

04/04/2003

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

RIGHT NUMBER: 29-2020
NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER
QUANTITY: 3.000 CFS
526.900 AFY

TRIBUTARY:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.50 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 526.9 AF. COMBINED RIGHT NOS.: 29-2020 &
29-2225.

PRIORITY DATE: 08/08/1904

diversion Diversion of ground water is limited to those times water is available for
under this right and priority from Batiste Springs.

POINT OF DIVERSION:

T06S R34E S7 NESW Within POWER County Source: GROUND WATER
T06S R34E S7 NESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	3.000 CFS 526.90 AFY

PLACE OF USE: INDUSTRIAL Within BANNOCK County

T06S R34E S07	SESW	T06S R34E S07	NWSE
T06S R34E S07	SWSE		

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: License

04/04/2003

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under approval of transfer 66770 shall comply with applicable water quality standards of the Department of Environmental Quality.

The right holder shall accomplish the change authorized by transfer 66770 by September 24, 2003.

Failure of the right holder to comply with the conditions of transfer 66770 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under approval of transfer 66770, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total

rate

of diversion.

02/21/2003

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

RIGHT NUMBER: 29-2020

NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Diversion of ground water is limited to those times water is available for diversion under this right and priority from Batiste Springs.

QUANTITY: 3.000 CFS
526.900 AFY

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Prior to diversion of water under approval of transfer 66770, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Rights 29-2020 and 29-2225 shall not exceed 6.50 cfs, nor total combined annual diversion volume of 526.9 af and a total consumptive use volume of 380.8 af..

PRIORITY DATE: 08/08/1904

POINT OF DIVERSION:

T06S R34E S7 NESW Within POWER County Source: GROUND WATER
T06S R34E S7 NESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SESW Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
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T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER
T06S R34E S7 SWSE Within POWER County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	3.000 CFS 526.90 AFY

Use of water under approval of transfer 66770 shall comply with applicable water quality standards of the Department of Environmental Quality.

02/21/2003

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

PLACE OF USE: INDUSTRIAL Within BANNOCK County

T06S R34E S07

SESW

T06S R34E S07

NWSE

T06S R34E S07

SWSE

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: License

The right holder shall accomplish the change authorized by transfer 66770 by September 24, 2003.

Failure of the right holder to comply with the conditions of transfer 66770 is cause for the Director to rescind approval of the transfer.

Approval of transfer 66770 does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

09/08/2001

TRIBUTARY: PORTNEUF RIVER

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

QUANTITY

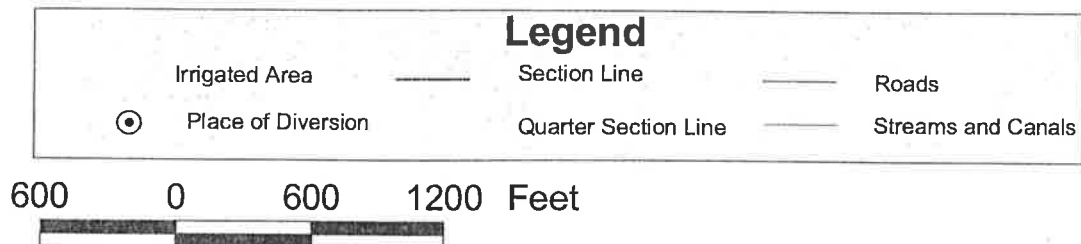
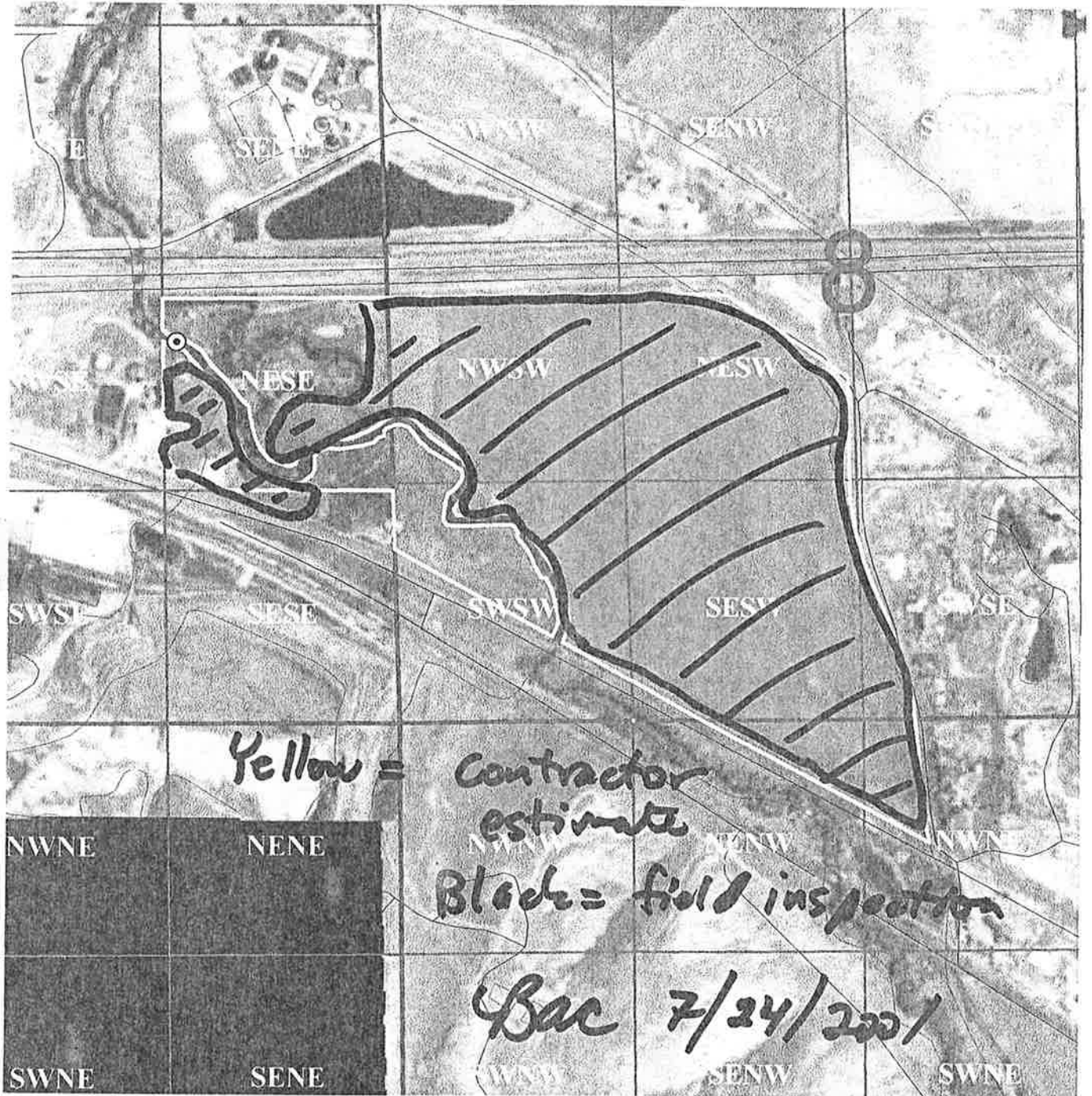
3.000 CFS

NESE

EXPLANATORY MATERIAL: License

Water Right Claim Number A29-04088
Township , 6S34E

09/20/2000



GPS Illustration for Simplot Swanson Farm Claims.

Point "A", pump

Point "B," pipe from
diversion delivers to
slough at this location

NESE

Approx. POD
from Portneuf

Guide map for Swanson Farm photos
Dec 7/24/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

07/18/2001

WATER RIGHT NO. 29-2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707
Original Owner	UNION PACIFIC RAILROAD CO 1416 DODGE ST OMAHA, NE 68179
Original Owner	OREGON SHORT LINE RAILROAD CO 1416 DODGE ST SALT LAKE CITY, UT

Priority Date: 08/08/1904
Basis: License
Status: Active

<u>Source</u>	<u>Tributary to</u>
BATISTE SPRINGS	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
INDUSTRIAL	1/01	12/31	2.9 CFS		
MUNICIPAL	1/01	12/31	0.1 CFS		
Total Diversion			3 CFS		

Location of Point(s) of Diversion:

BATISTE SPRINGS SWNE Sec. 07 Township 06S Range 34E POWER County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL

BANNOCK County

<u>Townshi</u>	<u>Rang</u>	<u>Sectio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	34E	1		NWNE			SWNE							
				NENW										
				NESE			SESE							
		16		NESW			NWSW			SESW				
				SWSE										
		21		NENE			NWNE			SENE				
		22		SWNW										
				NESW			NWSW			SWSW				
				SWSE										
		26		NWNW			SWNW							
				NESW			NWSW			SESW				
		27		NWNE			SENE							
		35		NWNE			SWNE			SENE				
				NENW										
				NESE										
		36		SWSW			SESW							

Remarks:

1. General

ITEM 5: WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.
ITEM 14: WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.
CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.

Dates:

Licensed Date: 08/01/1979
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C032004
State or Federal: S
Owner Name Connector:
Water District Number: 29
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2020 V1

GROUND WATER	SW1/4SE1/4	Sec. 7,	Twp 06S,	Rge 34E, B.M.
POWER County				
GROUND WATER	SW1/4SE1/4	Sec. 7,	Twp 06S,	Rge 34E, B.M.
POWER County				
GROUND WATER	SW1/4SE1/4	Sec. 7,	Twp 06S,	Rge 34E, B.M.
POWER County				
GROUND WATER	NE1/4SW1/4	Sec. 7,	Twp 06S,	Rge 34E, B.M.
POWER County				

Place of UseINDUSTRIAL Within BANNOCK County

T06S R34E S07	SESW	T06S R34E S07	NWSE
T06S R34E S07	SWSE		

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- EXP 2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- EXP 3. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- EXP 4. 106 Use of water under approval of transfer 66770 shall comply with applicable water quality standards of the Department of Environmental Quality.
- PRIORITY - 5. X53 Diversion of ground water is limited to those times water is available for diversion under this right and priority from Batiste Springs,
- EXP 6. T17 Prior to diversion of water under approval of transfer 66770, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- QNT- E27 7. WB4 The total instantaneous diversion of water from all points of diversion under Rights 29-2020 and 29-2225 shall not exceed 6.50 cfs, nor total combined annual diversion volume of 526.9 af and a total consumptive use volume of 380.8 af..
- EXP 8. T07 The right holder shall accomplish the change authorized by transfer 66770 by September 24, 2003.
- EXP 9. T08 Failure of the right holder to comply with the conditions of transfer 66770 is cause for the Director to rescind approval of the transfer.
- Omit 10. T09 Approval of transfer 66770 does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66770

RECEIVED
SEP 30 2002
Department of Water Resources
Eastern Region

This is to certify that: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707
(208)336-2110

5349

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
29-2020	AJC/License	08/08/1904	3 cfs	N/A			BAPTISTE SPRING
29-2225	AJC/License	03/10/1920	3.5 cfs	N/A			BAPTISTE SPRING

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-2020	NO	NO	YES	YES	YES	YES
29-2225	NO	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-2020	29-2020	3 cfs	526.9 af	N/A			N/A	N/A	N/A	N/A
29-2225	29-2225	3.5 cfs	526.9 af	N/A			N/A	N/A	N/A	N/A
TOTALS		6.5 cfs	526.9 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of September, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2020
As Modified by Transfer No. 66770

In accordance with the approval of Transfer No. 66770, Water Right No. 29-2020 is now described as follows.

Right Holder: JR SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: August 08, 1904

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	3.00 CFS	526.9 AF
			3.00 CFS	526.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
06S	34E	7									X				X				X	X	

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. Diversion of ground water is limited to those times water is available for diversion under this right and priority from Batiste Springs.

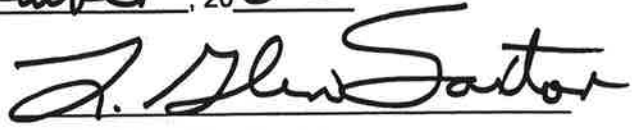
WATER RIGHT NO. 29-2020
As Modified by Transfer No. 66770

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Rights 29-2020 and 29-2225 shall not exceed 6.50 cfs, nor total combined annual diversion volume of 526.9 af and a total consumptive use volume of 380.8 af..
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of September, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 29-2225
As Modified by Transfer No. 66770

In accordance with the approval of Transfer No. 66770, Water Right No. 29-2225 is now described as follows.

Right Holder: JR SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

Priority Date: March 10, 1920

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01 to 12/31	3.50 CFS	526.9 AF
		3.50 CFS	526.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	NESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SESW	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County
GROUND WATER	SWSE	Sec. 7	Twp 06S	Rge 34E	POWER County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
06S	34E	7																	X

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. Diversion of ground water is limited to those times water is available for diversion under this right and priority from Batiste Springs.

WATER RIGHT NO. 29-2225
As Modified by Transfer No. 66770

CONDITIONS OF APPROVAL

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Rights 29-2020 and 29-2225 shall not exceed 6.50 cfs, nor total combined annual diversion volume of 526.9 af and a total consumptive use volume of 380.8 af..
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of September, 2002


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Originally Filed June 10, 1998

Amended November 16, 1998

Name of applicant J.R. Simplot Company Phone 208-336-2110

Post Office address P.O. Box 27 Boise, ID 83707

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 To change the place of use and all points of
diversion to water right nos. 29-02020 and 29-02225.

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 |
|--|-------------------|-----------------------|-------------------|--|
| <u>29-02020</u> | <u>8-15-1904</u> | <u>3.0 c.f.s.</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| <u>29-02225</u> | <u>3-10-1920</u> | <u>3.5 c.f.s.</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| 2. Total amount of water being transferred <u>6.50</u> cubic feet per second and/or <u> </u> acre-feet per annum. | | | | |
| 3. Source of water <u>Groundwater</u> tributary to <u> </u> | | | | |
| 4. Point(s) of Diversion: <u>See Exhibit A</u> | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system 13 Wells, pumps, pipelines

b. 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:
N/A

d. Remarks:

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____.

