

11/13/2007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-2005A

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

SOURCE: ROBERTS CREEK

TRIBUTARY: TYGEE CREEK

QUANTITY: 1.760 CFS
220.000 AFY

PRIORITY DATE: 09/29/1904

Use of water under this water right during the period beginning November 1 thru April 14 shall be administered with a December 2, 1983 priority date. Use of water under this water right during the period beginning April 15 thru October 31 shall be administered with the priority date set forth above (September 29, 1904).

POINT OF DIVERSION: T08S R46E S20 NENESE

Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.760 CFS 220.00 AFY

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

PLACE OF USE: INDUSTRIAL in CARIBOU County

T08S R46E S21	SWNE	T08S R46E S21	SWNW
T08S R46E S21	SENE	T08S R46E S21	NESW
T08S R46E S21	NWSW	T08S R46E S21	NWSE

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

When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality will not be impaired for other beneficial uses.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

07/28/2006

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

RIGHT NUMBER: 24-2005A
NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

DISALLOWED

SOURCE: TYGEE CREEK TRIBUTARY: STUMP CREEK
QUANTITY: 1.760 CFS
PRIORITY DATE: 09/29/1904

POINT OF DIVERSION: T08S R46E S15 SWNW Within CARIBOU County
T08S R46E S15 SWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.760 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R46E S15	NWNW	17.00	T08S R46E S15	SWNW	25.00
T08S R46E S15	NWSW	18.00	T08S R46E S15	SWSW	28.00

88 ACRES TOTAL

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

THE ORIGINAL LICENSED SOURCES WERE DEER HOLLOW CREEK, TRIBUTARY TO TYGEE CREEK; TYGEE CREEK, TRIBUTARY TO STUMP CREEK; AND MILLER CREEK, TRIBUTARY TO TYGEE CREEK. DEER HOLLOW CREEK AND MILLER CREEK ARE NOT NAMED ON USGS MAPS. IN JANUARY 31, 1986, PROPERTY IN SECTION 15 WAS ACQUIRED BY CLAIMANT.

IT IS POSSIBLE THAT THE POINT OF DIVERSION IN SWSW OF SEC. 15 IS AN UNNAMED STREAM TRIBUTARY TO TYGEE CREEK.

Forfeited/abandoned due to non-use from 1986 to 2005.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

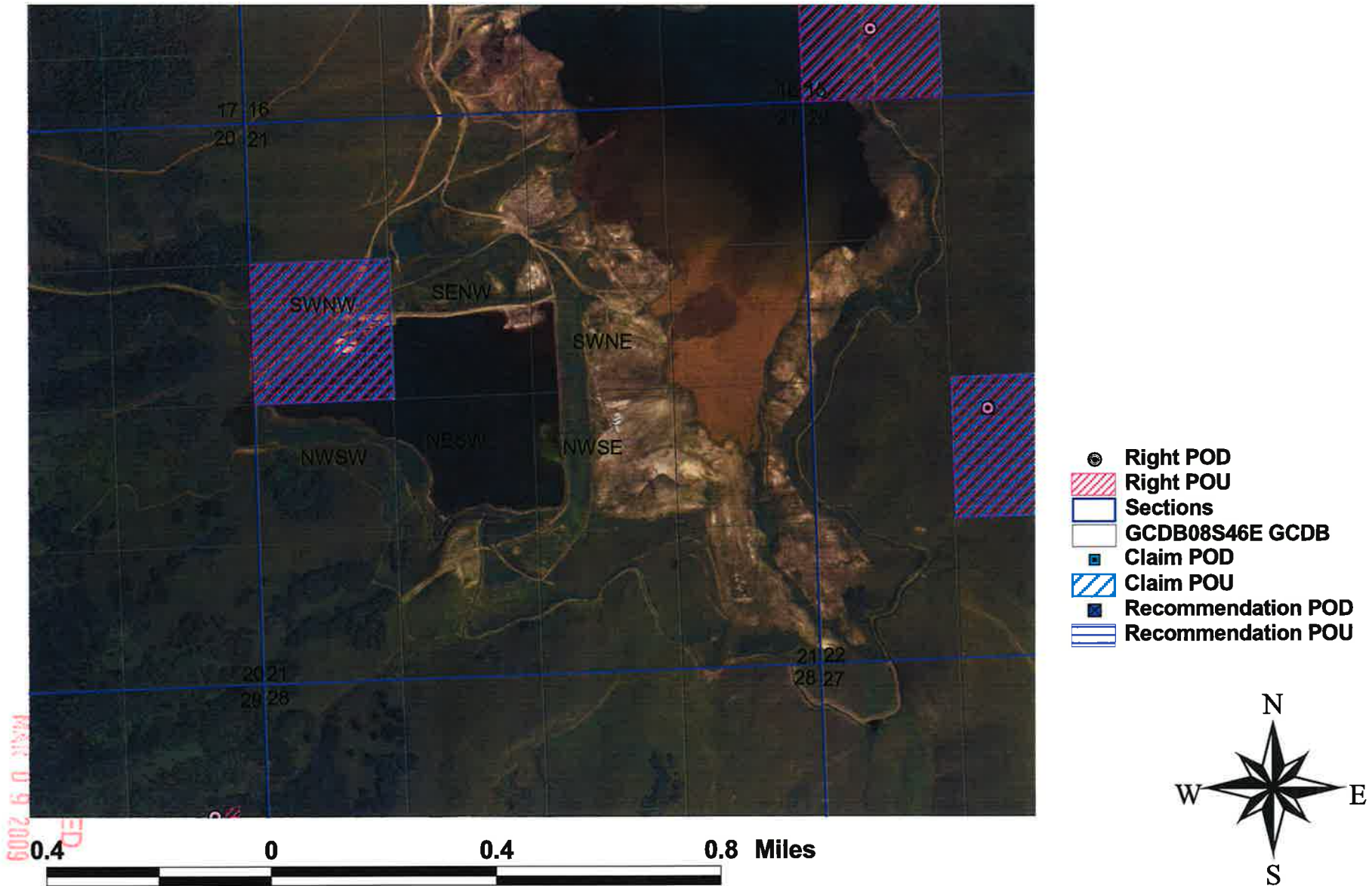
Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

SCANNED

MAR 22 2007

PROFILED

24-2005A





CORPORATE HEADQUARTERS

September 7, 2007

Cindy E. Bird
State of Idaho
Department of Water Resources
P.O. Box 935
Soda Springs, ID 83276

Re: SRBA Claim No. 24-2005A.

Dear Cindy:

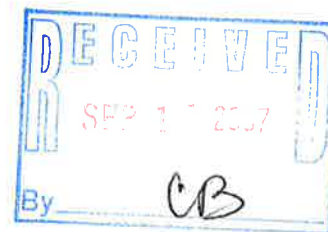
As you requested, attached is the original amendment to the above reference claim that was received by the IDWR on November 20, 2006.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

*9/14/07. Sent a copy to
F.F. for Data entry
CB*



SCANNED

MAR 09 2009

10-1-07

24-2005 A.

Volume Limit by CBird

1) if: 2.5 ac-ft/yr/ac. is used. : Compumptive Irrig. Requirement

than: 88 acres of Irrigation:

$$2.5 \text{ ac-ft/yr/ac.} * 88 \text{ ac} = 220 \text{ ac-ft/yr.}$$

Converting to a year round diversion: factor for conv. 0.504.

$$220 \frac{\text{ac-ft}}{\text{yr.}} * \frac{1 \text{ yr}}{365 \text{ day}} = 0.60 \frac{\text{ac-ft}}{\text{day.}} * 0.504 = \underline{\underline{0.30 \text{ cfs.}}}$$

2). if: Field headgate requirement is used; 3.5 ac-ft/yr/ac.

Than: 88 ac. would be

$$3.5 \frac{\text{ac-ft}}{\text{yr. ac.}} * 88 \text{ ac} = 308 \frac{\text{ac-ft}}{\text{yr}}$$

$$308 \frac{\text{ac-ft}}{\text{yr}} * \frac{1 \text{ yr}}{365 \text{ days}} = .84 \frac{\text{ac-ft}}{\text{day.}} * 0.504 = \underline{\underline{0.43 \text{ cfs.}}}$$

NOTE: In simplot's amended Notice of claim I think they used this number and NOT the Compumptive Irrigation Requirement.

Per Dave Carlson: They would use for a w/r.

Weather station : Soda

Crop: grass.

would yield 1.77 ac-ft/yr/ac.

$$\text{Then: } 1.77 \text{ ac-ft/yr/ac} * 88 \text{ ac} = 156 \text{ ac-ft/yr.}$$

$$156 \frac{\text{ac-ft}}{\text{yr}} * \frac{1 \text{ yr}}{365 \text{ days}} * 0.504 = \underline{\underline{0.22 \text{ cfs.}}}$$

SCANNED

MAR 09 2009

CB

10/2/07.
phone conversation with Carter Fritschle.

He would use the 2.5 ac-ft/yr/ac. from the map. but would look at adding a condition to it to change the priority date because of uses in the off irrigation season that would normally be using this water.

ie: if this drains to Palisades Reservoir, then they would be expecting this water for storage.

This flows into Wy so I sent Jade Henderson, Wy State Engineer an email to find out were this drains, Great Salt Lake or Palisades?

10/2/07. I left a message for Nick Spencer to discuss this with him before discussing it with Vic Conrad.

10/2/07 Joanie Bang, I.F. IDWR

The amended claim has been data entered.

SCANNED

MAR 09 2009

Bird, Cindy

From: Jade Henderson, Supt IV [jhende@allwest.net]
Sent: Tuesday, October 02, 2007 11:25 AM
To: Bird, Cindy
Subject: Re: Stump Creek

Sure, Cindy. Stump Creek is directly tributary to Salt River, which is a tributary to Snake River at Palisades Reservoir. JADE

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

From: [Bird, Cindy](#)
To: [Jade Henderson \(E-mail\)](#)
Sent: Tuesday, October 02, 2007 11:02 AM
Subject: Stump Creek

good morning Jade,
I was looking at one of my claims in basin 24 on Tygee Creek. Which looks like it is tributary to Stump Creek. And Stump Creek goes into Wy but I can't tell what Stump Creek is tributary too in Wy. Can you help me out?

thanks,
Cindy

10/2/2007

SCANNED
MAR 9 9 2009

Bird, Cindy

From: Swank, Lyle
Sent: Tuesday, October 02, 2007 1:21 PM
To: Bird, Cindy
Subject: RE: Palisades Reservoir

Hi Cindy,

The main water right is 7/28/1939. However, when it was built, storage contracts recognized American Falls Reservoir built downstream had earlier water rights. In order to create an incentive for canals shutting out for up to 150 days in the winter, a winter water right savings provision allowed some storage to be stored ahead of American Falls Reservoir. The winter water savings water right is recognized as a 3/29/1921 water right.

Lyle

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

From: Bird, Cindy
Sent: Tuesday, October 02, 2007 12:27 PM
To: Swank, Lyle
Subject: Palisades Reservoir

hi Lyle,
What is the priority date on Palisades Reservoir storage?

thanks,
Cindy

Bird, Cindy

From: Fritschle, Carter
Sent: Tuesday, October 02, 2007 9:32 AM
To: Bird, Cindy
Subject: Simplot Condition

*Dec 21
1983.*

The priority date of this right is _____ from November 1 to April 14.

SCANNED

MAR 09 2009

10/2/2007



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

January 9, 2007

Certified Mail, Return Receipt Requested

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Dear Ms. Murphy:

Re: IDWR Water Right Nos. 24-2005A, 24-4015, 24-4016 and 24-4017.

Enclosed for filing in the Snake River Basin Adjudication are objections to the reports submitted by the Director of the Idaho Department of Water Resources for each of the above referenced water rights.

Sincerely,

Vic Conrad, Director
Land, Water & Asset Recovery

Enclosures

RECEIVED

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

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

Subcase 24-2005A

(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, Boise, ID 83707.
2. ☒ **Source**
Should be: Roberts Creek; Tributary to Tygee Creek
3. ☒ **Quantity**
Should be: 1.76 cfs
4. ☒ **Priority Date**
Should be: September 29, 1904
5. ☒ **Point(s) of Diversion**
Should be: T.8S R.46E Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Industrial
8. ☒ **Period of Year**
Should be: Year round; Jan. 1 thru December 31 (inclusive)
9. ☒ **Place of Use**
Should be: T.8S R.46E Section 21: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
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): In connection with the development of J. R. Simplot Company's ("Simplot") Smoky Canyon Mine, a tailings dam was constructed within the Roberts Creek channel in 1983 ("Tailings Dam #1"). Notice of the commencement of construction of Tailings Dam #1 was provided by Simplot's Planning Geologist, Robert R. Black in a letter dated January 3, 1983 to Robert E. Anderson, Chairman of the Caribou County Commissioners (copy of letter attached). The Idaho Department of Water Resources ("IDWR") approval to Simplot's

proposed plans and specifications for the construction of Tailings Dam #1 was provided pursuant to a letter dated August 15, 1983 from John Mitchell, IDWR's Dam Safety Section to Simplot's Jack Olson (copy attached). On December 2, 1983, Simplot's consulting engineer, John W. Millar, with Forsgren-Perkins Engineering, P.A. provided David LeParde, IDWR, with notice that the first phase of Tailings Dam #1 was complete.

A feature of the construction was the installation of a by-pass ditch to divert the flow of Roberts Creek around Tailings Dam #1 to prevent the water flowing in Roberts Creek from contacting Simplot's mining tails. After Roberts Creek is diverted into the ditch, it flows into Tygee Creek which receives Roberts Creek downstream from Tailings Dam #1. In addition to installing the ditch, Simplot also installed a head gate allowing the diversion of water from Roberts Creek into the reservoir impounded by Tailings Dam #1. Beginning in 1983 water from Roberts Creek was diverted by Simplot into this reservoir. This water was then used by Simplot to supplement Simplot's industrial groundwater right (24-7113) in the processing of phosphate ore within Simplot's nearby milling operation.

During the period between 1983 and 1986, Simplot continued to use water diverted from Roberts Creek in Simplot's milling process without a water right. On January 10, 1986, Simplot acquired an option to purchase land described as the $W\frac{1}{2}W\frac{1}{2}$ of Section 15 T.8 South Range 46 East, B.M. from Ted C. and Betty B. Frome ("Frome") together with the appurtenant right to divert up to 1.76cfs under water right 24-2005. Simplot exercised its option to acquire the Frome land on January 10, 1986. The Warranty Deed recorded in the official real property records of Caribou County, Idaho on June 10, 1986 as instrument no. 128365 concluded Simplot's acquisition of the land and a portion of water right 24-2005 from Frome. Simplot's portion of the original license 24-2005 was filed in the Snake River Basin Adjudication under claim no. 24-2005A.

Upon the acquisition of this water right, in accordance with the provisions of Idaho Code Section 42-1425, Simplot accomplished a transfer moving its licensed point of diversion upstream to the head gate Simplot installed to divert water from the Roberts Creek bypass ditch. Roberts Creek is a tributary to Tygee Creek or "Tagee Creek" as shown on the original license. In addition to accomplishing the change in the point of diversion, Simplot also changed the nature of use from *Irrigation* to *Industrial* use and the place of use from those licensed for irrigation to Simplot's industrial milling operation and for the water stored behind Tailings Dam #1. The season of use was also changed from the irrigation season to year round industrial use. This use of Roberts Creek in

Simplot's milling process and the storage in the reservoir behind Tailings Dam #1 continued uninterrupted until the present time.

