

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: A63-07678

Date Received: 3/22/90

Receipt No: C015832

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT LIVESTOCK CO.
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: OCT 26, 1972
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~~ 20	SE	NW	SW		CANYON	
				SW	SW		CANYON	
		19		SE	SW		CANYON	
				NW	NE		CANYON	
				SE	NE		CANYON	
			SW	SE	NE		CANYON	
	04W	20	NE	NW	NW		CANYON	
			NE	NE	SE		CANYON	
		13	NE	NW	SE		CANYON	
			SW	NE	SW		CANYON	
			24		SW	SE		CANYON
					NE	NW		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.
STOCKWATER	01/01	12/31	0.400		134.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 134.00 A.F.A.

A63-07678

Page 1

Date: 03/15/90

SCANNED
APR 21 2008

MICROFILMED
AUG 21 1992

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/45000 CATTLE ON SYSTEM (3790 ON THIS RIGHT)

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	18	NE SW		STOCK	
			NW SW		STOCK	
			SW SW		STOCK	
			SE SW		STOCK	
			NE SE		STOCK	
			NW SE		STOCK	
			SW SE		STOCK	
			SE SE		STOCK	
		19	NE NE		STOCK	
			NW NE		STOCK	
			SW NE		STOCK	
			SW NE		COMMER	
			SE NE		STOCK	
	04W	13	SE SW		STOCK	
			NE SE		STOCK	
			NW SE		STOCK	
			SW SE		STOCK	
			SE SE		STOCK	
		24	NE NE		STOCK	
			NW NE		STOCK	
			SW NE		STOCK	
			SE NE		STOCK	

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:

A63-21537, -21538, -21539, -21540, -21541, -05038

14. Remarks:

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

TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W. 300 WELL.

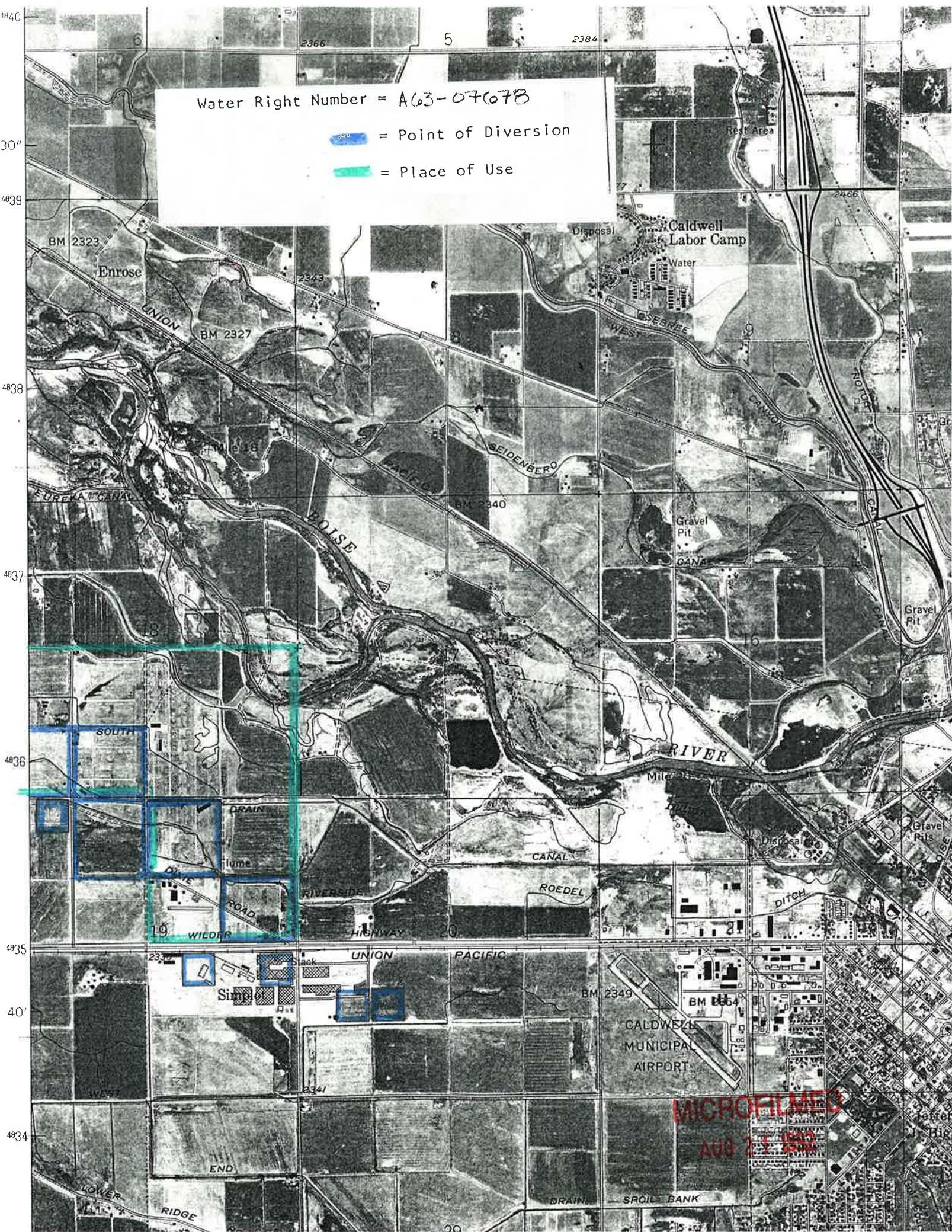
ORIGINAL PLACE OF USE FOR THIS LICENSE IS NESW OF SEC. 18, SESW OF SEC. 18, SWSE OF SEC. 18, AND NWNE OF SEC. 19 ALL IN T4N, R3W.

15. Basis of Claim: LICENSE

Water Right Number = A63-07678

 = Point of Diversion

 = Place of Use





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AUG 21 1992

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

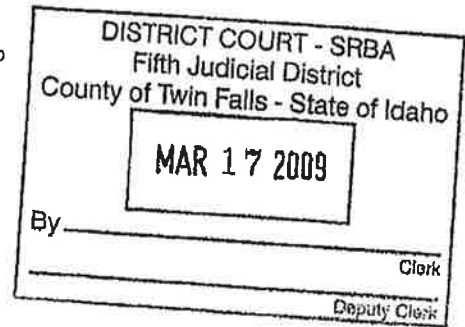
Twp.	Rng.	Sec.	'1/4 of	'1/4 of	'1/4	Well is other wise known as:	Water system
4N	3W	19		SE	NE	HOG HOUSE WELL	1
4N	3W	19		NE	NW	300 WELL	1
4N	3W	19		NE	NW	NEW WELL	1
4N	3W	19		NW	NE	HOSPITAL WELL	1
4N	3W	18		SE	SW	PEN 315 WELL	1
4N	3W	18		SW	SW	PEN 401 WELL	1
4N	4W	24		NE	NW	ARTESIAN 500 WELL	1
4N	4W	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

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AUG 21 1992

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 63-07678



NAME AND ADDRESS: SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.40 CPS
134.00 AFY

The rights listed below are limited to a total combined
diversion rate of 12.48 cfs and to 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: 10/26/1972

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
	Stockwater	01-01 TO 12-31	0.40 CPS 134.00 AFY

PLACE OF USE:	Stockwater	Within Canyon County
	T04N R03W S18	LOT 7 (NWSW)
	LOT 8 (SWSW)	SESW
	NESE	NWSE
	SWSE	SESE
	S19 NENE	NWNE
	SWNE	SENE
	LOT 1 (NNW)	
	R04W S13	SESW
	NESE	NWSE
	SWSE	SESE
	S24 NENE	NWNE
	SWNE	SENE

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).