PART 2

TRANS NO. 5349

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 29-02020

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	to	3.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRINGS	PORTNEUF RIVER

Priority: 08/08/1904

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 7, Township 06S, Range 34E
POWER County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/U IS RAILROAD YARDS AT POCATELLO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 29-02225

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	to	3.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BATISE SPRINGS	PORTNEUF RIVER

Priority: 03/10/1920

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 7, Township 06S, Range 34E
POWER County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/U OREGON SHORTLINE RAILROAD CO. POCA TELLO.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

A large grid for drawing a map, with a circular stamp on the left side. The stamp is from the State of Idaho Public Lands Board and contains the text: STATE OF IDAHO, PUBLIC LANDS, and THE BOARD. The grid is composed of solid lines forming a 10x10 grid of sections, with dashed lines indicating township and range boundaries.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

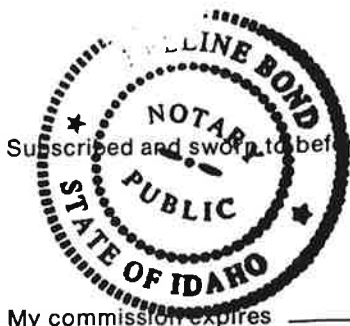
2. Quantity and quality of return flows and location of discharge:

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

There will be no impact on any other water uses after the proposed change is complete.

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.



By: L.R. Simplot Company
James D. Crawford, Vice
 (Signature of Applicant) President & Controller
 Subscribed and sworn to before me this 16th day of November, 1998.

Kelline Bond
 (Notary Public)
 My commission expires 10-13-04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AWT Date 11-18-98 Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by AWT #E024627 Date 11-18-98

Published in Power Co. Press Copies of protest forwarded by _____

Pub. dates Dec 28 9th, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

November 5, 1999

Vic Conrad
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707-0027

RE: Application for Transfer 5349
Water Rights 29-02020 & 29-02225

Dear Vic:

I am completing final review of the above referenced transfer and need some additional information. These rights were originally for commercial use at the railroad depot as described by the proof of beneficial use statement and licensing field exam for Right 29-02225 resulting in the second license in 1950. The rights as recorded provide a confirmation of the rate of diversion and uses at the time of licensing.

The transfer proposes to use the rights for industrial use at the Don Plant. In order to evaluate the change proposed under the transfer application, a more complete picture of actual diversion and use under these rights in recent years is needed. Could you please provide evidence of the diversion rates and the total volume of water diverted annually for the last five (5) year period? You can provide any information that you feel would verify the historical use of these rights, either from pumping records or calculations based on the actual individual or combined uses under these rights.

I checked with our region office to see if any of this information had already been provided to support the SRBA Claims for these rights. Since none was found in the claim files, I am making the request to you for additional information through this letter. I will withhold the transfer from further processing for 30 days to allow you to submit the required information. At the same time, the transfer is being reviewed by the department's hydrology section to provide recommendations regarding the change from springs and Batiste Springs to groundwater diversion.

I have enclosed profile reports of the subject rights as recorded for your convenience. If you have any questions, you may contact me directly at 327-7943.

Sincerely,

Pamela S. Skaggs
Sr. Water Resource Agent

Materials Under
This flap relate
to 29-2020
Specifically

~~Ac-00002~~
~~id~~

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2020 V1

WATER RIGHT NUMBER: 29-2020 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	UNION PACIFIC RAILROAD CO
Original Owner	OREGON SHORT LINE RAILROAD CO
Current Owner	J R SIMPLOT CO
Also Known As	SIMPLOT

Priority Date: 08/08/1904

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BATISTE SPRINGS	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

BATISTE SPRINGS	SE1/4SW1/4NE1/4	Sec. 7,	Twp 06S,	Rge 34E, B.M.
POWER County				

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	34E	16									X	X		X			X		
06S	34E	21	X	X		X													
06S	34E	22						X			X	X	X				X		
06S	34E	26					X	X			X	X		X					
06S	34E	27		X		X													
06S	34E	35		X	X	X	X								X				
06S	34E	36											X	X					

Total Acres: 0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2020 V1

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:

1. bcontor 9/8/2001 Recommendation
Comment: Recommended per license pending completion of transfer.
2. bcontor 9/8/2001 Non-use
Comment: Field exam raised question of non-use. Letter from former owner to transfer file, copy in "general" flap of paper file A29-2020, indicates use within five years of claim signing.
3. bcontor 9/8/2001 Claim 29-4334
Comment: Claimant letter from 1994 clearly indicates this claim was intended to supercede claim 29-4334. Recommendations have been made accordingly.
4. bcontor 9/8/2001 POU
Comment: Licensed POU is incomplete. Recommended with the same POU as 29-2225; the "reasonable" portion of claimed POU. Transfer will adjust POU.
5. bcontor 9/8/2001 Springs
Comment: License does not name springs but it is clear from license exam and POD that Batiste Springs are the source.
6. bcontor 9/8/2001 Municipal Use
Comment: Per phone call to City of Pocatello, claimed municipal use did not occur during ten years preceding claim signing. Only licensed industrial uses are recommended.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 29
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Priority Date 9/8/2001 1:41:44 PM bcontor

Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2020 V1

POD	9/8/2001 1:43:03 PM	bcontor	Active
Source	9/8/2001 1:43:48 PM	bcontor	Active
POU	9/8/2001 1:45:50 PM	bcontor	Active
Use	9/8/2001 2:00:21 PM	bcontor	Active
Season	9/8/2001 2:01:14 PM	bcontor	Active
Quantity	9/8/2001 2:01:31 PM	bcontor	Active
Summary	9/8/2001 2:03:09 PM	bcontor	9/8/2001 2:03:09 PM bcontor Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/8/2001 1:40:53 PM	bcontor	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam completed already
POD	9/8/2001 1:40:38 PM	bcontor	Edited point location
POD	9/8/2001 1:41:00 PM	bcontor	Edited PLS
POD	9/8/2001 1:41:22 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	9/8/2001 1:42:08 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/8/2001 1:43:06 PM	bcontor	Edited shape boundary
POU	9/8/2001 1:43:42 PM	bcontor	Edited PLS
Priority Date	9/8/2001 1:40:03 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2020 V1

POU	9/8/2001 1:44:10 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the parent right have a POU? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - See eCVR 29-2225
Use	9/8/2001 1:58:41 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Letter from UP Railroad and phone call to City of Pocatello.
Season	9/8/2001 1:59:34 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Based on purpose.
POD	9/8/2001 1:59:51 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2020 V1

Summary	9/8/2001 2:01:29 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OREGON SHORT LINE RAILROAD CO SALT LAKE CITY, UT

Priority Date: 08/08/1904
Basis: License
Status: Active

<u>Source</u>	<u>Tributary to</u>
SPRINGS	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	/	/	3 CFS		
Total Diversion			3 CFS		

Location of Point(s) of Diversion:

SPRINGS SWNE Sec. 07 Township 06S Range 34E POWER County

Place(s) of use: No POUs found for this right

Remarks:

1. General P/U IS RAILROAD YARDS AT POCATELLO.

Dates:

Licensed Date: 08/01/1979
Decreed Date:
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests:0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number: 29
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:

DLE Act Number:
Cary Act Number:
Mitigation Plan: False

County, Oneida
Stream, Springs
Amount, 3 sec. ft.
Use, Supplying tanks, etc.
Priority, August 8, 1904

STATE OF IDAHO

Water License No. 771

WHEREAS, On the 8th day of August, A.D. 1904,

OREGON SHORT LINE RAILROAD COMPANY

of Salt Lake City, County of Salt Lake, State of Utah, duly made application (No. 1091) to me for a permit to use three (3) cubic feet per second of the waters of Springs on Portneuf River
County of Oneida, State of Idaho, for supplying tanks and other railroad purposes, and

WHEREAS, On the 15th day of August, A.D. 1904, Permit No. 771 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 15th day of August, A.D. 1909, and for the application to beneficial use of said water on or before the 15th day of August, A.D. 1913, and,

WHEREAS, On the 7th day of June, A.D. 1909, Oregon Short Line Railroad Company,

the holder of said permit, duly made proof of the completion of the required works for the diversion of three (3) cubic feet per second of said waters, as evidenced by Certificate No. 771, dated September 15, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use three (3) cubic feet per second of said water with date of priority of August 8, 1904, and

WHEREAS, On the 15th day of August, A.D. 1913, Oregon Short Line Railroad Company,

the holder of said permit, duly made proof of the application to beneficial use of three (3) cubic feet per second of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Oregon Short Line Railroad Company

of Salt Lake City, County of Salt Lake, State of Utah, the holder and owner of said Permit No. 771, a perpetual right, dating from August 8, 1904 to the use of three (3) cubic feet per second of the waters of Springs on Portneuf river,

in the County of Oneida, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 7, T. 6 S., R. 34 E., N.M.,

and conducted to and from the Oregon Short Line railroad yards at the town of Postville, Blaine County, Idaho,

for the purpose of supplying tanks and other general railroad purposes, 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 31st day of October, A.D. nineteen hundred and thirteen.

(Seal)

F. P. KING,
State Engineer.

29 2010

DO NOT MICROFILM
From WR License File Microfiche

Report of Engineer

1. State name of applicant and number of permit: OREGON SHORT LINE RAILROAD COMPANY, Permit No. 771.
2. State source of water supply: Springs on Portneut River, and Portneut River, Oneida County.
3. Location of point of diversion: S.W. 1/4 of N.E. 1/4 Sec. 7, T.6 S., R. 24 E., Boise Meridian.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: Ten inch pipe line.

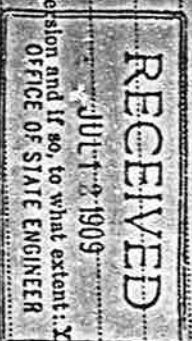
(b) Width at water line:

(c) Depth of water:

(d) Grade per mile:

6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes, to full capacity.

To full capacity.



7. Give exact location of lands to be irrigated, show exact number of acres under cultivation in each tract: Supply for Oregon Short Line R.R. Co., locomotives, yards, shops, offices, hotel and tenements, in the town of Pocatello.

8. Submit map or enclosed plat, source of supply, point of diversion, route of ditches, route of ditches and cross hatch lands to be irrigated.

Remarks: Water pumped from Springs on Portneut River, and Portneut River, Oneida County, to reservoir located in S.W. 1/4 of N.E. 1/4 Sec. 17, T.6 S., R. 24 E., Boise Meridian.

John H. Brock

STATE OF IDAHO.

I, *John H. Brock*, } ss.

being first duly sworn, deposes and says that the state-

ments contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this *9th* day of *July*, 190*9*.

My Commission Expires *July 24 1911* *Ernest Lund* Notary Public

DO NOT MICROFILM
From WR License File Microfiche

REPORT OF ENGINEER

Form No. 771

1. State name of applicant and number of permit: J. P. Langdon and 051 RR
2. State source of water supply: Shoshone on Potomac River
3. Location of point of diversion: N. 61° 33' E. 950 ft from the center of dier 7
T. 62 N. 34 E. 6 M
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 10 inch pipe line
 - (b) Width at water line: _____
 - (c) Depth of water: _____
 - (d) Grade per mile: _____
 - (e) Capacity of ditch: _____ second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: About 2.7 acre feet per second being used
7. Give exact location of lands to be irrigated. Give tract number of acres under cultivation in each forty acre tract: Three 40 acre tracts each having a capacity of 15 gals per acre and capable of making between 70 and 80 acres per minute. a about 2.7 ac feet per minute on 5.4 ac. put the capacity of the water about
8. Submit map or enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: _____

RECEIVED
SEP 17 1913
OFFICE OF STATE ENGINEER

W. A. R. Stuyde

771

STATE OF IDAHO,

County of _____

being first duly sworn, depose and say that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1913.

My Commission Expires _____

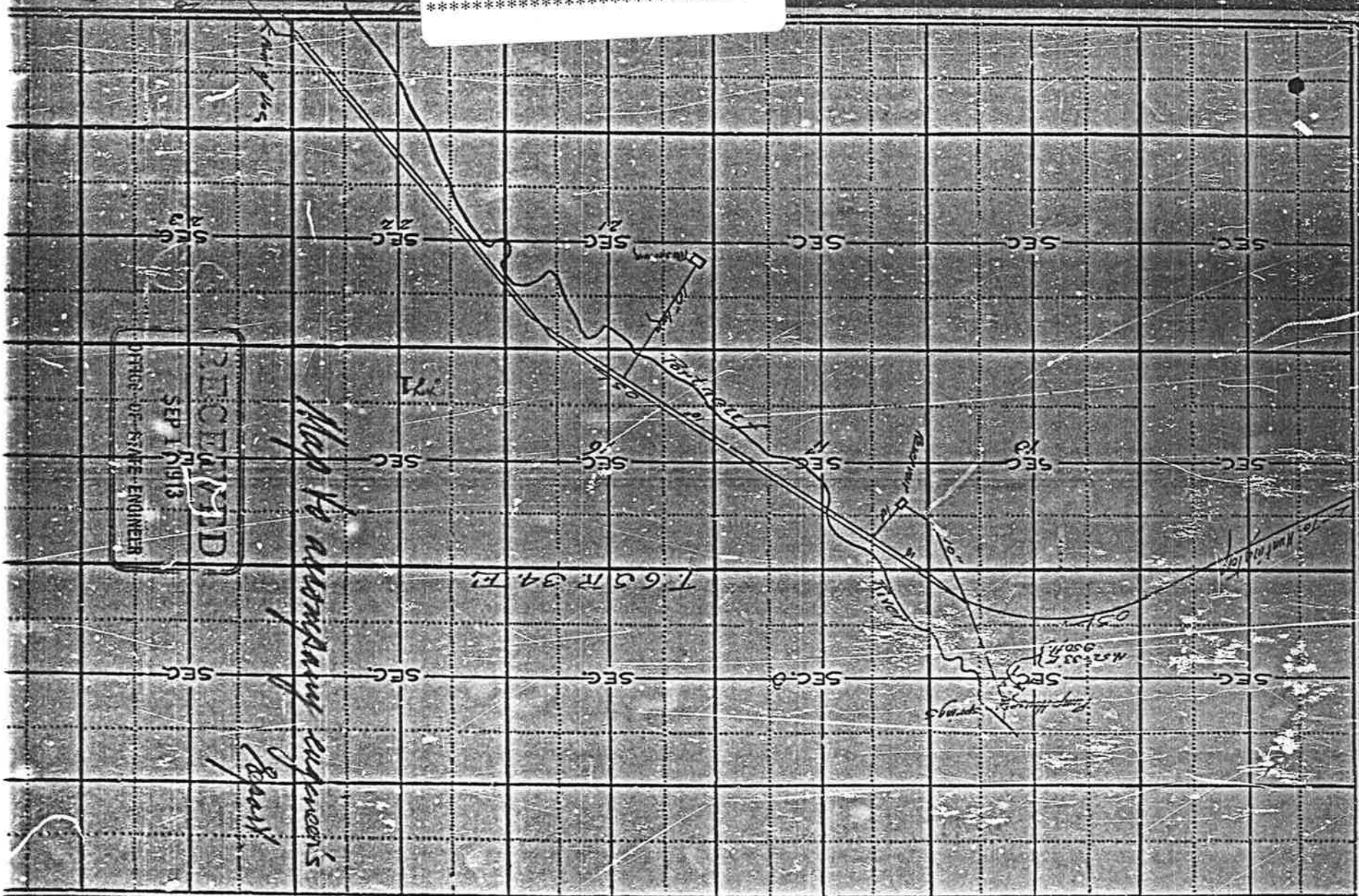
Notary Public

DO NOT MICROFILM
From WR License File Microfiche

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 From WR License File Microfiche