On November 10, 2006, an IDWR adjudication specialist accompanied a Simplot employee to inspect the water use described above. Based on her recommendations, Simplot prepared an amended claim to accurately describe the location and use of water verified that day. A copy of the fully executed and notarized amended claim was transmitted by email to the IDWR on November 16, 2006, and the original was forwarded by U.S. Mail. The IDWR's date stamp indicates the hard copy original was received at the Soda Springs office on November 20, 2006 (copy attached). Consequently, Simplot was surprised when its filing of the amended claim was denied on the basis that the Director's Report had already been filed with the SRBA court even though the Basin 24 Report wasn't filed with the SRBA Court until November 21, 2006. Simplot was not aware, nor did IDWR inform Simplot, about the imminent Director's Report deadline. In fact, Simplot had been advised that the Director's Report would be filed with the Court in mid-December. As a result of the foregoing facts and circumstances Simplot believes it is therefore appropriate for Simplot to object to the IDWR's denial, on the basis that the amendment was not timely filed, of the attached amended claim.

The amendment of this claim should most appropriately and efficiently have been resolved through the administrative Notice of Error procedure, especially considering that Simplot filed a notice of error containing the same amendments set forth herein on October 11, 2006. The IDWR's decision, without notice to the claimant, to defer the resolution of this matter to the judicial system by shortening the Notice of Error procedure will probably add additional expense to process the amendment of this claim.

After receiving the disallowal of this claim, Simplot recently received a communication from the IDWR expressing a willingness to resolve the amendments required for this claim during the Initial Hearing that will be scheduled following the filing of this objection. Simplot appreciates that the IDWR has realized the potential inconvenience and expense their disallowal may cause. Although the matter could have been handled much more efficiently during the Notice of Error procedure, Simplot intends to cooperate with the IDWR in an attempt to accomplish the amendments during the Initial Hearing.

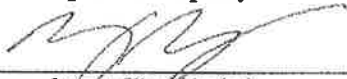
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of ADA)

Terry T. Uhling, Senior 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)

Terry T. Uhling, Senior Vice President, Secretary
and General Counsel

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 9, 2007

Neel Janet Vennings
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/29/08

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 January 9th, 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: (Claimant is the Objector) _____

Address: _____

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

Dir. Conrad, Director Land, Water
Signature of Objector or attorney & Asset Recovery
mailing on Objector's behalf

J. R. SIMPLOT COMPANY, P.O. BOX 1, POCATELLO, IDAHO 83201
 (208) 332-6620 (PLANT) (208) 332-7500 (DIVISION OFFICES)

MINERALS & CHEMICAL DIVISION

copy in each
S18 c1
S18 c2
S18 c3

January 3, 1983

Mr. Robert E. Anderson, Chairman
 Caribou County Commissioners
 P. O. Box 775
 Soda Springs, ID 83276

Dear Mr. Anderson:

This letter is to inform the Caribou County Commissioners of the J. R. Simplot Company's intent to commence construction on the Smoky Canyon Phosphate Mill, Slurry Line, and Tailings Pond Site, on March 1, 1983, pursuant to permits issued by Caribou County; number 498 issued December 14, 1981, number 507 issued May 10, 1982, and number 513 issued November 8, 1982.

By copy of this letter, we are informing the State Plumbing Inspector, Edmund Reed, and the State Electrical Inspector, Bill Ellibee, of our intent and respectfully request their notification as to what phases of the construction they wish to inspect, as well as any further requirements Caribou County may have.

Please address all correspondence or phone calls to the undersigned.

Very truly yours,

Robert R. Black

Robert R. Black
 Planning Geologist

RRB:cm

CC: Robert A. Lathrop
 Ken Schiess
 Robert V. Kimball

Mr. Edmund Reed
 State Plumbing Inspector
 1043 Verdugo
 Pocatello, ID 83201

Mr. Bill Ellibee
 State Electrical Inspector
 170 East Soda Creek Drive
 Soda Springs, ID 83276



State of Idaho
DEPARTMENT OF WATER RESOURCES
 STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUHN

Director

Mailing address:
 Statehouse
 Boise, Idaho 83720
 (208) 334-4440

August 15, 1983

Jack Olsen
 J.R. Simplot Company
 P.O. Box 912
 Pocatello, ID 83201

RE: Smoky Canyon Tailings Structure

B24-XX01

Dear Mr. Olsen:

The Department has completed a review of the revised set of plans and specifications and hereby approves construction of the referenced tailings structure, subject to the following conditions:

1. At random locations, one or more compaction tests shall be taken in each foot of fill rise, as the embankment is constructed.
2. The Department shall be notified to conduct construction inspections at the following times:
 - After the foundation area has been stripped and the cutoff trench has been excavated, before any fill is placed.
 - After the starter embankment is completed.

Please contact our Eastern Regional Office (phone 525-7161) in Idaho Falls to schedule the construction inspections.

Before tailings storage can be authorized the following items will need to be submitted to the Department:

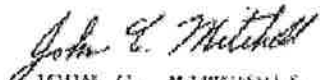
- As-built plans (if necessary) and a construction report compiled by the registered professional engineer directing the work.
- A more complete operation plan (separate document) describing design/operating and storage criteria, tailings deposition (including winter deposition) start-up, tests and monitoring (instrument installations, readings and recordings) routine operational procedures and emergency procedures for flood and earthquake events (and for broken slurry lines, if such would adversely affect the safety of the structure).

Jack Olsen
RE: D24-XX01
Page 2

- A more detailed abandonment plan, including anticipated costs (material, equipment and labor) should be included.
- A bond, based on the amount required to decommission the project site covering the first two year certificate period. The bond will also provide for assuring long-term stability of the starter embankment if the dam construction is not continued to a timely completion. The calculation of the bond amount required should be redone to include these costs.

Should you have any questions concerning the items required to be submitted to the Department, please contact Dave LeFard (phone 334-4490).

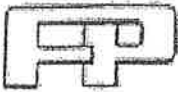
Very truly yours,


JOHN C. MITCHELL
Dam Safety Section

DHM:ldt

Enclosure

CC: IDWR - Eastern Region
John Miller - Forsgren & Perkins



FORSGREN-PERKINS ENGINEERING, p.a.

DEC 05

See P.1
013

December 2, 1983

830037

Mr. David O. LeParde
State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

RE: J. R. Simplot Company
Smoky Canyon Tailings Impoundment Structure 024-XXD1

Dear Dave:

This letter is to inform you that the first phase of the Simplot Mine tailings impoundment structure, located at their Smoky Canyon project, has been completed in accordance with the project plans and specifications.

No deviations were made from the project plans or specifications and as-built drawings will be done at a later date as additional portions of the structure are completed.

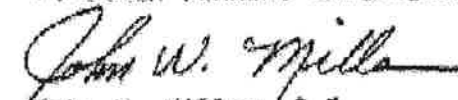
Enclosed with this letter is a copy of our inplace density and moisture tests that were taken during construction and also copies of the moisture density curves that were prepared for the various soils. We had an inspector on the job at all times during construction to review the work to insure conformance with the approved plans and specifications. There were no deviations encountered in the work which was done.

The operation and abandonment plan will be forwarded to you at a later date along with additional information on drilling and testing which was done during the summer of 1983 for the north portion of the impoundment structure which could be constructed as early as 1984.

If you need any further information, please contact me as soon as possible so that we can forward the information to you.

Very truly yours,

FORSGREN-PERKINS ENGINEERING, p.a.


John W. Miller, P.E.

rts

Enclosure

cc: Mr. Jack Olson, Simplot Project Engineer w/Enclosures

WARRANTY DEED

Ted C. Frome and Betty B. Frome, husband and wife, Grantors, do hereby grant, bargain, sell, and convey in fee simple to Simplot Leasing Corporation, an Idaho corporation, whose current mailing address is P.O. Box 27, Boise, Idaho 83707, Grantee, and to Grantee's successors and assigns forever all of the following described real estate located in Caribou County, Idaho:

Township 8 South, Range 46 East Boise Meridian:
Section 15: West Half of the West Half (W1/2W1/2).

Together with all improvements and water rights.

All mineral rights are excluded and are retained by Grantor, its successors and assigns, provided, however, the Grantees use of the surface of the premises is not to be interrupted by reason of the exploration or extraction thereof.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the same premises, together with the appurtenances, unto the said Grantee of the second part, and to its successors and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused this deed to be executed this 1st day of June, 1986.

STATE OF IDAHO }
County of Caribou }

SS

128363

I Hereby certify that this instrument was filed

at the request of

at 11:05 o'clock A M this 10 day of

June, 1986 in my office and duly

recorded in Microfilm Records

Myrna W. Archibald

Ex-Officio Recorder

4.00

Deputy

Ted C. Frome
Ted C. Frome

Betty B. Frome
Betty B. Frome

STATE OF WYOMING)
) ss.
County of Lincoln)

On this 1st day of June, 198⁶, before me,
a Notary Public in and for said State, personally appeared
Ted C. Frome and Betty B. Frome, husband and wife, known to me
to be the persons whose names are subscribed to the fore-going
instrument, and acknowledged to me that they 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.

Shirley L. Lammie (Reaugh)
Notary Public for Wyoming
Residing at: Cotton, Wyoming
My Commission Expires: 9-16-87

After recording return to:

Ronald N. Graves
P.O. Box 27
Boise, Idaho 83707

QUITCLAIM DEED

SIMPLOT LEASING CORPORATION, an Idaho corporation, for consideration paid, releases to J. R. SIMPLOT COMPANY, a Nevada corporation having a place of business at P.O. Box 27, Boise, Idaho 83707;

All the following described real estate, situated in the County of Caribou, State of Idaho, to-wit:

Township 8 South, Range 46 East Boise Meridian
Section 15: West Half of the West Half (W 1/2 W 1/2),

Together with all improvements and water rights.

Also hereby conveying all remaining rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, SIMPLOT LEASING CORPORATION has hereunto caused this instrument to be signed in its corporate name by Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, hereunto duly authorized, this 1st day of August, 1988.

SIMPLOT LEASING CORPORATION

ATTEST:

Ronald N. Graves
Secretary

By

Scott R. Simplot
Its President

STATE OF IDAHO }
County of Caribou }

SS

135757

I Hereby certify that this instrument was filed
at the request of J. R. Simplot Co.
at 9:30 o'clock A M this 19th day of
December, 19 88 In my office and duly

recorded in Microfilm Records

Myrna W. Archibald

Becky Jenkins
Ex-Officio Recorder

6th Deputy

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 1st day of August, 1988, before me, a Notary Public in and for said state, personally appeared Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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: Boss, Idaho
My Commission Expires: 10-13-92

1697S

County of Bannock
Deer Hollow, Tago and Miller Creeks
4.36 second feet
Irrigation
Priority 9-29-1904

S T A T E O F I D A H O .

Water License No. 879.

WHEREAS, On the 29th day of September A.D. 1904, MARY L. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1221) to me for a permit to use 6 2/5 cubic feet per second of the waters of Deer Hollow Creek, Tago Creek and Miller Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 25th day of October A.D. 1904, Permit No. 879 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 25th day of October A.D. 1910, and,

WHEREAS, On the 1st day of September A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6 2/5 cubic feet per second of said waters, as evidenced by my Certificate No. 879, dated September 12, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6 2/5 cubic feet per second of water, with date of priority of September 29, 1904, and,

WHEREAS, On the 1st day of September A.D. 1908, proof was duly made of the application to beneficial use of 4.36 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY L. MILLER, of Fairview, Wyoming, the holder and owner of said Permit No. 879 a perpetual right dating from September 29, 1904, to the use of 4.36 cubic feet per second of the waters of Deer Hollow, Tago and Miller Creeks, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Ditch No. 1 - SW 1/4 of Sec. 15; ditch No. 2 - SW 1/4 of NW 1/4 Sec. 15; ditch No. 3 - NE 1/4 of NW 1/4 Sec. 16; ditch No. 4 - SE 1/4 of NW 1/4 of Sec. 9; ditch No. 5 - SW 1/4 of SE 1/4 Section 10; township 8 south, range 46 east of the Boise Meridian, and conducted to and upon (28 acres in SW 1/4 of SW 1/4; 18 acres in NW 1/4 of SW 1/4; 25 acres in SW 1/4 NW 1/4; 17 acres in NW 1/4 of NW 1/4; section 15:- 31 acres in S 1/2 of SW 1/4; 27 acres in NW 1/4 of SW 1/4; 33 acres in NE 1/4 of SW 1/4, section 10:- 39 acres in SE 1/4 of SE 1/4, section 9, township 8 south, range 46 east of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the state of Idaho applicable to a license for the use of the waters of the state, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of September,
A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded September 14, 1908.

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: 24-2005A

Date Received:

Receipt No:

Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

Phone: (208)336-2110

2. Date of Priority: 09/29/1904

3. Source: Roberts Creek Trib. to: Tygee Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	Caribou	Industrial

5. Description of diverting works:

Diversion dams & ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Industrial	1/1	12/31	0.43	

7. Total Quantity Appropriated is:
0.43 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	46E	21	SE	NW	INDUSTRIAL	
			NW	SW	INDUSTRIAL	
			NE	SW	INDUSTRIAL	
			NW	SE	INDUSTRIAL	
			SW	NE	INDUSTRIAL	
			SW	NW	INDUSTRIAL	
			SW	SW	INDUSTRIAL	

11. Place of use in counties: Caribou

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

13. Other Water Rights Used:

14. Remarks: 24-7113

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: none.

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Senior Vice President, Secretary and General Counsel of J. R. Simplot Company and that the statements contained in the
Organization

J. R. Simplot Company

foregoing document are true and correct. By [Signature]
Signature of Authorized Agent
Terry T. Uhling

Senior Vice President, Secretary and General Counsel
Title and Organization

November 16, 2006
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 16 day

of November 2006

Nail Janet Venners

Notary Public

Residing at

Boise

My commission Expires 10/29/08

Stumbaugh, John

4 N., R., 40 E., B. M., containing 160 acres
The SE $\frac{1}{4}$, the NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of
Sec. 13, and E $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 24, T. 15, N. R., 42 E.,
B. M., containing 520 acres.

Sullivan, Thomas F.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 4, T. 2 N., R., 38 E.,
B. M., and NE $\frac{1}{4}$ of Sec. 4, T. 2 N., R.,
38 E., B. M., containing 240 acres.

Sullivan, Thomas F.
and Mary A.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 7, and NW $\frac{1}{4}$, and the W $\frac{1}{2}$
of NE $\frac{1}{4}$ of Sec. 18, T. 14, N. R., 44
E. B. M., containing 320 acres, and the
E $\frac{1}{2}$ of Sec. 13, T. 14, N. R., 43 E., B.
M., containing 320 acres.

Summers, S. J.

Part of NW $\frac{1}{4}$ of Sec. 30, T. 4 N., R., 40
E. B. M., containing 148.39 acres.
Also, 6-1/3 acres in SW $\frac{1}{4}$ of Sec. 19, T.
4 N., R., 40 E. B. M.,

Summers, William

NE $\frac{1}{4}$ of Sec. 25, T. 4 N., R., 39 E., B. M.,
containing 160 acres.

Sundberg, Z.

Lots 1, 2, 3 and 4 in Sec. 7, T. 8 N. R., 42
B. M., containing 149.85 acres.

The Sunny Dell Irrigation Canal Company.

① Beckstrom, Niels

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 7, T. 4 N., R., 40 E., B.
M., containing 80 acres.

② Carlson, Frans E.

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T.
4 N. R., 40 E. B. M., containing 120 acres.

③ Christensen,
Niels

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, T. 4 N., R. 40
E., B. M., containing 20 acres.

④ Christensen
Niels C.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 8, T. 4 N. R., 40 E., B. M.

SCANNED
containing 60 acres.