*Scanned
6-11-09*

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



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

RIGHT NUMBER: 63-7678

NAME AND ADDRESS: SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
134.000 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and to 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: 10/26/1972

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>
STOCKWATER	01/01 12/31	0.400 CFS 134.00 AFY

PLACE OF USE: STOCKWATER in CANYON County

T04N R03W S18	NESW	<u>T04N R03W S18 Lot 7 NWSW</u>
<u>T04N R03W S18 Lot 8 SWSW</u>		T04N R03W S18
	SESW	
<u>T04N R03W S18</u>	NESE	<u>T04N R03W S18</u>
	NWSE	
T04N R03W S18	SWSE	<u>T04N R03W S18</u>
	SESE	
<u>T04N R03W S19</u>	NENE	T04N R03W S19
	NWNE	
<u>T04N R03W S19</u>	SWNE	<u>T04N R03W S19</u>
	SENE	
<u>T04N R03W S19 Lot 1 NWNW</u>		<u>T04N R04W S13</u>
	NESW	
<u>T04N R04W S13</u>	SESW	<u>T04N R04W S13</u>
	NESE	
<u>T04N R04W S13</u>	NWSE	<u>T04N R04W S13</u>
	SWSE	

SF5 Right No. 63-7678

<u>T04N R04W S13</u>	<u>SESE</u>
<u>T04N R04W S24</u>	<u>NWNE</u>
<u>T04N R04W S24</u>	<u>SENE</u>

<u>T04N R04W S24</u>	<u>NENE</u>
<u>T04N R04W S24</u>	<u>SWNE</u>

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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, and 63-21541.

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

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

Stockwater use is for 10,000 range cattle.

01/27/2009

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

RIGHT NUMBER: 63-7678

NAME AND ADDRESS: SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
134.000 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and to 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: 10/26/1972

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>
STOCKWATER	01/01 12/31	0.400 CFS 134.00 AFY

PLACE OF USE: STOCKWATER in CANYON County

T04N R03W S18	NESW	T04N R03W S18 Lot 7	NWSW
T04N R03W S18 Lot 8	SWSW	T04N R03W S18	SESW
T04N R03W S18	NESE	T04N R03W S18	NWSE
T04N R03W S18	SWSE	T04N R03W S18	SESE
T04N R03W S19	NENE	T04N R03W S19	NWNE
T04N R03W S19	SWNE	T04N R03W S19	SENE
T04N R03W S19 Lot 1	NWNW	T04N R04W S13	NESW
T04N R04W S13	SESW	T04N R04W S13	NESE
T04N R04W S13	NWSE	T04N R04W S13	SWSE
T04N R04W S13	SESE	T04N R04W S24	NENE

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APR 29 2011

01/27/2009

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

T04N R04W S24	NWNE	T04N R04W S24	SWNE
T04N R04W S24	SENE		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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, and 63-21541.

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

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

Stockwater use is for 10,000 range cattle.

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APR 29 2011



Idaho Department of Water Resources

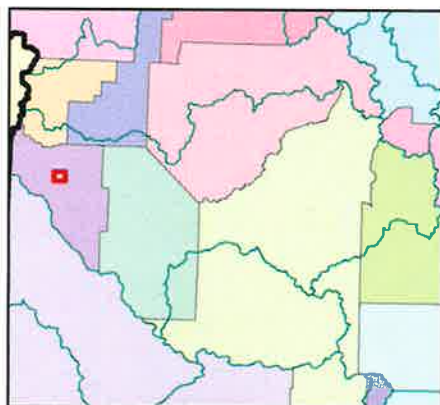
SRBA Recommendation

63-7678

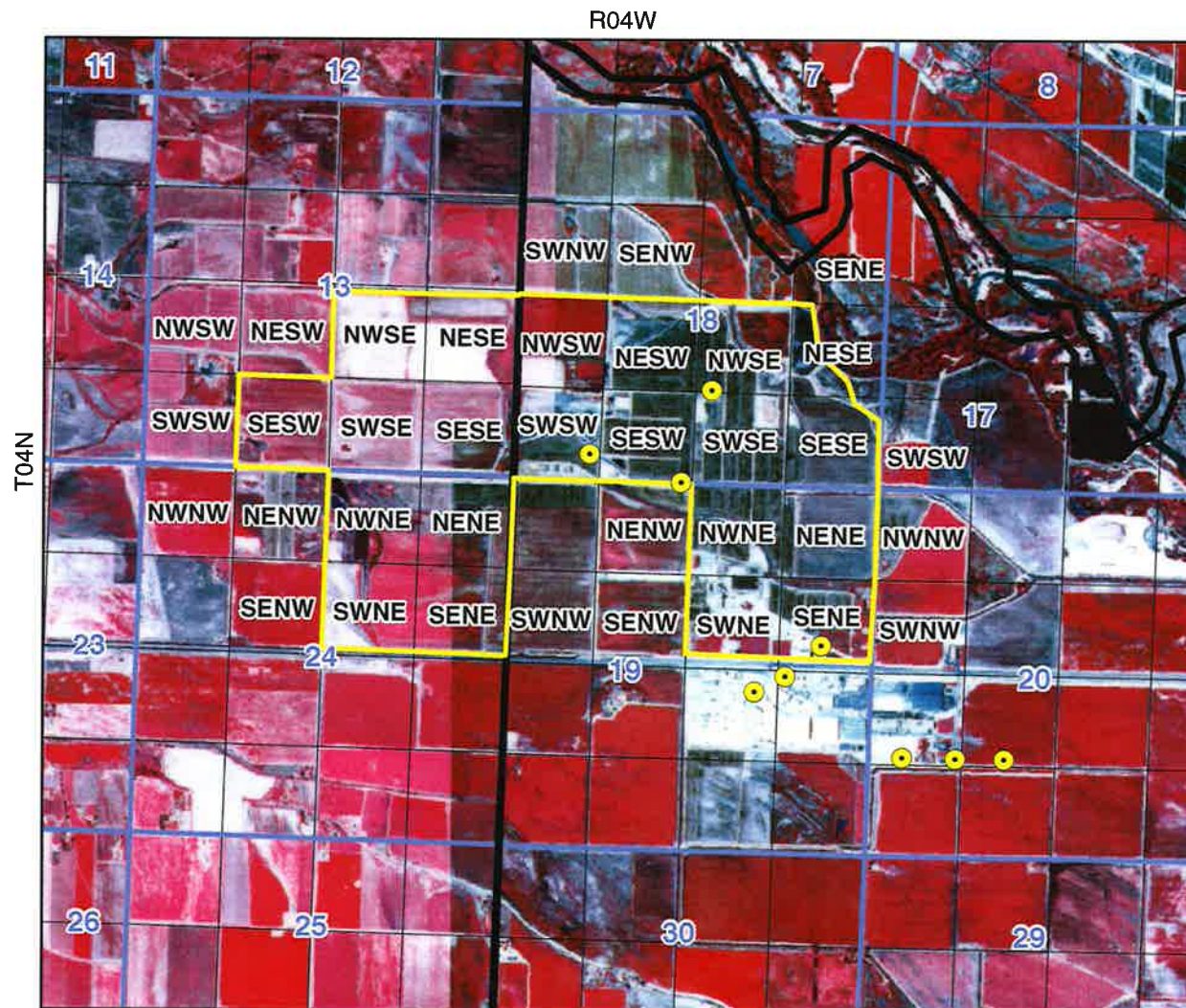
(STOCKWATER)