State of Application for License No. 1011

Serial No. 1011





SCANNED

MAY 10 2001

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 15, 1998

TREASURER
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-02020,
A29-02225, A29-04334

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

JUN 10 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 29-02020, 29-02225, 29-04334
 Adjudication Claim No(s): A29-02020^{OK}, A29-02225^{OK}, A29-04334^{OK}
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND (See Attached Quitclaim Deed)
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Union Pacific Railroad Company
1416 Dodge Street, Omaha, NE 68179
4. New Owner/Claimant(s) J. R. Simplot Company
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P. O. Box 27
 City, State and ZIP Code Boise, ID 83707
 New Telephone Number (208) 336-2110
5. Date you acquired the property January 25, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

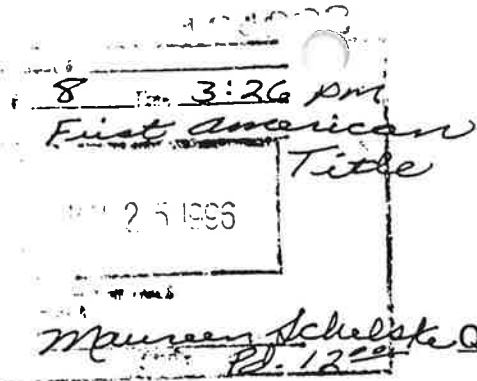
Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 J. R. Simplot Company

7. Signature of New Owner or Claimant(s) By: [Signature]
 Treasurer

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



618-07

UNION PACIFIC RAILROAD COMPANY (which through merger with the Oregon Short Line Railroad Company became successor in interest to the real property described herein), a Utah corporation, Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto FMC CORPORATION, a Delaware corporation, Grantee, whose address is P.O. Box 4111, Pocatello, Idaho 83205 and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in the SW1/4NE1/4 of Section 7, Township 6 South, Range 34 East, Boise Meridian in Bannock and Power Counties, State of Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof, including all water pumping facilities and equipment located thereon and any and all right, title and interest of Grantor in and to the real property lying between the land described in Exhibit A and the East bank of the Portneuf River. Reserving and excepting therefrom, however, all of the water rights appurtenant to the described property, this reservation being understood to include by its terms all surface water, groundwater, and storage water conveyed to the J.R. Simplot Company pursuant to the deed attached hereto as Exhibit C.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantee and unto its successors and assigns.

Grantor, Federal ID No. 13-6400825, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by Grantee. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit B.

**UNION PACIFIC RAILROAD COMPANY
Bannock County, Idaho**

EXHIBIT "A"

The SW¼NE¼ of Section 7, Township 6 South, Range 34 East, Boise Meridian lying west of the west bank of the Portneuf River excepting those certain portions as heretofore conveyed to the State of Idaho by Union Pacific Railroad Company by Warranty Deed dated September 8, 1966 and conveyed to Rowland's, Inc. by Union Pacific Railroad Company by Quitclaim Deed dated November 29, 1995, recorded December 15, 1995 in the Deed Records of Bannock County, Idaho as Instrument No. 164682.

Containing an area of 21.92 acres, more or less.

**Office of Contracts and Real Estate
Omaha, Nebraska
July 18, 1995
Revised December 19, 1995
January 4, 1996**

**Written by: DDB
don.id
512-12**

CERTIFICATION OF NON-FOREIGN STATUS

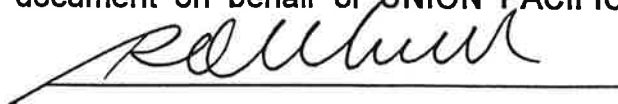
Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY's interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY:

1. UNION PACIFIC RAILROAD COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. UNION PACIFIC RAILROAD COMPANY's U.S. employer identification number is 13-6400825; and
3. UNION PACIFIC RAILROAD COMPANY's office address is 1416 Dodge Street, Omaha, Nebraska 68179-1100, and state of incorporation is Utah.

UNION PACIFIC RAILROAD COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

UNION PACIFIC RAILROAD COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of UNION PACIFIC RAILROAD COMPANY.



Title: Assistant Vice President

Date: 1/9/96

EXHIBIT C

618-07

WATER RIGHTS QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Utah corporation, Grantor (successor in interest by merger with the Oregon Short Line Railroad Company), in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto J.R. SIMPLOT COMPANY, a Nevada corporation, Grantee, whose address is P.O. Box 27, Boise, Idaho 83707-0027, all of Grantor's right, title and interest in and to Water Right No. A29-2020 amounting to 3.0 cfs and Water Right No. A29-2225, amounting to 3.5 cfs, as such water rights are filed by Grantor with the State of Idaho Department of Water Resources, with such water rights appurtenant to the SE1/4 of the NE1/4 of Section 7, Township 6 South, Range 34 East, B.M., Bannock and Power Counties, Idaho.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD the aforesaid water rights unto the Grantee and its successors and assigns.

The Grantor, Federal ID No. 13-6400825, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by the Grantee. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit A.

IN WITNESS WHEREOF, the Grantor has duly executed this Quitclaim Deed this 29 day of Nov, 1995

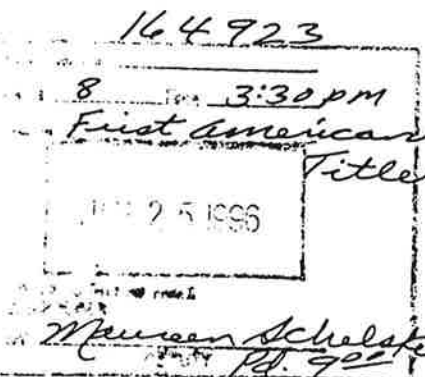
Attest:

R. C. Ingram
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

By *Carol Schreiber*
Title: Assistant Vice President

(Seal)



STATE OF IDAHO)
COUNTY OF POWER) SS.

I hereby certify that the foregoing Instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, of the Sixth Judicial District of Idaho, for Power County.

CAROL SCHREIBER

By *Maureen Schelake*
DEPUTY CLERK

ACKNOWLEDGEMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On 11 / 29, 1995, before me, ROBERT E. ANDERSON,
a Notary Public in and for said County and State, personally appeared

R. D. Ulrich and R. C. INGRAM

who are the Asst. Vice President and
the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Utah
corporation, and who are personally known to me (or proved to me on the basis of
satisfactory evidence) to be the persons whose names are subscribed to in the within
instrument, and acknowledged to me that they executed the same in their authorized
capacities, and that by their signatures on the instrument the persons, or the entity
upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Robert E. Anderson
Notary Public

(Seal)





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 26, 1995

M B STEVENSON
UNION PACIFIC RAILROAD CO
CONTRACTS AND REAL ESTATE DEPT
1416 DODGE ST RM 1100
OMAHA NE 68179

RE: Snake River Basin Adjudication (SRBA)
Power and Bannock Counties
Notices of Claim #A29-02020, A29-02225 and
A29-04334

Dear Mr. Stevenson:

Thank you for your letter of May 26, 1995. We have corrected the data entry on claim A29-02020 to show Power County as the county for the point of diversion. We have also modified the data base so the priority dates of claims A29-02020 and A29-02225 match the licensed priority dates for these rights as you acknowledged in your letter of February 16, 1995. Corrected copies of each claim are enclosed.

We will not take any action on claim A29-04334 until we hear from you concerning the possibility of amending the claim. If you have any questions, I may be contacted at 800-451-4129 or 208/327-7939.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:region

Enclosures:

Copies of Claims A29-02020 & A29-02225

MICROFILMED
NOV 14 1996

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT

R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-3753
FAX (402) 271-5493



J. A. ANTHONY
DIRECTOR-CONTRACTS &
JOINT FACILITIES
D. D. BROWN
DIRECTOR-REAL ESTATE
J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

May 26, 1995

Drainage & Waterways: Idaho
Water Source

RECEIVED

JUN 05 1995

Department of Water Resources

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: Snake River Basin Adjudication Bannock County (Batise Springs)
Claims A29-02020, A29-02225 and A29-04334

Dear Fridschle:

Please refer to your letter of January 25, 1995 and my letter of February 16, 1995, regarding the above water right claims.

I noticed that your records indicate that the point of diversion of Water Right No. A29-02020 was listed in Power County, however, this should be amended to show Power County in lieu of Caribou County. Please adjust your records accordingly.

If I can be of further assistance to you, please contact me at (402) 271-2332.

Sincerely yours,


M. B. STEVENSON
Manager - Real Estate

MICROFILMED
NOV 14 1996

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT

R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
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DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

February 16, 1995

Drainage & Waterways: Idaho
Water Source

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED

FEB 27 1995

Department of Water Resources

RE: Snake River Basin Adjudication Bannock County (Batise Springs)
Claims A29-02020, A29-02225 and A29-04334

Dear Mr. Fridschle:

Thank you for your letter of January 25, 1995, regarding the above water right claims.

As information with regard to Water Claims A29-02020 and A29-0225, there were several dates in our files and I had used the original filing date as the basis for the priority date. Upon further review of the situation I am agreeable to the "Licensed" priority dates indicated in your letter as the basis for the priority dates, as follows: A29-02020 - August 8, 1904, A29-02225 - March 10, 1920. I trust that you will amend our "Notice of Water Claim" for A29-02020 and A29-02225 accordingly. Please advise if anything further is needed from Union Pacific to effect these amendments.

We are still reviewing the possibility of amending A29-04334, as set forth in your letter.

If I can be of further assistance to you, please contact me at (402) 271-2332.

Sincerely yours,

M. B. STEVENSON
Manager - Real Estate

MICROFILMED
NOV 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 25, 1995

M B STEVENSON
UNION PACIFIC RAILROAD CO
CONTRACTS AND REAL ESTATE DEPT
1416 DODGE ST ROOM 1100
OMAHA NE 68179

RE: Snake River Basin Adjudication (SRBA)
Bannock County - Claims A29-02020, A29-02225 and A29-04334

Dear Mr. Stevenson:

Please find enclosed Receipt No. C032004 in the amount of \$862.50 for the filing fees and late fees for claims A29-02020 and A29-02225. Also enclosed are computer-generated copies of these claims for your review.

Please note that we entered Bannock County as the place of use county and "License" as the basis of claim. The priority dates listed on your claims, June 25, 1902 for A29-02020 and March 10, 1913 for A29-02225, were entered on our data base; however, the licensed priority dates are August 8, 1904 for 29-02020 and March 10, 1920 for 29-02225. If your company wishes to pursue the earlier priority dates for these water rights, we will need additional evidence of priority.

Along these lines, I have researched our records to see if we have any evidence of the earlier use; however, I was not able to find any. I did find that on July 30, 1930 the system was producing 3060 gpm, which is approximately 6.82 cfs. It may be possible to amend Claim A29-04334 to 0.32 cfs with a priority date of July 30, 1930, assuming that the system can still produce this amount of water.

Please let me know if any changes to these claims are necessary, or if you wish to amend Claim A29-04334. If you wish to submit evidence of the earlier priority dates, you may send it to me at this office within the next 30 days. After that, the claims will be sent to our Idaho Falls office for review and investigation. If you have any questions, you may contact me 1/208/327-7939 or leave a message for me at 1-800-451-4129.

Sincerely,


Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:tf:region
Enclosures

Receipt No. C032004
Copies of Claims A29-02020 & A29-02225
Evidence of Priority Pamphlet

MICROFILMED
NOV 14 1996

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT

R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-3753
FAX (402) 271-5493



J. A. ANTHONY
DIRECTOR-CONTRACTS &
JOINT FACILITIES
D. D. BROWN
DIRECTOR-REAL ESTATE
J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

January 12, 1994

Drainage & Waterways: Idaho
Water Source

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED

JAN 19 1995

Department of Water Resources

Dear Fridschle:

Upon review of our files regarding the Snake River Basin water rights adjudication, I found what seems to be an error in the filing for water rights owned by Union Pacific Railroad Company relating to its Batise Spring Water Rights in Pocatello, Bannock County, Idaho.

In an effort to remedy this situation, I thought I would share the following information, together with a method we can get matters back on track, and hopefully, clear up the records of both Union Pacific and the State of Idaho.

Our records show that Union Pacific Railroad Company (formerly Oregon Short Line Railroad) acquired two (2) rights to water from Batise Spring as follows:

1. Water Right 29-2020, 3.0 CFS, filed for on June 25, 1902; and,
2. Water Right 29-2225, 3.5 CFS, filed for on March 10, 1920.