MAK 2 2 2007

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 27, 2006

Vic Conrad
JR Simplot Company
P.O. Box 27
Boise, ID 83707

REF: 24-2005A

Subject: Change in Nature of Use
Amended Notice of Claim 24-2005A

Dear Vic:

The Department of Water Resources has submitted the Director's Report in this basin to the SRBA court. You must now file your Standard Objection Form 1 with the amended claim to make the appropriate changes to your claim in the SRBA. Therefore, I'm returning your amended Notice of Claim for 24-2005A along with our SF-1 form.

If you have any questions please don't hesitate to give me a call at 547-3993 or you can reach Nick Spencer at 287-4813.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s): Amended Notice of Claim 24-2005A
SF-1 Objection form

CC: Nicholas B. Spencer (email no attachments)
Deputy Attorney General, IDWR
Ray Williams, Paralegal IDWR (email no attachments)
Ernie Carlsen, Eastern Supervisor (email no attachments)

SCANNED

MAR 23 2007

PROFILED

Jack Olsen
RE: D24-XX01
Page 2

- A more detailed abandonment plan, including anticipated costs (material, equipment and labor) should be included.
- A bond, based on the amount required to decommission the project site covering the first two year certificate period. The bond will also provide for assuring long-term stability of the starter embankment if the dam construction is not continued to a timely completion. The calculation of the bond amount required should be redone to include these costs.

Should you have any questions concerning the items required to be submitted to the Department, please contact Dave LePard (phone 334-4490).

Very truly yours,

John C. Mitchell
JOHN C. MITCHELL
Dam Safety Section

DHH:ldt

Enclosure

CC: IDWR - Eastern Region
John Millar - Forsgren & Perkins

PROFILED

SCANNED
MAK 23 2007

MINERALS & CHEMICAL DIVISION

January 3, 1983

Mr. Robert E. Anderson, Chairman
Caribou County Commissioners
P. O. Box 775
Soda Springs, ID 83276

Dear Mr. Anderson:

This letter is to inform the Caribou County Commissioners of the J. R. Simplot Company's intent to commence construction on the Smoky Canyon Phosphate Mill, Slurry Line, and Tailings Pond Site, on March 1, 1983, pursuant to permits issued by Caribou County; number 498 issued December 14, 1981, number 507 issued May 10, 1982, and number 513 issued November 8, 1982.

By copy of this letter, we are informing the State Plumbing Inspector, Edmund Reed, and the State Electrical Inspector, Bill Ellibee, of our intent and respectfully request their notification as to what phases of the construction they wish to inspect, as well as any further requirements Caribou County may have.

Please address all correspondence or phone calls to the undersigned.

Very truly yours,

Robert R. Black
Robert R. Black
Planning Geologist

RRB:cm

CC: Robert A. Lothrop
Ken Schiess
Robert V. Kimball

Mr. Edmund Reed
State Plumbing Inspector
1043 Verdugo
Pocatello, ID 83201

Mr. Bill Ellibee
State Electrical Inspector
170 East Soda Creek Drive
Soda Springs, ID 83276

PROFILED

SCANNED
MAR 23 2007

Copy in each
S18 C1
S18 C2
S18 C3

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

MINE TAILINGS IMPOUNDMENT STRUCTURE
CERTIFICATE OF APPROVAL

This is to certify that SMOKY CANYON mine tailings impoundment structure, located in Section 21, Township 3S, Range 46E, B.M., Caribou County, State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in Title 42, Chapter 17, Idaho Code, and approval is hereby given to impound tailings in accordance with and subject to the following terms and conditions: THE ELEVATION OF THE IMPOUNDED TAILINGS MAY NOT EXCEED 6498 FEET MSL.

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the 1st day of January 19 87.

This certificate has been issued and the seal of the Director affixed at Boise, Idaho this 21ST day of JANUARY 1985.

Norman C. Young
Administrator-Resources Admin. Div.

SCANNED
MAR 23 2007

PROTECTED

JAN 23 1985



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 16, 1985

Jack Olsen
J.R. Simplot Co.
P.O. Box 912
Pocatello, ID 83201

RE: Smoky Canyon M.T.I.S.

D24-XX01

Dear Mr. Olsen:

We are in receipt of the copy of your bond with the Department of Lands and find this sufficient for our bonding purposes. The amount of the bond set aside to cover the tailings area needs to be reviewed before the enclosed storage certificate expires to insure that the amount of the bond is adequate.

Storage is authorized in the project to elevation 6498 MSL which is three feet below the top of the current embankment.

Please notify the Department when construction of the next lift is completed so that we can schedule the appropriate inspections.

If you have any questions, call either Steve McCormick (phone 525-7161), or me (phone 334-4490).

Sincerely,

A handwritten signature in cursive script, reading "David D. Le Pard", is written over the typed name.

DAVID D. LE PARD
Dam Safety Section

DDL:ldt

CC: IDWR - Eastern Region
✓ Bob Kimball

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SCANNED
MAR 23 2007



State of Idaho
DEPARTMENT OF WATER RESOURCES
 STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
 Governor

A. KENNETH DUNN
 Director

Mailing address:
 Statehouse
 Boise, Idaho 83720
 (208) 334-4440

August 15, 1983

Jack Olsen
 J.R. Simplot Company
 P.O. Box 912
 Pocatello, ID 83201

PROFILED

RE: Smoky Canyon Tailings Structure

D24-XX01

Dear Mr. Olsen:

The Department has completed a review of the revised set of plans and specifications and hereby approves construction of the referenced tailings structure, subject to the following conditions:

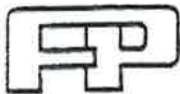
1. At random locations, one or more compaction tests shall be taken in each foot of fill rise, as the embankment is constructed.
2. The Department shall be notified to conduct construction inspections at the following times:
 - After the foundation area has been stripped and the cutoff trench has been excavated, before any fill is placed.
 - After the starter embankment is completed.

Please contact our Eastern Regional Office (phone 525-7161) in Idaho Falls to schedule the construction inspections.

Before tailings storage can be authorized the following items will need to be submitted to the Department:

- As-built plans (if necessary) and a construction report compiled by the registered professional engineer directing the work.
- A more complete operation plan (separate document) describing design/operating and storage criteria, tailings deposition (including winter deposition) start-up, tests and monitoring (instrument installations, readings and recordings) routine operational procedures and emergency procedures for flood and earthquake events (and for broken sewer lines, if such would adversely affect the safety of the structure).

SCANNED
MAK 23 2007



DEC 05

FORSGREN-PERKINS ENGINEERING, p.a.

See P.C.
013

December 2, 1983

830037

Mr. David D. LeParde
State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

RE: J. R. Simplot Company
Smoky Canyon Tailings Impoundment Structure 024-XX01

Dear Dave:

This letter is to inform you that the first phase of the Simplot Mine tailings impoundment structure, located at their Smoky Canyon project, has been completed in accordance with the project plans and specifications.

No deviations were made from the project plans or specifications and as-built drawings will be done at a later date as additional portions of the structure are completed.

Enclosed with this letter is a copy of our inplace density and moisture tests that were taken during construction and also copies of the moisture density curves that were prepared for the various soils. We had an inspector on the job at all times during construction to review the work to insure conformance with the approved plans and specifications. There were no deviations encountered in the work which was done.

The operation and abandonment plan will be forwarded to you at a later date along with additional information on drilling and testing which was done during the summer of 1983 for the north portion of the impoundment structure which could be constructed as early as 1984.

If you need any further information, please contact me as soon as possible so that we can forward the information to you.

Very truly yours,

FORSGREN-PERKINS ENGINEERING, p.a.

John W. Miller
John W. Miller, P.E.

rts
Enclosure
cc: Mr. Jack Olson, Simplot Project Engineer w/Enclosures

PROFILED

SCANNED

MAR 23 2007

MINERALS & CHEMICAL DIVISION

December 7, 1983

Dave Lapard
Department of Water Resources
State Office, 450 W. State Street
Boise, Idaho 83720

Dear Mr. Lapard:

The Department of Water Resources has in its possession a copy of "Geotechnical Investigation and Design Analysis, Smoky Canyon Dam, near Afton, Wyoming." This investigation and plan was prepared by Forsgren-Perkins Engineering, and the plan carried out and the dam built. Page 27 of the plan is titled "XVI Abandonment Plan". I have enclosed a copy of that portion, page numbers 27 and 28, for your quick reference. The plan recites the reclamation of the facility and the estimated costs.

We request that the Department of Water Resources bonding requirements for the abandonment of the facility be satisfied by inclusion of this facility in our existing statewide reclamation bond. This bond is on record with the State of Idaho Department of Lands, reference number "Reclamation Plan No. RP 744, Bond No. 81S21899BCA", and could be extended to cover the facility by inclusion of the legal description. The bond is in the amount of \$137,250.00.

Please advise me as quickly as possible as to the acceptability of the above or what your requirements are so that we may commence the operation of the facility.

Very truly yours,

Robert R. Black
Planning Geologist

PROFILED

RRB:kl

Encl.

SCANNED
MAR 23 2007



STATE OF IDAHO

JUN 17 1984

RVK

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

STANLEY F. HAMILTON
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
JIM JONES
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUPT OF PUBLIC INSTRUCTION

June 14, 1984

J.R. Simplot Co.
P.O. Box 912
Pocatello, Idaho 83201

RE: Amendment to Reclamation Plan No. RP-744
Smoky Canyon Project

Gentlemen:

The amendment to Reclamation Plan No. RP-744 has been approved by this Department and has been designated RP-744-A.

The amendment was to increase the total plan acreage to 1,753 with the addition of 95 acres to cover the tailings dam, pond and diversion channel. Of the total approved acres, 253 acres have been affected and bonded as of this date. As your affected acreage increases, you will need to increase your bond accordingly.

I am enclosing a copy of the last status report received from you in May of 1983. Will you please check these figures and file the status report for 1984.

Should you have any questions, you may contact me at the above address or call 334-3617.

Sincerely,

LARRY M. JONES
Mined-Land Reclamationist

LMJ:sjb
enclosure

CC: Department of Water Resources, Boise
Department of Fish and Game, Pocatello
Department of Health and Welfare, Pocatello

PROFILED

EQUAL OPPORTUNITY EMPLOYER

SCANNED
MAY 23 2007

J.R. SIMPLOT CO.
RECLAMATION PLAN NO. RP-744

BOND TABLE

AREA	TOTAL ACRES APPROVED	INITIAL ACRES BONDED	1984 UPDATE	1985 UPDATE	1986 UPDATE	1987 UPDATE
Mining Area (plt, dumps, roads)	1,301	20	60			
Haul Roads (exterior)	41	10	10			
Pit Buffer	2	0	0			
Access Roads	80	40	40			
Haul Roads	160	14	14			
Tailings Line	19	19	19			
First Tailings Pond	65	65	95			
Second Tailings Pond	40	0	0			
Millsite, stockpiles	15	15	15			
TOTAL:	1,723	183	253			

**All acres at \$750.00 per affected acre.

Updates for bonding shall be due September 1 of each year. The yearly update figure should reflect total acres bonded in each category, not just the increase from the previous year.

SCANNED
MAR 23 2007

PROTECTED

DEPT. OF LANDS

13 MAY 17 4 8: 50

BOISE, IDAHO

J.R. SIMPLOT CO.

RECLAMATION PLAN NO. RP-744

BOND TABLE

AREA	TOTAL ACRES APPROVED	INITIAL ACRES BONDED	1984 UPDATE	1985 UPDATE	1986 UPDATE	1987 UPDATE
Mining Area (plt, dumps, roads)	1,301	20				
Haul Roads (exterior)	41	10				
Pit Buffer	2	0				
Access Roads	80	40				
Haul Roads	160	14				
Tailings Line	19	19				
First Tailings Pond	65	65				
Second Tailings Pond	40	0				
Millsite, stockpiles	15	15				
TOTAL:	1,723	183				

**All acres at \$750.00 per affected acre.

Updates for bonding shall be due September 1 of each year. The yearly update figure should reflect total acres bonded in each category, not just the increase from the previous year.

MAR 23 2007

SCANNED

S-18C.2

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Caribou County Planning and Zoning Commission on December 9, 1981, at the hour of 7:15 P.M. in room 201 of the Caribou County Courthouse, located in Soda Springs, Idaho, for giving consideration to the application of J. R. Simplot Company, wherein said applicant seeks a conditional use permit to construct a tailings pond on property located in Section 21, Township 8 South, Range 46 East, B.M., Caribou County, Idaho, which said property is located approximately 12 miles Southwest of Auburn, Wyoming.

The applicant seeks a conditional use permit as permitted by the Caribou County Zoning Ordinance, to construct said tailing pond, as a mining use, within an A-2(agricultural) zone.

All persons present will be given the opportunity to be heard. Written comments and objects may be submitted to P. O. Box 797, Soda Springs, ID. 83276.

SAM REED, Chairman

Publish: November 19, 1981

12-9-81 7:15 Caribou County C.M.
met with PZ Committee and
gained their recommendation to
the County Commissioners that
the Conditional use permit be
granted
RB

PROFILED

SCANNED

MAR 23 2007

Friday 11/10/06

Bird, Cindy

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Tuesday, November 07, 2006 1:58 PM
To: Bird, Cindy
Cc: Andrews, Verlen; Facer, Dennis L
Subject: Visit to Simplot Properties November 10, 2006.

Cindy,

I received confirmation from our Smoky Canyon Mine Maintenance Superintendent (Verlen Andrews) that he can be available to show you the water use from Roberts Creek in the mill and tailings pond no.1 on Friday, November 10. I am waiting to hear from our Ranch Manager who left me a message indicating he will try to reach me later this afternoon to discuss your visit to the Crow Creek Ranch on the same day. At this time, I suggest you plan on the visit for November 10 and we will provide you with directions on how to reach both locations after I discuss this further with Jed Nield, who manages the Simplot ranch.

Thank you.