Legend

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



Canyon County
IDWR Basin 63



0 0.5 1 2 Miles

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

SCANNED
APR 29 2011

MEMORANDUM

TO: File 63-7678

FROM: KAY WALKER *KW*

RE: Revised Recommendation

Date: December 12, 2008

.....

The recommendation of this claim was not objected to in the SRBA. The recommendation is based on the right as it was licensed in April of 1979. The claim was submitted showing that this right as part of the integrated system that was in place prior to November of 1987. The evidence submitted regarding the combined system can be found in file 63-5036 under Affidavit by Kenneth Mefford.

After conducting my field exam and review of the exam completed by Carter Fritschle in 1987, I found that the well under this license is no longer used. I am, therefore, changing the recommended point of diversion to the points found to be active under the integrated system. Carter found 5 active wells during his exam and I found that the well known as the "Parking Lot" well could be used as a backup well if needed. I have made my recommendations for the use of 6 wells under the integrated system.

The changes to this recommendation include the correction of the points of diversion, addition of the larger stock water place of use, and a combined use remark that limits all the rights from the integrated system to 12.48 cfs and annual volume of 5779.7 afa. An amended director's report should be submitted to the Court, on this recommendation, when we prepare SF5's for the claims that had been objected to.

SCANNED
APR 29 2011

MEMORANDUM

TO: SIMPLOT FILES

FROM: KAY WALKER *KW*

RE: ADDITIONAL INFORMATION

Date: September 30, 2008

.....

See file 63-5036 for additional information obtained during field examination and prior to recommendations being made.

SCANNED
APR 29 2011

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} few

SCANNED

APR 29 2011

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)
Case No. 39576) ORDER SETTING SUBCASE(S)
FOR INITIAL HEARING
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



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

December 20, 2007

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:

- 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.

SCANNED
APR 29 2011

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 **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

SCANNED
APR 29 2011

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

SCANNED
APR 29 2011

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

09/18/2006

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

RIGHT NUMBER: 63-7678

NAME AND ADDRESS: SIMPLOT LIVESTOCK CO
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
134.000 AFY

PRIORITY DATE: 10/26/1972

POINT OF DIVERSION:

T04N R03W S18 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.400 CFS
134.00 AFY

PLACE OF USE: STOCKWATER Within CANYON County

T04N R03W S18 NESW

T04N R03W S18 SESW

T04N R03W S18 SWSE

T04N R03W S19 NWNE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Stockwater use is for 10,000 range cattle.