On February 13, 1990, in line with the Snake River Basin adjudication, Union Pacific filed a Notice to Claim to a Water Right, Claim No. 29-4334, for 1.48 CFS. It is our belief that this Notice should have been for Claim No. 29-2020. It appears that possibly the new number of 29-4334 was assigned due to the inadvertent misstatement by Union Pacific of the quantity of water claimed of 1.48 CFS, in lieu of the 3.0 CFS originally granted by the State of Idaho, therefore, in actuality, we believe Claim 23-4334 has no substance and does not exist.

To set the records straight, enclosed herewith, is an amended Notice of Claim to a Water Right, for Water Right 29-2020, which is to supersede the Notice sent on February 13, 1990 for Water Right 29-4334.

In addition, I am also enclosing a new Notice of Claim to a Water Right for Water Right No. 29-2225 which had inadvertently been overlooked by Union Pacific when filing for water rights in connection with the Snake River Basin adjudication.

To cover the filing costs of the two (2) Notices of Claims, including late fees, enclosed is Union Pacific's Voucher No. 1273, in the amount of \$862.50 made payable to the Idaho Department of Water Resources.

MICROFILMED

NOV 14 1996

RECEIVED

JAN 19 1995

Department of Water Resources

If I can be of further assistance to you, please contact me at (402)
271-2332.

Sincerely yours,


M. B. STEVENSON
Manager - Real Estate

MICROFILMED

NOV 14 1996

10/26/1994

GRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Union Pacific R.R.CLAIM IDENT. NO. A29-02020DATE RECEIVED 1-19-95 RECEIPT # CD32004 AMOUNT \$ 862 50

- | | YES | NO | COMMENT |
|--|----------|----------|--|
| 1. Is the name and address complete with zip code? | <u>X</u> | | |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | | <u>Earlier than licensed</u> |
| 3. (a) Is a source entered? | <u>X</u> | | |
| (b) Is a tributary to entered? (if required) N/A | <u>X</u> | | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | | |
| 5. Is there a description of the diverting works? | <u>X</u> | | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | | <u>change to municipal for part</u> |
| Is the period of use included? | <u>X</u> | | |
| Is a quantity claimed for each use? | <u>X</u> | | |
| 7. Is a total quantity claimed entered? | <u>X</u> | | |
| 8. If required is a consumptive use entered? N/A | | <u>X</u> | |
| Is the consumptive use correct? N/A | | <u>X</u> | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | | <u>X</u> | <u>in remarks</u> |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | | |
| 11. Is (are) the county(ies) entered? | <u>X</u> | | <u>should be Brunswick</u> |
| 12. Is the ownership of p.u. checked? | <u>X</u> | | |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | | <u>None, but 29-02225 is used at same p.o.u.</u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | <u>X</u> | | |
| 15. Is the basis of the claim indicated? | <u>X</u> | | <u>listed as B.U. but licensed</u> |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | <u>X</u> | | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | | |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | | |
| 19. Was this claim filed on time, or was an extension granted? | | <u>X</u> | <u>late fee paid</u> |
| 20. Is the fee enclosed correct? Exempt | <u>X</u> | | |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | <u>X</u> | | |
| 22. Should this claim be data entered? | <u>X</u> | | |

Claim checked by: CA Date: 1-20-95Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)Receipt Prepared by: RubyDate: 1-19-95

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: CADate: 1-20-95Comments: Licensed as 8-8-1904 Flag "C"

NOV 14 1996

Materials Under
This Flap Relate
to Simplot Claims
in ~~6N~~ 33E and
~~6N~~ 34E,
in general

Phone fax 42-1102 ~ 42-1227
663-4929

Msg w/ Lisa @ 5065 10:00 AM

663-4415 - 5065
(Cable - no answer - research req - call attorney -

40 acre - subdivided - drain for years -
waters at the property -
upstream property - outland flow.

Brad Callings
8/20/01

Construction abandoned years ago - when railroad
linked to city permanently, the construction to
Ruthe saved - long before 1989 - Mr.
Decker doesn't know when exactly

Tom Decker City of Rochester 234-6174 8/20/01

Msg on voice mail - please call
Monday re: water rights.
JAC

xt 212

Jim Severson Asst's 236-8658 8/17/01

W. E. (Bill) WIMMER
Vice President-Engineering
Room 1030
(402) 271-4545

J. C. (Craig) DOMSKI
Chief Engineer-Track Programs
3rd Floor-Brandois Building
(402) 280-7520

K. R. (Ken) WELCH
Assistant Vice President-Environmental
Room 930
(402) 271-4856
FAX (402) 271-4461

UNION PACIFIC RAILROAD COMPANY

ENGINEERING DEPARTMENT



Mailing Address:
Room 1000
1416 Dodge Street
Omaha, Nebraska 68179-1000
FAX: (402) 271-6674

T. T. (Tom) OGEE
Chief Engineer-Design
Room 1030
(402) 271-4846

D. L. (Darrel) Deterding
Chief Engineer-Construction
Room 1030
(402) 271-2237

P. M. (Phil) ABARAY
Chief Engineer-Signals
Room 1000
(402) 271-3036

February 1, 2000

Pamela S. Skaggs
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Application for Transfer No. 5349, Water Rights 29-02020 and 29-02225.

Dear Ms. Skaggs:

In responding to a recent request by the J. R. Simplot Company to provide my recollection about the most recent use of water under the above referenced water rights, I am providing the following information. I have been employed by the Union Pacific Railroad since March 3, 1969. In my current capacity I am responsible for facility and utility engineering for the Union Pacific Railroad.

Batise Springs was the sole source of water for our facility located in Pocatello, Idaho until 1996. Until that time, water was used throughout UP's industrial complex for various purposes including, but not limited to, rail car washings, filling radiators, drinking, restrooms, and irrigation.

Sincerely,

Preston Sargent
Manager Special Projects

Post-it® Fax Note	7671	Date	8-29-01	# of pages	1
To	Bryce Cantor	From	Sunny Healey		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	525-7177	Fax #			

MEMORANDUM

To: Singlet Plant AS Claims
Fri. Byge Conto
Date: 8/20/01

Re: Annual Volume

1) Candice McHugh's e-mail indicates annual volume combined limitation is appropriate

2) Neither Norm Self nor Vic Conrad have raised issues with using WMD records & 5th deviation to calc. annual volume.

3) Mr Self indicated 1998 & 2000 were probably "typical" years.

4) Central Limit Theorem (Rigman ON An Introduction to Statistical Methods and Data Analysis p 87-92) indicates mean + 3 std. deviations should include the entire population.

5) If monthly obs. are independent, the mean of 12 months $\approx n\mu$
the std of 12 months $\approx \sqrt{n\sigma}$
(OIT p 183)

Annual Vol. p2 5/20/01

6) Attached data shows for 24 months of record, $\bar{y} = 556$ acre feet, $s = 72$ acre feet.

For 12 months (assumed independent) $\bar{y} = 12 \cdot 556 = 6,700$ acre ft $s = \sqrt{12 \cdot 72} = 29$ acre ft

Max value $\approx \bar{y} + 3s \approx 6,700 + (3)(29) \approx 6,800$ acre ft.

7) Because the value for 2000 exceeds this value, I conclude months are not independent events. $(590 \times 12 \approx 7,100)$. With only two years' data I don't have a lot of confidence, but the std. deviation by calculator is 591. The mean of the two years is 6,700, so the recommended value is $6,700 + (3)(591) = 8,500$ acre feet

8) The highest reported Q was 4700 gpm $\approx 10.5 \text{ ft}^3/s$

$$10.5 \times 1,9835 \times 365.25 = 7,600 \text{ acre ft.}$$

Annual vol. p2 8/20/01

8) WMD indicates capacity = 13.8 ds

$$13.8 \times 1,9835 \times 365.25 = 9,100 \text{ Ann feet}$$

9) Conclusion: Recovered 8,520
Ann feet as combined vol. limit as
Don Well etc.

JGC 8/20/01

Data from Simplot "Don Plant," from WMD records for 1998, from Norm Self for 2000

All data in K gallons. Note Mr. Self represented 1998 was probably "typical" year.

Date	Total K gallons	Acre FT
Jan-98	165123	507
Feb-98	146775	450
Mar-98	160831	494
Apr-98	146978	451
May-98	154680	475
Jun-98	125060	384
Jul-98	193551	594
Aug-98	190975	586
Sep-98	188042	577
Oct-98	187871	577
Nov-98	183392	563
Dec-98	195982	601
Jan-00	211681	650
Feb-00	190209	584
Mar-00	191285	587
Apr-00	179499	551
May-00	197604	606
Jun-00	139860	429
Jul-00	209576	643
Aug-00	204937	629
Sep-00	191417	587
Oct-00	199358	612
Nov-00	189461	581
Dec-00	200755	616
Mean	181037.6	556
std	23584.28	72
98mean	169938.3	522
98std	23209.37	71
2000mean	192136.8	590
2000std	18855.8	58

DON PLANT FRESH WATER PRODUCTION FOR CY 2000

DATE	WELL 4		WELL 5		WELL 7		TOTAL	total gpm
	Kgal	gpm	Kgal	gpm	Kgal	gpm		
Jan-00	57,905	1297	84,497	1893	69,279	1552	211,681	4742
Feb-00	54,780	1312	88,450	2118	46,979	1125	190,209	4555
Mar-00	59,371	1330	80,603	1806	51,311	1149	191,285	4285
Apr-00	40,673	942	73,777	1708	65,049	1506	179,499	4156
May-00	52,191	1169	79,225	1775	66,188	1483	197,604	4427
Jun-00	40,226	931	67,227	1556	32,407	750	139,860	3237
Jul-00	54,357	1218	90,022	2017	65,197	1461	209,576	4696
Aug-00	54,347	1217	92,041	2062	58,549	1312	204,937	4591
Sep-00	57,022	1320	81,806	1894	52,589	1217	191,417	4431
Oct-00	62,673	1404	78,934	1768	57,751	1294	199,358	4466
Nov-00	60,152	1392	74,548	1726	54,761	1268	189,461	4386
Dec-00	64,756	1451	76,053	1704	59,946	1343	200,755	4498
	658,453		967,183		680,006		2,305,642	Kgal

Requested by Norm Self on 01/08/01 for the Idaho Department of Water Resources.

 Claim Simplot Don Plant
 Doc Source Claimant
 Date 8/12/01 Sig. Bac

Contor, Bryce

From: Contor, Bryce

Sent: Friday, August 17, 2001 3:19 PM

To: Curtis, Sharla

Subject: Batiste Springs/JR Simplot 29-2020, 29-

Vic Conrad told me you have a letter in a pending transfer file, from Union Pacific, that documents recent use. I'm trying to overcome a possible forfeiture hurdle. Could you send me a copy of the letter?

Thanks, Bryce

8/17/2001

City of Pocatello Water Superintendent
8/17/01 934-6174

Tom Becker - water superintendent -
will be in Monday - MSG left w/ gentleman.

Vic Conrad
~~589-3718~~
~~342-3779~~
336-2110
8/17/01

1) Reading xfer on Bathing Springs

2) Don't worry about extra Q on Bathing Springs

3) Swanson right - needs for river
discussion gives good evidence

4) Pre-narrative permit on Springs?

5) M. of Forestry - I need evidence,
discussed issue of Ft Hall overlap.



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

July 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Vic Conrad
JR Simplot Company
PO Box 27
Boise, Idaho 83707

Re: Simplot Claims, Basin 29

Dear Mr. Conrad:

Last Friday Mr. Norm Self and Mr. Bob Willey helped me gather the field data I needed, and answered many of my questions. They were very helpful and courteous. There are a few questions that they felt would be best referred to you, and a few decisions they felt you would need to make.

1. 29-4307, Zimmerli Cellars

This claim is for 0.01 cfs for commercial use in potato cellars. This use would qualify as a "deminimus" domestic use, if the 2,500 gallon-per-day limit for non-household domestic uses would not be too restrictive. I can make this recommendation without further action on your part.

If 2,500 gallons per day is inadequate for the use at this site, I will need "evidence of priority" and "evidence of beneficial use" establishing that the right was perfected prior to March 25, 1963, when permits for ground water use became mandatory.

The enclosed pamphlet describes possible sources of evidence you may wish to consider.

Another option would be to document that the use began prior to November 19, 1987, and apply for a new permit based upon pre-moratorium development. This would be handled by IDWR's Allocations Bureau and would be independent of the Adjudication timelines.

2. 29-4311, Frontier Well

This claim is for 0.28 cfs for commercial uses in an office building and laboratory. This is a similar situation to the Zimmerli cellars; I can recommend 0.04 cfs as a

“deminimus” non-household domestic, if the 2,500 gallon per day limitation is not too restrictive. Mr. Self did not have diversion volume data, but indicated that no more than 25 people generally work at this facility. Other than occasional make-up water for a pH adjusting tank, there is not a lot of water use associated with the lab processes. Our general guidelines suggest workplace requirements of 15 to 50 gallons per shift, per employee. Even assuming the higher rate and two shifts per day, it appears 2,500 gallons per day would be adequate for 25 employees.

If 2,500 gallons per day is not enough, you have the options of documenting perfection of the right before March, 1963, for an Adjudication recommendation, or applying for a permit based on pre-moratorium development.

3. 29-2375, 29-2501, 29-2502, 29-4489, 29-7763, Don Plant

The licensed rights for the Don Plant are well documented from the recent licensing exam for 29-7763 and the recent transfer for the new point of diversion. The transfer appears to authorize an adequate diversion rate for the capacity of Well #7, so I don't see a need for additional transfers.

Because these are groundwater rights, the recommendations will have to include an annual volume component. My plan is to base the volume on the 1998 and 2000 data Mr. Self provided to the water measurement district. Mr. Self felt these were “representative” years of operation. I intend to include adequate allowance (based on the standard deviation of the data) for “high usage” years.

Claim 29-4489 is for “Industrial/Waste Treatment” uses from source “Unnamed Stream,” also identified as an “open drain ditch.” The only use we could identify to which this claim may refer is the use of some of the waste stream as an ingredient for the manufacture of phosphoric acid.

