 19, 4N, 3W	System 1 - Simplot Feedlot
300 Well	NENW, 19, 4N, 3W	System 1
New Well	NENW, 19, 4N, 3W	System 1
Hospital Well	NWNE, 19, 4N, 3W	System 1
Pen 315 Well	SESW, 18, 4N, 3W	System 1
Pen 401 Well	SWSW, 18, 4N, 3W	System 1
Artesian 500 Well	NENW, 24, 4N, 4W	System 1
Post Place Well	SWSE, 13, 4N, 4W	System 1
South Well #3	NESE, 19, 4N, 3W	System 2 - Food Processing
Hog House Well #4	SENE, 19, 4N, 3W	System 2
No. 6	NWSE, 19, 4N, 3W	System 2
No. 8	NESW, 20, 4N, 3W	System 2
No. 9	NWNW, 19, 4N, 3W	System 2
No. 10	SENE, 20, 4N, 3W	System 2

per Carter Fritschle 7/1987

Well #9	Plant 1	NESE, 19, 4N, 3W	1500 gpm***	DEQ - GPS - E0006481*
Well #8	Plant 2	NESW, 20, 4N, 3W	Estimated 2700 gpm**	DEQ - GPS - E0006482*
Well #10	Plant 2	NWSW, 20, 4N, 3W	2700 gpm***	DEQ - GPS - E0006483*
Well #4		SENE, 19	Estimated 400 gpm**	
Well #6		NWSE, 19	Estimated 1000 gpm**	
Well #1			no longer in service	
Well #2			no longer in service	
Well #3			no longer in service	can be used in Bacteria Plant**
Well #5			no longer in service	
Well #7			no longer in service	1985 - Technical Center**

*arcview 7/18/2008

** per Don Martin

*** measured by CF

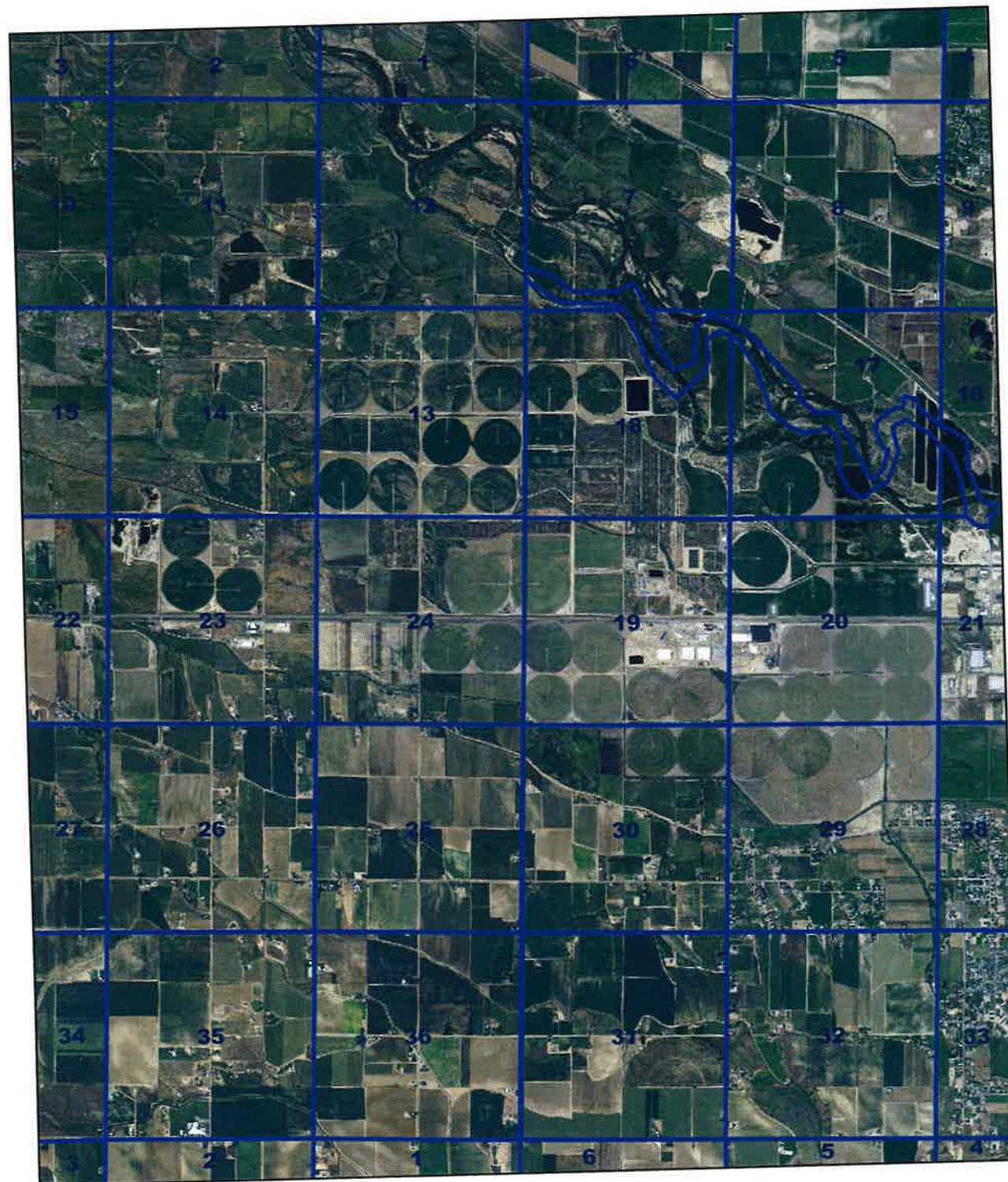
per Field Exam 7/24/2008

Well #9	1977	Plant 1	NESE, 19, 4N, 3W	3.34 cfs	DEQ - GPS - E0006481*
Well #8	1972	Plant 2	NESW, 20, 4N, 3W	6.02 cfs	DEQ - GPS - E0006482*
Well #10	1985	Plant 2	NWSW, 20, 4N, 3W	6.02 cfs	DEQ - GPS - E0006483*
Well #4	1944	Hog House	SENE, 19	0.89 cfs	
Well #6	1961	Offices & Cattle	NWSE, 19	2.23 cfs	
Park Lot Well (No. 5)	1957	Could be used if needed	NWSW, 20	0.00 cfs	
Total:				18.50 cfs	
Note Wells 8 & 10 are used on alternating basis so total is 12.48 cfs					

kw
8/21/08

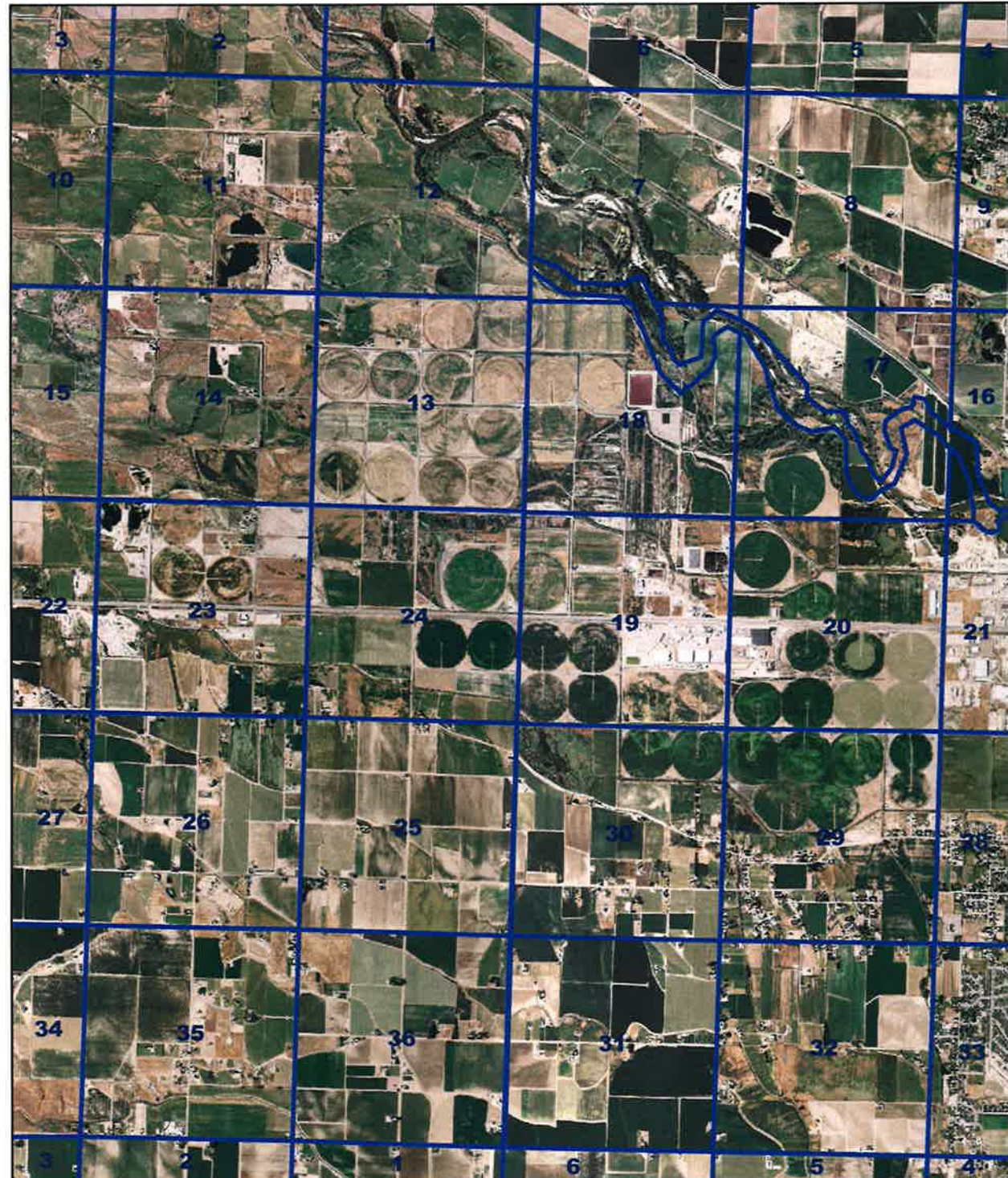
2004 photography

 Sections



2006 photography

 Sections



Vic CONRAD, J.R. Simplot Company
P.O. Box 27
Boise, ID 83707



CORPORATE HEADQUARTERS
ONE CAPITAL CENTER • 999 MAIN STREET
P.O. BOX 27 • SUITE 1000 • BOISE, IDAHO 83707-0027



Hasler

016H26512600
\$0 1.00
07/24/2008
Mailed From 83707
US POSTAGE

ANTI-STATIC
MEDIA MAILER

Kay Walker
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
JULY 25, 2008
WATER RESOURCES
WESTERN REGION

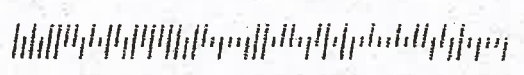
RECEIVED
JULY 25, 2008
WATER RESOURCES
WESTERN REGION

Bringing Earth's Resources to Life

BO-13

CAUTION

Do not bend or fold
Avoid exposure to all magnetic fields



MEMORANDUM

TO: SIMPLOT FILES

FROM: KAY WALKER *KW*

RE: Meeting with Vic Conrad

Date: July 17, 2008

.....

Vic and I met on July 15th to discuss the claims objected to in the SRBA and my letter of September 4, 2007, in which I requested additional information regarding the claims.

We began by discussing evidence of priority for the feedlot system which is no longer there but should have rights recommended since it was in use and then began shutting down in 2004. It took several years for the entire feedlot to close. Vic submitted copies of aerial photography which document the expansion of the feedlot. The photos range from June of 1949 through October of 1977. He also brought a couple of photographs that were in the Simplot files showing use in the early 1940's (date based on cars in photo) and then another dated September 20, 1949. Vic stated that as the company purchased homesteads surrounding the feedlot the wells, tied to the homesteads, were plumbed into a common system to provide enough water for the cattle. The estimated numbers of cattle contained at the feedlot are as follows:

1955	9,000 head
1963	20,000 head
1971	40,000 head
1979	41,000 head (the additional 1000 head were part of a test pen that was just a temporary part of system. This is the maximum number of cattle under system.)

An affidavit was submitted to document evidence of use by a former employee with personal knowledge from 1968 through 1999. This affidavit, along with the aerial photographs allows recommendation of the feedlot claims. Claims for the feedlot are mainly Nos. 63-5038, 63-21539 and 63-7678. Although some of the claims request early priority dates Vic stated he would be acceptable to a date in the early 1940's which we can document with evidence submitted.

In regard to Claim 63-22210 (expansion in acreage of License 63-2291), evidence submitted is an aerial photograph of the land dated 6/12/1949. The land was definitely irrigated on this date.

Claim 63-21537 is for the "hospital" well, added to the system sometime between 1944 and 1963.

In regard to the processing plant Vic has obtained information of the "history" of the system and interconnection of the wells (after discussing with a former employee) and will get them typed up and submitted in an affidavit. His information from the former employee will document the expansions as they happened. The plant operates 330 days a year with a maximum use of around 5.5 million gallons per day. The water used in the plant is 10-15% consumed and what is not consumed in the plant is then discharged into their irrigation system. Evidence of the discharge into the irrigation system was submitted for 1984 which documents 4.76 million gallons per day (mgd). This flow chart does not account for the 10-15% used inside the plant nor one of the waste streams that waste water is discharged into. The uncharted waste stream would account for an additional 5% of the 5,500 mgd that has been identified. The claims should be recognized by priority date and the volumes based on rate. The industrial use would be 100% consumed since the waste water is then used for land application, i.e. irrigation of their properties.

In determining the 5.5 mgd: **4.76 mgd** (documented in 1984 discharge sheet) $\times 0.15\%$ (water used in plant and 1 additional waste stream) = **0.714 mgd + 4.76 mgd = 5.474 mgd**

5,474,000 mgd/24 hours per day = 228083.3 gallons per hour/60 min per hour = 3801.38 gallons per min/448.8 = 8.47 cfs and at 20% (water used in plant and 1 additional waste stream) they would use **8.83 cfs.**

The above quantity is fairly consistent with the findings of Carter's field examination conducted in July of 1987 on Permit 63-10034. In discussing the examiner's recommendations for that license it was noted that the processing plant does not require more water for processing but the industrial use was filed on the allow the land application of waste water year around. Since the irrigation use only covers irrigation season, the permit holders really need the industrial use to cover land application of waste water during non-irrigation season. An e-mail was sent to water allocations section addressing this matter.