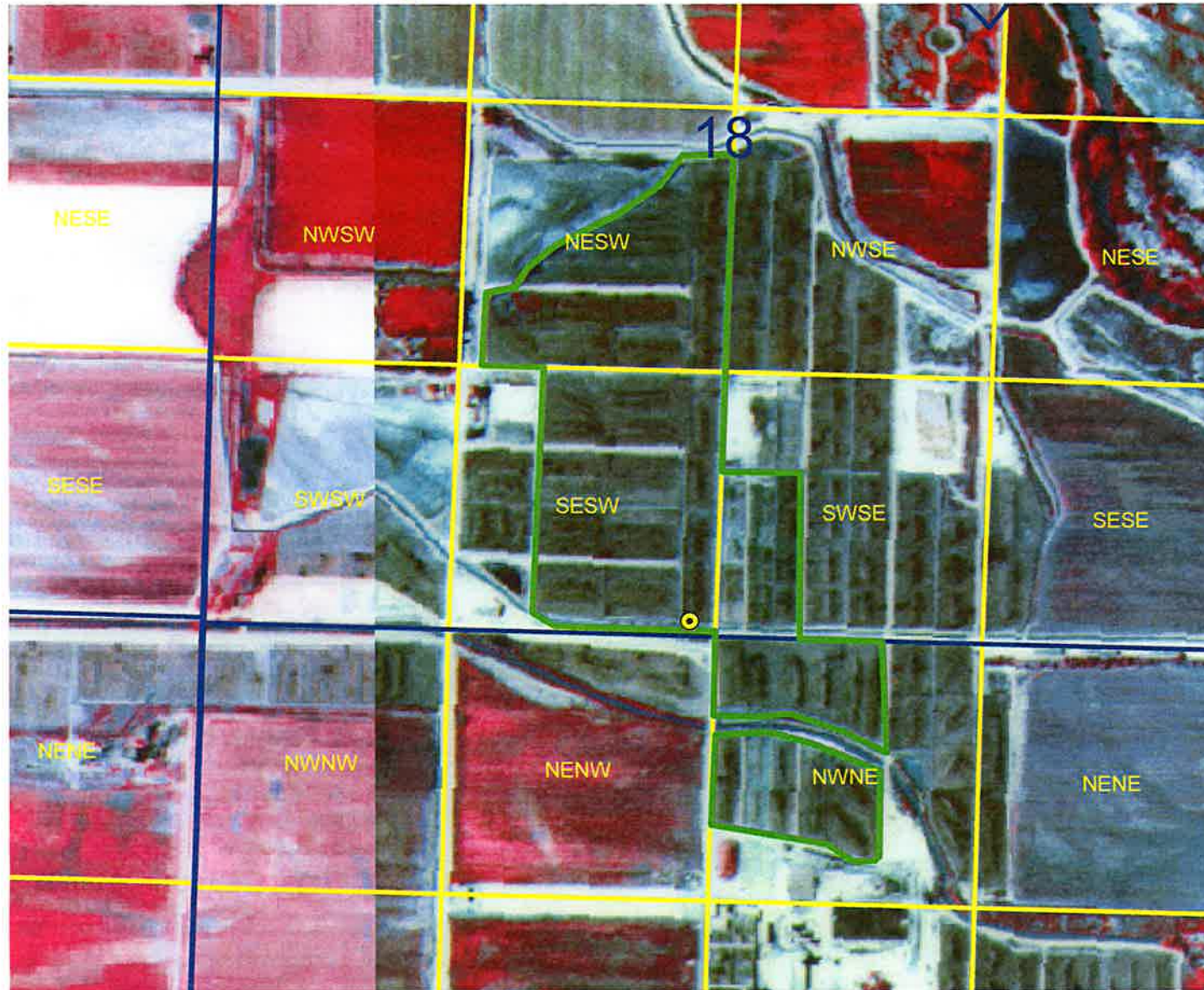
Idaho Department of Water Resources

**T04N, R03W,
SEC 18 & 19**

Claim No: 63-7678

Prepared By: Kimberly Brown

Date: September 18, 2006

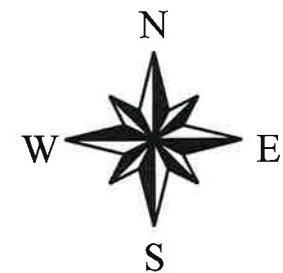


 Place of Use

 Section Lines

 1/4 1/4

 Point of Diversion



00.03 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7678

WATER RIGHT NUMBER: 63-7678 ✓

Owner Type

Current Owner

Name and AddressSIMPLOT LIVESTOCK CO ✓
PO BOX 27
BOISE, ID 83701

Attorney

J R SIMPLOT CO ✓
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
PO BOX 27
BOISE, ID 83707-0027
(208)389-7318

[Redacted] = licensed

Priority Date: 10/26/1972 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

Tributary

⊙ only 1 well was licensed

Beneficial Use

STOCKWATER ✓

From To

1/01 to 12/31 ✓

Diversion Rate

0.400 CFS ✓

Annual Volume

134.00 AF ✓

Total Diversion:

0.400 CFS ✓

134.00 AF ✓

Location of Point(s) of Diversion

GROUND WATER ~~NE1/4NW1/4~~ Sec. 19, Twp 04N, Rge 03W, B.M.
 CANYON County *2 P.O.B.s → (+) NE NW Sec. 19*

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

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

GROUND WATER ~~SE1/4NW1/4SW1/4~~ Sec. 20, 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 ~~NE1/4NW1/4~~ Sec. 24, Twp 04N, Rge 04W, B.M.
 CANYON County

GROUND WATER ~~SW1/4SW1/4~~ Sec. 18, 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 ~~SW1/4SE1/4~~ Sec. 13, Twp 04N, Rge 04W, B.M.
 CANYON County

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

1 P.O.B. lic
 (✓)
 14 well
 "Common
 system"

ADD X02 - Stockwater use is for 10,000 range cattle.
 (not 45,000)
 as claimed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7678

GROUND WATER



SE1/4SW1/4

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

✓ *only
POB
licensed

CANYON County

~~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

Place of Use

STOCKWATER

[Yellow box] = licensed

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 18									X	X	X	X	X	X	X	X	
04N 03W 19	X	X	X	X													
04N 04W 13												X	X	X	X	X	
04N 04W 24	X	X	X	X													

(+) Commercial (not licensed, but claimed)
Sec. X X

Conditions of Approval:

- SEE ATTACHMENTS FOR MAP AND DESCRIPTIONS OF WELLS IN COMMON SYSTEM.
TWO POINTS OF DIVERSION IN NENW OF SEC. 19, T4N, R3W.
300 WELL.
ORIGINAL PLACE OF USE FOR THIS LICENSE IS NESW OF SEC. 18, SESW OF SEC. 18, SWSE
OF SEC. 18, AND NWNE OF SEC. 19 ALL IN T4N, R3W. ✓

Remarks:

Comments:

INFO. needed -
• location of ^{pay} POBs
• when did "Acc. Trans." take place?

Water Supply Bank:

Field Exam Date 9.18.06

(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 \$90.00
- ☐ Well logs (if needed) N/A
- ☒ 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 N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-7678

Owner: Simplot Livestock Co. Phone No. _____

Current Address: P.O. Box 27, Boise 83701

- ☐ 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.)

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? _____

I am only recommending one POD in the SESW, Sec. 18 (as was licensed) since the claimant did not submit any information as to when the common system was established.

In addition, there is nothing in the file that depicts the specific location of all the claimed¹⁴ wells.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

as licensed →

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SE	8W	18	4N	3W		

Description of diverting works

See Field Report.

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

Why was Commercial Use claimed?

☒ 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:

Stockwater use is for 10,000 range cattle.
(not 45,000, as claimed)

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Only what was licensed is being recommended, since the claimant did not submit any evidence or information regarding the additional quarter-quarters being ² claimed.

Recommended
As Licensed -

[illegible]

Overlap with other water rights: _____

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

Delivery System Narrative: See Field Report.

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

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Pending Transfer # 68320 not valid → disregard.

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: _____

9.18.06

(in-office review)

FIELD EXAMINER: _____

Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7678

WATER RIGHT NUMBER: 63-7678 ✓

Owner Type

Current Owner

Name and AddressSIMPLOT FEED LOTS INC ✓
PO BOX 27
BOISE, ID 83707

Priority Date: 10/26/1972 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

STOCKWATER ✓

From To

1/01 to 12/31 ✓

Diversion Rate

0.400 CFS ✓

Annual Volume

134.00 AF ✓

Total Diversion:

0.400 CFS ✓

134.00 AF ✓

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

SE1/4SW1/4 ✓

Sec. 18, Twp 04N, Rge 03W, B.M. ✓

Place of Use

STOCKWATER ✓

AS licensed -

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	03W	18		✓ NE															
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X								
✓ 04N	03W	19		X															

Conditions of Approval:Remarks:Comments:

If the actual PD is the same as the claimed PD, but is not the same as the PD shown on the decree or license (as amended by any approved transfers), then proceed with the analysis in Part 3 below.

If the actual PD is different than both the claimed PD and the PD shown on the decree or license (as amended by any approved transfers), then proceed with the analysis in Part 3 below, but treat the actual PD as the claimed PD. An amended claim will not be required if the claim is to be recommended with the actual PD.

3. Date of change

Claimant contact

info. requested 6/6/06 + due 6/21/06

The claimant should be notified that the claimant must submit the date of the change and some evidence tending to support that date; otherwise the use of water from the new PD will not be recommended due to lack of evidence of a change without injury or a new appropriation not in violation of the mandatory permit statute. (If the change occurred after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after that date.)

If the evidence does not support any finding as to the date of the change, and the PD of the entire right was changed, then the claim should be recommended for disallowal, and should include the following remark: "CHANGE IN USE, INSUFFICIENT EVIDENCE OF DATE OF CHANGE." (P05 and condition P05)

If the evidence does not support any finding as to the date of the change, and the PD of a portion of the right was changed, then the portion of the right still used at the original PD should be verified and only that portion should be recommended. The claim should include the following condition: "CHANGE IN USE OF PORTION OF RIGHT; RIGHT LIMITED TO UNCHANGED PORTION DUE TO INSUFFICIENT EVIDENCE OF DATE OF CHANGE." (C07)

If the evidence supports a finding that the change occurred after November 19, 1987, then the PD shown on the license or decree should be recommended.