We generally regard all water use or re-use as part of the original water right, as long as the user still has the water under his/her control. Under that interpretation, use of water from the waste stream in the industrial process would simply be part of the industrial use authorized under the existing water rights. A separate claim would not be needed.

If the user has “lost control” of the waste stream, it becomes public water available for beneficial use, and a claim for use of the water would be appropriate.

If you wish me to review this claim for recommendation, I will need documentation of priority and beneficial use prior to May 20, 1971 (the mandatory permit date for surface sources). I will also need clarification of Point of Diversion and water uses, as well as quantities used. As before, you may also wish to pursue a new permit based upon pre-moratorium development.

4. 29-4088, 29-10927, 29-11312, 29-11313, 29-7437, Swanson Farm

This farm appears to have several sources of water. Post-adjudication permit 29-7437 authorizes the use of waste water from the plant. Claims 29-4088, 29-10927, and 29-29-11313 are for use of water from the Portneuf River. Claim 29-11312 is for spring water arising in the slough on the west side of the property, near the river.

There are several issues associated with this group of claims:

- a. Evidence of priority and beneficial use. The evidence I rely upon needs to establish the date and the extent of the original development of the right. Affidavits have to be based upon personal observations of the person making the statement. My standard is that the documentation should "tend to indicate," though a higher standard likely would be needed to overcome objections, if any were filed.

The only evidence of priority is a letter in claim 29-10927 from former owner Robert W. Swanson. Mr. Swanson makes statements about the development of the right, asserting that the dam was built in 1910 and irrigation commenced soon thereafter. He does not, however, give an indication of "personal knowledge," or the date he first saw the beneficial use. Although I can presume he personally observed these practices as a child, I don't know his age and can't reasonably determine a priority date. His letter is also somewhat vague concerning the number of acres irrigated, the location of the farm, and the quantities of water beneficial used.

Evidence needs to be specific to each claimed source and place of use. Claim 29-11312, for instance, is for use of spring water from the slough. That documentation needs to explicitly identify the slough as a source. Mr. Swanson's letter only references the river. Documentation also needs to specifically address the place of use issues discussed below.

Could you please try to get some firmer evidence of priority and evidence of beneficial use for each of these claims? Evidence needs to predate May 20, 1971, for an Adjudication recommendation, or November 19, 1987, for a new permit.

- b. Place of use. Mr. Self showed me a map of the current irrigation scheme of the Swanson farm, which corresponds approximately to the claimed place of use for 29-4088, on the enclosed map. This place of use is all south of the freeway and north of the river, except for the lawn areas around the Frontier lab. He indicated that the claimed place of use for 29-10927 is not and has not been irrigated. Because my agenda notes were incomplete, I did not ask Mr. Self explicitly about the claimed place of use for 29-11312 and 29-11313, which is all north of the freeway. We did carefully review what was irrigated, however, and he did not give any indication that this land is irrigated under

this system.

Claim 29-11313 indicates that the land is also irrigated with Fort Hall Irrigation District water. It may be that this claim was filed based on plans for hoped-for development, rather than on actual practices at the time claims were filed. Claim 29-10927 may have also referenced planned, rather than actual, use of water by Swansons.

If the place of use is different than indicated on the attached map, please let me know what the place of use should be, and provide documentation.

It appears that spring water is used on the same place of use as claim 29-4088. You may wish to amend claim 29-11312 to include use of spring water south of the freeway, if the priority date of that source can be verified.

- c. Quantity of Water. Current capacity of the pumping plant is adequate to provide 0.02 cfs/acre on the lands Mr. Self identified as irrigated.

The quantity under the waste water source is covered under post-adjudication permit 29-7437.

Hopefully the additional documentation you provide will give further indication of diversion rate from the Portneuf River, but in the worst case I can base a recommendation upon the pump capacity.

If the use of spring water from the slough is documented prior to May, 1971, a measurement will be required to determine the quantity of water to be recommended under that claim. Likely the only way to do this will be to stop diversion of river water, delivery of waste water, and pumping from the slough, for a number of days. We would need one of Simplot's technicians to record water levels in the slough, every day. Once the slough stabilizes, measuring the outflow of the slough to the river would give an indication of the quantity of water supplied by springs in the slough. Our contractor would need to perform this measurement before October 1. If instead you plan to apply for a permit for the use of spring water, an Allocations Bureau technician would perform these measurements at some future date, independent of the Adjudication timelines.

5. 29-2020, 29-2225, 29-4334, Batiste Spring

These are the rights acquired from Union Pacific Railroad. There are several issues with this group of rights:

- a. Evidence of Priority. The licensing examinations for 29-2020 and 29-2225 provide adequate evidence of priority for up to 6.68 cfs, with priority of July 31, 1930. Additional evidence of priority will be needed if you file claims for

the additional capacity represented by the current pumping plant.

- b. Diversion Rate. Both licenses were issued for the full diversion rate on the permits, yet both exams noted greater capacity existed. Field inspection shows that even greater capacity is currently in place. Except for the bugaboo of non-use, discussed below, it may be possible to consider additional claims for additional diversion rate. The historical development of diversion rate is outlined below:

<u>Date</u>	<u>Capacity (incremental)</u>	<u>Capacity (cumulative)</u>	<u>Documentation</u>
8/8/1904	3.00 cfs	3.00 cfs	License 29-2020
9/17/1913	2.40 cfs	5.40 cfs	Licensing exam
3/10/1920	1.10 cfs	6.50 cfs	License 29-2225
7/31/1930	0.32 cfs	6.82 cfs	Licensing exam
Unknown	4.99 cfs	11.81 cfs	Claim 29-4334, field inspection 7/20/2001

If the current capacity of 11.81 cfs can be documented prior to May 20, 1971, you may wish to claim it in the adjudication. If not, but it can be documented prior to November 19, 1987, you may wish to apply for a permit based on pre-moratorium development. However, the non-use issues below complicate this a little bit.

- c. Non-use. The current diversion works are not usable (pumps are in place but motors and discharge piping have been removed) and it appears that the works have not been used for some time. While the department is reluctant to find forfeiture, in making a recommendation I have to certify that the issue of forfeiture has been considered and investigated. The time frame we consider is the time from the perfection of the right, up until the date the claims were signed. From a practical standpoint, if I find evidence of use within five years prior to the claim date, I will not find forfeiture. Claim 29-4334 was signed in 1990, and the other two claims were signed in 1994.

If you could come up with an affidavit or evidence that these rights were used in or after 1985, or even better in or after 1989, this would make the non-use issue go away. If you were to file additional claims for unclaimed capacity identified above, use would have to be documented in or after 1996. Apparently water was supplied to the City of Pocatello as well as the railroad yards, so the city may be able to help with documentation and dates.

Because of the non-use issue and the signing dates of the claims, you may wish to carefully weigh your options in amending claims and/or filing new claims. Since claim 29-4334 was filed four years earlier than the others, it is the easiest to defend against non-use. Amending it to the date of the installation of the current pumps, and a diversion rate of 11.81 cfs, would

claim the largest possible diversion rate with the poorest possible priority date. Amending 29-4334 to a diversion rate of 3.0 cfs and the priority date of license 29-2020 would protect the earliest possible priority, at the lowest diversion rate. A middle ground would be to amend 29-4334 to a diversion rate of 6.82 cfs and priority of July 31, 1930. That way, if the claims on the licenses fail the non-use hurdle, you've still protected most of the diversion rate and most of the priority date.

If you decide to apply for a permit based on pre-moratorium development, for the last 4.99 cfs, you will have to overcome the Allocations Bureau standards for non-use, which may be different from the Adjudication requirements.

- d. Withdrawal of 29-4334. A letter sent with claim 29-2020 and a remark on claim 29-2020 seem to indicate an intent to withdraw 29-4334, but IDWR has never acted on this request. To clear up this issue, at the very least you may wish to amend the claim to clarify the intent to keep it active.

Please consider these questions and decisions, and let me know how you wish to proceed. I will be available on the telephone towards the end of the week of July 30. You may also e-mail me at bcontor@idwr.state.id.us or bcontor@hotmail.com.

Sincerely,

Bryce A. Contor

enclosures

Simplot B29 claims 29-4088, 29-10927, 29-11312, 29-11313. Swanson Farm.
Photos taken 7/20/2001 by B. Contor. Accompanied by Norm Self and Bob Willey of
Simplot and Elese Teton of Shoshone-Bannock Tribe.

Photo #1. Pump, looking NE. "A" on attached GIS (points located by GPS).



Bac

Simplot B29 claims 29-4088, 29-10927, 29-11312, 29-11313. Swanson Farm.
Photos taken 7/20/2001 by B. Contor. Accompanied by Norm Self and Bob Willey of
Simplot and Elese Teton of Shoshone-Bannock Tribe.

Photo #2, looking south east from slough to POD from Portneuf River. "B" on attached
map.



bac

Simplot B29 photo, Batiste Springs. Claims 29-2020, 29-2225, 29-4334

Photo taken 7/20/2001 by Bryce Contor.

Photo shows pump house, looking south. POD is inside building.



Simplot Visit Itinerary

1) Don plant

- GPS wells, record WMD tag numbers (or map w/ marked locations)
- Annual volume, second estimate
- Was 1998 "representative" year? - yes 2000 report found in file

2) River Pump 6N 34E 7 NE NE

- GPS POD
- Power meter #, KW demand, discharge pressure
- Q-meter rate
- Sources clarified
- Check Section 16 POD - abandoned - Grant Western Mailing - 3 yrs - abandoned
- evidence of priority - Vic Conrad

3) Batiste Spring

- Current capacity ✓
- clarity uses ✓
- Amend claims / can use claims as appropriate

4) Michaud Ranch, Waste Treatment, Zimmerli, ✓

- POD GPS Frontier well ✓
- Theoretical
- POD review
- review use of Frontier, amend to include it if appropriate

- evidence of priority is OK

Willey, Bob (AB Don Plant)

From: Conrad, Vic (Corporate)
Sent: Monday, July 16, 2001 4:56 PM
To: Prouty, Alan L (Corporate); Willey, Bob (AB Don Plant); Smith, Dan R. (AB Don Plant)
Cc: Butler, Del (AB Don Plant); Avery, Pat (AB HQ)
Subject: RE: Dept. of Water Resources



SRBA Claim
Summary.xls

Attached is a summary of water rights relating to the Don Plant claimed in the Snake River Basin Adjudication (including Batise Springs). The IDWR is in the process of verifying claims located in the Portneuf River Basin that were filed in the Snake River Basin Adjudication. These claims need to be verified before the claims are turned over to the Court for decree. It is my impression Bryce is visiting the Don Plant to verify these rights.

I left a message for Bryce to please let us know if there is any additional information we can supply him. During his visit, the following issues may come-up, but are not identified on the attached sheet:

1. in 1994 a new well was constructed (Well #7) to replace well no. 6. Only one of three water rights was transferred to accomplish this new well. Bryce may need us to file an additional transfer for the remaining two rights.
2. The water right permit authorizing the storage of effluent and the land application of that storage is not contained on the attached list. Because this right was perfected after the date the Adjudication commenced, filing was not required. The right exists as permitted - it simply was not filed in the SRBA. If Bryce questions that use of water, it is covered under IDWR Permit No. 29-7437.
3. The water delivered in the slurry pipeline from Smoky Canyon originates in another basin (IDWR basin no. 24). Because it is not part of the Portneuf Basin (Basin 29) I did not identify that source. I do not think this will become an issue, but if Bryce inquires, that is the reason it is not on the attached list. Please let me know if you need any additional information.

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

From: Prouty, Alan L (Corporate)
Sent: Friday, July 13, 2001 4:32 PM
To: Willey, Bob (AB Don Plant); Smith, Dan R. (AB Don Plant); Conrad, Vic (Corporate)
Cc: Butler, Del (AB Don Plant); Avery, Pat (AB HQ)
Subject: RE: Dept. of Water Resources

Bob:

Vic and I have talked. Vic will supply you a list of our water claims, dates of the rights and use information. Let me or Vic know if you would like some further assistance.

From

Alan Prouty

Environmental & Regulatory Affairs

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

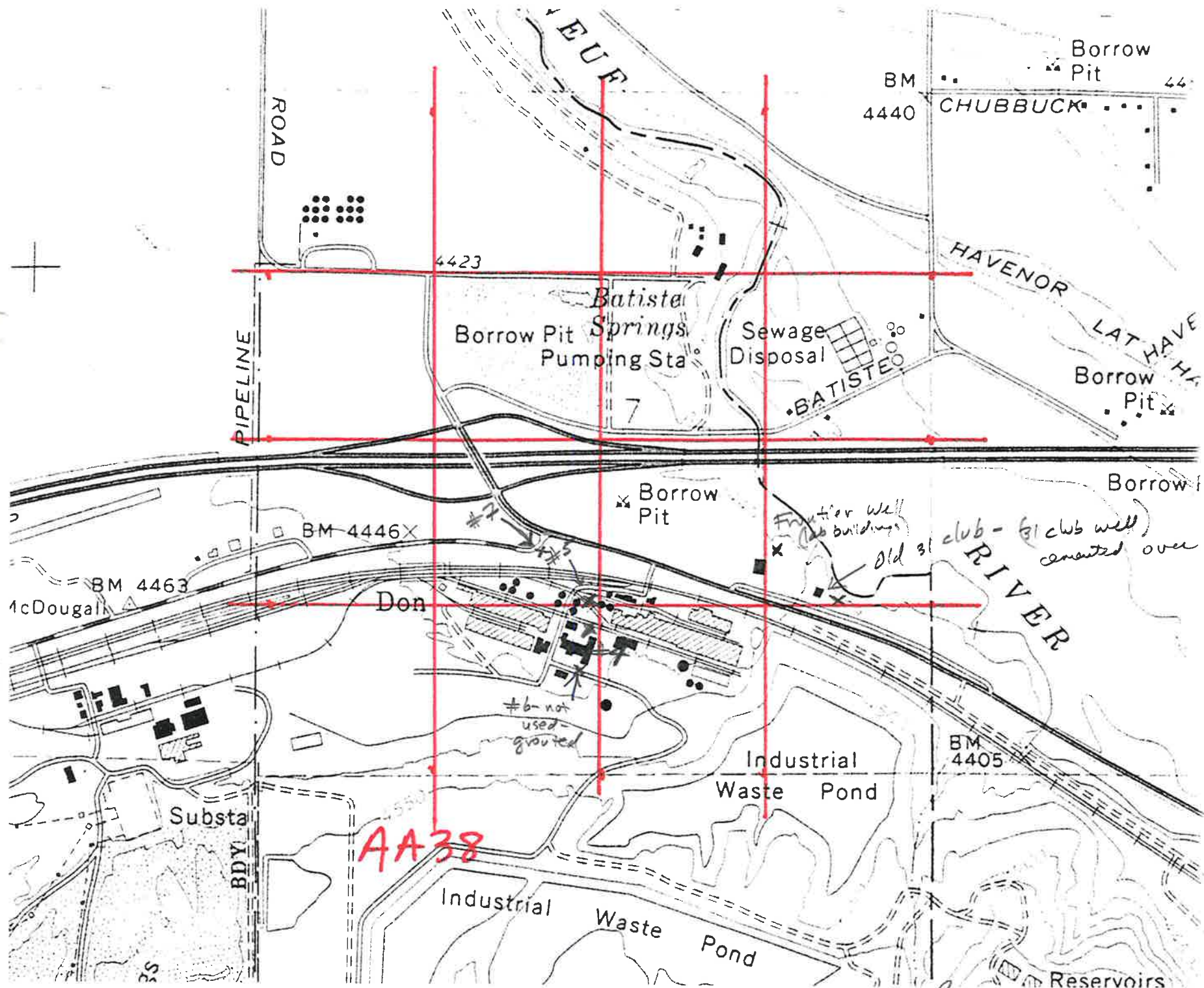
From: Willey, Bob (AB Don Plant)
Sent: Friday, July 13, 2001 4:01 PM
To: Smith, Dan R. (AB Don Plant); Prouty, Alan L (Corporate); Conrad, Vic (Corporate)
Subject: Dept. of Water Resources