WATER RIGHTS IMPACTING FEEDLOT #3, CALDWELL FOOD PROCESSING PLANT, AND WASTE RECOVERY-APPLICATION SYSTEM AS OF 6/1/1990

FEEDLOT #3	****	= Effluent Application System				+++	= Feedlot #3 Common System				LOCALLY KNOWN AS
		OTHER	WATER	RIGHTS	USED						
A63-00222A											
A63-00222B											
A63-00222J	A63-02070B	A63-04688	A63-08352	Poor Boy Ditch Co.						Jerry Davis Place	
A63-00290	A63-05036	A63-05037	A63-05038	A63-05039	A63-10034	A63-21734					
A63-02070B	A63-00222J	A63-04688	A63-08352	Poor Boy Ditch Co.						Jerry Davis Place	
A63-02239											
A63-02240											
A63-02241	A63-05036	A63-05037	A63-05038	A63-05039	A63-10034	A63-2173	Pioneer Dixie Ditch Co.				
A63-02291											
A63-02343											
A63-02386											
A63-02425											
A63-02601	A63-02617									Sonner Place	
A63-02617	A63-02601									Sonner Place	
A63-02657											
A63-02731	A63-03107	A63-04968	A63-05038	A63-07244	A63-10034					Caldwell Food Plant System	////
A63-03107	A63-02731	A63-04968	A63-05038	A63-07244	A63-10034					Caldwell Food Plant System	////
A63-03178A											
A63-04688	A63-00222J	A63-02070B	A63-08352	Poor Boy Ditch Co.						Jerry Davis Place	
A63-04957	A63-05036	A63-05037	A63-05038	A63-05039	A63-10034	A63-2173	Pioneer Dixie Ditch Co.				
A63-04968	A63-02731	A63-03107	A63-05038	A63-07244	A63-10034					Caldwell Food Plant System	////
A63-05036	A63-05037	A63-05038	A63-05039	A63-10034	Pioneer Dixie Ditch Co.					Effluent Application Sytem	****
A63-05037	A63-05036	A63-05038	A63-05039	A63-10034	Pioneer Dixie Ditch Co.					Effluent Application Sytem	****
A63-05038	A63-07678	A63-21537	A63-21538	A63-21539	A63-21540	A63-21541	Hog House Well			+++	
A63-05039	A63-05036	A63-05037	A63-05038	A63-10034	Pioneer Dixie Ditch Co.					Effluent Application Sytem	****
A63-07244	A63-02731	A63-03107	A63-04968	A63-05038	A63-10034					Caldwell Food Plant System	////
A63-07678	A63-05038	A63-21537	A63-21538	A63-21539	A63-21540	A63-21541	300 Well			4++	
A63-08352	A63-00222J	A63-02070B	A63-04688	Poor Boy Ditch Co.						Jerry Davis Place	
A63-10034	A63-05036	A63-05037	A63-05038	A63-05039	Pioneer Dixie Ditch Co.					Effluent Application Sytem	****
A63-10034	A63-02731	A63-03107	A63-05038	A63-07244	A63-04968					Caldwell Food Plant System	////
A63-21537	A63-05038	A63-07678	A63-21538	A63-21539	A63-21540	A63-21541	Hospital Well			+++	
A63-21538	A63-05038	A63-07678	A63-21537	A63-21539	A63-21540	A63-21541	Post Place Well			+++	
A63-21539	A63-05038	A63-07678	A63-21537	A63-21538	A63-21540	A63-21541	Pen 401 Well			+++	
A63-21540	A63-05038	A63-07678	A63-21537	A63-21538	A63-21539	A63-21541	Pen 315 Well			+++	
A63-21541	A63-05038	A63-07678	A63-21537	A63-21538	A63-21539	A63-21540	Artesian 500 Well			+++	
A63-21554	A63-21555						Weitz Corner				
A63-21555	A63-21554						Old Horse Barn				
A63-21556							Hog Pen Well				
A63-21557	A63-21556						Hog Pen Well				
A63-21558	A63-21559						Joe Amustegie Well				
A63-21559	A63-21558						Joe Amustegie Well				
A63-21560	A63-21561						Brad Moppen Well				
A63-21561	A63-21560						Brad Moppen Well				
A63-21583							Lane Place				
A63-21584							Wirth House				
A63-21585	A63-21586						Marlin House				
A63-21586	A63-21585						Marlin House				
A63-21587							Old Duck Club				
A63-21588							Jess Batiola Well				
A63-21589							Old Garcia Place				
A63-21590							York Place				
A63-21591							Grifith House Artesian				
A63-21592							Bonnel #3				
A63-21593	A63-21594						Bonnel #2				
A63-21594	A63-21593						Bonnel #1				
A63-21595							Trailer Space Well				
A63-21596							Dick House				
A63-21597	A63-21598						Martin Silo Well				
A63-21598	A63-21597						Martin Silo Well				
A63-21599							Dawson House				
A63-22210											

Vic's original inventory of rights when claims were submitted

RECEIVED

JUL 15 2008

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF KENNETH FRANKLIN MEFFORD

RECEIVED

STATE OF IDAHO)
) S.S.
Canyon County)

JUL 15 2008

WATER RESOURCES
WESTERN REGION

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

1. My name is Kenneth Franklin Mefford, and I currently reside at 508 Easy Street, Caldwell, Idaho, 83605.
2. I was born on September 5, 1940. In 1968 I worked for a construction contractor placing concrete feed bunks on the Simplot cattle feedlot operation located on the north side of Idaho State Highway Number 19 ("Highway 19") west of Caldwell, Idaho. This was my first involvement with the Simplot feedlot operation. In 1970 I was hired by Simplot Livestock Co. as a full time employee. Eventually I became the construction superintendent for Simplot's Caldwell feedlot operation.
3. Among my responsibilities when I became a Simplot employee in 1970, were the repairs, maintenance, replacement and operation of the livestock water supply system for the Caldwell feedlot. When I first arrived as a contractor at Simplot's feedlot in 1968, the water system on the north side of Highway was supplied through the pumping of four wells. These wells were known as the "Hog House Well", "300 Well", "400 Well" and the Hospital Well." These wells were connected through a system of underground pipes that supplied water to numerous livestock watering troughs located within pens in the feedlot.
4. Periodically, the demand for water by livestock held in the feedlot exceeded the supply that could be pumped from these four wells. When these water shortage events occurred, I would contact the operator at Simplot's waste recovery plant. After receiving my request, the operator would open a valve located along the north side of Highway 19 that connected the stock water system to Simplot's industrial food processing plant water supply system located on the south side of Highway 19. Water from the industrial system would then supplement the stock water system through a pipeline buried underneath and across Highway 19. Using this technique, the livestock water demand could be met with the water from the combination of the two systems during periods of water shortage.
5. I relied on this method of supplementing the feedlot water supply system from the time of my original employment with Simplot in 1970 until I retired as Construction Superintendent at Simplot's Feedlot in 1999. I do not know with certainty when the valve connecting the two water supply systems was originally installed. The valve was installed and fully operational before I arrived as a contractor in 1968.

Further the affiant sayeth not.

AFFIANT:


Kenneth Franklin Mefford

STATE OF IDAHO)
) S.S.
COUNTY OF CANYON)

On this 27th day of February, 2008, before me, a Notary Public in and for said State, personally appeared **Kenneth Franklin Mefford**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




Notary Public for Idaho
Residing at: BOISE, ADA
My Commission Expires: JUNE 13, 2012

RECEIVED

JUL 15 2008

WATER RESOURCES
WESTERN REGION

Hoghouse
(converted to
feedlot)

"Hoghouse"
Well

Caldwell



(early 1940's)

date based on
age of cars -
headlites attached
to bumpers)

RECEIVED
FBI LABORATORY

NOV 14 1998

RECEIVED

Caldwell



RECEIVED

JUL 15 2008

WATER RESOURCES
WESTERN REGION

photo dated 9-20-49

6-12-29

DHY-2F-20



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WATER RESOURCES
WESTERN REGION

7

DHV-2T-191



7-4-1957

JUL 15 2008

WATER RESOURCES

7-6-64

DHV-1DD-150



JUL 15 2008

WATER RESOURCES
WESTERN REGION

5-9-09

DHV-1KK-294

JUL 15 2008
WATER RESOURCES
WESTERN REGION

1-3 6

10-18-77

USDA

40

16027

777-134

Areas
outlined in
Blue show the
expansion between
1973 and 1977

KODAK SAFETY FILM

KODAK SAFETY FILM

JUL 15 2008

WATER RESOURCES
WESTERN REGION

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WATER RESOURCES
WESTERN REGION

Caldwell Wastewater Discharge 1984

Discharge from process potato plant to wastewater treatment system

Month	August		September		October		November		December	
	gpm, avg.	mgd	gpm, avg.	mgd	gpm, avg.	mgd	gpm, avg.	mgd	gpm, avg.	mgd
1	1636	2.36	1181	1.70	3255	4.69	3202	4.61	3028	4.36
2	1639	2.36					2965	4.27	3051	4.39
3	1535	2.21					2985	4.30	3037	4.37
4	1222	1.76	2884	4.15			2990	4.31	3133	4.51
5	2577	3.71	2999	4.32			2998	4.32	3231	4.65
6	2687	3.87	3076	4.43			3215	4.63	3305	4.76
7	2644	3.81	2944	4.24			3123	4.50	3111	4.48
8	2785	4.01	2833	4.08	2862	4.12	3092	4.45	3000	4.32
9	2729	3.93	3063	4.41	2952	4.25	3073	4.43	2805	4.04
10	2757	3.97	3079	4.43	3151	4.54	3114	4.48	2973	4.28
11	2882	4.15	3049	4.39			2039	2.94	3189	4.59
12	2757	3.97	3052	4.39			2827	4.07	3157	4.55
13	3055	4.40	3264	4.70			2803	4.04	3157	4.55
14	2908	4.19	3076	4.43			3205	4.62	2922	4.21
15	2950	4.25	3097	4.46	3087	4.45	3135	4.51	2948	4.25
16	3042	4.38	3090	4.45	3126	4.50	2913	4.19	3077	4.43
17	2833	4.08	2961	4.26	3082	4.44	3079	4.43	2984	4.30
18	1403	2.02	3076	4.43			3044	4.38	3037	4.37
19			3115	4.49			3095	4.46	3046	4.39
20	2804	4.04	3264	4.70			3131	4.51	3064	4.41
21	2853	4.11	3042	4.38			2088	3.01	3030	4.36
22	3036	4.37	2944	4.24	2938	4.23				
23	3049	4.39	2912	4.19	3089	4.45				
24	3014	4.34	2910	4.19	2972	4.28				
25	3076	4.43	3105	4.47						
26	3069	4.42	3095	4.46			3015	4.34		
27	3030	4.36	3098	4.46			3036	4.37		
28	2950	4.25	2901	4.18			3129	4.51		
29	2905	4.18	2838	4.09	2843	4.09	3009	4.33		
30	3021	4.35	2717	3.91	3065	4.41	2948	4.25		
31	3083	4.44			3075	4.43				
Average		3.84		4.25		4.38		4.28		4.41
Maximum		4.44		4.70		4.69		4.63		4.76

CALDWELL RECOVERY PLANT (1984)

0

PRIMARY CLARIFIER

PAGE 1

DATE	INFLUENT FLOW gpm	INFLUE mg/l	TO ENT TSS lbs/day	TAL EFFLU mg/l	SUSPENDED ENT TSS lbs/day	SOLIDS TSS RE lbs/day	DUCTION %	INFLUE mg/l	CH ENT COD lbs/day	EMICAL EFFLU mg/l	OXYGEN ENT COD lbs/day	DEN COD RE lbs/day	ND DUCTION %
01-Aug	1636												
02-Aug	1639												
03-Aug	1535												
04-Aug	1222												
05-Aug	2577	1100											
06-Aug	2687	790	0	710	0	0	0.00	1742	0	587	0	0	0.00
07-Aug	2644	1440	0	190	0	0	0.00	1520	0	700	0	0	0.00
08-Aug	2785		0	370	0	0	0.00	1507	0	873	0	0	0.00
09-Aug	2729												
10-Aug	2757												
11-Aug	2882												
12-Aug	2757												
13-Aug	3055	60	0	20	0	0	0.00						
14-Aug	2908	530	0	150	0	0	0.00	1254	0	1000	0	0	0.00
15-Aug	2950	590	0	180	0	0	0.00	1699	0	849	0	0	0.00
16-Aug	3042							1422	0	612	0	0	0.00
17-Aug	2833												
18-Aug	1403												
19-Aug													
20-Aug	2804	450	0	200	0	0	0.00						
21-Aug	2853	240	0	160	0	0	0.00	1705	0	930	0	0	0.00
22-Aug	3036	550	0	160	0	0	0.00	1737	0	1138	0	0	0.00
23-Aug	3049							1673	0	877	0	0	0.00
24-Aug	3014												
25-Aug	3076												
26-Aug	3069												
27-Aug	3030	1090	0	570	0	0	0.00	1474	0	1075	0	0	0.00
28-Aug	2950	320	0	310	0	0	0.00	1080	0	1000	0	0	0.00
29-Aug	2905	190	0	190	0	0	0.00	1111	0	1091	0	0	0.00
30-Aug	3021												
31-Aug	3083												

COUNT:	0	0	0	0	0	0							
TOTALS:	0		0		0	0		0	0	0	0	0	
AVERAGE:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MAXIMUM:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MINIMUM:	0	0		0	0	0		0	0	0	0	0	0.00

