

02/20/2003

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

RIGHT NUMBER: 29-2225

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: 3.500 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: 03/10/1920

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
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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	3.500 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.

02/20/2003

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:

EXPLANATORY MATERIAL: License

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.

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

07/18/2001

WATER RIGHT NO. 29-2225

<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: 03/10/1920
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	3.38 CFS		
MUNICIPAL	1/01	12/31	0.12 CFS		
Total Diversion			3.5 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>Range</u>	<u>Section</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 POCATELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCATELLO AND OTHER BUSINESS BY AGREEMENTS.
CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.
CHANGED OWNERSHIP PER REQUEST/JH/7-15-98

Dates:

Licensed Date: 08/14/1979
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:
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

MEMORANDUM

To: Simplot B29 Files 29-2020, 29-2225,
29-4334
Fr: Bryce Contor
Date: 7/18/01

Re: Batiste Spring Summary

1) 29-2020

Licensed 10/31/1913 3.0 gfs priority 8/8/1909
"supplying tanks and other general railroad
purposes". License exam indicates capacity
of 5.4 gfs. No ^{exam} date but stamped in
office July 12, 1909 (avg). Sheet w/
Capacity stamped Sept 17, 1913.

Claim 2.9 gfs industrial 0.1 gfs municipal.

2) 29-2225

Licensed 1930, converted license issued 1955
3.5 gfs 3/10/1920
"General Railroad Purposes"

SCANNED
DEC 30 2005

PROFILED

License exam indicates capacity of 3060 GPM
≈ 6.82 gfs.

Batist Spring 7/18/01 p 2

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

3) 29-4334

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

As claim matures statutory claim.

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

4) Analysis

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

SCANNED

DEC 9 8 2005

Bethel Spring 2/18/01 03

If current capacity and beneficial use
justifying, an additional ben 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 directed with a 300 hp
Washington pump and a 500 hp Washington
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 GPM $\approx$ 18.3 gals

SCANNED

DEC 3 11 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-2225

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

Priority Date: 03/10/1920
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>
COMMERCIAL	/	/	3.5 CFS		
Total Diversion			3.5 CFS		

Location of Point(s) of Diversion:

BATISTE 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 OREGON SHORTLINE RAILROAD CO. POCATELLO.

Dates:

Licensed Date: 08/14/1979
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:
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



State of Idaho

MAY 10 2001

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
GOVERNORKARL J. DREHER
DIRECTOR

July 15, 1998

TREASURER
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707RE: 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.

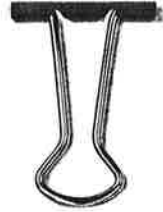
The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure



NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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: _____
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..



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-REAL ESTATE
J. L. HAWKINS
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 A29-02225, 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 1995

10/26/1994

RBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Union Pacific R.R. CLAIM IDENT. NO. A29-02225DATE RECEIVED 1-19-95 RECEIPT # CO32004 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? | <u>X</u> | | |
| 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) | <u>X</u> | | N/A |
| 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> | | Partial change to municipal |
| 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? | | <u>X</u> | |
| Is the consumptive use correct? | | <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. | | <u>X</u> | Industrial only in remarks |
| 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> | Should be Bonner |
| 12. Is the ownership of p.u. checked? | <u>X</u> | | |
| 13. Are other water rights listed or "none" indicated? | | <u>X</u> | 29-02020 |
| 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.) | <u>X</u> | | |
| 15. Is the basis of the claim indicated? | <u>X</u> | | enter B.U. instead license |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | | <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> | late fee paid |
| 20. Is the fee enclosed correct? | <u>X</u> | | Exempt |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | | N/A |
| 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: RubyClaim data entered by: CASent to claimant by: CADate: 1-19-95Date: 1-20-95Date: 1-20-95Checked by: CA Date: 1-20-95Comments: Licensed as 3-10-1920 Flag "C"

MICROFILMED

CLF:DWR03:WP

NOV 14 1995

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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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

RECEIVED

JAN 19 1995

Department of Water Resources

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

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

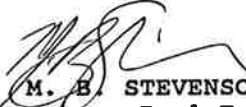
RECEIVED

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

 DO NOT MICROFILM
 From WR License File Microfiche

STATE OF IDAHO

DEPARTMENT OF GEOLOGY

FOURTH FLOOR

Permit No. 14596

Proof of Application of Water for Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wm. A. Young; age 53; residence, Pocatello, Idaho; occupation, General Water Service Engineer, O.S.L.R.Co., address, Pocatello, Idaho.