AGRIBUSINESS

J.R. SIMPLOT COMPANY
1890 SMOKY CANYON MINE
PO Box 1270
AFTON, WYOMING 83110
BUS 208/873-3722
FAX 208/873-3788
CELL 208/761-3112

R VERLEN ANDREWS
MAINTENANCE MANAGER

verlen.andrews@simplot.com

Bringing Earth's Resources to Life

PROFILED

SCANNED

MAR 23 2007

11/7/2006

SRBA Claim No. A24-02005A

T.8S R.46E

Point of Diversion

Place of Use

Point of Diversion

*Butt
1983
Prod 1984*

PROTECTED

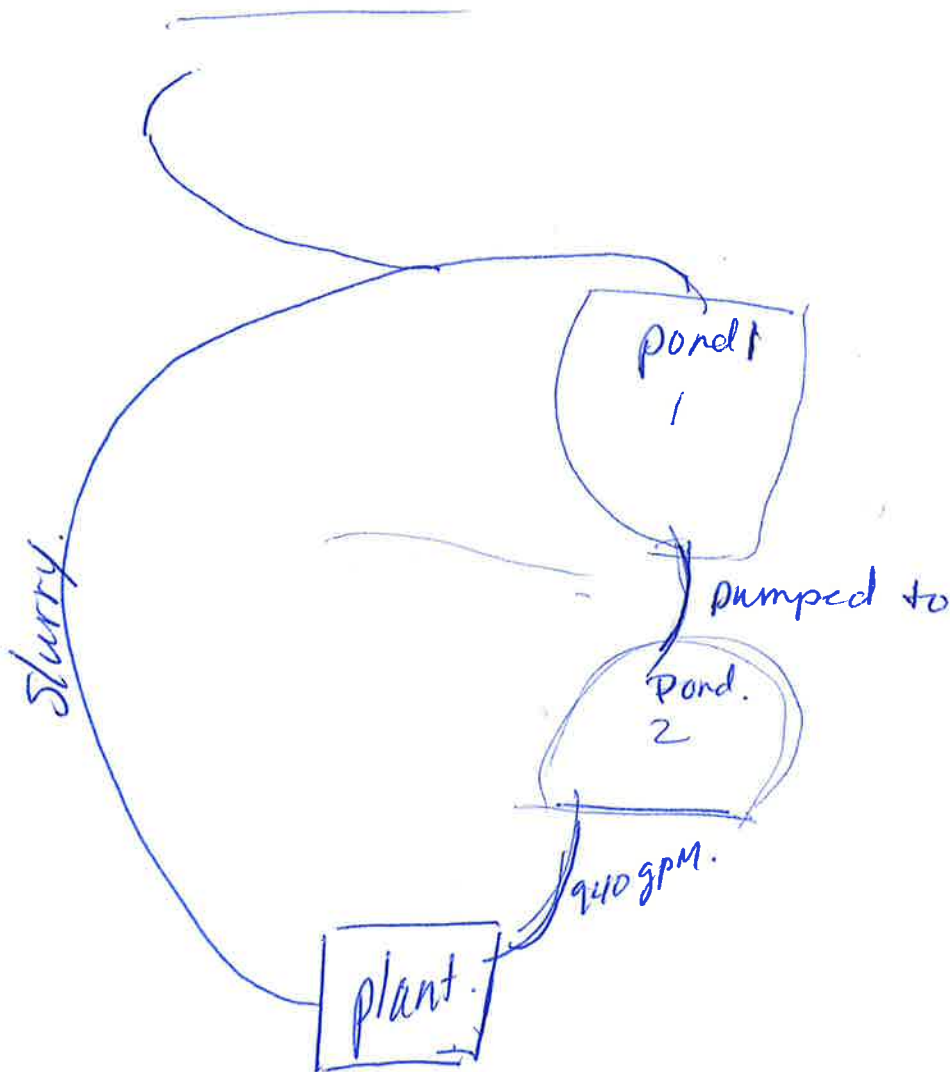
**SCANNED
MAR 23 2007**

*use
6000 gpm
200 gpm slurry*

11/10/06 discussion with Maintenance Manager
for simplot, Verlin Andrews.
1983-1989- phase 1

1990- phase 2. 2005A.

6070 ~~90,00~~ ~~940~~ gpm.
61.5% solids.



PROFILED

SCANNED
MAR 23 2007

24-2005A

JR SIMPLOT



IMG_1494

Photo number

Photo Rename

11/10/2006

Date

4:48

Time

AM

PM

Accompanied by Verlin Andrews from J.R. Simplot.
He's the maintenance supervisor and was the
working for Simplot when this project took place.
We are standing on the embankment of the
settling pond in Section 15, T 8S, R 46E.

I'm looking in a North westerly direction at the
claimed irrigated P&H. Tygee creek is running
thru the valley.

SCANNED

MAR 23 2007

24-2005A

JR SIMPLOT



IMG 1495

Photo number

Photo Rename

11/10/2006

Date

4:48

Time

AM

PM

I'm looking in a North easterly direction from the embankment of the 2nd settling pond, this property was purchased from Mr. Frome in 1986. The phase II was complete by the 90's according to Verlin Andrews, Maintenance Manager, JR Simplot.

SCANNED

MAR 23 2007

24-2005A

JR SIMPLOT



IMG 1496

Photo number

Photo Rename

11/10/2006

Date

4:49

Time

AM

PM

Looking south at the Phase II settling pond. This land was purchased from Mr. Frome in the 1986 Roberts Creek diverts around the pond in Section 15 into this pond according to Martin Verlin Andrews.

SCANNED

MAR 23 2007

24-2005A

JR SIMPLOT



IMG 1497

Photo number

Photo Rename

11/10/2006

Date

5:04

Time

AM

PM

Verlin Andrews shut the headgate from
Roberts Creek to the ditch to phase II
pond.
this ditch is on south side of phase I.

SCANNED

MAR 23 2007

24-2005A

JR SIMPLOT



IMG 1498

Photo number

Photo Rename

11/10/2006

Date

5:05

Time

AM

PM

Verlin is attempting to pull out the
canvas dam from Roberts creek
but it is already frozen to the soil.

SCANNED

MAR 23 2007

24-2005A

JR SIMPLOT



IMG_1499

Photo number

Photo Rename

11/10/2006

Date

5:05

Time

AM

PM

Looking North easterly at phase I
settling pond. The slurry is pumped
to the phase II pond to settle out, then
it gets pumped to the phase I pond
to settle out again. Then the water
is pumped back to the plant to be
reused again. Then it's pumped back
again from the plant to the phase II
pond. Closed loop system, no water
leaves the system. CR

SCANNED

MAR 23 2007

Notes

11/10/06 I met with Ulin Andrews, maintenance manager with VR Simplot's on this right

He started working for Simplot's at the Smoky Mountain in 1983 and is aware of the Tailings ponds because he was involved in the construction.

- 1983. They constructed the first Tailings pond off of Roberts Creek (Phase 1) First settling pond.
- Then in 1986 they purchased property from Mr. Frome which stated he had the water rights from Roberts Creek.
- 1990. They constructed the second pond.

The slurry is ~~now~~ piped to the first settling pond to settle out, then it is pumped to the 2nd settling pond to settle out some more before being piped back to the plant for industrial use.

The slurry is 61.5% solids. They ~~at~~ plant has a deep well that is used ~~into~~ in the plant and then gets pumped to these settling ponds. Roberts Creek is ditched around pond 2 to pond one. 24-2005 was licensed.

PROFILED

SCANNED

MAR 23 2007

Notes

with sources from Deer Hollow creek, Tyger
Ck. & Miller Creek. The quad map doesn't
show a Deer Hollow or Miller creek. The
ditches are not close to Roberts Creek.

Umlin shut off the diversion from
Roberts Ck. until this is settled.

Umlin will look at the mine to see
what documents they have from the
original 1983 purchase. He understands
the issue better now and will talk with
Vic Conrad.

They use 6000 gpm in the plant,

I told Umlin until we can sort this out.

The disallowed status will have to stand. CB

SCANNED

MAR 23 2007



CORPORATE HEADQUARTERS

November 17, 2006

Cindy E. bird
Adjudication Bureau
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

RE: IDWR Water Right No. 24-2005A

Dear Cindy:

Enclosed is the fully executed original amended claim for Water Right 24-2005A.

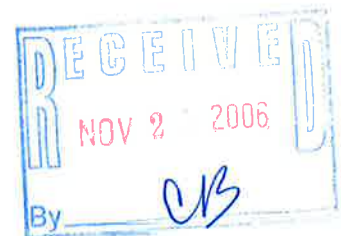
Sincerely,

Vic Conrad/sa

Vic Conrad
Land, Water & Asset Recovery

Enclosure

PROFILED



SCANNED
MAR 23 2007

09/13/2006

**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 16, 2006

Water Right Number: 24-2005A
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. This is a valid water right. The water right should be recommended with the elements described on the attached Revised Preliminary Recommendation

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

The proposed changes are shown on the attached Revised Preliminary Recommendation

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

In 1983, a water impoundment was constructed near the point of diversion and place of use described under this original licensed water right. Water was diverted into this new impoundment then transported for use in Simplot's milling and mining process located in Section 25 T.8S R. 45E. B.M. After the water is used in the mill, it returns via pipeline to the impoundment where it becomes available for re-use in the mill. This resulted in changes in nature of use, point of diversion, season of use, quantity, source and place of use.

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

J. R. Simplot Company

DATE: Oct. 11, 2006

SIGNATURE: By: _____

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

IDWR Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402; 208-525-7161

SCANNED
MAR 23 2007

RECEIVED
OCT 1 2006
CB
COMPLETED
NOE KMS 10/16

09/14/2006

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

RIGHT NUMBER: 24-2005A

NAME AND ADDRESS: J R SIMPLOT CO
C/O ~~RON GRAVES~~ Terry T. Uhling
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Disallowed

SOURCE: ~~TYGEE CREEK~~ Roberts Creek

TRIBUTARY: ~~STUMP CREEK~~ Tygee Creek

QUANTITY: ~~1.760~~ CFS

0.43

PRIORITY DATE: 09/29/1904

POINT OF DIVERSION:

20 SENE

T08S R46E S15 ~~SWNW~~ Within CARIBOU County

~~T08S R46E S15 SWSW Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

~~IRRIGATION~~

~~04/15-10/31~~

~~1.760 cfs~~

Industrial

1/1 - 12/31

0.43 cfs

PLACE OF USE:

IRRIGATION Within CARIBOU County

~~T08S R46E S15~~

~~NWNW~~

~~17.00~~

~~T08S R46E S15~~

~~SWNW~~

~~25.00~~

~~T08S R46E S15 ===== NWSW ===== 10.00 ===== T08S R46E S15 ===== SWSW ===== 20.00~~

T.8S R.46E S21: SENW, NWSW, NESW, NWSE, SWNE, SWNW, SWSW

~~80 ACRES TOTAL~~

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

~~Forfeited/abandoned due to non-use from 1986 to 2005~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

~~Forfeited/abandoned. This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.~~

PROFILED

SCANNED

MAR 23 2007



CORPORATE HEADQUARTERS

October 11, 2006

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402

Re: Notices of Error; Water Right Nos. 24-2005A, 24-10689, 24-7113, 24-4015, 24-4016, 24-4017

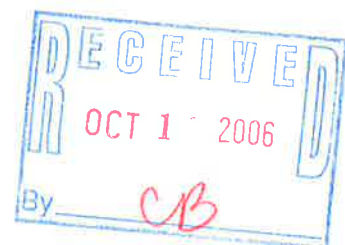
Enclosed for filing are notices of error for the above referenced water rights. Should you have any questions or comments about the enclosed notices please contact me. My phone number is 208-389-7359; email address: vic.conrad@simplot.com.

Sincerely

Vic Conrad
Land, Water & Asset Recovery

Enclosure

PROFILED



SCANNED

MAR 23 2007

Notes

12/30/05 Received fax from Vic Conrad on the purchase of the property.

I left Vic a message to have them

outline the irrigated P.O. No. 1987.

irrigation available. The 1994 document also

mentions the 2004 doesn't show much with

11/9/06 4pm Vic Conrad called to say that the

Nature of use changed from irrigation to industrial and they started a farming pond. This occurred in the early 1980's. I told him we need

evidence to support the change prior to

1987. He will send something to show the

change was made prior to 1987. 05,

2-3-06 follow to document no moving date, 1987

1/27/06 Ant Auto Spence an email for a

suggestion for a recommendation on this

night.

I feel that the suggestion has been attended

in fact. The change is a post-AI filing

and is noticed. According to Vic they

don't irrigate.

1/28/06 letter to Vic Conrad stating that the

claim is being disallowed but we will consider

evidence in the future of even process to document

the change in way source + P.O. 05.

SCANNED

MAR 23 2007

PROTECTED

Notes

- 10-21-04 Unable to find license. BP
- 1-13-05 Ask Vault to send copy of license. BP
- 1-13-05 Copy of License from Vault. BP
- 5-31-05 Priority date, Source, POD + POU are the same as the license. PB

17 Sept 05 - No field exam; post-AJ transfer. Claimant Ted Frome (A24-2005B), former owner, asserts pre-xfer POU is now buried under mine tailings. Note however that transfer included a change of source to Sage Creek. Claimant Raymond Peterson (A24-04080) is also a user on Sage Creek. He states that transfer would injure his right / states that he successfully protested transfer. Further research needed on status of transfer before making AJ recommendation. BAC

SCANNED

MAR 23 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 28, 2006

Vic Conrad
JR Simplot Company
P.O. Box 27
Boise, ID 83707

REF: 24-2005A

Subject: Change in Nature of Use

Dear Vic:

The above referenced claim has been disallowed in the preliminary SRBA process. We will consider during the Notice of Error process any evidence you might have demonstrating a change in the nature of use, point of diversion or source that occurred prior to 1987. We will need evidence of what changes were made and that they have been used continuously since the time of the change. We will also need evidence that the change has not injured any other water users. If you have any questions please don't hesitate to give me a call at 547-3993 or you can reach Nick Spencer at 287-4813.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s):

CC: Nicholas B. Spencer
Deputy Attorney General, IDWR

COPY

PROFILED

SCANNED

MAR 23 2007

DEC. 30, 2005 2:03PM JR SIMPLOT COMPANY NO. 408 P. 175

Simplot

CORPORATE HEADQUARTERS

R. SIMPLOT COMPANY ONE CAPITAL CENTER
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

MAIN STREET SUITE 1300

FAX COVER LETTER

Transmittal Time:

TO:	Cindy Bird	Fax No.	208-547-3939	DATE:	December 30, 2005
COMPANY:	IDWR	No. of pages including cover sheet: 5			
FROM:	Vic Conrad	Direct Dial Number	(208)389-7359	FAX NO.	(208) 389-7333
CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.					
RE: SRBA Claim No. 24-2005A					
Message: Attached are copies of the following deeds:					
1. Warranty Deed recorded in the official real property records of Caribou County on June 10, 1986 as instrument no. 128365. The land described in the deed together with appurtenant water rights are conveyed by Ted C. Frome and Betty B. Frome to Simplot Leasing Corporation. 2. Quitclaim Deed recorded in the official real property records of Caribou County on December 19, 1988 as instrument no. 135757. The land described in the Warranty Deed in no. 1 above together with the appurtenant water rights are released by Simplot Leasing Corporation to J. R. Simplot Company, the current owner.					
In filling out the notice of change of water right ownership (item no. 3 on the Notice form), do you want Simplot Leasing Corporation or the Fromes identified as the former water right owner? Simplot Leasing Corporation was the water right owner at the time the SRBA commenced. It is my understanding the Notice is required to update water right ownership records after the commencement of the SRBA. However, if you want the Fromes identified, I do not know their address. Is it okay to leave their address blank?					
If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.					

PROFILED **SCANNED**
MAR 23 2007

Vic Conrad

208-389-7359

QUITCLAIM DEED

SIMPLIOT LEASING CORPORATION, an Idaho corporation, for consideration paid, releases to J. R. SIMPLOT COMPANY, a Nevada corporation having a place of business at P.O. Box 27, Boise, Idaho 83707;

All the following described real estate, situated in the County of Caribou, State of Idaho, to-wit:

Township 8 South, Range 46 East Boise Meridian
Section 15: West Half of the West Half (W 1/2 W 1/2),

Together with all improvements and water rights.

Also hereby conveying all remaining rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, SIMPLOT LEASING CORPORATION has hereunto caused this instrument to be signed in its corporate name by Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, hereunto duly authorized, this 1st day of August, 1988.

SIMPLOT LEASING CORPORATION

ATTEST:

Ronald N. Graves
Secretary

By Scott R. Simplot
Its President

PROFILED

STATE OF IDAHO } ss 135757
County of Caribou }
I Hereby certify that this instrument was filed
at the request of J. R. Simplot Co.
at 9:30 o'clock P M this 19th day of
December, 1988 in my office and duly
recorded in Microfilm Records
Marna W. Archibald
Becky Jenkins
Ex-Officio Recorder 6th Deputy

SCANNED

MAR 23 2007

Attachment A

STATE OF WYOMING)
) ss.
County of Lincoln)

On this 1st day of June, 1988⁶, before me,
a Notary Public in and for said State, personally appeared
Ted C. Frome and Betty B. Frome, husband and wife, known to me
to be the persons whose names are subscribed to the fore-going
instrument, and acknowledged to me that they 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.