I received a call from Bryce Contor from the Department of Water Resources today. He was trying to contact Paul Evans, I told him that Paul Evans was no longer employed here. Mr. Contor wanted to make an appointment to look at the water wells and review the water rights. He specifically mentioned the water rights to Batiste Springs. Mr. Contor also mentioned verifying the current use of the water rights (ie. municipal water rights). He said that next Friday, 7/20/01 in the afternoon would be convenient for him. I told him that I was not familiar with the water wells or water rights and that I would try to gather some additional information and contact him next week. Talked to Ward and he suggested that I contact the three of you to get further direction/information. I would appreciate any input/direction/advice from any or all three of you. Hope to hear from you the first of next week. I think it would be beneficial to get more detail from Mr. Contor on the information he will actually need and the wells he wants to see.

Thanks,

Summary of IDWR Basin 29 Claims Filed in the Snake River Basin Adjudication

Claim No.	Use	Local Name for Water Source.	Diversion Rate (cfs)	Diversion Rate Expressed in Gallon per Minute
29-4312	Stockwater	Carson Well	0.15	67
29-4313	Stockwater	Chipman Well	0.15	67
29-4489	Industrial	Unnamed Stream Tributary to Portneuf River	3.35	1,504
29-2375	Industrial	Well #4 drilled under this water right. Three wells now identified as source (Nos. 4, 5, 7)	6.684	3,000
29-7763	Industrial	Three Wells (Well Nos. 4, 5, 7)	0.1	45
29-2501	Industrial	Three Wells (Wells Nos. 4, 5, 7). Well #6 originally constructed under this well. Well 7 constructed in 1994 to replace Well #6. Well #5 constructed under this water right. Three wells now identified as source (Well Nos. 4, 5, 7)	5.57	2,500
29-2502	Industrial	7)	6.66	2,989
29-4311	Commercial	Frontier Building	0	126
29-4088	Irrigation	Portneuf River (original diversion near Malt Plant)	3.2	1,436
29-11313	Irrigation	Portneuf River	2.28	1,023
29-11312	Irrigation	Unnamed Spring	0.22	99
29-10927	Stockwater and Irrigation	Swanson 1996 acquisition	0.38	171
29-2020	Supplying tanks and other general railroad purposes	Batise Springs	3	1,346
29-2225	General RR Purposes	Batise Springs	3.5	1,571
29-4334	Domestic, Municipal, Industrial	Batise Springs	1.48	664



Location of Simplot wells per Norm Self - 7/20/01

Byron A. Conton

Singplot Interview - 7/20/01

Norm Self - Baye acc. by Elise Tetou

1) Claim - 29-4489

- 1980 dammed off return to river
storm drain,
cooling-tower blowdowns
non-contact waste water
- enclosed pipe to ponds, elementary ph
adjusted, pumped to Surge pond
- Distributed to land application -
Wheat is predominant crop -
- Some is re-diverted from stream
into plant for phosphoric acid
process -
- Properties owned by Singplot +
90 acre leased from Barnode Paving -
 - Swanson property
 - Carlson property - used = O/S
- Spambauer property - canal

2) Claim 29-4307
Ash Vic Conrad

3) Frontier Well - no irrigation - lab use only -
used only in restrooms, lab, safety shower -
bottled water for drinking - may supply water to
Soda-ash tank - 2,500 gpd? 6390035 Public Water

Simp lot / L. T. v. v. p 2 7/20/01

System number -

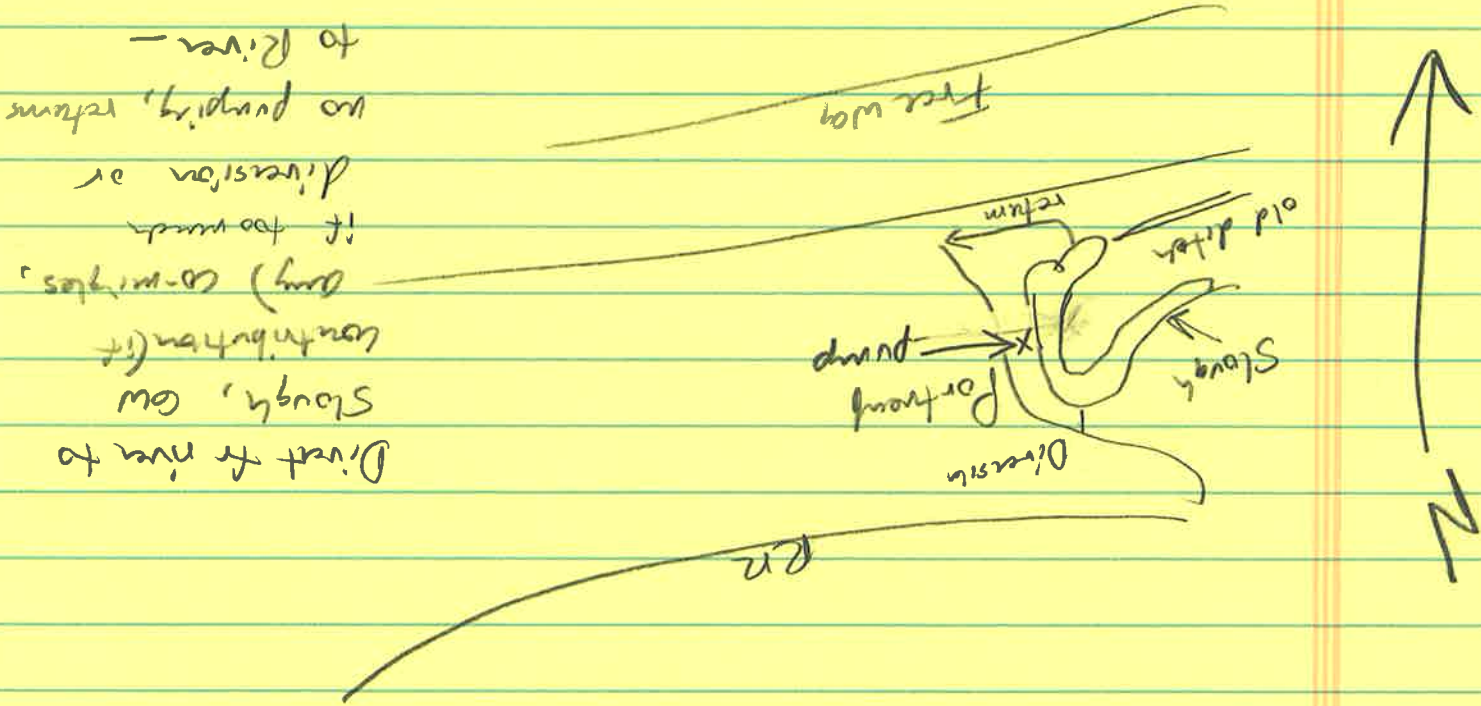
See 2000 report - Further well reported
6-12 employees? 25 may?

(Bob Wiley joined as about here)

- Midland ranch - cleared pool (green) not used -
Actual impoundment is N side of runway -
also employee park.

- Swanson ranch -

Sketch from map on wall



Simplest Interview p 3 7/30/01

Battiste Spring

- 1) No current use for municipal
- 2) Currently not using water - holding -
- 3) Pump is still there -
- 4) Buyer will talk to Vic. re:

- a) date of sale - forfeiture issues
- b) add'l claims if capacity justifies
- 5) Superfund issues may establish ownership?

Field Inspection Goals

- 1) GPS Swanson PO, power data
- 2) GPS Battiste Spring, pump size/capacity data -

Battiste Spring Field Inspection - B. Burt, Bob Miller, N. Salt, E. Reden

- 1) Photo - pump house fr. outside
- 2) Inside pump house - 2 pumps - motors removed
- 1) split-core centrifugal Atlas Chalmers 3300 GPM # (2) 3486 440 ft head

- a) Layer-Borden VI 200 gpm 440 ft head SN 27052
- 3) GPS R072020A - Sust S of Ridge -

Simplet Field 2/20/01

p 4

Swanson Farm

GPS R072020A WND side by A0067245

Offset 15 ft WNW

Motor 200 hp 6-E

Pump - no toy

Discharge 95 psi surge gage

Grain land motor - 50' units = 2

Idaho power 01611913

Demand = $3.92 \times ?$

Assume CTS = 200/s (looks like "202")
Assume multiplier = 40

3 sources of water for Swanson Farm

a) Waste from plant - to sump (22-2437)

b) Division fr. River

c) GW arising in slough

Photo #1 = Pump, looking NW

GPS R072021A ~~75-100~~ ~~100-150~~ yards N. NW of
division fr. River. Division is to pipeline
@ GPS point.

Photo #2 is wooden structure @ 100.

Simplot 7/20/01

p 5

Appears to be abt 33 birds running on irr. pasture @ east end of pou. Rest of pou in ripening wheat, was irr in 2001. (Pipe still in field, dense crop typical of irr production). Likely typical operating pressure is lower.

Follow-up Notes 7/21/01

Per Mr. Self,

- 1) 1998 should have been representative year @ Don plant - compare 2000 data provided to me by Mr. Self.
- 2) Section 16 POD on Swanson ranch claims no longer used.
- 3) ~~POD~~ pou for claim 29-10927 not irrigated.
- 4) Claim 29-4489 appears to reference re-use of waste stream within plant, before "loss of control." May also reference land application under permit 29-7437
- 5) Claim 29-4307 (Zimmerli) not Simplot property, to best of Mr. Self's knowledge.
- 6) Attached e-mail & WR list were given me by Mr. Self. Attached "itinerary" has some notes on it made during the visit, which I have tried to

Capture here.

Issues to Address w/ Vic Conrad

- 1) Evidence of Priority @ Swanson Ranch
 - a) 29-4088 file contains no evidence
 - b) 29-10927 contains letter from Robert Swanson which describes history but stops short of asserting "personal knowledge." Depending on Mr. Swanson's age I can presume "personal knowledge" back probably to his childhood.
 - c) 29-11312 - water from springs in slough - file contains no evidence. Use appears to date back to date of conversion to sprinklers. Transfer 2274 places this at least as early as 1980. If before March 1971 I can recommend AS claim, otherwise ^{Singlot} may wish to pursue moratorium - exemption permit application. Q will be difficult to determine, perhaps measure outflow of slough during period of no diversion (from Butte) and no pumping.
 - d) 29-11313 file contains no evidence
 - e) 29-4088 & 29-11313 ²⁹⁻¹⁰⁹²⁷ relate to same use I can rely on same evidence.

* pour
29-11313 -
Mr Self referenced
only SW 1/4 -

- 2) Pour 29-10927 - appears not irrigated. Mr. Self did not recall historical use there.

Simple 2/21/01 07

3) 29-4307 - Zimmelli Collins -

Current owner? (2,500 GPD or evidence)

4) 29-4311 - Frontier well

a) If 2,500 GPD capacity, I can recommend

as domestic (domestic) w/o further documentation

b) Otherwise, I need evidence of priority. None

is file.

5) Batiste Spring

a) Discard forfeiture issue. Claims filed 1989, 1994.

b) Amend 29-4334 to Discard appeal withdrawn

in 29-2020 filing.

c) Additional claim for 0.32 gfs exceeding

6.5 of two licenses, from 1930's exam.

d) Additional claim for "current" capacity

exceeding 6.32 gfs, if current pumps

placed before March 1971 - document

priority - RE Maintenance records?

Basin 29 Claims filed in the SRBA by J. R. Simplot Company

29-7763 ✓
29-7036 ✓
29-4489 ✓
29-4334 ✓
29-4313 ✓
29-4312 ✓
29-4311 ✓
29-4307 ✓
29-4088 ✓
29-2502 ✓
29-2501 ✓
29-2375 ✓
29-2225 ✓
29-2020 ✓
29-11313 ✓
29-11312 ✓
29-10927 ✓

e-mail fr. Vic Conrad 7/18/01

Bac



AgriBusiness

J.R. SIMPLOT COMPANY
1150 W. HIGHWAY 30
POCATELLO, IDAHO 83201
P.O. BOX 912
POCATELLO, IDAHO 83204
DIRECT 208/234-5350
FAX 208/234-5305

NORMAN F. SELF
ENVIRONMENTAL CONTROL
SUPERVISOR

E-MAIL: nself@simplot.com

Bringing Earth's Resources to Life

MEMORANDUM

To: Simplot B29 Files 29-2020, 29-2225,
Fri Bryce Center 29-41334
Date: 7/18/01

Re: Batiste Spring Summary

1) 29-2020

Licensed 10/31/1913 3.0 g's photo 8/8/1904
"Supplying tanks and other general railroad
purposes", License exam indicates capacity
of 5.4 g's, No date but stamped in
office July 12, 1909 (map). Shut w/
Capacity stamped Sept 17, 1913.