DATE	PRIMARY CLARIFIER									
	INFLUENT FLOW gpm	INFLUE mg/l	ENT TS lbs/day	TOTAL EFFLU mg/l	SOLIDS ENT TS lbs/day	REDUCTION		SETT INFLUENT ml/l	LEABLE SOLIDS EFFLUENT REDUCTION	
						TS RE	%		ml/l	%
01-Aug	0	1330	0	1056	0	0	0.00	890	816	0.00
02-Aug	0									
03-Aug	0									
04-Aug	0									
05-Aug	0	1552	0	904	0	0	0.00	452	194	0.00
06-Aug	0	1944	0	1120	0	0	0.00	1154	930	0.00
07-Aug	0	1806	0	1210	0	0	0.00	366	840	0.00
08-Aug	0									
09-Aug	0									
10-Aug	0									
11-Aug	0									
12-Aug	0									
13-Aug	0	1458	0	946	0	0	0.00	1398	926	0.00
14-Aug	0	1564	0	1240	0	0	0.00	1034	1090	0.00
15-Aug	0	1720	0	1000	0	0	0.00	1130	820	0.00
16-Aug	0									
17-Aug	0									
18-Aug	0									
19-Aug	0									
20-Aug	0	2010	0	1264	0	0	0.00	1560	1064	0.00
21-Aug	0	1686	0	1332	0	0	0.00	1446	1172	0.00
22-Aug	0	1912	0	1288	0	0	0.00	1362	1128	0.00
23-Aug	0									
24-Aug	0									
25-Aug	0									
26-Aug	0									
27-Aug	0	1828	0	1432	0	0	0.00	738	862	0.00
28-Aug	0	1528	0	1442	0	0	0.00	1208	1132	0.00
29-Aug	0	1522	0	1404	0	0	0.00	1332	1602	0.00
30-Aug	0									
31-Aug	0									
COUNT:	0	0	0	0	0	0		0	0	
TOTALS:	0		0		0	0		0.0	0.0	
AVERAGE:	0	0	0	0	0	0	0.00	0.0	0.0	
MAXIMUM:	0	0	0	0	0	0	0.00	0.0	0.0	
MINIMUM:	0	0		0				0.0	0.0	

CALDWELL RECOVERY PLANT (1984)

PAGE 3

DATE	pH		IRRIG.	TEMPERATURE		
	INFLUENT	EFFLUENT		INFLUENT	EFFLUENT	IRRIG.
				deg. F	deg. F	deg. F
01-Aug						
02-Aug	7.4	5.2		85	85	85
03-Aug						85
04-Aug						87
05-Aug	7.2	5.6				86
06-Aug	6.9	5.7		88	90	90
07-Aug	6.9	5.3		90	88	88
08-Aug				91	88	88
09-Aug						88
10-Aug						89
11-Aug						87
12-Aug						86
13-Aug	6.8	5.3				
14-Aug	6.7	5.2	5.6	90	88	88
15-Aug	6.5	5.2	4.3	92	91	91
16-Aug			5.3	93	93	92
17-Aug						
18-Aug						
19-Aug						
20-Aug	7.1	5.7	5.6			
21-Aug	6.3	4.9	4.9	89	86	84
22-Aug	6.7	5.1	4.7	89	86	84
23-Aug			6.4	88	88	88
24-Aug			4.7			87
25-Aug			5.1			87
26-Aug			5.0			85
27-Aug	6.6	5.0	5.1			86
28-Aug	6.3	4.7	4.8	90	89	87
29-Aug	6.2	4.8	4.9	88	88	87
30-Aug			4.8	89	87	87
31-Aug			4.9			87
COUNT:	0	0	0	0	0	0
TOTALS:	0.0	0.0	0.0	0	0	0
AVERAGE:	0.0	0.0	0.0	0	0	0
MAXIMUM:	0.0	0.0	0.0	0	0	0
MINIMUM:	0.0	0.0	0.0	0	0	0

CALDWELL RECOVERY PLANT (1984)

PAGE 4

DATE	IRRIG. FLOW gpm	TOTAL SUSPENDED SOLIDS mg/l	DS lbs/day	CHEMICAL DEMAND mg/l	OXYGEN DEMAND lbs/day	IRRIGATION TOTAL mg/l	SOLIDS lbs/day	CONDUCT umhos	AMMONIA NH3 mg/l	ONIA 3-N lbs/day	KJELDAHL TK mg/l	NITROGEN N lbs/day	
01-Aug	0	290	0	750	0	1324	0		5.7	0	26.3	0	0
02-Aug	0	80	0	2269	0	1236	0	620	5.7	0	26.3	0	0
03-Aug	0	110	0	1826	0	1228	0	600	5.7	0	26.3	0	0
04-Aug	0	90	0	2307	0	1400	0	800	5.7	0	26.3	0	0
05-Aug	0	700	0	606	0	1024	0	580	5	0	33.3	0	0
06-Aug	0	630	0	920	0	1634	0	540	5	0	33.3	0	0
07-Aug	0	380	0	892	0	1240	0	900	5	0	33.3	0	0
08-Aug	0			866	0			1100	5	0	33.3	0	0
09-Aug	0			866	0			900	5	0	33.3	0	0
10-Aug	0			787	0			840	5	0	33.3	0	0
11-Aug	0			1082	0			800	5	0	33.3	0	0
12-Aug	0								13.2	0	46.2	0	0
13-Aug	0	210	0	549	0	1512	0	760	13.2	0	46.2	0	0
14-Aug	0	527	0	2015	0	882	0	840	13.2	0	46.2	0	0
15-Aug	0	1150	0	1640	0	2026	0	720	13.2	0	46.2	0	0
16-Aug	0								13.2	0	46.2	0	0
17-Aug	0								13.2	0	46.2	0	0
18-Aug	0								13.2	0	46.2	0	0
19-Aug									14.7		53.2		0
20-Aug	0	270	0	1899	0	1942	0	540	14.7	0	53.2	0	0
21-Aug	0	450	0	1428	0	1600	0	640	14.7	0	53.2	0	0
22-Aug	0	390	0	1408	0	1650	0	760	14.7	0	53.2	0	0
23-Aug	0	100	0	1235	0	1316	0	700	14.7	0	53.2	0	0
24-Aug	0	150	0	1000	0	1348	0	710	14.7	0	53.2	0	0
25-Aug	0	90	0	980	0	1314	0	700	14.7	0	53.2	0	0
26-Aug	0	230	0	1411	0	1412	0	710	17.6	0	39.2	0	0
27-Aug	0	750	0	1553	0	1370	0	620	17.6	0	39.2	0	0
28-Aug	0	340	0	1020	0	1372	0	680	17.6	0	39.2	0	0
29-Aug	0	420	0	1269	0	1626	0	640	17.6	0	39.2	0	0
30-Aug	0	180	0	480	0	894	0	700	17.6	0	39.2	0	0
31-Aug	0	330	0	1115	0	1342	0	700	17.6	0	39.2	0	0
COUNT:	0	0	0	0	0	0	0	0				0	
TOTALS:	0		0		0		0	0				0	
AVERAGE:	0	0	0	0	0	0	0	0				0	
MAXIMUM:	0	0	0	0	0	0	0	0	0		0	0	
MINIMUM:	0	0		0		0		0	0		0		

CALDWELL RECOVERY PLANT (1984)

PAGE 5

DATE	#3	POND EFF	UENT FLO	TOTAL	TOTAL SU	IRRIG	ATION	CHEMICAL	OXYGEN	TOTAL	SOLIDS	pH	TEMP
		#4	#		SOLI	DS	DEMA	ND					
	gpm	gpm	gpm	gpm	mg/l	lbs/day	mg/l	lbs/day	mg/l	lbs/day			deg. F

01-Aug
02-Aug
03-Aug
04-Aug
05-Aug
06-Aug
07-Aug
08-Aug
09-Aug
10-Aug
11-Aug
12-Aug
13-Aug
14-Aug
15-Aug
16-Aug
17-Aug
18-Aug
19-Aug
20-Aug
21-Aug
22-Aug
23-Aug
24-Aug
25-Aug
26-Aug
27-Aug
28-Aug
29-Aug
30-Aug
31-Aug

COUNT:	0	0	0	0
TOTALS:	0	0	0	0
AVERAGE:	0	0	0	0
MAXIMUM:	0	0	0	0
MINIMUM:	0	0	0	0

CALDWELL RECOVERY PLANT (1984)

--- PRIM ARY CLAR FIER INFL UENT ---								--- PRIM ARY CLAR FIER EFFL UENT ---					
DATE	FLOWRAT	TEMP.	pH	COD	TS	TSS	SS	TEMP.	pH	COD	TS	TSS	SS
	gpm	deg. F		mg/l	mg/l	mg/l	mg/l	deg. F		mg/l	mg/l	mg/l	mg/l
01-Oct	3255	87	6.8	2960	2890	1260	1630	85	5.0	1840	1440	170	1270
02-Oct													
03-Oct													
04-Oct													
05-Oct													
06-Oct													
07-Oct													
08-Oct	2862	89	6.6	3384	2392	760	1632	87	4.9	1826	1532	190	1342
09-Oct	2952	89	6.7	2846	2216	820	1396	88	4.6	1403	1224	90	1134
10-Oct	3151	86	6.8	2307	1548	420	1128	84	5.0	1295	1508	360	1148
11-Oct													
12-Oct													
13-Oct													
14-Oct													
15-Oct	3087	85	6.7	2313	2486	850	1636	83	5.1	2058	1758	450	1308
16-Oct	3126	86	6.5	1838	1940	420	1520	83	4.9	1138	1510	370	1140
17-Oct	3082	87	7.1	2426	2528	920	1608	85	4.8	1194	1658	250	1408
18-Oct													
19-Oct													
20-Oct													
21-Oct													
22-Oct	2938	85	6.9	2923	2776	2250	526	85	4.7	1807	1616	410	1206
23-Oct	3089	86	6.8	2981	4496	3480	1016	84	4.8	1890	1962	50	1912
24-Oct	2972	84	6.6	3038	3078	1440	1638	82	4.6	2134	2006	369	1637
25-Oct													
26-Oct													
27-Oct													
28-Oct													
29-Oct	2843	87	7.1	2723	2754	730	2024	84	5.8	1828	2266	410	1856
30-Oct	3065	87	7.0	2290	2698	800	1898	85	5.5	1603	1938	300	1638
31-Oct	3075	86	7.0	1954	2366	630	1736	84	5.5	1072	1790	230	1560

IRRIGATION						
TEMP.	pH	COD	TS	TSS	SS	COND.
deg. F		mg/l	mg/l	mg/l	mg/l	umhos
86	5.1	2500	1660	810	850	550
86	5.1	2326	1974	210	1764	540
86	5.2	2500	1814	630	1184	510
87	5.3	2230	1956	450	1506	500
89	4.9	3500	1834	350	1484	510
87	4.9	2365	1904	750	1154	
86	5.0	2173	1476	610	866	
84	4.9	2004	2010	820	1190	
84	4.9	3725	1798	780	1018	420
85	6.8	1862	1890	1400	490	420
86	4.7	1784	1814	220	1594	520
85	4.6	1882	1832	930	902	410
84	5.1	1647	1870	890	980	480
82	4.8	2224	1834	190	1644	520
84	4.9	1875	1854	1190	664	410
83	5.0	1961	2084	840	1244	400
83	5.0	1576	1974	680	1294	400
85	5.0	1653	2238	190	2048	398
84	5.1	1942	1924	610	1314	460
84	5.0	1848	2234	2010	224	510
84	5.0	2363	1970	510	1460	520
81	5.0	2365	1970	390	1580	520
84	5.0	1984	2236	1180	1056	560
84	5.3	1354	2606	1990	616	510
85	5.4	1316	2800	1690	1110	510
84	9.3	2118	2910	1260	1650	490
84	6.1	1977	2400	1040	1360	560
84	5.7	2232	2296	600	1696	510
84	5.5	1360	2554	700	1854	460

DATE	INFLUENT FLOW gpm	INFLUE mg/l	TO ENT TSS lbs/day	TAL SUSPENDED EFFLUENT TSS mg/l	SOLIDS lbs/day	DS TSS RE lbs/day	DUCTION %	INFLUE mg/l	CH ENT COD lbs/day	EMICAL O EFFLUENT mg/l	YGEN DEM ENT COD lbs/day	ND COD RE lbs/day	DUCTION %
------	-------------------------	----------------	--------------------------	---------------------------------------	-------------------	-------------------------	--------------	----------------	--------------------------	------------------------------	--------------------------------	-------------------------	--------------

01-Nov	3202												
02-Nov	2965												
03-Nov	2985												
04-Nov	2990												
05-Nov	2998	870	0	520	0	0	0.00	2023	0	1091	0	0	0.00
06-Nov	3215	460	0	390	0	0	0.00	2579	0	1626	0	0	0.00
07-Nov	3123	1190	0	410	0	0	0.00	2658	0	1726	0	0	0.00
08-Nov	3092												
09-Nov	3073												
10-Nov	3114												
11-Nov	2039												
12-Nov	2827	310	0	360	0	0	0.00	1920	0	1560	0	0	0.00
13-Nov	2803	950	0	480	0	0	0.00	2656	0	1738	0	0	0.00
14-Nov	3205	210	0	500	0	0	0.00	1660	0	1328	0	0	0.00
15-Nov	3135												
16-Nov	2913												
17-Nov	3079												
18-Nov	3044												
19-Nov	3095	1130	0	580	0	0	0.00	2588	0	1902	0	0	0.00
20-Nov	3131												
21-Nov	2088												
22-Nov													
23-Nov													
24-Nov													
25-Nov													
26-Nov	3015	868	0	220	0	0	0.00	2193	0	1654	0	0	0.00
27-Nov	3036	930	0	470	0	0	0.00	2763	0	1751	0	0	0.00
28-Nov	3129	1100	0	390	0	0	0.00	2934	0	1776	0	0	0.00
29-Nov	3009												
30-Nov	2948												
01-Dec													

COUNT:	0	0	0	0	0	0		0	0	0	0	0	
TOTALS:	0		0		0	0		0	0	0	0	0	
AVERAGE:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MAXIMUM:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MINIMUM:	0	0		0				0		0			