Shirley L. Frome (Seal)
Notary Public for Wyoming
Residing at: Casper, Wyoming
My Commission Expires: 9-16-89

After recording return to:

Ronald N. Graves
P.O. Box 27
Boise, Idaho 83707

PROFILED

SCANNED

MAR 23 2007

WARRANTY DEED

Ted C. Frome and Betty B. Frome, husband and wife, Grantors, do hereby grant, bargain, sell, and convey in fee simple to Simplot Leasing Corporation, an Idaho corporation, whose current mailing address is P.O. Box 27, Boise, Idaho 83707, Grantee, and to Grantee's successors and assigns forever all of the following described real estate located in Caribou County, Idaho:

Township 8 South, Range 46 East Boise Meridian:
Section 15: West Half of the West Half (W1/2W1/2).

Together with all improvements and water rights.

All mineral rights are excluded and are retained by Grantor, its successors and assigns, provided, however, the Grantees use of the surface of the premises is not to be interrupted by reason of the exploration or extraction thereof.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the same premises, together with the appurtenances, unto the said Grantee of the second part, and to its successors and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused this deed to be executed this 1st day of June, 1986.

STATE OF IDAHO }
County of Caribou }

SS 128365

I Herby certify that this instrument was filed

at the request of Caribou Title Co.

at 11:05 o'clock A M this 10 day of

June, 1986 in my office and duty

recorded in Microfilm Records

Myrna W. Archibald

Ex-Officio Recorder 4.00 Deputy

Ted C. Frome
Ted C. Frome

Betty B. Frome
Betty B. Frome

PROFILED

SCANNED

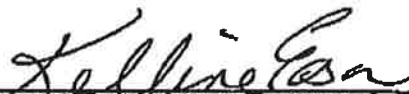
MAR 23 2007

Attachment A

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 1st day of August, 1988, before me, a Notary Public in and for said state, personally appeared Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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: Boss, Idaho
My Commission Expires: 10-13-92

1697S

SCANNED

MAR 23 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2005

J.R. SIMPLOT COMPANY
ATTN: VIC CONRAD
PO BOX 27
BOISE, ID 83707

REF: SNAKE RIVER BASIN ADJUDICATION (SRBA)
CLAIM 24-2005A

SUBJECT: Ownership Change

RESPONSE DATE: JANUARY 3, 2006

Dear Vic,

In 1999 the JR Simplot Company filed a transfer (T5485) to change the purpose of use, place of use and point of diversion of water right 24-2005. I assume they also intended to change the ownership at the same time. Since the transfer has been withdrawn then they need to do an ownership change for the property purchased. I've enclosed the form for your convenience. Please complete the enclosed form and return it to me by the above response date. If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Form 42-248/42-1409(6) July, 2000

PROFILED

SCANNED

MAR 23 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
September 13, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J.R. Simplot Company
PO Box 27
Boise, Idaho 83707

Attention: Vic Conrad

Mr. Conrad:

I have been holding transfer application #5485 on Sage Creek, Smoky Creek, and Tygee Creek for several years now. I will need to know if you are still trying to go forward with this.

Without a settlement with the protestant (Petersen's) the only option is to set a hearing.

Please let me know of your intentions within 14 days.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ/clk

PROFILED

SCANNED

MAR 23 2007

Affidavit of Publication

County of Caribou }
State of Idaho } ss,

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

15th day of
July, 1999

The date of the last publication
being the 22nd day of

July, 1999

On this 6th day of August

in the year of 1999 before

me, a Notary Public, personally
appeared

[Signature]
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

[Signature]
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5435

Notice is hereby given that J.R.
Simplot Company, P.O. Box 27,
Boise, ID 83707 has applied to the
Department of Water Resources to
change the point of diversion, to
change the place of use and to
change the nature of use of a sur-
face water source. The right sought
to be changed is evidenced by a
license and recorded as follows:

License No.: 24-02005

Source: Deer Hollow, Tygee and
Miller Creek

Amount: 4.36 cfs

Priority: 9/28/1904

Point of Diversion(s): within
SEC 9, 10, 15, & 16 T08S R46E,
Caribou County

The water is used for irrigation
of 218 acres within the SEC 9, 10,
& 15 T08S R46E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has purchased the
88 acres in the W 1/2 W 1/2 SEC 15
T08S R46E. They wish to change
the nature of use for 1.76 cfs to
Industrial for road dust suppression
and use the following sources and
points of diversion:

SESE SEC 9, SWSE SEC 10,
NENW SEC 16, T08S R46E, of
Smoky Creek and Tygee Creek,
NENW SEC 7 T09S R46E, of Sage
Creek, of Caribou County.

Any protests against approval of
the proposed changes must be filed
with the Idaho Department of
Water Resources, 900 North
Skyline Drive, Ste. A, Idaho Falls,
ID 83402, together with a protest
fee of \$25.00 on or before August,
2, 1999. The protestant must also
send a copy of the protest to the
applicant.

(s) KARL J. DREHER
Director

Published in the Caribou County
Sun on July 15 and 22, 1999.

Source:
Deer Hollow
Tygee Creek
Miller Creek

POD

TES, 116 9, SESE Smoky Cr
T8S, 46 10, SWSE Tygee Cr
16, NENW

7, 116 15, NENW Sage
7, 46, 7, NENW
amended

PROFILED

SCANNED
MAR 22 2007

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

2nd day of September, 1999

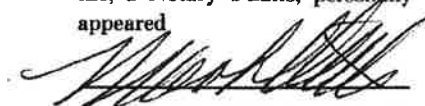
The date of the last publication being the 9th day of

September, 1999

On this 13th day of October

in the year of 1999 before

me, a Notary Public, personally appeared


known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

SCANNED

MAR 22 2007

PUBLIC NOTICE

First Time Published

NOTICE OF AMENDED CHANGE OF WATER RIGHT NO. T5485

Notice is hereby given that JR Simplot Company, P.O. Box 27, Boise, ID 83707, had applied to the Department of Water Resources to amend transfer application #5485 for a portion of water right 24-02005, which was advertised for the applicant, JR Simplot, on July 15 and 22, 1999. One of the points of diversion was listed as the NENW of SEC 7 T09S R46E in Sage Creek tributary to Crow Creek. The applicant wishes to amend that location to the NWNW SEC 7 T09S R46E, Caribou County.

Any protests against approval of

the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Ste. A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before September 20, 1999. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER

Director

Published Sept. 2 and 9, 1999 in the Caribou County Sun.

RECEIVED

OCT 15 1999

Department of Water Resources
Eastern Region

PROFILED

RECEIVED

MAY 5 - 2001

Department of Water Resources

RECEIVED

MAY 01 2000

Department of Water Resources
Eastern Region

IN THE MATTER OF)
APPLICATION FOR TRANSFER)
NUMBER 5485)
IN THE NAME OF)
J.R. Simplot Corp)
_____)

WITHDRAWAL

I hereby withdraw Application for Transfer number 5485
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this 28 day of April 2000.

Signature: 
(Larry Raymond
Smoky Canyon Mine Manager
per Vic Conrad of Simplot.
5-8-2000 Q8)

PROFILED

SCANNED
MAR 22 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 2000

RS PETERSEN AND SONS
RAYMOND PETERSEN
PO BOX 194
COKEVILLE WY 83114

RE: Application for Transfer #5485 for JR Simplot Company

Dear Protestant:

This is to advise you that the above referenced application has been withdrawn. A copy of the withdrawal has been enclosed.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

Enclosure

PROFILED

SCANNED

MAR 22 2007



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 2000

RECEIVED

MAY 5 - 2000

Department of Water Resources

JIM LOUIS
C/O JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: Application for Transfer #5485

Dear Mr. Louis:

This letter is to acknowledge receipt of your relinquishment of the above referenced application. The Department has taken the steps necessary to void the application in our files.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Water Right Supervisor

HWJ::sc

PROFILED

SCANNED
MAR 22 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jim Louis
c/o J.R. Simplot Comp
PO Box 27
Boise ID 83707

Mr. Louis:

Enclosed is a withdrawal form for application for transfer #5485 as per our telephone conversation of April 14, 2000. Please sign it and return it to me at the Idaho Falls office.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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AgriBusiness
Smoky Canyon Mine

RECEIVED

OCT 05 1999

1 October 1999

Department of Water Resources

Robert Peterson
R.S. Peterson and Sons
P.O. Box 212
Cokeville, WY 83114

RECEIVED

OCT 08 1999

Department of Water Resources
Eastern Region

Dear Mr. Peterson:

I appreciated the opportunity to talk to you about water from Sage Creek for our use in dust control on haul roads.

As we discussed, the J.R. Simplot Co. recognizes that our portion of water right no. 24-02005, which is being transferred to a point of diversion located on Sage Creek pursuant to IDWR Transfer No. 5485, will be subordinate to water right no. 24-04080 to the extent that water right no. 24-04080 or any portion of the amount claimed under the water right is recognized and decreed in the Snake River Basin Adjudication (SRBA).

We also discussed putting a device on the inlet of our pipe so your representative could shut off the water going to our pond in the event you cannot divert the amount confirmed in the SRBA for claim no. A24-04080. When I visited with our people about the best way to handle this, they suggested we build a locking lid over the top of the switch that activates the pump used for filling the water truck. This lid would be fitted with a hasp that could be locked with a padlock. We would furnish you with a padlock, for which you would have the only keys, which you could use to lockout our switch so we could not fill the water truck.

This system would be much easier for your representative to use than the one we discussed, since the inlet is on the upstream side of our haul road, which necessitates climbing up and down an embankment that is 40 feet high to reach the inlet from Sage Valley.

Since using water from Sage Creek decreases our water haulage distance three miles from our present haul, this greatly facilitates our ability to keep the haul road dust under control.

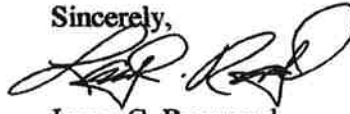
We would appreciate the withdrawal of your protest to the transfer if you feel your concerns have been adequately addressed.

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Sincerely,



Larry C. Raymond
Mine Manager

C: Ron Carlson-IDWR

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MEMORANDUM

DATE: September 17, 1999

TO: File T5485 J.R. Simplot Company

FROM: Ron Carlson *RDC*

RE: Conference

On September 16, 1999 a conference was held in the IDWR State office in Boise. I conducted the conference. The applicant was represented by Jim Louis (Smokey Canyon Mine), Shawn Del Ysursa (Attorney) and Vic Conrad (J.R. Simplot Co.). The application was protested by the Idaho Rural Council and Raymond Peterson and Sons. Amber Felton, appeared on behalf of the Idaho Rural Council. Raymond Peterson and Sons was did not appear at the conference.

Vic Conrad initially explained the reason for filing the application. He said dust abatement is an on going requirement for their haul roads. This year Simplot applied for a temporary permit for that purpose but had, in prior years, used ground water to meet the dust abatement requirements. The 1.76 cfs diversion rate indicated on the application would be necessary to fill the trucks needed to maintain about five miles of haul road from their Smoky Canyon Mine.

Amber Felton initially said her organization was concerned about the proposed change reducing recharge to the Snake Plain. She also expressed concern about changing an irrigation water right to a non-irrigation use.

After discussing these concerns it appeared that it would be very difficult for the Idaho Rural Council to show any reduction in water supply or recharge to the Snake Plain aquifer as a result of this change. I also explained that prior to the 1980 change in the Idaho Code which provided for changing the nature of use of a water right, this might have been processed as a change in the place of use for irrigation, even though the irrigation beneficial use would be different. Amber then said their real purpose was to increase awareness in the IDWR. I asked what that meant and she responded that she thought that people were being injured by all of the transfers that were being approved by the IDWR. I asked for examples and she cited a proposed transfer from Bingham County to supply water for a cheese company in Jerome County. I advised her that I did not know about this proposal but asked her to be more specific about the evidence that made her group believe there would be injury. She had none but "felt" moving that far had to injure someone. She then said that IDWR should be measuring wells. I told her we were. She said she was sure that we were not measuring any domestic wells. I said that the cost vs the benefits made that impractical. She then said that domestic uses were being expanded e.g. more cows than are permitted by the water right. I then asked how other water rights would be injured by adding cows. She then said her organization was concerned about both water quality and water quantity. She was then asked if the applicant could show that there would be no enlargement in the use of water and that water quality would not be impacted if she would withdraw the protest. She said she had no power to make a decision for IRC. Shawn Del asked for the names of the board of

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IRC. Amber said she could not disclose that information. Shawn Del then asked if one of the names might be Bill Chisolm. Amber acknowledged that might be the case. I suggested that someone from IRC who was able to make a decision meet with Simplot before we proceed with the expense of a hearing. It was agreed that IDWR would give the parties until September 30 to resolve the protests. If we have not heard from them by then we will proceed with scheduling the hearing. Vic Conrad asked that it be held as soon as possible after the 30th.

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Receipt # E025278

E025278

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SEP 07 1999

Department of Water Resources
Eastern Region

Idaho Water Resource Board

Att: Harold Jones

Ref: Water Rights Transfer of JR Simplot #5485

Dear sir:

I am submitting a protest of the water rights transfer and regret that we were not notified by you concerning this transfer.

As a land owner and having water rights on Sage Creek where the transfer was being made, I feel we should have been notified personally rather than being expected to read it in a paper we do not even subscribe to. I hope the Board will consider this and in the future plan to notify all water right users on any transfer that pertains to them. The only way I found out was I saw Simplot employees preparing to pump out of Sage Creek.

During the summer months, July, August and September there is not enough water most years to allow JR Simplot to pump out of Sage Creek.

I would appreciate your help and response to this matter.

Sincerely,

RS Petersen and Sons

by *Raymond J. Petersen*

Box 194

Cokeville, WY 83114

ic Twenty-five dollars filing fee.

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CORPORATE HEADQUARTERS

August 19, 1999

Harold Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

RECEIVED
23-24
AUG 24 1999

Department of Water Resources
Eastern Region

Re: IDWR Transfer No. 5485, Water Right No. 24-02005.

Dear Harold:

The above transfer was filed identifying the following locations for points of diversion:

Table 1. Points of Diversion Originally Advertised under IDWR Transfer No. 5485

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	Caribou	Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		NE	NW	7	9S	46E	Caribou	Sage Creek Tributary to Crow Creek

In re-evaluating the location for our proposed diversion from Sage Creek we identified a better location approximately 1/4 mile upstream. By diverting from this new point we can utilize a gravity flow system to transport water to our holding pond and forego the costs of pumping. However, this moves the location of the Sage Creek diversion point into the adjacent 40 acre subdivision.

As a result of moving this point of diversion we request an amendment to the above referenced transfer to change the location of the Sage Creek point of diversion from the NE1/4NW1/4 of Section 7 T.9S R.46E to the NW1/4NW1/4 of Section 7 T. 9S R. 46E. In reviewing the IDWR water rights database I discovered claimed diversion points within the SE1/4NE1/4 and NE1/4NW1/4 of Section 7 T.9S R.46E under statutory claim no. 24-04080. This claim was filed in the Snake River Basin Adjudication identifying these same points of diversion.

A review of the IDWR's adjudication database on August 17, 1999, revealed the following claims identifying Sage Creek as the point of diversion:

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Table 2. SRBA Claims with Points of Diversion in Section 7 T.9S R.46E

Claim No.	Claimant	Stage	Use	Point(s) of Diversion	Rate of Diversion
24-10074	US Forest Service	Partial Decree Issued February 12, 1999	Instream Stockwater Use	Instream Beginning Point: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R.46E Instream Ending Point: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T.9S R.46E	.02 c.f.s
24-10076	US Forest Service	Partial Decree Issued February 12, 1999	Instream Stockwater Use	Instream Beginning Point: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15 T.9S R.45E Instream Ending Point: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T.9S R.46E	.02 c.f.s.
A24-04080	Raymond S. Peterson & Sons, Inc.	Director's Report for Basin 24 not yet filed with SRBA Court	Irrigation and Stockwater	SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7 T.9S R.46E	17.96 c.f.s.