Claim 2.9 g's industrial 0.1 g's municipal.

2) 29-2225

Licensed 1930, converted license issued 1955
3.5 g's 3/10/1920
"General Railroad purposes"

License exam indicates capacity 8 3060 gpm
 ≈ 6.82 g's.

Batist Spring 7/18/01

claim 29-2225
 3.38 gys Industrial
 0.12 gys Municipal
 3.50 gys total

3)

29-4334

Original Statutory claim filed 1983,
 claims June 25, 1902, 1.48 gys
 for Industrial, Domestic, and Municipal
 purposes.

As claim matures statutory claim.

Note letter in 29-2020, remains to
 29-2020, which appear to withdraw
 this claim.

4) Analysis

Depending on current use/capacity,
 it appears a beneficial use claim
 for (5.4 - 3.0 = 2.4 gys) w/ priority date
 9/17/1913 would be in order. This w/
 right 29-2225 should be limited to
 the 3.5 gys licensed for 29-2225. 29-4334
 could be amended to reflect this.

Batiste Spring 2/18/01 03

If current capacity and beneficial use
justifying, an additional bore use claim
for (6.82 - 6.50 = 0.32 gals) with priority
8/31/1930 (from licensing exam 29-2225)
may also be in order.

1930 works consisted of "two three-stage
1759 GPM centrifugal pumps against 125# pressure."
Claims state "water is diverted with a 300hp
Westinghouse Pump and a 500 hp Worthington
pump."

Theoretical:

Assume: Pump efficiency 80%

friction 10 ft
11 ft 10 ft

discharge 125 psi = 289 ft

GPM = Water HP x 3960

(11 ft + friction + pressure head)

$$= \frac{(300 + 500) \times 0.80 \times 3960}{(10 + 10 + 289)}$$

$$= 8202 \text{ GPM} \approx 18.3 \text{ gals}$$

MEMO

To: Sinyot Hls B29
 From: B. Center

Date: 7/18/01

Re: Don Plant Annual Volume

1) See e-mail to Candice re: suggested approach

2) See pencilled calculations on sheet "Don Plant Fresh Water Production"

a) Monthly $\bar{x} = 169938 \text{ gal}$
 monthly std deviation (sample) = 23209 gal
 $(\bar{x} + 2s) = 216,357 \text{ gal}$
 $12(\bar{x} + 2s) = 2,596,285 \text{ K gal} = 7,920 \text{ acre ft}$

b) $\frac{7,920}{19 \text{ d}} \approx 211 \text{ days of outflow rate}$

c) $\frac{7,920}{138 \text{ d}} \approx 291 \text{ days @ actual rate}$

JBC 7/18/01

3) Note that approach of using 12 months 95th percentile
 ensures much higher percentile on annual basis - will
 ensure 12 consecutive 95th percentile events

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, July 18, 2001 10:20 AM
To: McHugh, Candice
Cc: Music, Vicky

Subject: Diversion Volume for Simplot

The Simplot factory has four GW rights from three wells, all overlapping all PODs. The numbers are 29-2501, 29-2502, 29-2375, and 29-7763.

The first three were licensed without a specification of annual volume. 29-2501 was the subject of a 1994 transfer (4129) which was issued without an annual volume. 29-7763 was issued with an annual volume equal to 365 days operation at the licensed diversion rate.

The data provided by Simplot to the Water Measurement District shows that actual diversion rate is about 73% of authorized, and that 1998 volume was equivalent to 229 days at the actual rate or 166 days at the authorized

I'm leaning towards recommending each right at a 365-day volume, but calculating a combined limitation for the four rights together. This would be done by calculating the standard deviation of the monthly volumes reported for 1998, and using twelve months at the reported rate plus two standard deviations. Two standard deviations is the 95th percentile about.

Advices please?

Bryce Contor
Idaho Department of Water Resources
bcontor@idwr.state.id.us
bcontor@hotmail.com

MEMORANDUM

To: 29-2020
 Fr: Bryce Center
 Date: 7/7/01

Re: Summary of claims for Simplot

Claim	Source	Cfs	Apparent EUMD record, Legal of PO
-------	--------	-----	---

✓ 29-2020	Batiste Spring	3.00	none/ 65 34E 7 SW NE
-----------	----------------	------	-------------------------

✓ 29-2501	GW	5.57	200591, 200592, 200595 65 34E 7 NE SW SE SW
-----------	----	------	---

✓ 29-2502	GW	6.66	200591, 200592, 200595
-----------	----	------	---------------------------

65 34E 7 NE SW SE SW

✓ ** 29-2225	Batiste Spring	3.50	hour/ 65 34E 7 SW NE
--------------	----------------	------	-------------------------

* Claim remains state their supercedes claim 29-4334
 ** Carter Forestry letter suggests 29-4334 may be for odd cfs

Summary 7/7/01 p2

✓ 29-4088 Portney River

3.2 ds

200762 (copy in file)

65 34E 7 N55E

16 SE SW

(see transfer app. in file indicating abandonment of ss. 16 PO).

29-4307 GW 0.01

(possibly already PO)

none /

65 32E 24 SESE

29-4311 GW

0.28

200594

65 34E 7 NWSE

(see memo in 29-2020; Transfered 0.29)

✓ 29-4334 Batiste Spring 1.48

none /

65 34E 7 SW NE

(appears to be same PO as 29-2020; 29-2225?)

✓ 29-4489 Unnamed Stream 3.35

none /

65 31E 7 NUSSE

✓ 29-10927 Portney River 0.38

none /

65 34E 16 SE SW

(note transfer app in 29-4088)

Suggesting this PO abandoned)

Summary Continued 2/13/01 p 3

✓ 29-2375 GW 6.68 200591, 200592, 200595

✓ 29-7036 GW 0.03 65 335 20

✓ 29-7736 GW 0.10 200591, 200592, 200595
 copy of exam is 29-7736
 many help clarify relationship of
 wells & overlapping WR.

✓ 29-11312 Unnamed Spring 0.22 65 345 7 N55E 200762 ?

✓ 29-11313 Portnant River 2.28 65 345 7 N55E 16 SE SW 200762 ?
 See 4088 etc.

Analysis

1) Wells at plant

29-2501
 29-2502
 29-2375
 29-7736
 7763

5.56
 6.66
 6.68
 0.10

19.0 gs
 WMD = 13.8 gs

2) ~~Bath site~~

Batiste Spring

29-2020	3.00
29-2225	3.50
29-4334	1.48
7.98	

Portney / Uncovered / Water Water Section 73 16

29-4088	3.20
29-4489	3.35
29-10927	0.38
29-11312	0.22
29-11313	2.28
29-7437	(non-A5)
9.43	

Apparently Independent Wells

29-7036	69 33E 20
29-4311	69 34E 7 NW SE
29-4307	69 32E 24 SSE

May be separate use - "Water treatment" - use of full water?

Michael Ranch

MEMORANDUM

To: 29-2020

Fr: Bryce Center

Date: 7/13/01

Re: Contact Persons

WMD files have 2 contact names, Paul Evans 234-5352, Bill Rawlings 234-5434.

Today I called 234-5352 and spoke to Bob. Paul no longer works for the company, and Bill works in maintenance and is probably not the right person to contact re: water rights.

Tentatively plan on initial contact 7/20/01 afternoon. Bob will find out who wants to deal w/ WE issues and will call me Monday @ 282-7846

Bye 7/13/01

Contor, Bryce

From: Contor, Bryce
Sent: Friday, July 13, 2001 1:48 PM
To: McHugh, Candice
Cc: Music, Vicky
Subject: Environmental Extraction

JR Simplot has some DEQ-required environmental extraction wells at the fertilizer plant in Pocatello, according to the water measurement district. The water is treated and discharged to the City of Pocatello water treatment plant, where one could say it winds up as "tributary" to the Portneuf River.

My take is that there is no Adjudication issue since these appear to be installed after 1987. Correcto?

Thanks.

Bryce Contor
Idaho Department of Water Resources
bcontor@idwr.state.id.us
bcontor@hotmail.com

7/13/2001

MEMORANDUM

To: 29-2020
 Fri Bryce Center
 Date: 7/5/01

Re: Review of East Water Meas. District
 Data on Simplot wR/divisions

1N 37E 21 SWSE not in 829
 6S 34E 18 NW NW

25 hp motor, Idaho Power 01892859 A43B
 "Environmental extraction well"
 photo in file Exam 5/12/1998

5S 34E 7 SWSE (should be 6S?)
 Simplot #s "337, 338"
 5-10 hp each
 "2 extraction wells, water is treated and sent
 to City of Pocatello" photos in file

6S 34E 7 NWSE Record 200594
 Simplot name "Fountain Well"
 or 10 hp Submersible
 "used to irrigate 2 acres"
 LMD Association w/ 29-4311
 photo in file

7/5/01 EUMD Review p 2

65 34E 7 NESW Record # 200591

EUMD associates w/ 29-2502, 29-2501, 29-2375
wells # 4, 5, 7 associates w/ these n's
65 34E 7 Record 200591 is well #5

US Motor 250hp Aurora 16E Vent T pump
"Industrial Use & Plant Cooling"
Photos in file

65 34E 7 NESW Record # 200592

EUMD associates w/ well #4, see above
Contact Paul Evans 234-5352
Westinghouse Motor 250
Photos in file

65 34E 7 SESW Record # 200595

EUMD associates w/ well #7, see above
US Motor 450 hp
Photos in file

65 34E 7 NESW Record # 200262

EUMD gives diversion name "Swanson Ranch"
copy of exam placed in file 29-4088
GE Motor 200 horsepower

(Sw) source pumped to landfill for inc.

Record 200078 - "Fresh - Idaho Falls" - not in B29

7/7/01 EUMD Review p 3

EUMD-recorded wells in B29

* 3 environmental extraction wells 1.5-2.0 gals total			
* Frontier well			
Well #4	2.6 gals on external shut		0.29 gals
Well #5	3.8 gals	"	"
Well #7	4.4 gals	"	"
* Stevenson Ranch well.			
			6.2 gals

Theoretical calculation of TDH for wells 4, 5, 7

$$GPM = \frac{TDH}{Water\ HP \times 3.960}$$

$$TDH = \frac{Water\ HP \times 3.960}{GPM}$$

$$Well\ #4\ TDH = \frac{250 \times 3.960}{1149} = 860\ ft$$

$$\text{Assume discharge} = 100\ psi = 231\ ft$$

$$21\ ft + \text{friction} = 860 - 231 = 629\ ft$$

This does not seem reasonable; either discharge pressure is higher or water is significantly under-loaded

* Calculations on following pages

See license exam 29-2375

See T 4129, copy in 29-2501

Note reference to Perm. &

29-7432

$$\text{Well \# 5 TDH} = \frac{250 \times 3960}{1690} = 585 \text{ ft}$$

$$\begin{aligned} \text{Assume discharge} &= 100 \text{ psi} = 231 \text{ ft} \\ \text{Lift + friction} &= 585 - 231 = 354 \text{ ft} \end{aligned}$$

$$\text{Well \# 7 TDH} = \frac{450 \times 3960}{1985} = 895 \text{ ft}$$

$$\begin{aligned} \text{Assume discharge} &= 100 \text{ psi} = 231 \text{ ft} \\ \text{Lift + friction} &= 895 - 231 = 664 \text{ ft} \end{aligned}$$

EWMD reports did not give discharge pressures nor pumping lifts. However, these results seem unreasonable in light of nearby Artax's wells @ lifts of $\approx 65-80$ ft + friction. Note that

license exam 29-2502 indicates lift $\approx 64'$ @

well #5. Exam also indicates well #5 $Q \approx 3000$ gpm when two wells are running, $Q \approx 2280$ gpm when three wells are running. Exam noted 106 psi discharge pressure.

Based on this it appears motors are significantly under-loaded &/or discharge pressure has changed &/or water levels have dropped significantly. As Artax's theoretical calculations were consistent w/ historic water levels I presume

7/7/01 BMD review ps

Water level change is minor.