DATE	INFLUENT FLOW gpm	INFLUENT mg/l	ENT TS lbs/day	TOTAL EFFLUENT mg/l	SOLIDS ENT TS lbs/day	PRIMARY CLARIFIER TS RE DUCTION lbs/day	%	SETTLEABLE SOLIDS EFFLUENT ml/l	REDUCTION ml/l	%
01-Nov	0									
02-Nov	0									
03-Nov	0									
04-Nov	0									
05-Nov	0	2452	0	2294	0	0	0.00	1582	1774	0.00
06-Nov	0	2722	0	2148	0	0	0.00	2262	1758	0.00
07-Nov	0	2354	0	1854	0	0	0.00	164	1444	0.00
08-Nov	0									
09-Nov	0									
10-Nov	0									
11-Nov	0									
12-Nov	0	1816	0	1776	0	0	0.00	1506	1416	0.00
13-Nov	0	2636	0	1986	0	0	0.00	1686	1506	0.00
14-Nov	0	2570	0	1754	0	0	0.00	2360	1254	0.00
15-Nov	0									
16-Nov	0									
17-Nov	0									
18-Nov	0									
19-Nov	0	1970	0	1766	0	0	0.00	840	1186	0.00
20-Nov	0									
21-Nov	0									
22-Nov										
23-Nov										
24-Nov										
25-Nov										
26-Nov	0	1954	0	1892	0	0	0.00	1086	1672	0.00
27-Nov	0	2746	0	2172	0	0	0.00	1816	1702	0.00
28-Nov	0	2960	0	2174	0	0	0.00	1860	1784	0.00
29-Nov	0									
30-Nov	0									
01-Dec										
COUNT:	0	0	0	0	0	0		0	0	
TOTALS:	0		0		0	0		0.0	0.0	
AVERAGE:	0	0	0	0	0	0	0.00	0.0	0.0	
MAXIMUM:	0	0	0	0	0	0	0.00	0.0	0.0	
MINIMUM:	0	0		0				0.0	0.0	

PAGE 3

DATE	INFLUENT	pH	EFFLUENT	IRRIG.	INFLUENT	TEMPERATURE	EFFLUENT	IRRIG.
						deg. F	deg. F	deg. F
01-Nov				5.6				84
02-Nov				5.4				85
03-Nov				5.6				85
04-Nov				5.6				85
05-Nov	6.8	5.7		5.2	84	83		85
06-Nov	6.7	4.4		4.2	87	83		81
07-Nov	6.7	5.0		5.1	86	84		83
08-Nov				5.1				84
09-Nov				4.7				83
10-Nov				4.8				83
11-Nov				7.3				83
12-Nov	6.7	4.9		6.1	85	83		84
13-Nov	6.8	4.8		4.8	86	84		84
14-Nov	6.5	4.4		4.5	86	84		83
15-Nov				4.8				84
16-Nov				4.8				83
17-Nov				4.7				86
18-Nov				5.0				84
19-Nov	6.2	5.1		5.2	85	83		82
20-Nov				5.0				83
21-Nov				5.0				84
22-Nov								
23-Nov								
24-Nov								
25-Nov								
26-Nov	7.0	5.8		6.1	83	79		80
27-Nov	6.8	4.8		4.9	85	82		83
28-Nov	6.6	4.6		4.5	85	83		84
29-Nov				5.9				84
30-Nov				4.8				83
01-Dec								
COUNT:	0	0	0	0	0	0	0	
TOTALS:	0.0	0.0	0.0	0	0	0	0	
AVERAGE:	0.0	0.0	0.0	0	0	0	0	
MAXIMUM:	0.0	0.0	0.0	0	0	0	0	
MINIMUM:	0.0	0.0	0.0	0	0	0	0	

CALDWELL RECOVERY PLANT (1984)

PAGE 4

DATE	IRRIG. FLOW gpm	TOTAL SUSPENDED — SOLI — mg/l	DS — lbs/day	CHEMICAL — DEMA — mg/l	OXYGEN ND — lbs/day	— IRRIG TOTAL mg/l	ATION — SOLIDS lbs/day	CONDUCT umhos	AMM NH mg/l	ONIA 3-N lbs/day	KJELDAHL TK mg/l	NITROGEN N lbs/day	
01-Nov	0	580	0	1397	0	2036	0	440	12.8	0	68.6	0	0
02-Nov	0	530	0	2303	0	2186	0	440	12.8	0	68.6	0	0
03-Nov	0	490	0	1988	0	2146	0	400	12.8	0	68.6	0	0
04-Nov	0	460	0	1653	0	2362	0	450	20.8	0	71.4	0	0
05-Nov	0	960	0	1547	0	2456	0	410	20.8	0	71.4	0	0
06-Nov	0	170	0	2222	0	2394	0	520	20.8	0	71.4	0	0
07-Nov	0	1580	0	2480	0	2216	0	420	20.8	0	71.4	0	0
08-Nov	0	800	0	2368	0	2382	0	450	20.8	0	71.4	0	0
09-Nov	0	1640	0	1882	0	2278	0	450	20.8	0	71.4	0	0
10-Nov	0	1310	0	1842	0	1924	0	470	20.8	0	71.4	0	0
11-Nov	0	2110	0	2331	0	2564	0	470	15.2	0	61.6	0	0
12-Nov	0	350	0	2020	0	2064	0	450	15.2	0	61.6	0	0
13-Nov	0	760	0	2265	0	2596	0	430	15.2	0	61.6	0	0
14-Nov	0	880	0	2167	0	2222	0	250	15.2	0	61.6	0	0
15-Nov	0	530	0	1477	0	1638	0	430	15.2	0	61.6	0	0
16-Nov	0	490	0	1614	0	1986	0	460	15.2	0	61.6	0	0
17-Nov	0	950	0	1614	0	1924	0	420	15.2	0	61.6	0	0
18-Nov	0	1750	0	2067	0	2044	0	760	14	0	57.4	0	0
19-Nov	0	610	0	1922	0	1984	0	920	14	0	57.4	0	0
20-Nov	0	1700	0	1834	0	2594	0	710	14	0	57.4	0	0
21-Nov	0	1700	0	2780	0	3892	0	1120	14	0	57.4	0	0
22-Nov									14		57.4		0
23-Nov									14		57.4		0
24-Nov									14		57.4		0
25-Nov									11		72.8		0
26-Nov	0	740	0	1728	0	2058	0	820	11	0	72.8	0	0
27-Nov	0	640	0	2296	0	2338	0	860	11	0	72.8	0	0
28-Nov	0	600	0	2065	0	2478	0	600	11	0	72.8	0	0
29-Nov	0	1260	0	3243	0	3218	0	1000	11	0	72.8	0	0
30-Nov	0	1100	0	2934	0	2960	0	860	11	0	72.8	0	0
01-Dec													0
COUNT:	0	0	0	0	0	0	0	0				0	
TOTALS:	0	0	0	0	0	0	0	0				0	
AVERAGE:	0	0	0	0	0	0	0	0				0	
MAXIMUM:	0	0	0	0	0	0	0	0	0		0	0	
MINIMUM:	0	0	0	0	0	0	0	0	0		0		

CALDWELL RECOVERY PLANT (1986)

PAGE 5

DATE	#3	POND EFF	UENT FLO'	TOTAL	TOTAL SUPENDED	— IRRIG DS —	ATION — CHEMICAL — DEMA ND —	OXYGEN	TOTAL	SOLIDS	pH	TEMP
	gpm	gpm	gpm	gpm	mg/l	lbs/day	mg/l	lbs/day	mg/l	lbs/day		deg. F

01-Nov
02-Nov
03-Nov
04-Nov
05-Nov
06-Nov
07-Nov
08-Nov
09-Nov
10-Nov
11-Nov
12-Nov
13-Nov
14-Nov
15-Nov
16-Nov
17-Nov
18-Nov
19-Nov
20-Nov
21-Nov
22-Nov
23-Nov
24-Nov
25-Nov
26-Nov
27-Nov
28-Nov
29-Nov
30-Nov
01-Dec

COUNT:	0	0	0	0
TOTALS:	0	0	0	0
AVERAGE:	0	0	0	0
MAXIMUM:	0	0	0	0
MINIMUM:	0	0	0	0

DATE	INFLUENT FLOW gpm	INFLUENT mg/l	TO TSS lbs/day	TOTAL EFFLUENT mg/l	SUSPENDED TSS lbs/day	SOLIDS TSS lbs/day	REDUCTION %	INFLUENT mg/l	CHLORINE lbs/day	CHEMICAL EFFLUENT mg/l	OXYGEN lbs/day	DEMAND lbs/day	REDUCTION %
01-Dec	3028												
02-Dec	3051												
03-Dec	3037	1100	0	550	0	0	0.00	3160	0	2300	0	0	0.00
04-Dec	3133	1440	0	470	0	0	0.00	3130	0	1768	0	0	0.00
05-Dec	3231	790	0	1160	0	0	0.00	2749	0	2589	0	0	0.00
06-Dec	3305												
07-Dec	3111												
08-Dec	3000												
09-Dec	2805												
10-Dec	2973	1290	0	500	0	0	0.00	3784	0	2191	0	0	0.00
11-Dec	3189	600	0	370	0	0	0.00	2403	0	2267	0	0	0.00
12-Dec	3157	1010	0	330	0	0	0.00	1394	0	1155	0	0	0.00
13-Dec	3157												
14-Dec	2922												
15-Dec	2948												
16-Dec	3077												
17-Dec	2984												
18-Dec	3037												
19-Dec	3046												
20-Dec	3064												
21-Dec	3030												
22-Dec													
23-Dec													
24-Dec													
25-Dec													
26-Dec													
27-Dec													
28-Dec													
29-Dec													
30-Dec													
31-Dec													
COUNT:	0	0	0	0	0	0		0	0	0	0	0	
TOTALS:	0		0		0	0			0		0	0	
AVERAGE:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MAXIMUM:	0	0	0	0	0	0	0.00	0	0	0	0	0	0.00
MINIMUM:	0	0		0				0		0			

REDWELL RECOVERY PLANT (100%)										
DATE	INFLUENT FLOW gpm	INFLUENT mg/l	ENTRYS lbs/day	TOTAL EFFLUENT mg/l	SOLIDS - ENTRYS lbs/day	PRIMARY CLARIFIER		SETTLABLE SLIDS		
						TS RE lbs/day	DUCTION %	INFLUENT ml/l	EFFLUENT ml/l	REDUCTION %
01-Dec	0									
02-Dec	0									
03-Dec	0	3194	0	2520	0	0	0.00	2094	1970	0.00
04-Dec	0	3264	0	2170	0	0	0.00	1824	1700	0.00
05-Dec	0	1966	0	2620	0	0	0.00	1176	1460	0.00
06-Dec	0									
07-Dec	0									
08-Dec	0									
09-Dec	0									
10-Dec	0	2846	0	1846	0	0	0.00	1556	1346	0.00
11-Dec	0	2052	0	1628	0	0	0.00	1452	1258	0.00
12-Dec	0	3092	0	2418	0	0	0.00	2082	2088	0.00
13-Dec	0									
14-Dec	0									
15-Dec	0									
16-Dec	0									
17-Dec	0									
18-Dec	0									
19-Dec	0									
20-Dec	0									
21-Dec	0									
22-Dec										
23-Dec										
24-Dec										
25-Dec										
26-Dec										
27-Dec										
28-Dec										
29-Dec										
30-Dec										
31-Dec										
COUNT:	0	0	0	0	0	0		0	0	
TOTALS:	0		0		0	0		0.0	0.0	
AVERAGE:	0	0	0	0	0	0	0.00	0.0	0.0	
MAXIMUM:	0	0	0	0	0	0	0.00	0.0	0.0	
MINIMUM:	0	0		0				0.0	0.0	

	— pH —		TEMPERATURE			
DATE	INFLUENT	EFFLUENT	IRRIG.	INFLUENT	EFFLUENT	IRRIG.
				deg. F	deg. F	deg. F
01-Dec			4.6			83
02-Dec			4.9			83
03-Dec	6.7	4.7	4.8	84	83	80
04-Dec	6.5	4.3	4.4	87	83	83
05-Dec	6.7	4.7	4.7	85	83	82
06-Dec			4.9			
07-Dec			5.0			
08-Dec			5.5			
09-Dec			6.5			
10-Dec	6.8	4.5	4.7	87	84	84
11-Dec	6.8	5.3	5.4	87	84	84
12-Dec	6.6	5.0	5.2	87	83	83
13-Dec			5.1			
14-Dec			4.9			
15-Dec			4.6			
16-Dec			5.2			
17-Dec						
18-Dec						
19-Dec						
20-Dec						
21-Dec						
22-Dec						
23-Dec						
24-Dec						
25-Dec						
26-Dec						
27-Dec						
28-Dec						
29-Dec						
30-Dec						
31-Dec						
COUNT:	0	0	0	0	0	0
TOTALS:	0.0	0.0	0.0	0	0	0
AVERAGE:	0.0	0.0	0.0	0	0	0
MAXIMUM:	0.0	0.0	0.0	0	0	0
MINIMUM:	0.0	0.0	0.0	0	0	0

DATE	IRRIG. FLOW gpm	TOTAL SUSPENDED — SOLI — mg/l	DS — lbs/day	CHEMICAL — DEMA — mg/l	OXYGEN ND — lbs/day	— IRRIG TOTAL mg/l	ATION — SOLIDS lbs/day	CONDUCT umhos	AMM NH mg/l	ONIA 3-N lbs/day	KJELDAHL TK mg/l	NITROGEN N lbs/day	
01-Dec	0	390	0	1776	0	2174	0	860	11	0	72.8	0	0
02-Dec	0	600	0	2065	0	2478	0	800	13.8	0	72.8	0	0
03-Dec	0	820	0	3200	0	2484	0	820	13.8	0	72.8	0	0
04-Dec	0	1820	0	2703	0	2780	0	920	13.8	0	72.8	0	0
05-Dec	0	1740	0	2709	0	2738	0	1020	13.8	0	72.8	0	0
06-Dec	0			1872	0			800	13.8	0	72.8	0	0
07-Dec	0			2808	0			820	13.8	0	72.8	0	0
08-Dec	0			2868	0			1020	13.8	0	72.8	0	0
09-Dec	0			1992	0			1040	20.6	0	60.9	0	0
10-Dec	0	640	0	2310	0	1846	0	920	20.6	0	60.9	0	0
11-Dec	0	460	0	2965	0	2150	0	680	20.6	0	60.9	0	0
12-Dec	0	930	0	2151	0	2828	0	1100	20.6	0	60.9	0	0
13-Dec	0	1470	0	3261	0	3826	0	1015	20.6	0	60.9	0	0
14-Dec	0	2570	0	4121	0	4420	0	1000	20.6	0	60.9	0	0
15-Dec	0	750	0	3828	0	1994	0	940	20.6	0	60.9	0	0
16-Dec	0	430	0	2656	0	1722	0	1000	14.3	0	71.4	0	0
17-Dec	0								14.3	0	71.4	0	0
18-Dec	0								14.3	0	71.4	0	0
19-Dec	0								14.3	0	71.4	0	0
20-Dec	0								14.3	0	71.4	0	0
21-Dec	0								14.3	0	71.4	0	0
22-Dec													0
23-Dec													0
24-Dec													0
25-Dec													0
26-Dec													0
27-Dec													0
28-Dec													0
29-Dec													0
30-Dec													0
31-Dec													0
COUNT:	0	0	0	0	0	0	0	0				0	
TOTALS:	0		0		0		0	0				0	
AVERAGE:	0	0	0	0	0	0	0	0				0	
MAXIMUM:	0	0	0	0	0	0	0	0	0		0	0	
MINIMUM:	0	0		0		0		0	0		0		

DATE	#3	POND EFF #4	UENT FLO' #	TOTAL	TOTAL SUSPENDED SOLIDS	IRRIGATION — CHEMICAL — DEMAND	OXYGEN	TOTAL	SOLIDS	pH	TEMP
	gpm	gpm	gpm	gpm	mg/l	lbs/day	mg/l	lbs/day	mg/l	lbs/day	deg. F

01-Dec
02-Dec
03-Dec
04-Dec
05-Dec
06-Dec
07-Dec
08-Dec
09-Dec
10-Dec
11-Dec
12-Dec
13-Dec
14-Dec
15-Dec
16-Dec
17-Dec
18-Dec
19-Dec
20-Dec
21-Dec
22-Dec
23-Dec
24-Dec
25-Dec
26-Dec
27-Dec
28-Dec
29-Dec
30-Dec
31-Dec

COUNT:	0	0	0	0
TOTALS:	0	0	0	0
AVERAGE:	0	0	0	0
MAXIMUM:	0	0	0	0
MINIMUM:	0	0	0	0



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

September 4, 2007

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

I have finally had a chance to go through the claim files, previously assigned to Kimberly Brown, and find we need to have additional documentation in regard to these claims prior to conducting the field examinations.