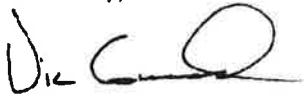
We do not believe there will be any impact to the above decreed rights and statutory claim caused by moving our Sage Creek point of diversion into the adjacent quarter quarter.

Enclosed is a \$50.00 check to cover your transfer amendment fee. Please amend the points of diversion contained on IDWR transfer no. 5485 as follows:

Table 3. Amended Points of Diversion for Transfer No. 5485

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	Caribou	Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	Caribou	Smoky Creek Tributary to Tygee Creek
		NW	NW	7	9S	46E	Caribou	Sage Creek Tributary to Crow Creek

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosure

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MAR 22 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1999

**JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707**

RE: Application for Transfer #5485

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on July 14 and 21, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

**Harold W. Jones
Water Right Supervisor**

HWJ::sc

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MAR 22 2007**

CLAIMS BASED ON LICENSE COMPARISON

	Licensed	Claimed	Field Exam
License #	879	24-2005	
Priority Date	9-29-1904	9-29-1904	
Source(s)	Deer Hall Ground Tapee Creek Mudie Creek	Tapee Creek	
Tributary to	—	Sump Creek	
POD	8.46, 15 SWSW ↓ 15 SW NW 16 NE NE 9 SESE ↓ 10 SWSW	8.46, 15 SWSW ↓ 15 SWNW	
Purpose of Use	Irrigation Domestic	Irrigation	
Season of Use		4/1 - 10/31	
Quantity (cfs)	4.36	1.76 24-2005A 2.64 24-2005B 4.0	
POU	8.46, 15 SWSW, 28 15 NWSW, 18 15 SWNW, 25 15 NWNW, 17 10 SWSW, 31 10 NWSW, 27 10 NESW, 33 ↓ 9 SESE 39	8.46, 15 SWSW, 28 NWSW, 18 SWNW, 25 NWNW, 17 88	
			NONE
	Licensed	Claimed	Field Exam

Checker BR Date 10-20-05

Claim # 20-2005A

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Simplot POU Analysis

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SES W	NE SE	NW SE	SW SE	SES E	Total
Claim	24-2005A	J R SIMPLOT CO,	TYGEE	08S46E15						17	25			18	28						88
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S46E7												X		X	X		0
Claim	24-7164	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Claim	24-7169	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
TClaim	24-2005B	J R SIMPLOT CO,	SMOKY CREEK, TYGEE	08S45E25	X			X									X			X	0
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S42E7									X								0
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S46E21							X										0
Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SES W	NE SE	NW SE	SW SE	SES E	Total
Claim	24-10353	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Claim	24-10357	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15			X														0
Claim	24-2005A	J R SIMPLOT CO,	TYGEE	08S46E15						17	25			18	28						88
Claim	24-10353	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Claim	24-10357	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15			X														0
Claim	24-10351	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Claim	24-10359	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15													X				0
Claim	24-10355	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0

MAILED 2 2007

SCANNED

RECEIVED

Claim	24-10351	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Claim	24-10359	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15													X				0
Claim	24-10355	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Rec	24-10351	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Rec	24-10355	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Rec	24-10353	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15	X																0
Rec	24-10359	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15													X				0
Rec	24-10357	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	08S46E15			X														0
Right	24-2005	MARY I MILLER,	TYGEE	08S46E15						17	25			18	28						88
Right	24-10228	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	08S46E15	X	X															0
Right	24-10389	UNITED STATES OF AMERICA ACTING THROUGH,	TYGEE CREEK	08S46E15					X												0
Right	24-10229	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	08S46E15		X	X	X									X				0
Right	24-4082	UNITED STATES OF AMERICA ACTING THROUGH,	TYGEE CREEK	08S46E15					X												0
Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SES W	NE SE	NW SE	SW SE	SES E	Total

Claim	24-7113	J R SIMPLOT CO,	GROUND	08S46E7												X		X	X		0
Rec	24-10115	UNITED STATES OF AMERICA ACTING THROUGH,	DRANEY CREEK	08S46E7												X	X		X	X	0
Type	WR #	Owner	Source	TRS	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SES	NE	NW	SW	SES	Total
Claim	24-7164	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Claim	24-7169	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Right	24-7113	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Right	24-7164	J R SIMPLOT CO,	GROUND	08S45E25													X			X	0
Right	24-7169	J R SIMPLOT CO,	GROUND	08S45E25	X			X									X			X	0
Right	24-4027	UNITED STATES OF AMERICA ACTING THROUGH,	SMOKY CANYON SPRING	08S45E25									X								0
TClaim	24-2005B	J R SIMPLOT CO,	SMOKY CREEK, TYGEE	08S45E25	X			X									X			X	0
Type	WR #	Owner	Source	TRS	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SES	NE	NW	SW	SES	Total
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S42E7									X								0
Right	11-995B	HEBER LAU,	SPRING, FORMATION SPRING CREEK	08S42E7	X			X													0
Type	WR #	Owner	Source	TRS	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SES	NE	NW	SW	SES	Total
Claim	24-7113	J R SIMPLOT CO,	GROUND	08S46E21							X										0
Right	24-7113	J R SIMPLOT CO,	GROUND	08S46E21							X										0

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

3 February 2006

J.R. Simplot Company
Attn: Vic Conrad
P.O. Box 27
Boise, ID 83707

COPY

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA)
CLAIM 24-2005A

SUBJECT: Nature of Change Evidence

RESPONSE DATE: 17 February 2006

Dear Claimant(s):

During a telephone conversation with Cindy Bird on January 19th, you agreed to provide the department with evidence to support the change in the nature of use for the above referenced claim. You stated it was converted to industrial use prior to 1987, when a tailings pond was constructed. Please provide the missing documentation by the above response date. Thank you.

Respectfully,

Barbara Payne

Barbara Payne

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TELEPHONE & VISITOR LOG

Date: 1-19-06

Time: 4pm

Call ☒ Visit ☐

Name:

Vic Conrad
J-R. Simplot Co.

Address:

Phone No.:

Claim No(s):

24-2005A.

=====

RE:

Irrigation. of 88 acres.

Conversation:

according to Vic Conrad they
do not irrigate anything. They converted
it over to industrial prior to 1987.
They created a tailings pond that they
use for industrial.

=====

Action Required:

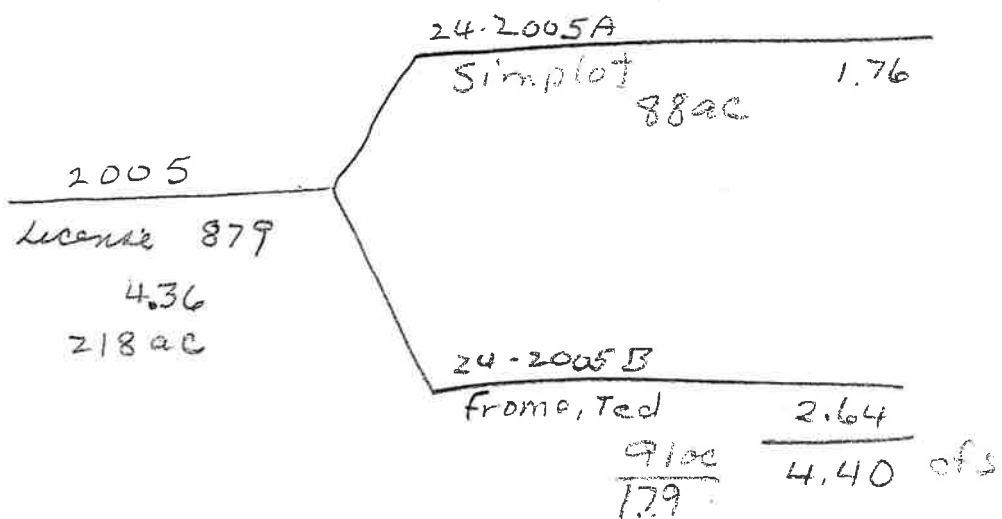
Vic Conrad. is suppose to send us evidence
to support the charge occurred prior to 1987.

Received Deed, Simplots' bought the property in.
June, 1986!

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MAR 22 2007

SCANNED

PROTECTED



CORPORATE HEADQUARTERS

June 30, 1999

Harold Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 North Skyline Drive Suite A
Idaho Falls, ID 83402

Re: IDWR License No. 24-02005.

Dear Harold:

Enclosed for filing are the following original documents:

1. SRBA Claim No. A24-02005A and \$188.00 check to cover your SRBA claim filing fee.
2. An Application for Transfer of a portion of water right number 24-02005. The transfer seeks a change in location of the points of diversion, places of use and nature of use for that portion of IDWR license no. 24-02005 acquired by Simplot in 1986. A \$100.00 check is enclosed to cover your transfer filing fee.

Please file the enclosed documents and should you have any questions about either the claim or the transfer please contact me. My phone number is 208-389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosures

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JUL 02 1999

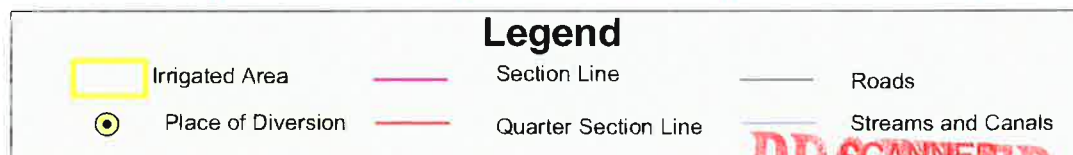
Department of Water Resources
Eastern Region

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MAR 22 2007

Water Right Claim Number 24-02005A
Township , 8S46E

05/02/2001



600 0 600 1200 Feet



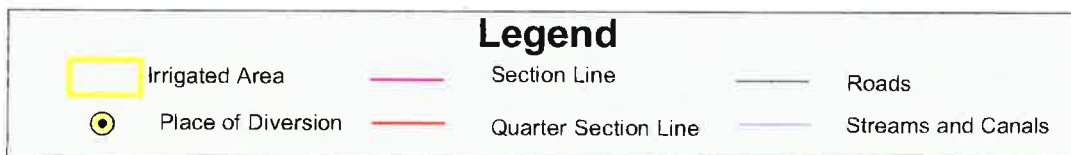
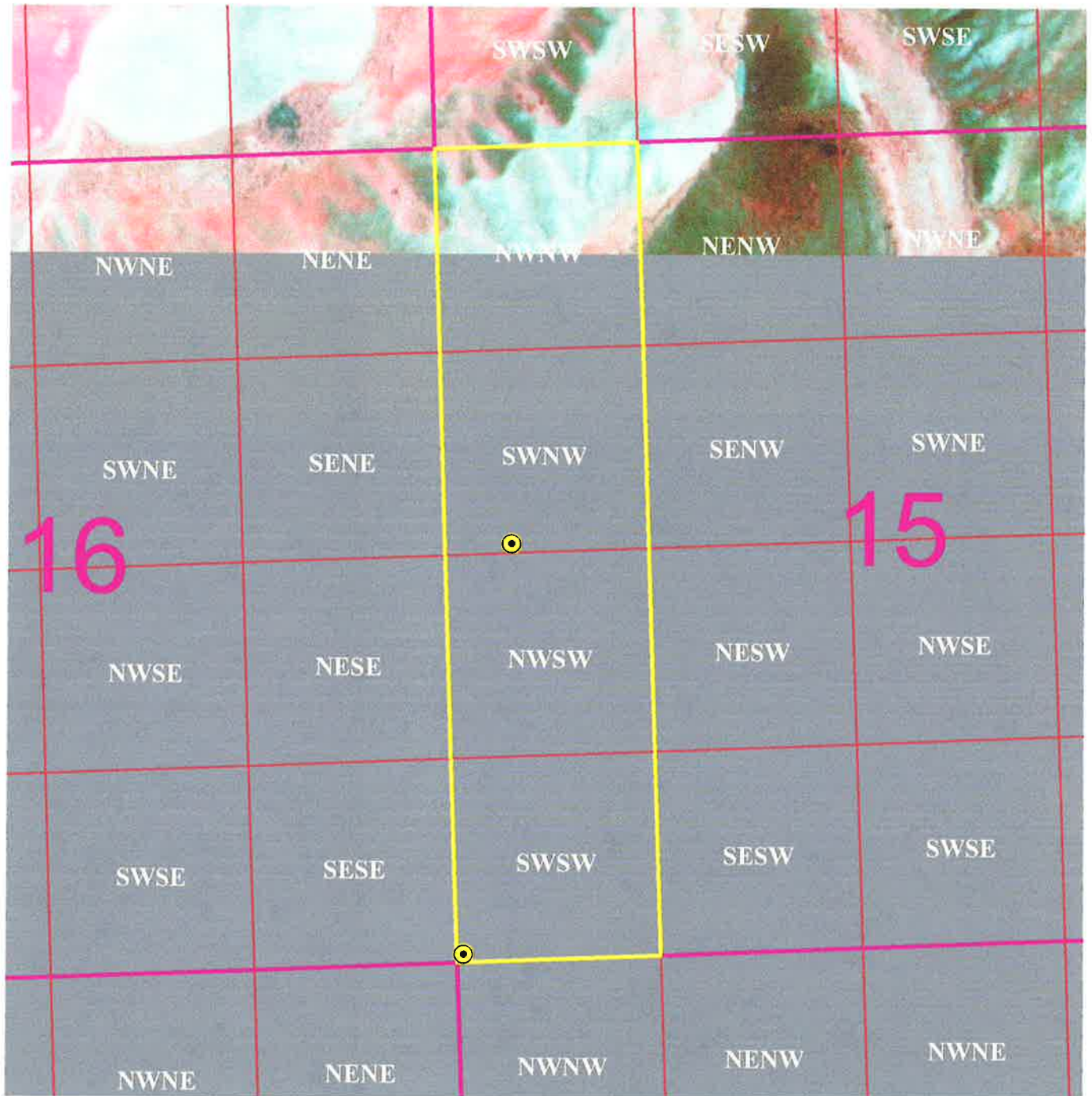
PROFILED
SCANNED
MAR 24 2007