If the evidence supports a finding that the change occurred prior to November 19, 1982, then the claimed PD should be recommended, and the claim should include the following remark: "RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A." (C03)

NOTE: As to change in PD more than five years prior to commencement: First, if it is apparent from information already available to IDWR that the change resulted in substantial injury, then the claim should be referred for

with the result that a change in use analysis is not generally required where a new point of diversion within the same tract is substituted for the old point of diversion. However, "point of diversion" will still be defined in the director's report as the point at which water is diverted from the stream (or other source), because there could be instances in which there is in fact injury to a junior appropriator from a change in PD within the same tract. A change within a tract should be treated as a change for purposes of recommending the claim if injury is apparent from information already available to IDWR. Otherwise, further investigation of injury from a change within a tract will be made only if the issue is raised by an objection to the recommendation of the right.

As the administrator's memorandum implies, an additional PD may be considered a change in use in some circumstances, and should not automatically be considered an expansion. Generally, a partial change in PD results where the claimant established a new PD for a portion of a water right previously appropriated. In such cases, the partial change in PD should be reviewed the same as any other change in PD.

B. CLAIM BASED ON DECREE OR LICENSE

If the claimed PD is the same as shown on the decree or license (as amended by any approved transfers), then no further review of this item is required.

1. PD not stated in decree

The point of diversion is an essential element of a water right. The failure of a decree to include the PD in the listing of rights is an ambiguity in the decree. (See Intro Part J as to res judicata/ambiguity.) In other words, when the decree determined the water right, it necessarily determined the PD as of the same time as the rest of the elements of the water right; the decree just failed to describe it. The relevant question at this point is how to resolve the ambiguity. For purposes of preparing the director's report, it will be assumed that the current PD is the decreed PD, unless there is reason to believe that there has been a change in PD. The PD of a claim based on a decree that does not state the PD should therefore be analyzed the same as the PD of a claim based on beneficial use (but the basis of the claim should not be changed).

2. Verify actual PD

If the actual PD is the same as the PD shown on the decree or license (as amended by any approved transfers), then the actual PD should be recommended, and no further review of this item is required.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7678 Priority October 26, 1972 Amount 0.40 cfs

THIS IS TO CERTIFY, that SIMPLET FEED LOTS, INC.

of Boise, Idaho, has complied with the terms and conditions of Permit No. 63-7678 issued pursuant to Application for Permit dated October 26, 1972, and has submitted proof to the Department of Water Resources on November 30, 1977, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.79 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from January 1 to December 31	at 0.40 cfs and	134 acre feet
	from _____	cfs and	
	from _____	at _____ cfs and	

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 134 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 18, Twp. 4N, Rge. 3W, B. M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	SE 1/4	SW 1/4	NW 1/4	NE 1/4	SE 1/4	SW 1/4	NW 1/4	NE 1/4	SE 1/4	SW 1/4	NW 1/4	
4N	3W	18									X				
		19	X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of April, 19 79.

Director

MICROFILMED

LICENSING AMENDMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Department of Water Resources

Comes now Simplot Feed Lots, Inc.of (address) P.O. Box 27, Boise, Idaho 83707, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 63-7678, and requests that the permit and permit map be changed as follows:

1. **NO CHANGE**
Point of diversion: $\frac{1}{4}$ $\frac{1}{4}$, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	3W	18									X			X			X		
		19		X															

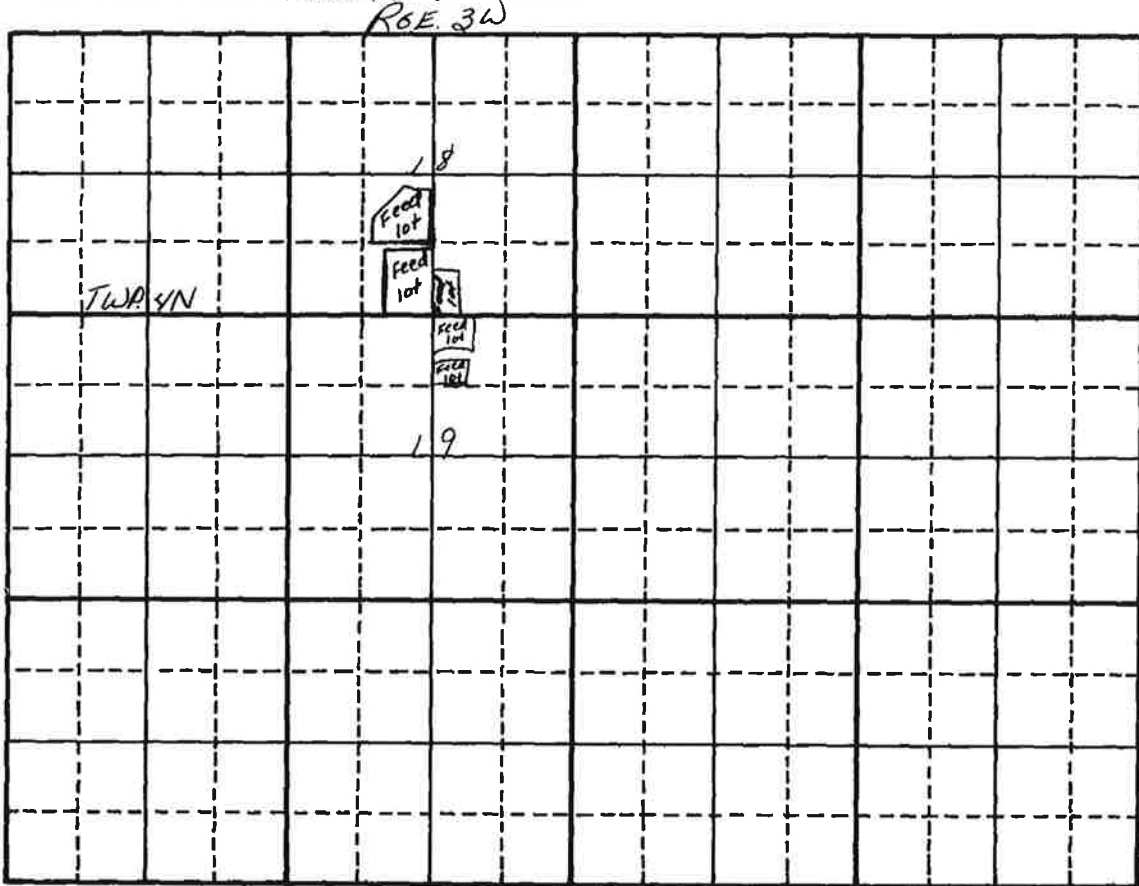
Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or the place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILM

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Baer, Idaho, this 27th day of March, 19 79.