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

10/4 & 10/5/07
contact made via e-mail
12/20/07 -
JRP letter sent requesting
info
2/27/08 - telephone con.
w/Vic

Decreed
3/2000

Decreed
3/2000

- a. small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- b. municipal purposes,
- c. fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to you again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **September 28, 2007**. Once we receive the information we will need to conduct field examinations and the SRBA Court has indicated they would like the field inspections done this fall so we can submit revised recommendations on the rights that have been objected to. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:16
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: SEE ATTACHED EXHIBIT A

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

THURSDAY, JUNE 05, 2008 at 02:45 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

(Order Setting Initial Hearing)

Page 2
5/04/08

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:

J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

J R SIMPLOT CO
SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE, ID 83707

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

Exhibit A

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

2/27/08

Vic called - is still "gathering" information requested. He asked if I wanted the info he had or would I rather have it all in 1 package. I told him to submit it all together & initial hearing would be at end of May. ^{starting} fw



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

December 20, 2007

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

- small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- municipal purposes,
- fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to you again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **January 31, 2008**. Once we receive the information we will need to conduct field examinations on the claims that were not previously substantiated. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Walker, Kay

From: Walker, Kay
Sent: Friday, October 05, 2007 1:10 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: RE: Canyon County Claims

Hi, Vic...

Thanks for your quick response! I don't need to meet with the retired maintenance man – he just needs to write an affidavit of his recollection of when the system was interconnected and any other information that he can provide in support of the claims.

Kay

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, October 04, 2007 3:59 PM
To: Walker, Kay
Subject: RE: Canyon County Claims

We gathered water use records on the question of the annual volume used in the plant. I am trying to reach the maintenance man who operated the water system on the feedlot. This person is retired, but is living in Caldwell. He will be able to confirm that all of these points of diversion were connected long before 1987. I just need to connect with him. Once I reach him, would you like to meet him to ask about the water system?

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Thursday, October 04, 2007 2:54 PM
To: Conrad, Vic E
Cc: Walker, Kay
Subject: Canyon County Claims

Hi, Vic...

I was wondering if you had gathered the information requested in my letter of September 4th yet. I have not heard anything from you and thought maybe an e-mail would remind you that we still need information regarding claims in Canyon County. I have scanned my letter and attached it to this e-mail in case you have not received it. Please let me know when to expect your information. Thanks!!

Kay Walker
IDWR Western Region
334-2190

10/5/2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 4, 2007

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Canyon County Claims to Water Rights

Dear Vic:

I have finally had a chance to go through the claim files, previously assigned to Kimberly Brown, and find we need to have additional documentation in regard to these claims prior to conducting the field examinations.

We have not received any evidence of priority for the following claims: 63-21537 (stock water & commercial uses), 63-21541, 63-21557, 63-21559, 63-21561, 63-21598 (all stock water claims) and 63-22210 (expansion of Rt. 63-2291 from Bardsley Gulch). We need some type of documentation of the date of priority for these claims in order to change the recommendations that were previously made.

We also need to have some documentation showing when the rights utilizing the 14 wells and 14 pumps were integrated into one system. Claims 63-2731, 63-3107, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-7244, 63-7678, 63-10034, 63-21537, 63-21538, 63-21539, 63-21540, 63-21541, and 63-21595 are the rights I find under the claimed combined system. Information in our files does not indicate when the wells were incorporated into one system and until we receive some documentation to show that they were integrated before November 19, 1987, we will not be able to recommend the water rights as claimed. The recommendations will reflect the rights as previously recorded unless we receive this information.

It is also noticed that our Department has previously requested completion of "Industrial Use Volume" questionnaires for the rights that include industrial and/or commercial uses. Please note that a portion of Adjudication Memo No. 34 states:

1. Ground water rights

All rights recommended with a source of ground water are to include annual diversion volume, except for ground water rights or portions of ground water rights used solely for:

- a. small D&S purposes as defined by Idaho Code §§ 42-111 or 42-1401A (5) and (12), in which a diversion volume has not been previously determined.
- b. municipal purposes,
- c. fire protection purposes.

2. Other rights

All other rights to be recommended based on a license or decree that stated an annual diversion volume limitation are to include annual diversion volume.

We would certainly appreciate any information you can supply that would assist us in determining the volumes to be attached to the rights that are being used for industrial and/or commercial uses. If you need to have the questionnaire form sent to your again, please do not hesitate to contact me. If no information is received we will base the volume amounts on what we determine is necessary for the claimed uses.

Please submit all the requested information on or before **September 28, 2007**. Once we receive the information we will need to conduct field examinations and the SRBA Court has indicated they would like the field inspections done this fall so we can submit revised recommendations on the rights that have been objected to. If you have any questions concerning this letter, or if you need additional time to submit the requested information, please do not hesitate to contact me at 334-2190.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

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

Subcase 63-5036
(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: J. R. Simplot Company

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: J. R. Simplot Company

Address: 999 Main Street, Suite 1300

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: J. R. Simplot Company, C/O Terry Uhling 999 Main Street,
Suite 1300, PO Box 27, Boise, ID 83707

2. ☒ **Source**

Should be: Groundwater

3. ☒ **Quantity**

Should be: 2.67 cfs

4. ☒ **Priority Date**

Should be: March 10, 1943

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
4N	3W	20	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
			SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
		18	SW $\frac{1}{4}$ SW $\frac{1}{4}$
			SE $\frac{1}{4}$ SW $\frac{1}{4}$
		19	NW $\frac{1}{4}$ NE $\frac{1}{4}$
			SE $\frac{1}{4}$ NE $\frac{1}{4}$
			SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
	4W	13	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		24	NE $\frac{1}{4}$ NW $\frac{1}{4}$

6. ☐ **Instream Flow Description**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Irrigation, Industrial and Stockwater

8. ☒ **Period of Year**

Should be: Irrigation from March 15 to November 15 (Inclusive); Industrial from January 1 to December 31 (Inclusive); Stockwater from January 1 to December 31 (Inclusive)

9. ☒ **Place of Use**

Should be:

Township	Range	Section	Quarter Quarter	Use	Acres (if irrigation)
4N	3W	17	NW¼NW¼	Irrigation & Industrial	5.0
			SW¼NW¼	Irrigation & Industrial	5.0
			NE¼SW¼	Irrigation & Industrial	15.0
			NW¼SW¼	Irrigation & Industrial	10.0
			SW¼SW¼	Irrigation & Industrial	25.0
			SE¼SW¼	Irrigation & Industrial	35.0
		18	NE¼NE¼	Irrigation & Industrial	35.0
			NW¼NE¼	Irrigation & Industrial	15.0
			SW¼NE¼	Irrigation & Industrial	15.0
			SE¼NE¼	Irrigation & Industrial	25.0
			NE¼NW¼	Irrigation & Industrial	40.0
			NW¼NW¼	Irrigation & Industrial	40.0
			SW¼NW¼	Irrigation & Industrial	35.0
			SE¼NW¼	Irrigation & Industrial	40.0
			NE¼SW¼	Irrigation & Industrial	15.0
			NE¼SW¼	Stockwater	
			NW¼SW¼	Stockwater	
			SW¼SW¼	Stockwater	
			SE¼SW¼	Stockwater	
			NE¼SE¼	Stockwater	
			NW¼SE¼	Stockwater	
			SW¼SE¼	Stockwater	
			SE¼SE¼	Irrigation & Industrial	29.0
			SE¼SE¼	Stockwater	
		19	NE¼NE¼	Irrigation & Industrial	25.0
			NE¼NE¼	Stockwater	
			NW¼NE¼	Stockwater	
			SW¼NE¼	Stockwater	
			SE¼NE¼	Stockwater	
			SE¼NE¼	Irrigation & Industrial	20.0
		20	NW¼NW¼	Irrigation & Industrial	30.0
			SW¼NW¼	Irrigation & Industrial	35.0
			SE¼NW¼	Irrigation & Industrial	25.0
			NE¼NW¼	Irrigation & Industrial	30.0
			NW¼NW¼	Irrigation & Industrial	30.0
			SW¼NW¼	Irrigation & Industrial	25.0
	4W	12	SE¼NW¼	Irrigation & Industrial	30.0
			SE¼SE¼	Irrigation & Industrial	30.0
		13	NE¼NE¼	Irrigation & Industrial	40.0
			NW¼NE¼	Irrigation & Industrial	35.0
			SW¼NE¼	Irrigation & Industrial	30.0
			SE¼NE¼	Irrigation & Industrial	35.0

			SE $\frac{1}{4}$ SW $\frac{1}{4}$	Stockwater	
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	Stockwater	
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	Stockwater	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	Irrigation & Industrial	40.0
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	Stockwater	
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	Irrigation & Industrial	35.0
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	Stockwater	
		24	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Irrigation & Industrial	30.0
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	Stockwater	
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	Irrigation & Industrial	30.0
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	Stockwater	
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	Irrigation & Industrial	20.0
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	Stockwater	
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	Irrigation & Industrial	40.0
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	Stockwater	

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):

Information was supplied to the IDWR in connection with their request for evidence of priority for this claim. This information included a copy of an aerial photograph dated June 12, 1949 showing Simplot's food processing plant; a newspaper article from the September 6, 1941 edition of the Caldwell News-Tribune describing the original construction of Simplot's food processing plant; a large format Oregon Short Line Railroad Station Map referencing Simplot's water line encroachments dated August, 1944; and a large format Site Plan dated 1947 referring to the "Hog House Well" (the original point of diversion for this water right) all of which materials are contained in the files of the IDWR. However, said information was supplied after the IDWR completed its 2006 field work season. Because of the IDWR's accelerated reporting schedule, the IDWR advised Simplot that it did not have time to schedule an examination to verify the water uses claimed before the Director's Reporting deadline.

The information described above was attached by the claimant to the Notice of Error filed in response to IDWR's preliminary recommendation for this water right. The IDWR has informed the claimant that, based on the above described information, an examination of the claimant's water systems will be scheduled to confirm the uses claimed. The claimant looks forward to cooperating

with the IDWR in providing access to the water systems for the examination and will also assist the IDWR in supplying any available additional information that may be necessary for the recommendation of this water right.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Terry T. Uhling, Vice President, Secretary and General Counsel of the J. R. Simplot Company, 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.

J. R. Simplot Company

(Signature of person filing objection)

By: [Signature]

Terry T. Uhling, Senior 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 13, 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: J. R. Simplot Company
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. R. Simplot Company
By: [Signature], Director, Land, Water &
Signature of Objector or attorney Asset Recovery
mailing on Objector's behalf

Brown, Kimberly

From: Brown, Kimberly
Sent: Friday, November 03, 2006 3:27 PM
To: 'Conrad, Vic'
Subject: RE: Notice of Error Replies

Mr. Conrad,

You misinterpreted my message. The department does not "default to disallow any statutory claim regardless of the level of proof provided."

In the majority of cases, when the department requests evidence of priority more than once and it is not provided by the deadline imposed, the claim is disallowed due to lack of evidence. Unfortunately and most often, it is not until the claimant receives the Preliminary Recommendation with a status of disallowed; that they suddenly submit evidence of the priority date at the tail-end of the recommendation process. In this case, if the evidence is sufficient, the department will remove the disallowed status and recommend the claim.

In your case, you also provided evidence after the deadline it was initially requested and, based on my precursory review of the evidence you submitted for 63-4968, 63-5036, 63-5037, 63-5038, and 63-5089 on October 13, 2006; it is sufficient. Therefore, our department would traditionally remove the disallowed status and recommend those 5 specific claims at this time. However, since you only provided evidence for 5 claims in an interconnected system that you are still in the process of searching for evidence for the other 9 "common system" water rights involving the same wells and ALL of the 14 claims listed on your cover letter (not just the five) will require field investigations; we do not have enough information* at this point-in-time to remove the disallowed status and recommend the five claims you submitted the evidence for.

*In addition to the request for evidence for your statutory claims, I requested that you also submit completed Industrial and Commercial Use Volume questionnaires in order that our department could calculate an annual volume for each claim (see attachment). However, we did not receive any completed volume questionnaires.