 SPATIAL
DYNAMICS

Water Right Claim Number 24-02005A
Township , 8S46E

05/02/2001

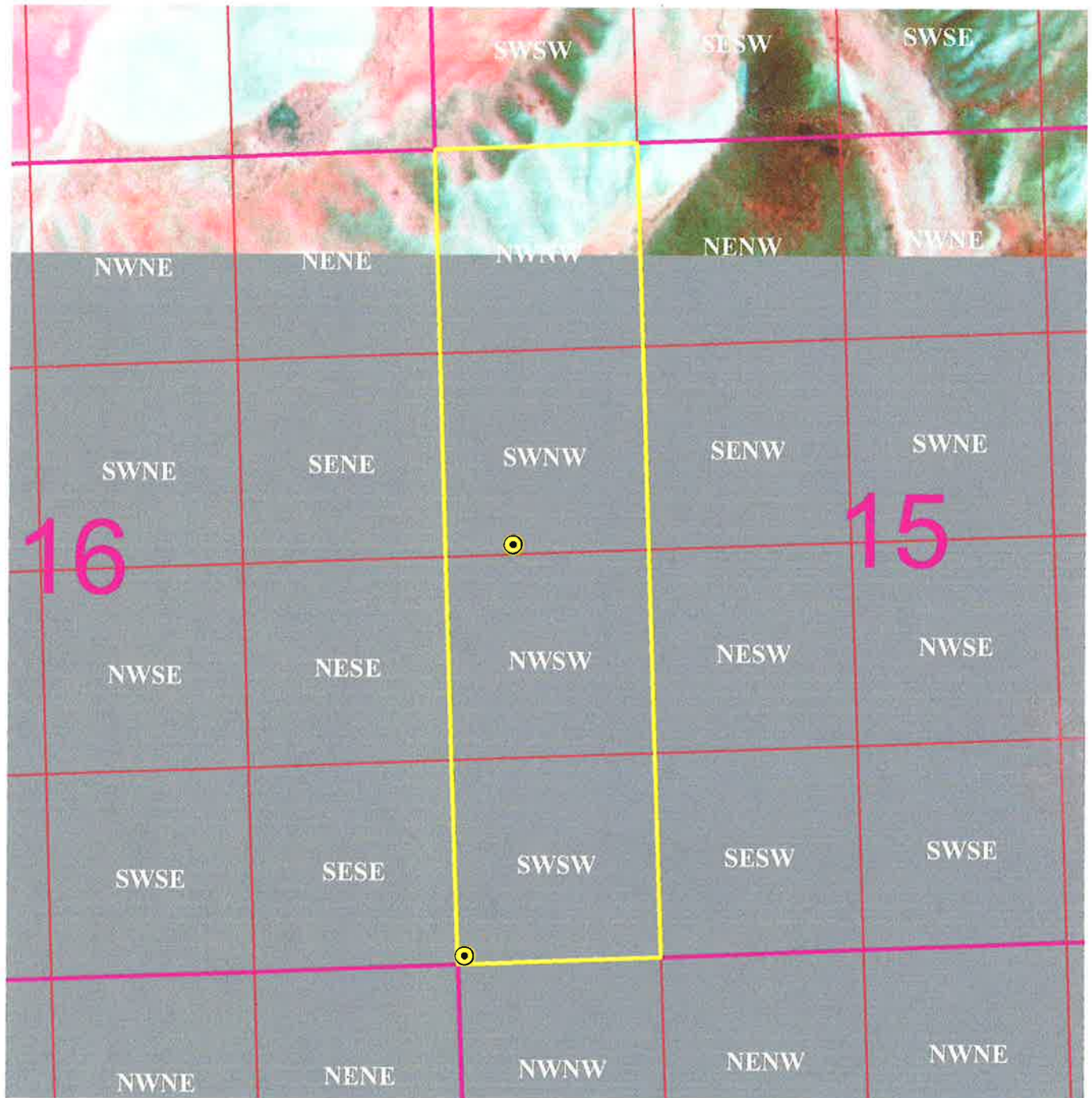


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MAR 22 2007

SPATIAL
DYNAMICS

Water Right Claim Number 24-02005A
Township , 8S46E

05/02/2001



Legend		
	Irrigated Area	Section Line
	Place of Diversion	Quarter Section Line
		Roads
		Streams and Canals



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MAR 22 2007
SPATIAL DYNAMICS

SCANNED

AUG 01 2001

Log for claim 24-02005A

Spatial Dynamics LTD

5/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s46e	15	NWNW	17	40	No Photography
08s46e	15	SWNW	25	40	No Photography
08s46e	15	NWSW	18	40	No Photography
08s46e	15	SWSW	28	40	No Photography
Totals:			88	160	



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Parcel Numbers:

09880	09890	09900	0992A
0992B	15280	16310	16520
16550	16560	16570	16830
16840	1781A	17890	17900
1792A	1792B	19960	20230
20270	21020	2131A	44180
<u>44670</u>	<u>45160</u>	<u>45620</u>	<u>46070</u>
<u>46520</u>	<u>46970</u>	<u>47420</u>	<u>47880</u>
75910	7591B	75920	7592A

MN0000000020

1792A

46, 21 N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW, dry grazing 760 ac.
c. 20 + 29

1792B

46, 21 S $\frac{1}{2}$ SE dry grazing 240 ac.

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MAR 22 2007

 County of Bannock
 Deer Hollow, Tague and Miller Creeks
 4.36 second feet
 Irrigation
 Priority 9-29-1904

S T A T E O F I D A H O .

Water License No. 879.

WHEREAS, On the 29th day of September A.D. 1904, MARY I. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1221) to me for a permit to use $6 \frac{2}{5}$ cubic feet per second of the waters of Deer Hollow Creek, Tague Creek and Miller Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 25th day of October A.D. 1904, Permit No. 879 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 25th day of October A.D. 1910, and,

WHEREAS, On the 1st day of September A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of $6 \frac{2}{5}$ cubic feet per second of said waters, as evidenced by my Certificate No. 879, dated September 12, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $6 \frac{2}{5}$ cubic feet per second of water, with date of priority of September 29, 1904, and,

WHEREAS, On the 1st day of September A.D. 1908, proof was duly made of the application to beneficial use of 4.36 cubic feet per second of said water;

NOW; THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY I. MILLER, of Fairview, Wyoming, the holder and owner of said Permit No. 879 a perpetual right dating from September 29, 1904, to the use of 4.36 cubic feet per second of the waters of Deer Hollow, Tague and Miller Creeks, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Ditch No. 1 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 15; ditch No. 2 - SW $\frac{1}{4}$ of NW $\frac{1}{4}$ sec. 15; ditch No. 3 - NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 16; ditch No. 4 - SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 9; ditch No. 5 - SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 10; township 8 south, range 46 east of the Boise Meridian, and conducted to and upon (28 acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$; 18 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 17 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$; section 15:- 31 acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$; 27 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$; 33 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, section 10:- 39 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, section 9, township 8 south, range 46 east of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the state of Idaho applicable to a license for the use of the waters of the state, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of September,
 A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.
 State Engineer.

(SEAL)

Recorded September 14, 1908.

PROFILED

24 2015

SCANNED

MAR 22 2007

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 24-2005

- Water Right Number / Status /Reason for split**
- 24-2005 /See Remarks /Transfer**
 - 24-2005A /Active /Transfer**
 - 24-2005B /Active /Transfer**

Water Right Pedigree for 24-2005

SCANNED
MAR 22 2007

 County of Bannock
 Deer Hollow, Tague and Miller Creeks
 4.36 second feet
 Irrigation
 Priority 9-29-1904

S T A T E O F I D A H O .

Water License No. 879.

WHEREAS, On the 29th day of September A.D. 1904, MARY I. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1221) to me for a permit to use 6 2/5 cubic feet per second of the waters of Deer Hollow Creek, Tague Creek and Miller Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 25th day of October A.D. 1904, Permit No. 879 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 25th day of October A.D. 1910, and,

WHEREAS, On the 1st day of September A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 6 2/5 cubic feet per second of said waters, as evidenced by my Certificate No. 879, dated September 12, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6 2/5 cubic feet per second of water, with date of priority of September 29, 1904, and,

WHEREAS, On the 1st day of September A.D. 1908, proof was duly made of the application to beneficial use of 4.36 cubic feet per second of said water;

NOW; THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY I. MILLER, of Fairview, Wyoming, the holder and owner of said Permit No. 879 a perpetual right dating from September 29, 1904, to the use of 4.36 cubic feet per second of the waters of Deer Hollow, Tague and Miller Creeks, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Ditch No. 1 - SW 1/4 SW 1/4 of sec. 15; ditch No. 2 - SW 1/4 of NW 1/4 sec. 15; ditch No. 3 - NE 1/4 of NW 1/4 Sec. 16; ditch No. 4 - SE 1/4 of SW 1/4 of Sec. 9; ditch No. 5 - SW 1/4 of SE 1/4 Section 10; township 8 south, range 46 east of the Boise Meridian, and conducted to and upon (28 acres in SW 1/4 of SW 1/4; 18 acres in NW 1/4 of SW 1/4; 25 acres in SW 1/4 NW 1/4; 17 acres in NW 1/4 of NW 1/4; section 15:- 31 acres in SW 1/4 of SW 1/4; 27 acres in NW 1/4 of SW 1/4; 33 acres in NE 1/4 of SW 1/4; section 10:- 39 acres in SE 1/4 of SE 1/4, section 9, township 8 south, range 46 east of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the state of Idaho applicable to a license for the use of the waters of the state, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

Witness my hand at Boise, Idaho, this 14th day of September,

Jas. Stephenson, Jr.
 State Engineer.

PROFILED

SCANNED

MAR 22 2007

24 2005

Sec 15	SW SW	28
	NW SW	18
	SW NW	25
	NW NW	17
Sec 10	SW SW	31
	NW SW	27
	NE SW	33
Sec 9	SE SE	39

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5485

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1 *Robert Peterson* JUL 02 1999

Robt Peterson
307-279-3444

JUL 02 1999

Department of Water Resources
Eastern Region

Name of applicant J. R. Simplot Company Phone 208-336-2110
Post Office address P. O. Box 27 Boise, ID 83707 389-7559

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes This transfer is being filed to change diversion points, the place and nature of use for a portion of this license.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
24-02005(B)	Sept. 9, 1904	1.76	Industrial	4/1 to 10/31
				to
				to
				to
				to

2. Total amount of water being transferred 1.76 c.f.s. cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Sage Creek tributary to Crow Creek

4. Point(s) of Diversion:

* See additional sources below

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	8S	46E	Canby	* Smoky Creek Tributary to Tygee Creek
		SW	SE	10	8S	46E	"	* Tygee Creek Tributary to Stump Creek
		NE	NW	16	8S	46E	"	* Smoky Creek Tributary to Tygee Creek
		NE	NW	7	9S	46E	"	* Sage Creek Tributary to Crow Creek

5. Lands irrigated or place of use:

See Attachment "B"

[illegible]

PART 1**6. General Information:**a. Description of diversion system Intake screen and suction hoseb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
That portion of the place of use being transferred will not be irrigated.

d. Remarks:

Industrial use includes dust abatement on haul road for Simplot's Smoky Canyon Mine.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PROFILED**SCANNED**
MAR 22 2007

Page 3 of 8

PART 2

TRANS NO. 5485

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 24-02005

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.36 CFS
DOMESTIC	to	
	Totals	4.36 CFS

SOURCE

DEER HOLLOW CREEK
 TYGEE CREEK
 MILLER CREEK

TRIBUTARY OF

TYGEE CREEK
 STUMP CREEK
 TYGEE CREEK

Priority: 09/29/1904

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 9, Township 08S, Range 46E
 SWSE , Sec. 10, Township 08S, Range 46E
 SWNW , Sec. 15, Township 08S, Range 46E
 SWSW , Sec. 15, Township 08S, Range 46E
 NENW , Sec. 16, Township 08S, Range 46E
 CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	46E	9	SESE 39			39
		10	NESW 33	NWSW 27	SWSW 31	91
		15	NWNW 17	SWNW 25	NWSW 18	
			SWSW 28			88
						218

Total number of acres irrigated:

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. SOURCE NAMES ARE NOT IDENTIFIED AS SUCH BY USGS QUAD.

PROFILED

SCANNED
 MAR 22 2007

Response to Part 1 B.5 "Lands Irrigated or place of use" after the requested change.

Twp.	Rng.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
8S	45E	24																I	
		25	I			I									I			I	
9S	45E	12																I	
		13	I	I	I	I													
8S	46E	30						I	I			I	I						
		31						I	I			I	I	I			I		
9S	46E	6		I	I								I	I		I	I		
		7					I	I	I	I	I	I	I	I					
		18					I	I	I	I									

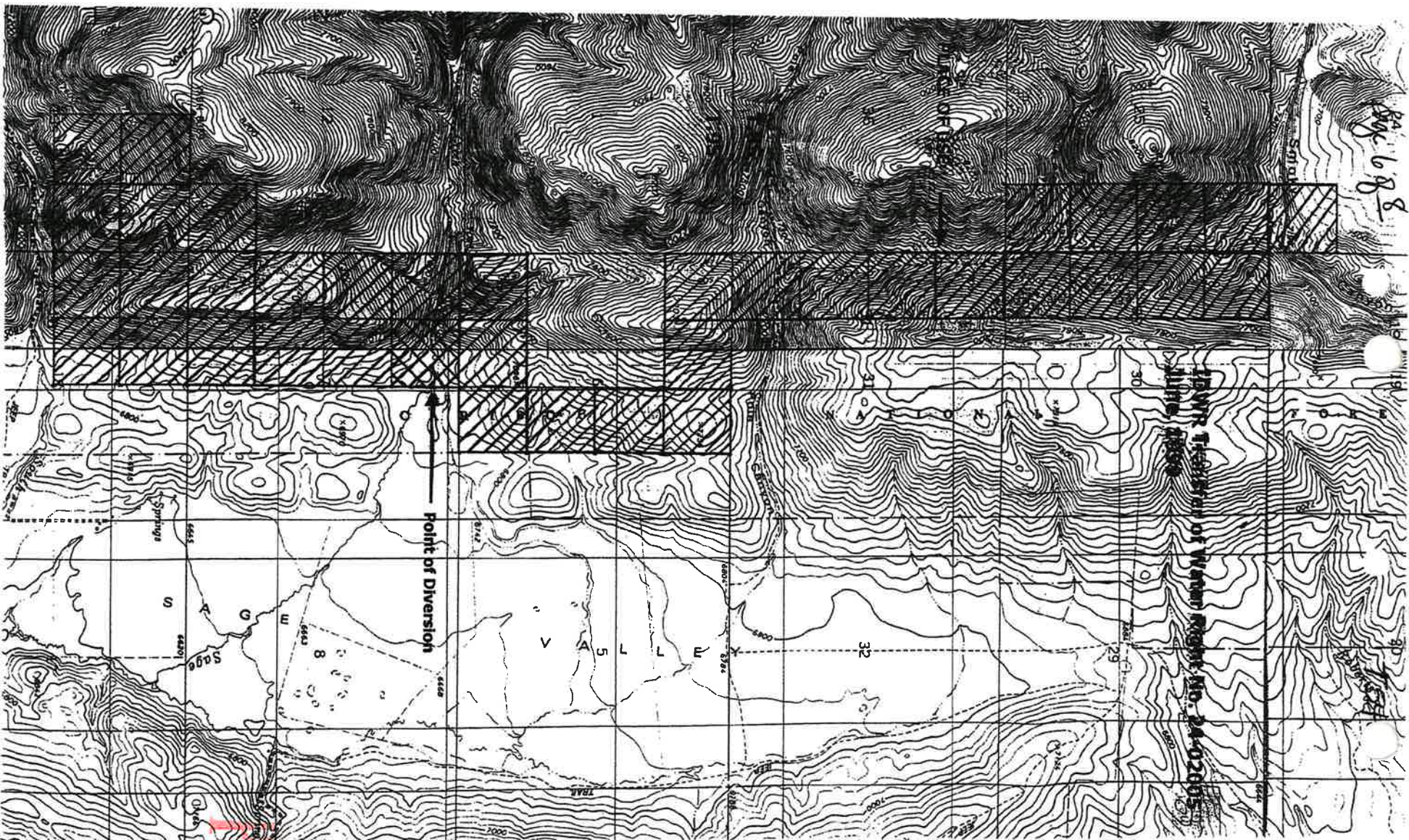
I = Industrial Use

PROFILED

SCANNED
MAR 22 2007

Page 6 of 8

1/25/04



1200R TIE-IN OF WATER RIGHT NO. 24-02005
June, 1998

ROUTED

SCANNED

MAR 22 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map Labeled, "IDWR Transfer of Water Right No. 24-02005 June, 1999."

PROFILED

SCANNED
MAR 22 2007

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Industrial	1.76 c.f.s.	12 hrs/Day	4/1 to 10/31

2. Quantity and quality of return flows and location of discharge:

There will not be any return flow or discharge associated with the industrial use.

3. Describe effects on other water uses resulting from the proposed change:

The proposed change will not have any effect on other water rights.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. R. Simplot Company

By: Ronald N. Graves

Ronald N. Graves, Secretary

Subscribed and sworn to before me this 30th day of June, 19 99.