Simplest & best lots, Inc. by Ronald H. Hovver
(Signature) Secretary

FOR DEPARTMENT USE ONLY

Preliminary check by JP Fee = \$20.00 Receipted by JP Date 3-28-79

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

approve the above Application for Amendment for Permit No. 63-7678

Witness my hand this 4 day of _____

April 19 79

Stephen Allred
Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Simplot Feed Lots, Inc.
 Postoffice address P.O. Box 27, Boise, ID 83707 Phone 459-4785
 Person to contact Ronald Graub Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 0.40 c.f.s. for Stockwater (10,000 head steers)
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 0.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 3W E/W, B.M., Section 18, Subdivision SE 1/4 SW 1/4, Canyon _____
 County _____
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County _____
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County _____

Other Points of Diversions: _____

Description of diverting works: 40 hp pump, 12" casing, 6" pipe then into 4" line where water is distributed thru various lines totaling about 5,280' in length to various cattle troughs

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	3W	18									X			X				X	
		19	X	X															
4N	3W	18									X			X				X	
		19	X																
See Photo																			

TOTAL ACREAGE _____

Permit No. 603-7678
 Examination for 6/4

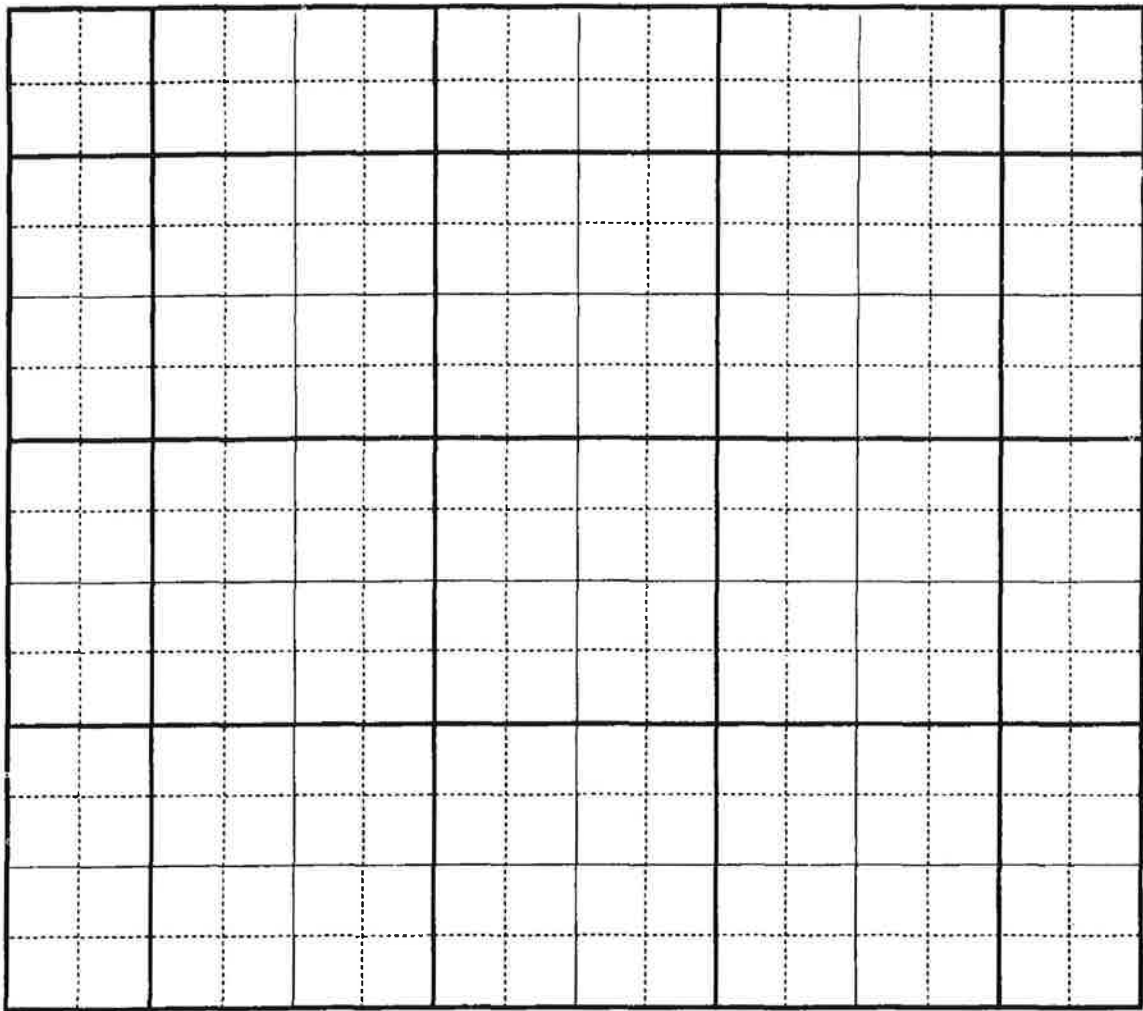


Diagram of System

DATE OF EXAM Feb. 24, 1978

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = 0.40 c.f.s. V = 134 AF/Ann. from Jan. 1 to Dec. 31

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 2.79 cfs Method of measurement in-line meter

Total Q recommended 0.40 cfs Meter No. M0648019 Type Badger Condition New

Total V recommended 134 AF/year

Recommended Amendments:

P.D. _____
Place of Use ☒ see front of exam
Other _____
None _____

MEASUREMENT CALCULATION:

$Q = 1000 \text{ gal}/40 \text{ sec.} = 1250 \text{ gpm} = 2.79 \text{ cfs}$
 $V = 12 \text{ head} \times 10,000 \text{ head} \times 365 \text{ days} \div 120 \text{ min} = 3042 = 43,800,000 \text{ g.}$
 $= 134 \text{ AF/year}$

SYSTEM DESCRIPTION:

Well pumped with G.E. motor # 5K6257X H1A and submersible pump to 8" discharge. Well serves feed lot for approximately 10,000 head of stock.

REMARKS:

Mr. Glen McCloaken was present during the exam

Examiner's Signature William H. MacAllister III Date 2-27-78

Checked by W.H. Date 2/27/78

Approved by _____ Date _____

Exam set for Fri 2-24-78 9:00 ←
Fred changed to 1:00 - 2:00

→ Glen M^c Cloaken

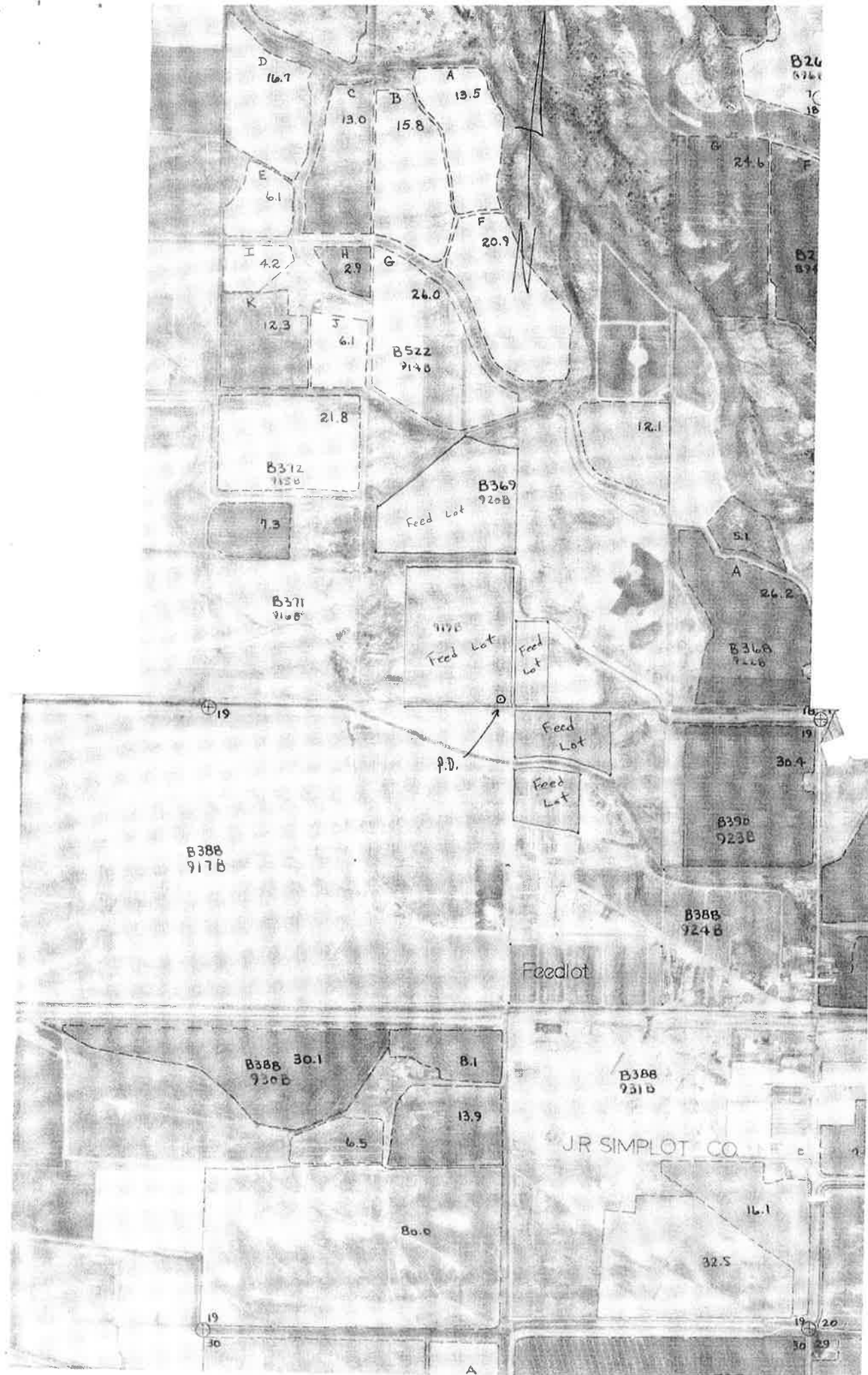
Meter # MD648019

Badger meter in 8" discharge 60 hp

G.E. motor # 5K 6257XH1A

submersible pump

1000 gal/48 sec.



Identification No.

Application No.

63-7678

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant SIMPLOT FEED LOTS, INC.
post office address P.O. Box 2777, Boise, Idaho 83701
2. Source of water supply subterranean which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 4 N
Range 3 W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .4 for stock/ watering purpose from Jan. 1 to Dec. 31 (both dates inclusive)
~~Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)~~
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. water pumped from ground with
40 horsepower pump through 4" buried pipeline to 50 cattle watering
troughs.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 10,000.00.
8. Description of proposed uses:
a. If water is not for irrigation: _____ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 4 N
Range 3 W B.M. N² NE Sec 19; and W²SE⁴ and Pt NE SW Sec. 18.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 10,000 head steers

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

63-7678

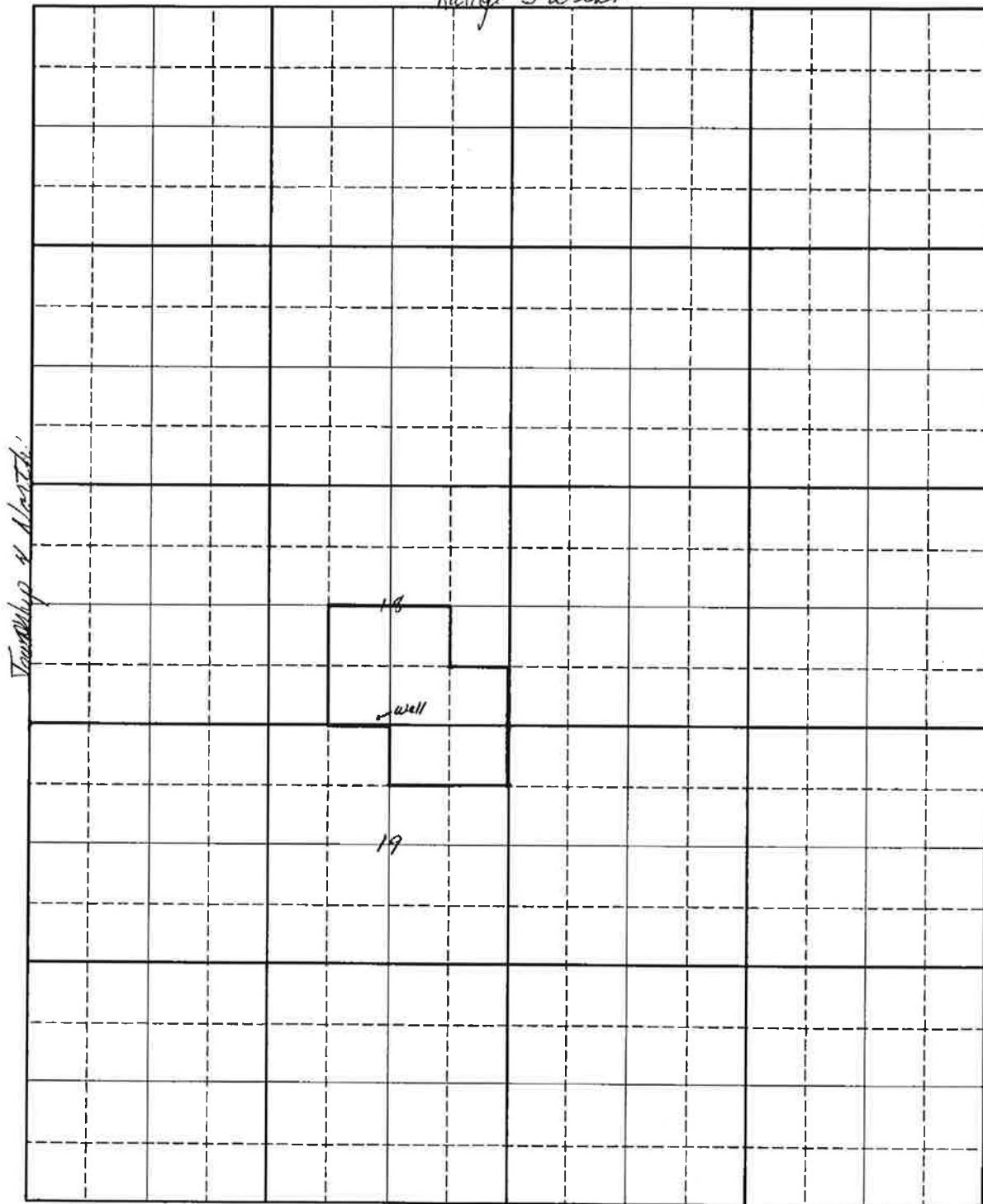
[illegible]

c. Describe any other water rights used for the same purposes _____

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks _____

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

SIMPLIOT FEED LOTS, INC.