Nick Spencer stated that, since you are not done gathering evidence and all 14 claims in this common system will require additional field work as well, we will obviously be working with you during the objection resolution process to get everything put together.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, November 02, 2006 4:16 PM
To: Brown, Kimberly
Subject: RE: Notice of Error Replies

Kimberly,

I am a little confused. Do you intend to disallow 63-4968, 63-5036, 63-5037 and 63-5039; even with the 1949 photo showing the Caldwell plant, the 1947 site plan referencing these the points of diversion which is the source of industrial use claimed, the 1941 newspaper article showing the plant under construction and an offer to meet with you to determine which of several other old photographs we have available to copy for you?

Apparently there has been a shift in the IDWR's treatment of claims filed in the SRBA. We are now seeing the department default to disallow any statutory claim regardless of the level of proof provided to support the priority date claimed. I assume the change is the result of IDWR's haste to file Director's Reports with the SRBA Court? Is this correct?

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Thursday, November 02, 2006 3:22 PM
To: Conrad, Vic
Subject: Notice of Error Replies

Mr. Conrad,

The Notice of Error Replies and evidence of priority you submitted for Claim Nos. 63-4968, 63-5036, 63-5037, 63-5038, and 63-5039 were received by our department on October 31, 2006. However, since you are still in the process of searching for evidence of priority for the other water rights involving the same wells and all of the 14 claims listed on your cover letter will require field investigations, we do not have enough information, at this time, to change our recommendations of disallowal.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Brown, Kimberly
Sent: Thursday, November 02, 2006 3:22 PM
To: 'vconrad@simplot.com'
Subject: Notice of Error Replies

Mr. Conrad,

The Notice of Error Replies and evidence of priority you submitted for Claim Nos. 63-4968, 63-5036, 63-5037, 63-5038, and 63-5039 were received by our department on October 31, 2006. However, since you are still in the process of searching for evidence of priority for the other water rights involving the same wells and all of the 14 claims listed on your cover letter will require field investigations, we do not have enough information, at this time, to change our recommendations of disallowal.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

CORPORATE HEADQUARTERS

October 31, 2006

Hand Delivery

Kimberly Brown
Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

Re: SRBA Basin 63; Part 3.

Dear Ms. Brown:

Enclosed for filing are notices of error for the preliminary recommendations issued by the IDWR to each of the following claims:

Claim Number	Comments
63-4597	This land to which this claim is appurtenant is no longer owned by the J. R. Simplot Company ("Simplot"). Simplot is filing this notice to correct the name and address so further correspondence can be forwarded to the current owner.
63-4968	Well #2
63-5036	Well #1
63-5037	Well #6
63-5038	Hog House Well
63-5039	Well #3
63-21537	Hospital Well
63-21541	Artesian 500 Well
63-21557	Hog Pen Well
63-21559	Amustegie Well
63-21561	Moppen Well
63-21598	Martin Silo Well
63-21734	Land that receives process water from Food Processing Plant
63-22210	Additional land that was irrigated from Bardsley Gulch after the licensing exam was conducted for water right no. 63-2291.

In addition to the above claims, we will soon file additional claims for certain areas that are irrigated from sources located south of Simplot's food processing plant near Caldwell, Idaho. Evidently these irrigated areas were not claimed during the original claims taking procedure. We have numerous photographs that will assist in verifying dates when this land was irrigated. In addition we recently ordered several photos from

the USDA Aerial Photography Field Office ("APFO") in Salt Lake City, Utah taken during 1955, 1957, 1964, 1969 and 1977. If you can be available, I recommend we schedule a time when we can review the photos we have available at this time. During this meeting you can then instruct me which (if any) you would like me to copy for your records. We will then supplement these photos with the images from the APFO when they arrive.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vic Conrad". The signature is stylized, with the first name "Vic" written in a cursive-like script and the last name "Conrad" written in a more formal, blocky style.

Vic Conrad
Land, Water & Asset Recovery

Enclosure

RECEIVED

010/6/2006

OCT 31 2006

WATER RESOURCES
WESTERN REGION

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water Right Number: 63-5036
J. R. Simplot Company
PO Box 27
Boise, ID 83707 Telephone Number 208-336-2110

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The water right holder disagrees with the IDWR's disallowal of the water right.

2. Describe the changes you wish to make in the proposed recommendation:

The water right should be recommended as claimed.

3. Give a brief explanation as to why you disagree with these portions:

Please see the attached copies of the following:

- ✓ 1) Article from Caldwell Press Tribune (predecessor of the Idaho Press Tribune) dated September 6, 1941.
- ✓ 2) Oregon Short Line Railroad Station Map; C.E. Drawing No. 54227 referencing Simplot's water line encroachments existing in August, 1944.
- ✓ 3) Aerial photo dated June 12, 1949 showing the plant which is the location of the industrial water use described under this water right.

_____ I AGREE with this proposed recommendation; no changes need to be made.

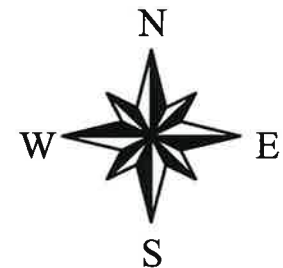
J. R. Simplot Company

DATE: 10/30/06

SIGNATURE: By: _____

Please print your name: Terry T. Uhling, Senior Vice President,
Secretary and General Counsel

J. R. Simplot Company Food Processing Plant Caldwell, Idaho 1949



ELL NEWS-TRIBUNE

Published Every Afternoon Except Sunday

AHO, SATURDAY EVENING, SEPTEMBER 6, 1941

ASSOCIATED PRESS
LEASED WIRE SERVICE

PRICE FIVE CENTS

Settlers In Canyon To ederal Aid

Construction Progressing On Onion Dehydrating Plant

Germans U.S. Destroyer Attacked U. S. WATCHES

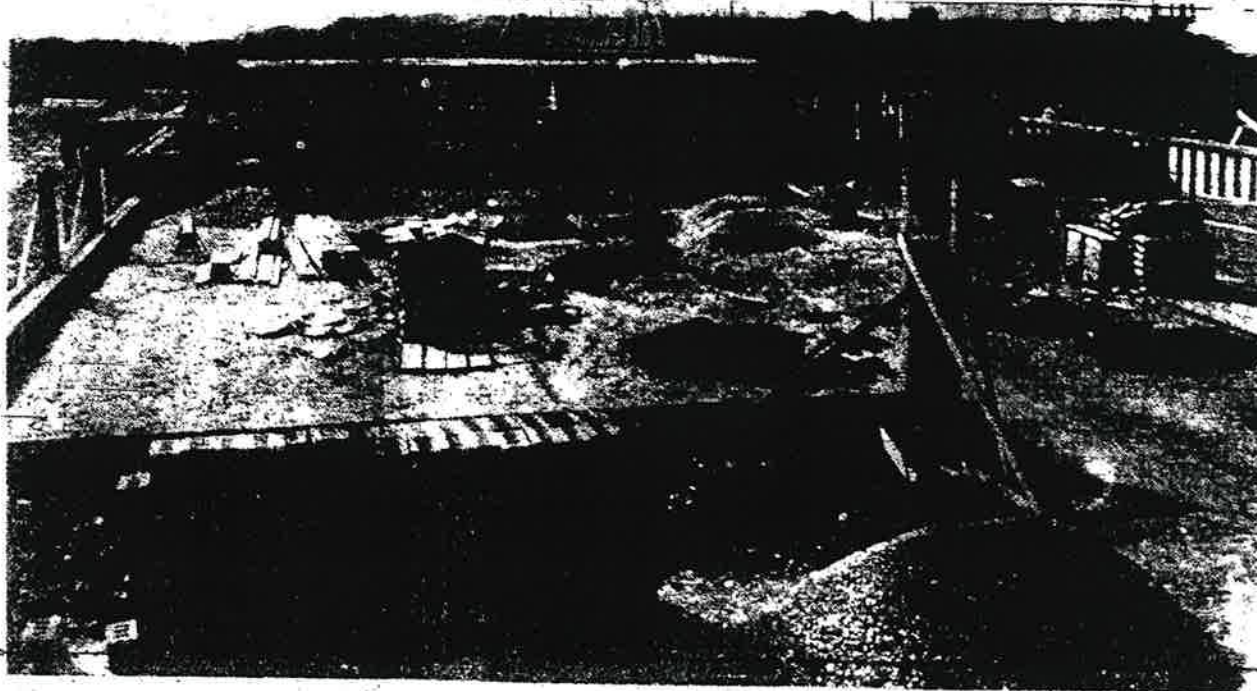
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CONSTRUCTION work on Caldwell's new onion dehydrating plant, on the Wilder railroad spur, two miles west of Caldwell, is making good progress and the plant will be ready for occupancy by October 1, the contractors reported today. Foundations for the cinder-block walls for the two main structures are completed and work on the walls will start at once. The building in the west end, to be used as a pack room and for storage, is to be 53 x 80 feet, and the east end structure will be 100 x 80 feet. Floors will be of concrete and the buildings are to have built-up roofs.

Whelchel & Park and Bunn and Kyle are the contracting carpenters. All materials are being purchased locally.

The plant, owned by J. R. Simplot, is located on a five-acre site which was purchased by the Caldwell Chamber of Commerce and contributed to Mr. Simplot. The Chamber directors feel that the plant will have great commercial value to Caldwell because of its large payroll and also that it will provide a dependable market for hundreds of cars of onions grown by farmers in the Caldwell trade area.

Several thousand sacks of onions have already been delivered to the plant and are being stored in a temporary building pending the completion of the main buildings.—News-Tribune Photo.

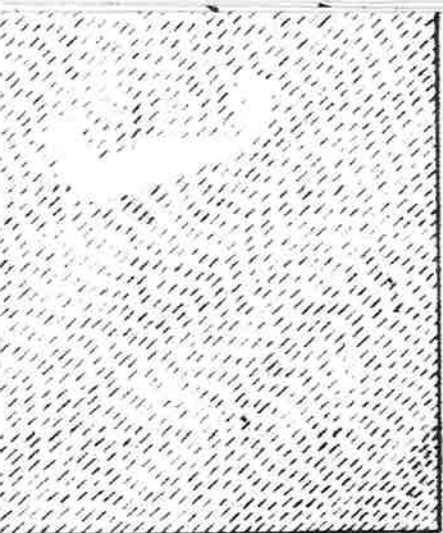
Arrive At Vladivostok Safely

By Lloyd Thomas
Washington

The Japanese destroyer, the *Arashi*, arrived at Vladivostok today after a voyage of 10 days from Japan. The ship was carrying a cargo of oil and other supplies. It was reported that the ship was attacked by Soviet forces on the way, but it managed to escape. The ship is now being used by the Japanese Navy for training purposes.

Plant built
before 1941

The Japanese destroyer, the *Arashi*, arrived at Vladivostok today after a voyage of 10 days from Japan. The ship was carrying a cargo of oil and other supplies. It was reported that the ship was attacked by Soviet forces on the way, but it managed to escape. The ship is now being used by the Japanese Navy for training purposes.



18.919 End of Tr. N° 3 503

8.11 12-4

ing Co
9-1944 - 05.27.194

ing Co
05.27.194

Dehydrating Co
5-10-1944 - 05.27.194

Dehydrating Co
1-1944 - 05.27.194

BIG
MAP

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

27.12.12

Caldwell Plant 1944 Site Plans

6" C.I.P. 2

M.H. #1

13.84

20.2

4.5

B

8.84

E. County Road

BIG

MAP

house No. 2.
0' x 108'

RECEIVED

OCT 31 2006

WATER RESOURCES
WESTERN REGION

J.R. SIMPLOT

Dehydrating Plant
Caldwell, Idaho.

Scale 1" = 30'

Date 1-30-47

Drawn-B.W.S. Traced-B.W.S.

Drawing No. B47.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5036 V1

WATER RIGHT NUMBER: 63-5036 V1

Owner Type

Attorney

Name and Address

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:

J R SIMPLOT CO
 C/O RON GRAVES
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE, ID 83707
 (208)336-2110

Priority Date: 03/10/1943Basis:Status: DisallowedSource

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.670 CFS

INDUSTRIAL

1/01 to 12/31

2.670 CFS

Total Diversion:

2.670 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

NE1/4NW1/4

Sec. 13, Twp 04N, Rge 04W, B.M.

GROUND WATER

CANYON County

NE1/4NE1/4SE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

NE1/4NW1/4SE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

NW1/4NE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SW1/4SE1/4

Sec. 13, Twp 04N, Rge 04W, B.M.

GROUND WATER

CANYON County

NE1/4NW1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SE1/4SW1/4

Sec. 18, Twp 04N, Rge 03W, B.M.

GROUND WATER

CANYON County

SW1/4NE1/4SW1/4

Sec. 20, Twp 04N, Rge 03W, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5036 V1

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4NW1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SW1/4SW1/4	Sec. 18, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4NW1/4SW1/4	Sec. 20, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 03W 17					5.0	5.0			15.0	10.0	25.0	35.0					95.0
04N 03W 18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0						29.0		289.0
04N 03W 19	25.0				20.0	30.0	35.0	25.0									135.0
04N 03W 20					30.0	30.0	25.0	30.0									115.0
04N 04W 12															30.0		30.0
04N 04W 13	40.0	35.0	30.0	35.0											40.0	35.0	215.0
04N 04W 24	30.0	30.0	20.0	40.0													120.0

Total Acres: 999

INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 03W 19													X				

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5036 V1

1. **P13** No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. **C18** 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.
3. **P03** No beneficial use found.

Remarks:Comments:

1. kbrown 9/19/2006 Reason for Disallowal

Comment: A request for evidence of the priority date and industrial use volume was sent on 3/22/06, with a due date of 4/19/06. When nothing was received by 4/19/06, I sent an email message to Vic Conrad, Simplots attorney, on 5/30/06. In response, Mr. Conrad called and spoke with me on 6/06/06 and, per our conversation, the due date was extended to 6/09/06. When nothing was received by June 9, I sent a second email message to Mr. Conrad on 6/14/06 and, as of this date, no evidence of priority or industrial use volume have been received. Therefore, this claim is being disallowed due to lack of evidence of priority. (See file for copies of the email messages and the conversation memorandum.)