Using 65' lift and assumed 30 psi discharge
for environmental extraction wells, I calculate
their capacity at:

$$25 \text{ hp well GPM} = \frac{25 \times .7 \times 3960}{(65 + 10 + 30 \times 2.31)} = 480 = 1.07 \text{ cfs}$$

Wells 337, 338

$$@ 10 \text{ hp, GPM} = \frac{10 \times .7 \times 3960}{(65 + 10 + 30 \times 2.31)} = 192 = 0.43 \text{ cfs}$$

$$@ 5 \text{ hp, GPM} = \frac{5 \times .7 \times 3960}{(65 + 10 + 30 \times 2.31)} = 96 = 0.21 \text{ cfs}$$

Fraser Well Calculation: (10 hp)
Assume 65' lift, 10' friction, 60 psi discharge

$$\text{GPM} = \frac{10 \times .7 \times 3960}{(65 + 10 + 60 \times 2.31)} = 130 \text{ gpm} = 0.29 \text{ cfs}$$

Swanson Ranch Calculation: (200 hp)

Assume 65' lift, 10' friction, 60 psi discharge

$$\text{GPM} = \frac{200 \times .7 \times 3960}{(65 + 10 + 60 \times 2.31)} = 2790 \text{ gpm} = 6.2 \text{ cfs}$$

DON PLANT FRESH WATER PRODUCTION

DATE	WELL 4		WELL 5		WELL 7		TOTAL
	Kgal	gpm	Kgal	gpm	Kgal	gpm	
Jan-98	37,268	835	69,946	1567	57,909	1297	165,123
Feb-98	34,653	859	64,605	1602	47,517	1178	146,775
Mar-98	36,938	827	69,841	1565	54,052	1211	160,831
Apr-98	34,285	794	62,512	1447	50,181	1162	146,978
May-98	40,537	908	59,577	1335	54,566	1222	154,680
Jun-98	24,892	576	54,074	1252	46,094	1067	125,060
Jul-98	32,190	721	72,730	1629	88,631	1985	193,551
Aug-98	45,218	1013	68,998	1546	76,759	1720	190,975
Sep-98	46,993	1088	66,332	1535	74,717	1730	188,042
Oct-98	47,335	1060	67,512	1512	73,024	1636	187,871
Nov-98	49,640	1149	65,740	1522	68,012	1574	183,392
Dec-98	45,869	1028	75,439	1690	74,674	1673	195,982
	475,818	2.6 cfs	797,306	3.7 cfs	766,136	3.8 cfs	2,039,260
	1460,214		2446.8	3.8 cfs	2351.2	4.1 cfs	

$$\bar{x} = 169,938 \text{ gal}$$

$$s = 23,209 \text{ gal}$$

Well send this into ground level every year $\bar{x} + 2s = 216,357 \text{ gal}$

Well 6 has been capped

$$(\bar{x} + 2s) 12 = 2,596,285$$

$$= 7,970 \text{ ac ft.}$$

$$\frac{724}{1 \times 1.9835} =$$

$$\begin{array}{r} 1460 \\ 2447 \\ \hline 2351 \\ 6258 \text{ ab.} \end{array}$$

$$\begin{array}{r} 2.6 \\ 3.8 \\ \hline 4.4 \\ 13.8 \text{ cfs} \end{array}$$

FROM WATER MEASUREMENT
DISTRICT RECORDS

East Water Meas District
Inside cover of file #2,
Simplot. 7/5/01 Bac

$$\frac{7970}{1.9835} = 291 \text{ days}$$

$$\frac{7970}{13.8} = 211 \text{ days}$$

$$\frac{6258}{1.9835} = 3155$$

$$\frac{6258}{1.9835} = 229 \text{ days}$$

Notes Bac 7/18/01

Contor, Bryce

From: Contor, Bryce

Sent: Thursday, July 05, 2001 4:29 PM

To: Shaff, Don

Subject: Query for B29 Simplot claims

Awhile ago I sent you an e-mail regarding Simplot claims that did not appear in the Simplot queries. Today by hook or by crook I stumbled across another Simplot claim which I could not identify by means of a query, 29-2225.

Could you work your magic and see if you can identify any B29 Simplot claims besides those listed below? I'm anxious to investigate all the claims as a unit to avoid duplication of effort and to correctly address overlap issues.

29-2020
29-2225
29-2375
29-2502
29-4088
29-4307
29-4311
29-4312
29-4313
29-4334
29-4489
29-7036
29-7763
29-10927
29-11312
29-11313

Thanks.

Bryce Contor
Idaho Department of Water Resources
bcontor@idwr.state.id.us
bcontor@hotmail.com

7/5/2001

Query B29 Organization = Simplot

Basin Num	Sequence	Split Suffi	Basis	Status	Priority D	Diversion	Source Li	Water Use	Owner Li	Version N	Source Ta	Application
29	2375	X	License	Active	3/13/56	6.68	GROUND	INDUSTRI.	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	2501	X	License	Active	4/12/65	5.57	GROUND	INDUSTRI.	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	2502	X	License	Active	4/12/65	6.66	GROUND	INDUSTRI.	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4088	X	Statutory C	Active	6/18/02	3.2	PORTNEU	IRRIGATIC	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4307	X	Statutory C	Active	9/15/55	0.01	GROUND	COMMER	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4311	X	Statutory C	Active	2/1/43	0.28	GROUND	COMMER	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4312	X	Statutory C	Active	2/1/53	0.15	GROUND	STOCKWA	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4313	X	Statutory C	Active	6/1/53	0.15	GROUND	DOMESTIC	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	4489	X	Statutory C	Active	12/1/50	3.35	UNNAMEE	INDUSTRI.	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	7036	X	License	Active	9/10/69	0.03	GROUND	DOMESTIC	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	7763	X	License	Active	1/17/84	0.1	GROUND	INDUSTRI.	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	11312	X	Beneficial I	Active	6/18/02	0.22	SPRING	IRRIGATIC	GRAY YOUNG OR TE	wrAdjudicationClaim		
29	11313	X	Beneficial I	Active	6/18/02	2.28	PORTNEU	IRRIGATIC	GRAY YOUNG OR TE	wrAdjudicationClaim		

Storage
Storage

29- 4334 X

29- 10927 X

29- 2020 X

29- 2225 X

MAY 10 2001

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: **A29-02020**
Date Received: 1/20/1995
Receipt No: C032004
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: UNION PACIFIC RAILROAD CO 402-271-2332
Address: 1416 DODGE ST
OMAHA NE 68179

2. Date of Priority: AUG 8, 1904

3. Source: BATISE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	7	SW	NE			POWER

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.900		
MUNICIPAL	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	1	NW	NE		INDUST	
			SW	NE		INDUST	
			NE	NW		INDUST	

MICROFILMED

NOV 14 1995

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	34E	1	NE		SE		INDUST	
			SE		SE		INDUST	
		16	NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
			SW		SE		INDUST	
		21	NE		NE		INDUST	
			NW		NE		INDUST	
			SE		NE		INDUST	
		22	SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SW		SW		INDUST	
			SW		SE		INDUST	
		26	NW		NW		INDUST	
			SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
		27	NW		NE		INDUST	
			SE		NE		INDUST	
		35	NW		NE		INDUST	
			SW		NE		INDUST	
			SE		NE		INDUST	
			NE		NW		INDUST	
			NE		SE		INDUST	
		36	SW		SW		INDUST	
			SE		SW		INDUST	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-02225

14. Remarks:

ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POATELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POATELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER

14. Remarks: Continued

RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.

CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.

15. Basis of Claim: LICENSE

Water Right Number: 771

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: **A29-02020**
Date Received: 1/19/1995
Receipt No: C032004
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: UNION PACIFIC RAILROAD CO 402-271-2332
Address: 1416 DODGE ST
OMAHA NE 68179

2. Date of Priority: JUN 25, 1902

3. Source: BATISE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
06S	34E	7	SW	NE		

County
CARIBOU
Power
D.E. *CF 6/6/95*

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.900		
MUNICIPAL	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	1	NW	NE		INDUST	
			SW	NE		INDUST	
			NE	NW		INDUST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	34E	1	NE		SE		INDUST	
			SE		SE		INDUST	
		16	NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
			SW		SE		INDUST	
		21	NE		NE		INDUST	
			NW		NE		INDUST	
			SE		NE		INDUST	
		22	SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SW		SW		INDUST	
			SW		SE		INDUST	
		26	NW		NW		INDUST	
			SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
		27	NW		NE		INDUST	
			SE		NE		INDUST	
		35	NW		NE		INDUST	
			SW		NE		INDUST	
			SE		NE		INDUST	
			NE		NW		INDUST	
			NE		SE		INDUST	
		36	SW		SW		INDUST	
			SE		SW		INDUST	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-02225

14. Remarks:

ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER

14. Remarks: Continued

RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.

15. Basis of Claim: LICENSE

Water Right Number: 771

AJ0749NP
No. A29-02020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/15/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707 (208) 336-2110	08/08/1904	INDUSTRIAL MUNICIPAL	01-01 12-31 01-01 12-31	2.90 CFS 0.10 CFS	
TOTAL DIVERSION:					3.00 CFS	

Water Source: BATISE SPRING

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T06S R34E S07 SWNE

POWER County

Place of use Legal Description for: INDUSTRIAL

T	R	S	NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	34E	1			I		I			I							I	
06S	34E	16																I
06S	34E	21		I		I												
06S	34E	22																
06S	34E	26																
06S	34E	27			I													
06S	34E	35			I		I											
06S	34E	36																

POU County: BANNOCK

Non-Irrigation Uses: SEE REMARKS

Other Rights: 29-02225

Remarks: GEN ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.
CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag: C

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 29-2020

Date Received 1-19-95

Receipt Number

CO32004

RECEIVED

JAN 19 1995

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Union Pacific Railroad Company Phone (402) 271-2332

Mailing Address 1416 Dodge Street, Omaha, Nebraska Zip 68179

2. Date of Priority (Only one (1) per claim) June 25, 1902

3. Source of water supply (a) Batise Spring
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 6 S. Range 34 E. Section 7,
SW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Power

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section, 1/4 of 1/4 of

Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is diverted with a 300 HP Westinghouse pump and a 500 HP Worthington
pump into 10" and 12" pipe lines to 2 reservoirs with a combined capacity
of four 339,000 gallons located in SW 1/4, NW 1/4, Sec. 17, T. 6 S.,
R. 34 E., B.M.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 1-1 to 12-31 amount 2.90 or _____

For Municipal purposes from 1-1 to 12-31 amount 0.10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 S.	34 E	16									I	I		I			I		
6 S.	34 E	21	I	I		I													
6 S.	34 E	22							I		I	I	I				I		
6 S.	34 E	27		I		I													
6 S.	34 E	26						I	I		I	I		I					
6 S.	34 E	35		I	I	I	I								I				
6 S.	34 E	36											I	I					
6 S.	34 E	1		I	I		I								I			I	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Water is used for industrial purposes within the Railroad yards and
facilities at Pocatello, Idaho, with the surplus water being furnished
to the City of Pocatello and other businesses by agreements. This claim
supersedes Notice of Claim to a Water Right 29-4334 sent on February
13, 1990.

Last Name Union Pacific Ident No. 29-2020

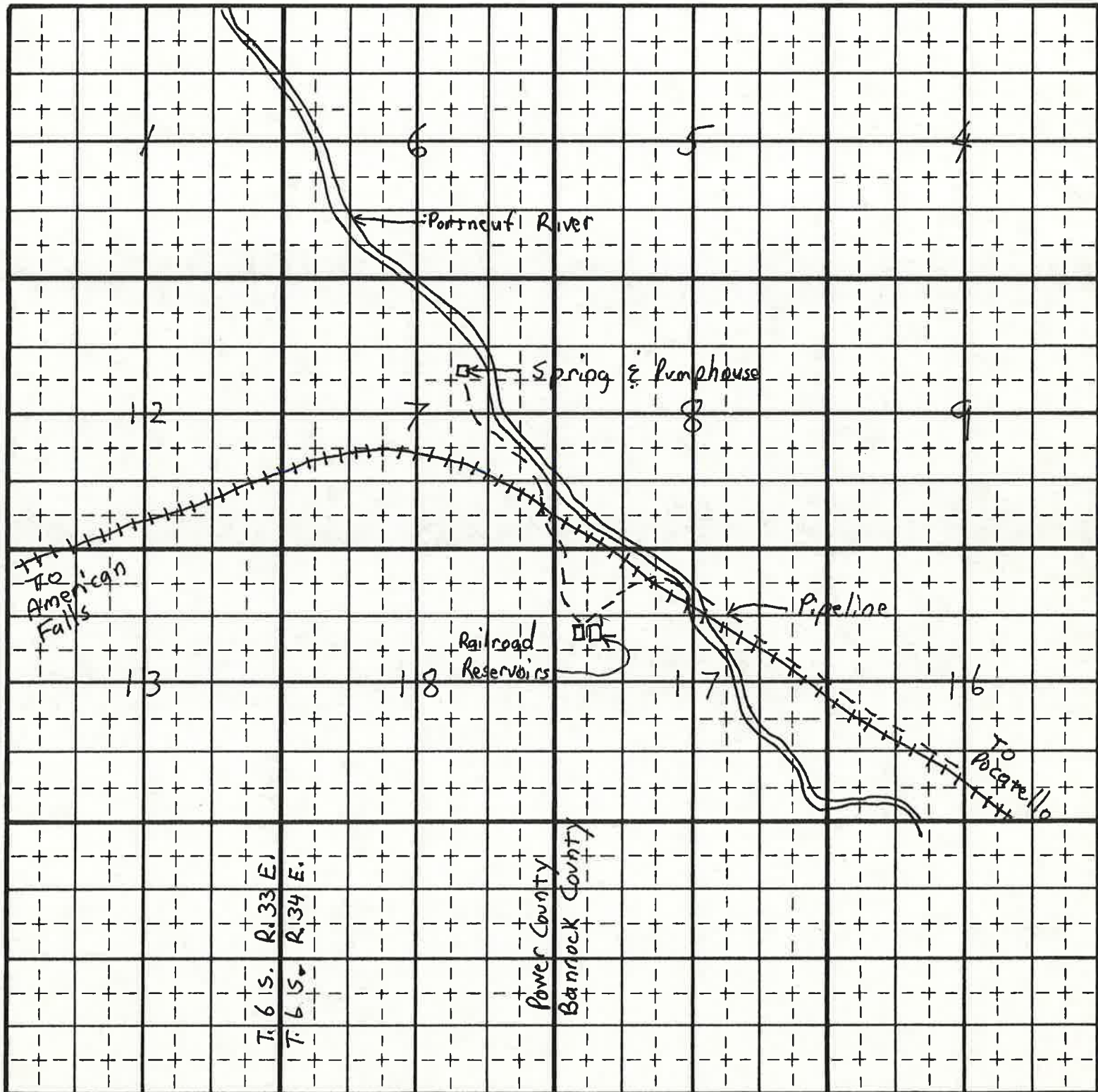
Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 29-2020

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief Engineer - M/W Struct/Term

Title

of Union Pacific Railroad Company, that I have signed the foregoing

Organization

document in the space below as Chief Engineer - M/W Struct/Term Union Pacific Railroad Company

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent JR Bean

Title and Organization Chief Engineer - M/W Struct/Term
Union Pacific Railroad Company

Date 12-28-94

State of Idaho/or Nebraska)

) SS.

County of Douglas)

Subscribed and sworn (or affirmed) before me this 28TH day of December 19 94

SEAL

Notary Public Milli M. Scheer

Residing at Omaha, Nebraska

My Commission Expires August 17, 1997

Please Print Name



17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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