By *James M. Dahl*
(Applicant)
Its *Jice* President
63 7678

63 7678

Received by Date 10-26-72 Time 9:30 am
Preliminary check by Fee \$ 25.00
Receipted by Date 10-26-72 # 5985
Publication prepared by P. J. Date 11-3-72
Published in News-Tribune
Publication dates 11-9-72 & 11-16-72
Publication approved P. J. Date 11-20-72
Priority ~~reduced~~ to 10-26-72 Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by KAR

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7678, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 77.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 12th day of December, 19 72.


Director

Receipt Details for ID C015832

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/22/1990 10:21:04 AM	3/22/1990	State	\$1,079.00	Check
Payer		SIMPLOT LIVESTOCK CO.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
18275			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,079.00	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	7678		\$90.00	Claim
63	21537		\$121.00	Claim
63	21538		\$65.00	Claim
63	21539		\$65.00	Claim
63	21540		\$65.00	Claim
63	21541		\$117.00	Claim
63	21554		\$25.00	Claim
63	21555		\$54.00	Claim
63	21558		\$25.00	Claim

63	21559	\$96.00	Claim
63	21560	\$25.00	Claim
63	21561	\$81.00	Claim
63	21583	\$25.00	Claim
63	21584	\$25.00	Claim
63	21585	\$25.00	Claim
63	21586	\$25.00	Claim
63	21587	\$25.00	Claim
63	21589	\$25.00	Claim
63	21590	\$25.00	Claim
63	21591	\$25.00	Claim
63	21595	\$25.00	Claim
63	21596	\$25.00	Claim
63	7678	\$90.00	Claim
63	21537	\$121.00	Claim
63	21538	\$65.00	Claim
63	21539	\$65.00	Claim
63	21540	\$65.00	Claim
63	21541	\$117.00	Claim
63	21554	\$25.00	Claim
63	21555	\$54.00	Claim
63	21558	\$25.00	Claim
63	21559	\$96.00	Claim
63	21560	\$25.00	Claim
63	21561	\$81.00	Claim
63	21583	\$25.00	Claim
63	21584	\$25.00	Claim
63	21585	\$25.00	Claim

[Print Report](#)

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>>

3/23/2006

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 (?)

Table	App ID	Type	Region	Status	Approval	Right Number
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 e Locating Appl.-

✓ Western
 Appr. is
 hold files
 etc.
 ✓ J.D. re Perm S.
 ✓ D'BASE
 Banned
 etc.

-R 3/22/06



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

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JUL 25 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. -Sal*

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

Dear Mr. Shaff:

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

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

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

Sincerely,

Holly Pepe

Holly Pepe
Legal Department

/hp
Enclosures
5517v

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JUL 25 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,

A handwritten signature in cursive script, reading "Diana R. Delaney".

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Chief, Natural Resources Division
U.S. Department of Justice

MICROFILMED

JUL 25 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 - SRPA
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)
20)
21)
22)
23)
24)
25)
26)
27)
28)
Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

21 The United States; the State of)
22 Idaho; and all claimants to the)
23 use of water from the Snake)
24 River Basin Water System,)
25)
26)
27)
28)

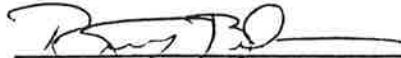
Defendants.)

MICROFILMED
JUL 25 1994

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

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

JUL 25 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1994, I caused to be served a true and correct copy of the foregoing by United States mail, postage prepaid, addressed to the following:

James Annest
Law Office of James Annest
1742 Overland Avenue
Burley, Idaho 83318

Richard F. Smith
P.O. Box 70
Rexburg, Idaho 83440

Josephine P. Beeman
MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
First Security Bank Building
911 West Idaho
P.O. Box 829
Boise, Idaho 83701

Brad A. Flinders
STUNZ, FONDA, NICHOLS, KIYUNA,
OKAI, HORTON & FLINDERS
P.O. Box 1565
Nyssa, Oregon 97913

Cliff S. Bentz
YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
P.O. Box 450
Fruitland, Idaho 83619

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
330 Shoup Avenue
P.O. Box 50130
Idaho Falls, Idaho 83405

Randall C. Budge
RACINE, OLSON, NYE,
COOPER & BUDGE, CHARTERED
201 East Center, Suite 2A
P.O. Box 1391
Pocatello, Idaho 83204-1391

Randall C. Fredricks
COSHON, HUMPHREY, GREENER &
WELSH, P.A.
Carnegie Building
815 West Washington Street
Boise, Idaho 83702

Rebecca Craven
Deputy Counsel
Robert T. Anderson
Staff Attorney
Nez Perce Tribal Executive
Committee
Office of Legal Counsel
P.O. Box 305
Lapwai, Idaho 83540-0305

Raymond D. Givens
Jeffrey C. Fereday
Michael C. Creamer
Christopher H. Meyer
Roy L. Eiguren
GIVENS, PURSLEY, & HUNTLEY
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
P.O. Box 955
Boise, Idaho 83701

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

5 John D. Hansen
6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
P.O. Box 51718
Idaho Falls, Idaho 83402-1718

Roger D. Ling
LING, NIELSEN & ROBINSON
615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
P.O. Box 389
Twin Falls, Idaho 83303-0389

J. Dee May
MAY & MAY LAW OFFICES
516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303

13 Cecil D. Hobdey
14 HOBDEY & HOBDEY
15 Attorneys at Law
16 125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83330

Don A. Olowinski
Albert P. Barker
Richard B. Burleigh
HAWLEY, TROXELL, ENNIS & HAWLEY
877 West Main Street
P.O. Box 1617
Boise, Idaho 83701

18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

Bert L. Osborn
26 South Ninth Street
P.O. Box 158
Payette, Idaho 83661

23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
P.O. Box 66
Twin Falls, Idaho 83303-0066

David B. Lincoln
Scott L. Campbell
ELAM & BURKE
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701

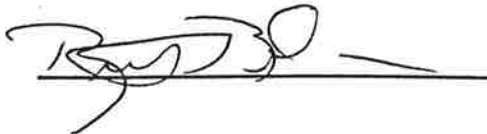
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JUL 25 1994

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JUL 25 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