Victoria J. Mundy
(Notary Public)

My commission expires 07/06/2004

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and attachments

Received by [Signature] Date 7-2-1999

Protest filed by Idaho Rural Council

Prelim. check by [Signature] Fee \$100.00

Receipted by [Signature] Date 7-2-1999

Published in Caribou County Sun

Copies of protest forwarded by SC

Pub. dates July 14 & 21st, 1999

Hearing held by Date

Watermaster recommendation requested on

Recommended for ☐ approval ☐ denial

rec'd.

by

Copy of transfer sent to lien holder

PROFILED

SCANNED
MAR 22 2007

QUITCLAIM DEED

SIMPLOT LEASING CORPORATION, an Idaho corporation, for consideration paid, releases to J. R. SIMPLOT COMPANY, a Nevada corporation having a place of business at P.O. Box 27, Boise, Idaho 83707;

All the following described real estate, situated in the County of Caribou, State of Idaho, to-wit:

Township 8 South, Range 46 East Boise Meridian
Section 15: West Half of the West Half (W 1/2 W 1/2),

Together with all improvements and water rights.

Also hereby conveying all remaining rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, SIMPLOT LEASING CORPORATION has hereunto caused this instrument to be signed in its corporate name by Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, hereunto duly authorized, this 1st day of August, 1988.

SIMPLOT LEASING CORPORATION

ATTEST:

Ronald N. Graves
Secretary

By Scott R. Simplot
Its President

SCANNED
MAR 22 2007

STATE OF IDAHO }
County of Caribou } SS 135757
I hereby certify that this instrument was filed
at the request of J. R. Simplot Co.
at 9:30 o'clock A M this 19th day of
December, 1988 in my office and duly
recorded in Microfilm Records _____
Marna W. Archibald
Becky Jenkins
Ex-Officio Recorder 6.00 Deputy

PROFILED

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 1st day of August, 1988, before me, a Notary Public in and for said state, personally appeared Scott R. Simplot and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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: Boss, Idaho
My Commission Expires: 10-13-92

1697S

PROFILED

SCANNED
MAR 22 2007

Attachment A

WARRANTY DEED

Ted C. Frome and Betty B. Frome, husband and wife, Grantors, do hereby grant, bargain, sell, and convey in fee simple to Simplot Leasing Corporation, an Idaho corporation, whose current mailing address is P.O. Box 27, Boise, Idaho 83707, Grantee, and to Grantee's successors and assigns forever all of the following described real estate located in Caribou County, Idaho:

Township 8 South, Range 46 East Boise Meridian:
Section 15: West Half of the West Half (W1/2W1/2).

Together with all improvements and water rights.

All mineral rights are excluded and are retained by Grantor, its successors and assigns, provided, however, the Grantees use of the surface of the premises is not to be interrupted by reason of the exploration or extraction thereof.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the same premises, together with the appurtenances, unto the said Grantee of the second part, and to its successors and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused this deed to be executed this 1st day of June, 1986.

STATE OF IDAHO }
County of Caribou }

ss 128365

I Herby certify that this instrument was filed

at the request of Caribou Title Co.

at 11:05 o'clock A M this 10 day of

June, 1986 in my office and duly

recorded in Microfilm Records _____

Myrna W. Archibald _____

Ex-Officio Recorder 4.00 Deputy

Ted C. Frome
Ted C. Frome

Betty B. Frome
Betty B. Frome

PROFILED

SCANNED
MAR 22 2007

Attachment A

STATE OF WYOMING)
) ss.
County of Lincoln)

On this 1st day of June, 198⁶, before me,
a Notary Public in and for said State, personally appeared
Ted C. Frome and Betty B. Frome, husband and wife, known to me
to be the persons whose names are subscribed to the fore- going
instrument, and acknowledged to me that they 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.

Shirley L. Sample
Notary Public for Wyoming
Residing at: Astoria, Wyoming
My Commission Expires: 9-16-87

After recording return to:

Ronald N. Graves
P.O. Box 27
Boise, Idaho 83707

PROFILED

SCANNED
MAR 22 2007

SCANNED

AUG 2 2007

JUL 02 1999

Department of Water Resources
Eastern Region

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: A24-02005A

Date Received: 7/2/99

Receipt No: E025102

Received By: JH

COPY

1/31/07 original sent to SEBA court CB

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: J R SIMPLOT COMPANY 208-336-2110
Address: P O BOX 27
BOISE ID 83707

2. Date of Priority: SEP 29, 1904

3. Source: TYGEE CREEK Trib. to: STUMP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	46E	15	SW	NW			CARIBOU
			SW	SW			CARIBOU

5. Description of diverting works:
HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.760		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	46E	15	NW	NW		IRR	17.0
			SW	NW		IRR	25.0
			NW	SW		IRR	18.0

A2402005A



A24-02005A

SCANNED

MAR 22 2007

Page

1

Date: 06/23/99

PROFILE

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	46E	15	SW	SW		IRR	28.0
Section Acres							88.0
Total Acres							88.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE ORIGINAL LICENSED SOURCES WERE DEER HOLLOW CREEK, TRIBUTARY TO TYGEE CREEK; TYGEE CREEK, TRIBUTARY TO STUMP CREEK; AND MILLER CREEK, TRIBUTARY TO TYGEE CREEK. DEER HOLLOW CREEK AND MILLER CREEK ARE NOT NAMED ON USGS MAPS. IN JANUARY, 31, 1986, PROPERTY IN SECTION 15 WAS ACQUIRED BY CLAIMANT. IT IS POSSIBLE THAT THE POINT OF DIVERSION IN SWSW OF SEC. 15 IS AN UNNAMED STREAM TRIBUTARY TO TYGEE CREEK.

15. Basis of Claim: LICENSE

Water Right Number: 879

16. Signature(s)

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

Number of attachments: 1 Map

For Organizations:

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

James M. Mundy
Signature of Authorized Agent

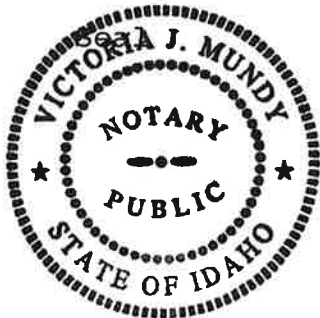
Secretary, J. R. Simplot Company
Title and Organization

June 30, 1999
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of June 19 99

Victoria J. Mundy
Notary Public



Residing at *Boise Idaho*
My Commission Expires *07/06/2004*

SCANNED

SRBA Claim No. A24-02005A
T.8S R.46E

Point of Diversion

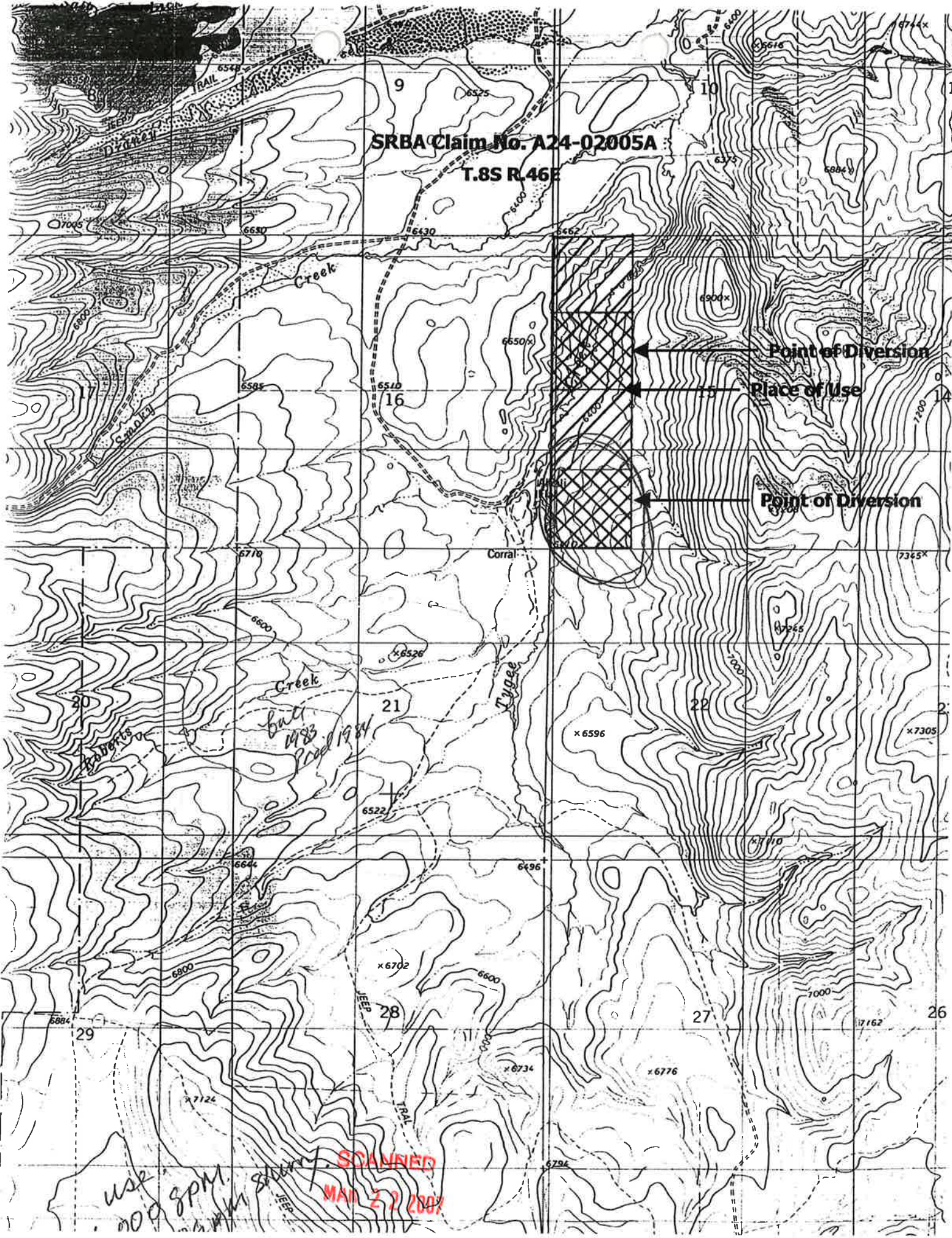
Place of Use

Point of Diversion

*but 1483
Prod 1984*

SCANNED
MAR 22 2007

*use
009 gpm*



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: 24-2005A
Date Received:
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

Phone: (208)336-2110

COPY

2. Date of Priority: 09/29/1904

3. Source: Roberts Creek Trib. to: Tygee Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	Caribou	Industrial

5. Description of diverting works:

Diversion dams & ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Industrial	1/1	12/31	0.43	

7. Total Quantity Appropriated is:
0.43 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

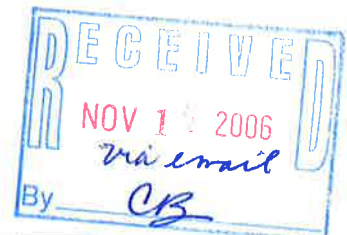
FILED

24-2005A

SCANNED

11/15/2006

MAK 22 2007



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	46E	21	SE	NW	INDUSTRIAL	
			NW	SW	INDUSTRIAL	
			NE	SW	INDUSTRIAL	
			NW	SE	INDUSTRIAL	
			SW	NE	INDUSTRIAL	
			SW	NW	INDUSTRIAL	
			SW	SW	INDUSTRIAL	

11. Place of use in counties: Caribou

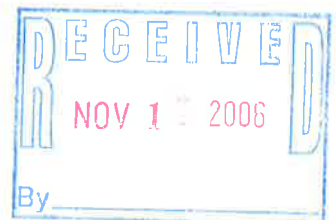
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks: 24-7113

15. Basis of Claim: License

COPY



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: none.

COPY

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Senior Vice President, Secretary and General Counsel of J. R. Simplot Company and that the statements contained in the
Organization

J. R. Simplot Company

foregoing document are true and correct.

By

Terry T. Uhling
Signature of Authorized Agent
Terry T. Uhling

Senior Vice President, Secretary and General Counsel

Title and Organization

November 16, 2006
Date

State of Idaho)

County of ADA)

SS.

Subscribed and sworn (or affirmed) before me this 16 day

of November 2006

Noel Janet Voermans

Notary Public

Residing at

Boise

My commission Expires

10/29/08



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 24-2005A
Date Received: 7/2/1999
Receipt No: E025102
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J R SIMPLOT CO Phone: (208)336-2110

C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 09/29/1904

3. Source: ROBERTS CREEK Trib. to: TYGEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	CARIBOU	

5. Description of diverting works:

DIVERSION DAMS AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	1.76	220

7. Total Quantity Appropriated is:
1.76 C.F.S. and/or 220 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
08S	46E	21	SW	NE		INDUSTRIAL	
			SW	NW		INDUSTRIAL	
			SE	NW		INDUSTRIAL	
			NE	SW		INDUSTRIAL	
			NW	SW		INDUSTRIAL	
			NW	SE		INDUSTRIAL	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

24-7113

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the

Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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 24-2005A
Date Received: 7/2/1999
Receipt No: E025102
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J R SIMPLOT CO Phone: (208)336-2110

C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 09/29/1904

3. Source: ROBERTS CREEK Trib. to: TYGEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	CARIBOU	

5. Description of diverting works:

DIVERSION DAMS AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.43	
			<u>1.76</u>	<u>220 A.F.A</u>

7. Total Quantity Appropriated is:

~~0.43 C.F.S.~~
1.76 C.F.S. OR 220 A.F.A

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	46E	21	SE	NW ✓	INDUSTRIAL	
			NW	SW ✓	INDUSTRIAL	
			NE	SW ✓	INDUSTRIAL	
			NW	SE ✓	INDUSTRIAL	
			SW	NE ✓	INDUSTRIAL	
			SW	NW ✓	INDUSTRIAL	
			SW	SW	INDUSTRIAL	

11. Place of use in counties: CARIBOU ✓

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

13. Other Water Rights Used:

14. Remarks:

24-7113

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

_____ and that the statements contained in the
Organization

foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 2007

Notary Public

Residing at _____

My commission Expires _____

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: 24-2005A
Date Received:
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

Phone: (208) 336-2110

2. Date of Priority: 09/29/1904

3. Source: Roberts Creek Trib. to: Tygee Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	46E	20	SE NE	Caribou	Industrial

5. Description of diverting works:

Diversion dams & ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Industrial	1/1	12/31	0.43	

7. Total Quantity Appropriated is:
0.43 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	46E	21	✓SE	NW ✓	INDUSTRIAL	
			✓NW	SW ✓	INDUSTRIAL	
			✓NE	SW ✓	INDUSTRIAL	
			✓NW	SE ✓	INDUSTRIAL	
			✓SW	NE ✓	INDUSTRIAL	
			✓SW	NW ✓	INDUSTRIAL	
			SW	SW ✓	INDUSTRIAL	

11. Place of use in counties: Caribou

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

13. Other Water Rights Used:

14. Remarks: 24-7113

15. Basis of Claim: License

SCANNED

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: none

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Senior Vice President, Secretary and General Counsel of J. R. Simplot Company and that the statements contained in the
Organization

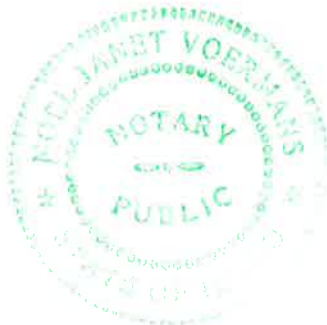
foregoing document are true and correct. By [Signature]
Signature of Authorized Agent
Terry T. Uhling

J. R. Simplot Company
Senior Vice President, Secretary and General Counsel
Title and Organization
November 16, 2006
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of November 2006

[Signature]
Notary Public
Residing at Boise
My commission Expires 10/29/08



SCANNED
MAR 09 2009