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Summary			03/20/2006	lharris	Disallowed
Contacts	9/19/2006 3:33:16 PM	kbrown			Disallowed
Summary			09/19/2006	kbrown	Disallowed

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Summary	3/20/2006 3:37:19 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5036 V1

Contacts	9/19/2006 3:33:16 PM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed due to lack of evidence of the priority date.
Summary	9/19/2006 3:36:08 PM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

DISALLOWED -
due to lack of evidence of priority
 IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report 63-5036

WATER RIGHT NUMBER: 63-5036

Owner Type

Attorney

Name and Address

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

J R SIMPLOT CO
 C/O RON GRAVES
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE, ID 83707
 (208)336-2110

ADD PO3

* P13 - no
beneficial
use
found

overlap - 2657

Priority Date: 03/10/1943

Basis: Statutory Claim

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

3/15 to 11/15

2.670 CFS

INDUSTRIAL

1/01 to 12/31

2.670 CFS

Total Diversion:

2.670 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4

Sec. 13, Twp 04N, Rge 04W, B.M.

CANYON County

GROUND WATER

NE1/4NE1/4SE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

CANYON County

GROUND WATER

NE1/4NW1/4SE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

CANYON County

GROUND WATER

NW1/4NE1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

CANYON County

GROUND WATER

SW1/4SE1/4

Sec. 13, Twp 04N, Rge 04W, B.M.

CANYON County

GROUND WATER

NE1/4NW1/4

Sec. 19, Twp 04N, Rge 03W, B.M.

CANYON County

GROUND WATER

SE1/4SW1/4

Sec. 18, Twp 04N, Rge 03W, B.M.

CANYON County

GROUND WATER

SW1/4NE1/4SW1/4

Sec. 20, Twp 04N, Rge 03W, B.M.

CANYON County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5036

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4NE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	NE1/4NW1/4NW1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SW1/4SW1/4	Sec. 18, Twp 04N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4NW1/4SW1/4	Sec. 20, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	17						5.0	5.0		15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0							29.0	289.0
04N	03W	19	25.0				20.0	30.0	35.0	25.0									135.0
04N	03W	20					30.0	30.0	25.0	30.0									115.0
04N	04W	12															30.0		30.0
04N	04W	13	40.0	35.0	30.0	35.0										40.0	35.0		215.0
04N	04W	24	30.0	30.0	20.0	40.0													120.0

Total Acres: 999

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	19													X				

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5036

1. THIS CLAIM IS FOR UTILIZATION OF EFFLUENT FROM FOOD PROCESSING PLANT FOR IRRIGATION USE.
SEE ATTACHMENTS FOR MAP AND DESCRIPTION OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.

Remarks:

Comments:

Water Supply Bank:

DISALLOWED

Field Exam Date 9.19.06

(in-office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-5036

Owner: G. R. Simplot Co. Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: in-office verification

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

A request for evidence of the priority date and industrial use volume was sent on 3/22/06; with a due date of 4/19/06. When nothing was received by 4/19/06, I sent an email message to Vic Conrad, Simplot's attorney, on 5/30/06. In

Source: _____ Tributary to _____

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

When nothing was received by June 9th, I sent a second email message to Mr. Conrad on 6/14/06 and, as of this date, nothing has been received. Therefore, this claim is being disallowed. (see file for documents)

response,
Mr. Conrad
called and
spoke with me
on 6/6/06 and,
per our
conversation,

the due date was extended to 6/9/06.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

- ☐ No change
- ☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
- Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain: _____

Delivery System Narrative: _____

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 9-19-06 (in-office review)

FIELD EXAMINER: Kimberly Brown

DISALLOWED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5036

WATER RIGHT NUMBER: 63-5036

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110

Priority Date: 03/10/1943

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.670 CFS	
INDUSTRIAL	1/01 to 12/31	2.670 CFS	
	<u>Total Diversion:</u>	2.670 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 19, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	17					5.0	5.0			15.0	10.0	25.0	35.0					95.0
04N	03W	18	35.0	15.0	15.0	25.0	40.0	40.0	35.0	40.0	15.0						29.0		289.0
04N	03W	19	25.0				20.0	30.0	35.0	25.0									135.0
04N	03W	20					30.0	30.0	25.0	30.0									115.0
04N	04W	12															30.0		30.0
04N	04W	13	40.0	35.0	30.0	35.0											40.0	35.0	215.0
04N	04W	24	30.0	30.0	20.0	40.0													120.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-5036

Total Acres: 999

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	03W	19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank:

Receipt Details for ID C015841

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 10:48:32 AM	3/22/1990	State	\$5,363.80	Check
Payer		J. R. SIMPLOT COMPANY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
48902			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$5,363.80	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2731		\$1,102.00	Claim
63	3107		\$272.80	Claim
63	4968		\$117.00	Claim
63	5036		\$317.00	Claim
63	5037		\$273.00	Claim
63	5038		\$388.00	Claim
63	5039		\$228.00	Claim
63	7244		\$572.00	Claim
63	10034		\$1,030.00	Claim

63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim
63	21597	\$25.00	Claim
63	21598	\$94.00	Claim
63	21599	\$25.00	Claim
63	21734	\$699.00	Claim
63	2731	\$1,102.00	Claim
63	3107	\$272.80	Claim
63	4968	\$117.00	Claim
63	5036	\$317.00	Claim
63	5037	\$273.00	Claim
63	5038	\$388.00	Claim
63	5039	\$228.00	Claim
63	7244	\$572.00	Claim
63	10034	\$1,030.00	Claim
63	21557	\$96.00	Claim
63	21588	\$25.00	Claim
63	21592	\$25.00	Claim
63	21593	\$25.00	Claim
63	21556	\$25.00	Claim
63	21594	\$25.00	Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that J. R. Simplot Company

(Name of Claimant)

P.O. Box 27, Boise, ID

(Mailing Address)

83707

(Zip Code)

Telephone No. 336-2110

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1943 March 10

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Ground water tributary to

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.67 cfs</u>		Use <u>INDUSTRIAL</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>2.67 cfs</u>		Use <u>IRRIGATION</u>		Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 2.67 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4, Sec. 19 Twp. 4N Rge. 3W B.M., County of Canyon

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well #1, 10" casing at bottom, 1,200 gpm, 325' depth, 70# pumped pressure, storage tank

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

NOTE: "*" indicates water used for irrigation after processing.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	3W	19													X				
4N	3W	18	35	*15	15	25	40	40	35	40	*15							29	289 *
4N	3W	19	25				20	30	35	25									135 *
4N	3W	20					30	30	25	30									115 *
4N	3W	17					*5	6			15	10	25	35					95 *
4N	4W	12																30	30 *
4N	4W	13	40	35	30	35										40	35	215	215 *
4N	4W	24	30	30	20	40													120 *

No. of acres 999 *

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

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

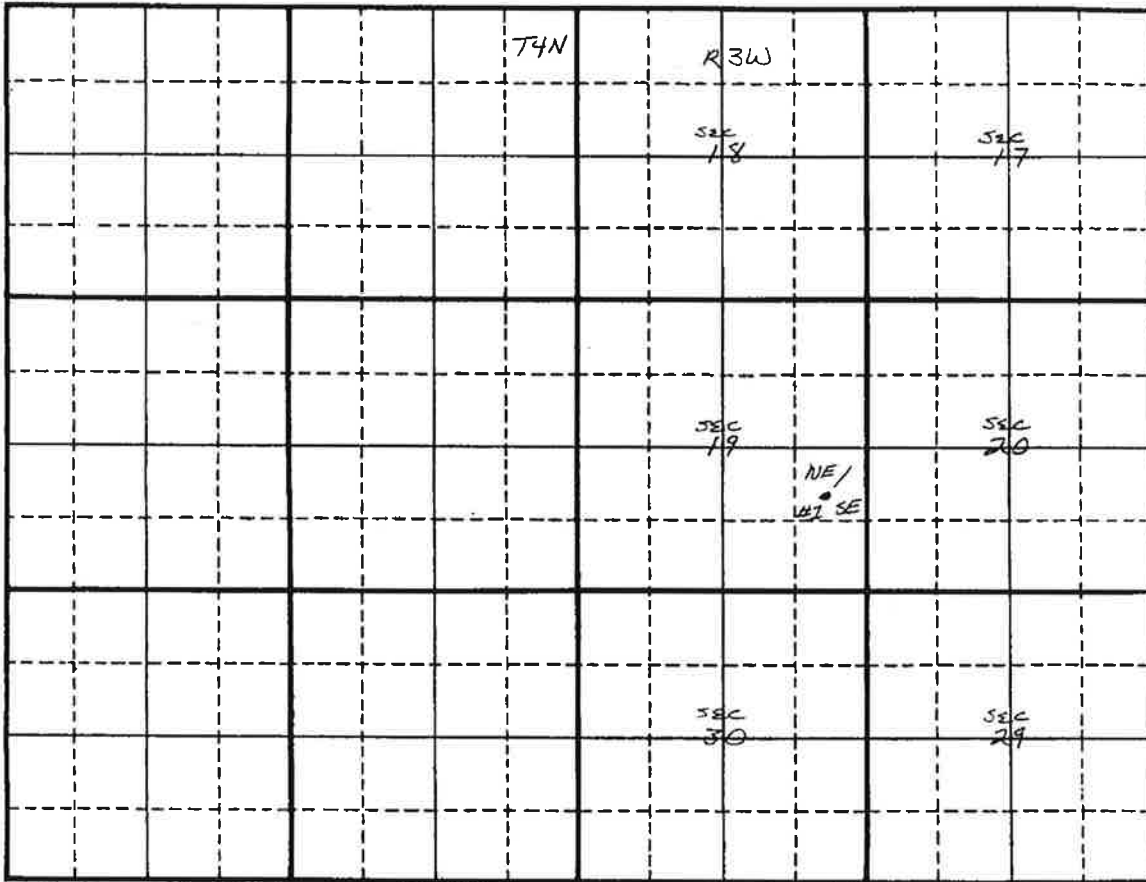
- (7) If you are claiming water as a member of an organization, list name of organization:

Callegell, Main Plant, #1 * see attached letter of 5/12/83

* Per phone conv. 4/30/83

W/ BRUCE BELZER Jr (see conv. memo)

- (8) Remarks Water used for irrigation purposes as a means of waste water disposal
which is a secondary use for the claimed water.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

J. R. SIMPLOT COMPANY

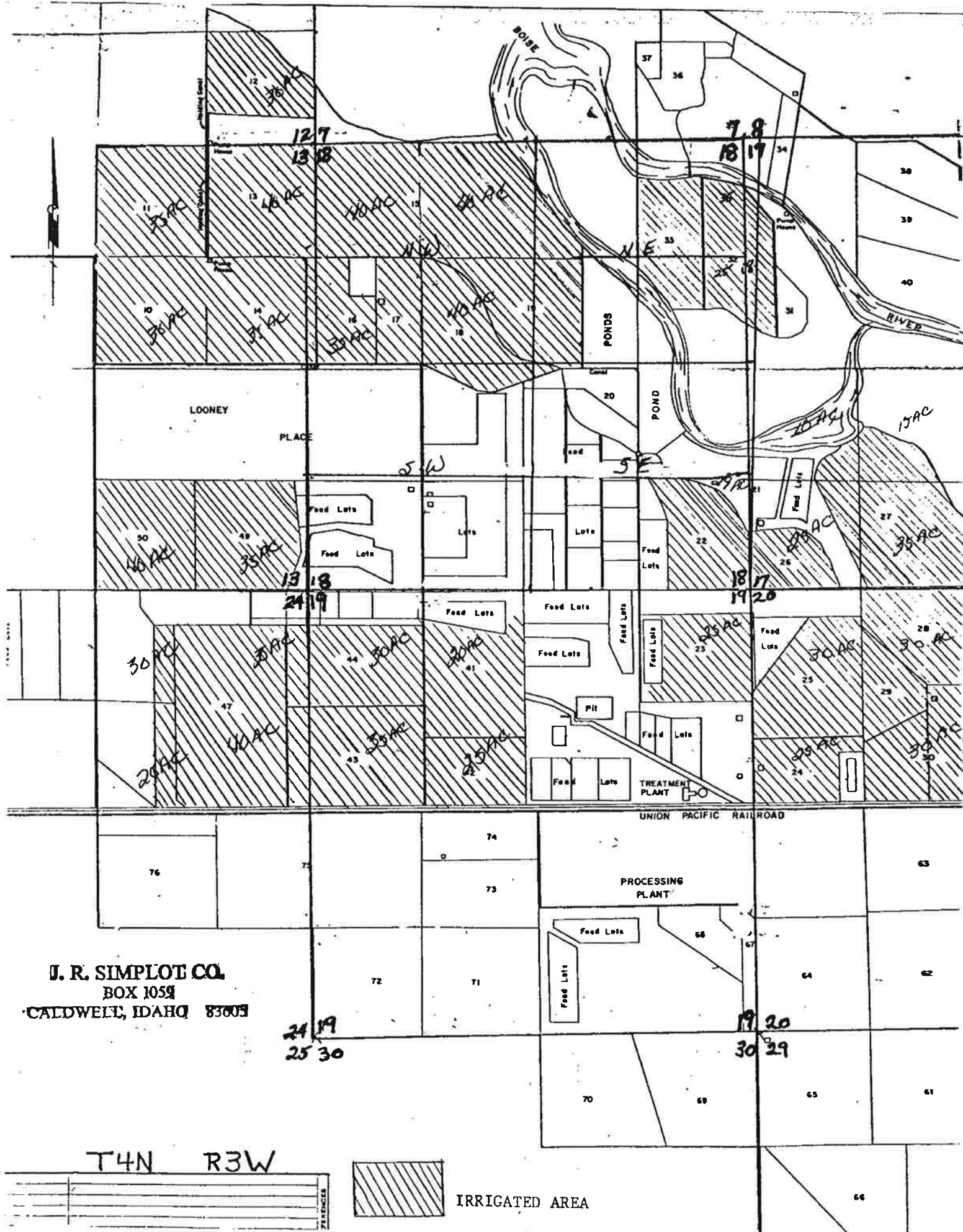
by Russell J. James
(Claimant) Secretary

Sworn to before me this 15th day of March, 1983.

Paul J. Walker
Notary Public
Residing at Boise, Idaho

My commission expires Lifetime

3-17-83 FOR DEPARTMENT USE ONLY
Received by AKC Date 3/16/83 Exception filed by: _____ Date _____
Prelim. check by P Date 5/18/83
\$30.00 fee received by AKC Date 9-16-83 # 26403
Published in Idaho Tribune
Dates 5/26 & 6/2/83 & 12/20/83



J. R. SIMPLOT CO.
BOX 1059
CALDWELL, IDAHO 83605

T4N R3W

CONVERSATION MEMORANDUM

DATE 6/30/83FILE 63-5036NAME OF PARTY Bruce BelzerEMPLOYEE Jan Graves63-503763-503863-503963-10034RE: Change in Claims + Apps. to agree w/ Maps

Bruce Belzer, Asst. Corporate Counsel for Simplot confirmed that the acreages in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 18 and the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17, were irrigated as shown on the map on each water right filed.

Therefore, I am changing the claims with a footnote on each to show this. Also the application & each will be re-advertised.

MICROFILMED

Brown, Kimberly

From: Brown, Kimberly
Sent: Wednesday, June 14, 2006 8:37 AM
To: 'vconrad@simplot.com'
Subject: Commercial/Industrial Use Volume for Simplot Canyon County claims

Mr. Conrad,

When I spoke with you over the telephone on June 6, 2006 regarding my request for evidence of priority and industrial and commercial use volumes for several of Simplot's Canyon County claims, you said that you believed there are no restrictions on volume or consumption, provided the diversion rate does not go beyond what is licensed. I replied that I was not aware of any such policy and that I would speak to my supervisor, Jan Shurte, regarding your assumption.

I met with my supervisor on June 12, 2006 and addressed this issue. Mrs. Shurte is not familiar with any such policy, either. Nevertheless, Mrs. Shurte and I checked several Adjudication and Administrative Memorandums and could find nothing that was applicable.

Therefore, the volume amounts for commercial and industrial uses that I requested from Simplot are required for both beneficial use and licensed claims. Mrs. Shurte suggested that you may want to refer to Idaho Codes 42-1427(2) and 42-1409(i) or speak to Dave Tuthill if you have any further questions regarding this matter.

In addition, I would like to reiterate that our department is under a very tight schedule in the recommendation of Canyon County water right claims, that several of your beneficial use claims will require a field investigation (which is initiated after we receive evidence of priority), and that all of this required information had initially been requested to be submitted by Simplot on April 19, 2006. When nothing had been received by our department on April 19th, another request was made for June 9, 2006. As of this date, nothing has been received. I ask that you provide evidence of priority and the required commercial and/or industrial use volumes as soon as possible.

Respectfully Submitted,

Kimberly Brown
Senior Water Resource Agent
Western Region

CONVERSATION MEMORANDUM

RE: Evidence of Priority and Commercial/Industrial Use Volume Requests for Simplot's Canyon County Claims

June 6, 2006

Vic Conrad, Water Rights Attorney for the J. R. Simplot Company, called in response to my most recent request for evidence of priority and commercial/industrial use volume requests for all of their applicable claims that I have in Canyon County (see previous e-mails and letters for specific claim numbers).

Regarding the evidence of priority that I have requested several times, Mr. Conrad said that he has been "bogged-down" with evidence of priority requests for Caribou County; which are due on June 16th, 2006. I reminded Mr. Conrad that the Canyon County requested information was due on April 19th, 2006 and when nothing was received, that the due date was extended to June 9th. I also mentioned that our department is under a very tight schedule in the recommendation of Canyon County water right claims and that several of Simplot's beneficial use claims will require a field investigation; which is normally initiated only after we receive evidence of priority.

Regarding the request for industrial/commercial use volumes for licensed rights, Mr. Conrad said that he believed there are no restrictions on volume or consumption; provided the diversion rate does not go beyond what is licensed. Mr. Conrad said that he believed that this policy originated with a department memorandum or a policy memorandum written by Norm Young. I replied that I was not familiar with any such policy, but that I would speak with my supervisor, Jan Shurte, regarding this assumption and get back to him within the next few days.

Kimberly Brown
Senior Water Resource Agent
Western Region

Brown, Kimberly

From: Brown, Kimberly
Sent: Tuesday, May 30, 2006 12:16 PM
To: 'vconrad@simplot.com'
Subject: Evidence of Priority for Simplot claims in Canyon County

Mr. Conrad,

In March 2006, I sent letters requesting evidence of priority for Claim Nos: **63-4597, 63-4968, 63-5036, 63-5037, 63-5038, 63-5039, 63-21537, 63-21541, 63-21557, 63-21559, 63-21561, 63-21598, 63-21734, & 63-22210** (please refer to the first attached document for an example of this letter.) In addition, a Commercial/Industrial Use Volume questionnaire was also included for those claims that include commercial and/or industrial uses (example attached).

As you can see, the due date for evidence for many of these claims was **April 19, 2006**. As of this date, I have not received any completed volume questionnaires or evidence of the claimed priority dates from your company. Since our department is under a very tight schedule in the recommendation of Canyon County water right claims and all of your claims listed above will require a field investigation, I request that all of the required information associated with these claims be submitted by **Friday, June 9, 2006**.

Please contact me at #334-2190 if you have any questions.

Respectively Submitted,

Kimberly Brown
Sr. Water Resource Agent
Western Region



2006053011455840200605301146117620060530114623122006053011470267
4.pdf



4.pdf



8.pdf



3.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 22, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT CO
C/O RON GRAVES
PO BOX 27
BOISE ID 83707

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-5036

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 19, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5036

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2006

J R SIMPLOT CO
C/O RON GRAVES
PO BOX 27
BOISE ID 83707

RE: Industrial use for Snake River Basin Adjudication claim 63-5036

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under **Annual Volume**). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the **Industrial Use Volume** sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by April 19, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Kimberly Brown'. The signature is written in dark ink and is positioned above the printed name and title.

Kimberly Brown
Water Resource Agent

Enclosures

SIMPLOT TRANSFER APPLICATION 68320
NOT VALID – DISREGARD

March 23, 2006



Database showed this application received 5/19/1995. A receipt for this application was not found (receipt for Simplot was issued 5/18/1995 for a drilling permit application, W019190, see next paragraph). The transfer application cannot be found at Western or State Office, nor can any additional hints be located in the database (Steve L. & Pam S.). Vic Conrad of Simplot confirmed that the transfer was drafted but never filed.

For undetermined reasons, the application showed up in the database as an active filing during 2006 research (dept. help for owner during crisis?). This appears to be linked to a well failure crisis at the Simplot feedlot and production plant in Caldwell in 1995 while owner sought relief for a replacement well in a tract other than one covered by an existing right. Draft transfer was to seek approval for a new P/D location. But the business unexpectedly shut down due to unforeseen economic conditions, according to Vic Conrad. The replacement well was drilled but never used and has remained unused.

Meanwhile, Simplot filed ***SRBA claims for accomplished transfers*** of existing rights in which all the wells for the site were shown to be alternate P/D for all the rights (aka “permissible p/d” filings, not uncommon to see this). The replacement well drilled in 1995 was properly excluded from this adjudication work. Simplot will file a transfer in the future if the replacement well will be used. Based on this summary obtained by 3/22/2006 research and confirmed by Vic Conrad, Transfer Application 68320 was terminated in the database today (coded as “withdrawn/returned” as best fit for actual status).

Lester, Steve

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Wednesday, March 22, 2006 5:22 PM
To: Lester, Steve
Subject: RE: Transfer application for Simplot Plant in Caldwell

Steve,

I found the project file when we drafted a transfer to replace a point of diversion (a well) that failed in this water supply system. After drafting the transfer we discovered there was adequate water to supply our needs without the new point of diversion. Consequently the transfer application was never filed. Please delete the electronic record indicating there is a pending transfer application involving these water rights (since there isn't one). At some point in the future we may want to file a new transfer application to add this new point of diversion to the system – and we may find some other details that we will need to rectify when Kimberly investigates this water supply system in connection with her SRBA review of our claims. Should that need arise, it will require a *new* transfer application. I do not see any reason to keep the reference to the old transfer we were contemplating in your system.

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Wednesday, March 22, 2006 11:58 AM
To: Conrad, Vic
Subject: Transfer application for Simplot Plant in Caldwell

Vic:

Attached is the summary sheet for what we both thought was a "ghost transfer application" -- not really filed or needed since covered by SRBA claims for pre-November 1987 water uses. Please let me know if that conclusion matches your records.

IDWR should be able to clean up its records if we are correct in our hunch.

Thanks for your help with this.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel. 208-334-2190
steve.lester@idwr.idaho.gov

<<Simplot T68320.xls>>

Lester, Steve

From: Skaggs, Pam
Sent: Wednesday, March 22, 2006 12:00 PM
To: Lester, Steve
Subject: Mystery Transfer 4615/68320

Hi Steve.

This transfer doesn't appear to have ever reached the state office per the bar code on these records, so I think you are probably correct that it was one that was data entered (received on 05-19-1995 per workflow) & perhaps withdrawn or returned. There was an adjusted receipt on 05-18-1995 for Simplot in the amount of \$200 DP fee that might have originally accompanied a transfer application.

Anyway.....when you resolve the mystery....if it is still an "Active" application, we will of course continue processing, but if it was withdrawn/returned could you please be sure to "Terminate" the transfer in the database with the appropriate status & an explanation comment. That way we won't have to revisit this one at a later date.

Thanks,
Pam

TRANSFER APPL. 4615 (68320), SIMPLOT CALDWELL SITE, MID-1990'S (?)

<u>Table</u>	<u>App ID</u>	<u>Type</u>	<u>Region</u>	<u>Status</u>	<u>Approval</u>	<u>Right Number</u>
AJ From	68320	Transfer	Western	Active		63 2731
AJ To	68320	Transfer	Western	Active		63 2731
AJ From	68320	Transfer	Western	Active		63 3107
AJ To	68320	Transfer	Western	Active		63 3107
AJ From	68320	Transfer	Western	Active		63 4968
AJ To	68320	Transfer	Western	Active		63 4968
AJ From	68320	Transfer	Western	Active		63 5036
AJ To	68320	Transfer	Western	Active		63 5036
AJ From	68320	Transfer	Western	Active		63 5037
AJ To	68320	Transfer	Western	Active		63 5037
AJ From	68320	Transfer	Western	Active		63 5038
AJ To	68320	Transfer	Western	Active		63 5038
AJ From	68320	Transfer	Western	Active		63 5039
AJ To	68320	Transfer	Western	Active		63 5039
AJ From	68320	Transfer	Western	Active		63 7244
AJ To	68320	Transfer	Western	Active		63 7244
AJ From	68320	Transfer	Western	Active		63 7678
AJ To	68320	Transfer	Western	Active		63 7678
AJ From	68320	Transfer	Western	Active		63 21537
AJ To	68320	Transfer	Western	Active		63 21537
AJ From	68320	Transfer	Western	Active		63 21538
AJ To	68320	Transfer	Western	Active		63 21538
AJ From	68320	Transfer	Western	Active		63 21539
AJ To	68320	Transfer	Western	Active		63 21539
AJ From	68320	Transfer	Western	Active		63 21540
AJ To	68320	Transfer	Western	Active		63 21540
AJ From	68320	Transfer	Western	Active		63 21541
AJ To	68320	Transfer	Western	Active		63 21541

NO RESULTS & LOCATING APPL.-

✓ WESTERN

App's, his

hold files

etc.

✓ J.O.

re Perm S.

✓ D'BASE

Barrade

etc.

-JL 3/22/06

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-05036

Date: 1-9-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	3W	17						5	5		15	10	25	35					95
GIS									9.3	25		8.3	21	38	34					135.6
Claim	4N	3W	18	35	15	15	25	40	40	35	40	15							29	289
GIS				29	6.7	36	35	39	39	37	40	40							40	341.7
Claim	4N	3W	19	25				20	30	35	25									135
GIS				39				36	35	35	29					36				174
Claim	4N	3W	20					30	30	25	30									115
GIS								40	40	36	36									152

Number of POD's 14

Total Claimed Acres: 999

Overlapping POU Claim #'s:

Total GIS Acres: _____

63-05038, 63-05039, 63-05037, 63-02386, 63-02425
63-04597, 63-06222 K, 63-02239, 63-10034
63-000290, 63-00374

COMMENTS:

per county data, claim map + map interpretation
no map for POD's.

IDWR - WESTERN REGION

Pg 2

CONTRACTOR: Karan Waters

CLAIM/ID: 63-05036

Date: 1-9-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	4W	12																	
GIS																			30	30
																			34	34
Claim	4N	4W	13	40	35	30	35											40	35	215
GIS				38	38	39	39											40	40	234
Claim	4N	4W	24	30	30	20	40													120
GIS				38	37	37	37													149
Claim																				
GIS																				

Number of POD's 13

Total Claimed Acres: 999

Overlapping POU Claim #'s:

Total GIS Acres: 1220.3

63-05037, 63-05038, 63-05039, 63-05036, 63-02425
63-04597, 63-00222K, 63-02239

COMMENTS:

per county data, + claim map + map interpretation,
no map, for POD's

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-05036

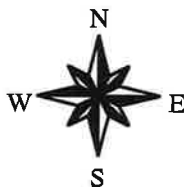
Legal: T04N, R03W, S17, 18, 19, 20
T04N, R04W, S12, 13, 24

Reviewed By:

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



0 0.25 0.5 0.75 1 Miles



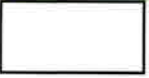
Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 63-05036

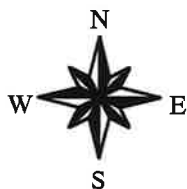
Legal: T04N, R03W, S17, 18, 19, 20
T04N, R04W, S12, 13, 24

Reviewed By:

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



0 0.25 0.5 0.75 1 Miles





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

JUL 4 5 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

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

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

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

Dear Mr. Shaff:

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

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

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

Sincerely,

Holly Pepe

Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

JUL 4 5 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 4 5 1994

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

7 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

25 Defendants.)
26 _____)

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

5 36-13320
6 57-02203A

7 DATED this 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:

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JUL 45 1994

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

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JUL 25 1994

GRAY YOUNG
BRUCE BELZER
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Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.*

of 4-1-92

MICROFILMED
OCT 07 1996

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

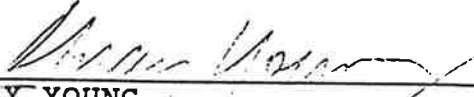
Counterdefendants.)

TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By 
GRAY YOUNG
Assistant General Counsel

4607v/1-20-92/1:42

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OCT 07 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

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A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

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OCT 07 1996