Ques. 2. Are you acquainted with Thos. S. Bult, Chief of Way Engineer, O.S.L.R.Co.; the holder of Permit No. 14596? How long have you known him and where does he reside?

Ans. Yes; About 10 years. His residence is Salt Lake City, Utah.

Ques. 3. Have you read or heard read said Permit No. 14596, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Springs of Portneuf River, known as Saline Springs, situated in 3rd E.M., Section 2, T. 5 S., R. 34 E., 12 N. in Power County, Idaho. Water is directed by pumping plant containing two centrifugal pumps direct connected to two electric motors, each rated at 1700 gallons per minute against a 480 foot head, and two 3/4" galloons per minute electric pumping engines with condensers, water pumped through two pipe lines, one a 12 inch pipe line 7.1 miles long, the other a 10 inch pipe line 8.57 miles long and a 14 inch pipe line 0.45 miles long, from pump house to two reservoirs having 2,000,000 and 2,425,000 gallon capacity, respectively. A 10 inch reservoir to Pocatello terminal. Also a 10 inch by-pass pipe line 0.43 miles long so connected that the pumps can force water direct to terminals without going into reservoirs. These works also take care of three (3) second feet of water of said Applicant now covered under Water License issued on October 31, 1913, under Permit No. 771.

14596

Wm. A. Young, Jr., P.E.

Ans. 5. How many second feet of water do you estimate sold with the city connection? Please state how and how much water has been taken or conveyed?

Ans. Six and five-tenths (5.5) second feet (this includes three (3) second feet of a prior right under water license - Permit No. 771). saw this amount conveyed August 6th 1930.

Ans. 6. State for what purposes water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision). State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Supply for 0.5 I.R.S.Co. locomotives, yards, shops, offices, cafe, depot, water, tankage and other railroad purposes, also for fire protection of company's property at Pocatello Terminal.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Water is used for purposes mentioned in answer to Question No. 6, and applied through distributing system mentioned in answer to Question No. 4. No power is generated.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not used for irrigation, except small amount for yards and for grounds of company tenements.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have witnessed the use of water from the Springs Plant for general railroad purposes hereinafore mentioned at various times since the completion of the works. Visited the plant on August 6th 1930, and witnessed delivery of water to the plant over 6.5 second feet. (This covered 3.5 second feet of Permit No. 14596 and 3 second feet of a prior right covered under Permit License - Permit No. 771, issued October 31, 1913).

I hereby certify that the foregoing testimony was read to the above subscriber before me, signing, that I believe him to be the person he represents himself to be, and that his testimony was subscribed and sworn to before me in the State of Idaho, County of Blaine, on August 6th 1930.

My Commission Expires May 6 1933

Notary Public

14576

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 1421

This report is for BEA, USE

In Water District No.

1. Name of applicant

Orion Short Line Railroad Co.

2. Source of water supply

Battle Springs

3. Location of point of diversion: Is in the

SEVEN

of Section 7

T. 6 S.

R. 54 E.

County of

Bonneville

Shoshone

4. Describe works as they exist, giving dimensions and capacities of same. *Beach pump house, well opening, 2 measures of concrete, capacity of 2,000,000 gal. by 250000 gal. cap. connected to pump by 12 and 14 inch lines. Well is by 12" x 10" open pipes to R.R. depth for daily use to city main.*

for emergency use.

26. Motor 24 HP at pumping station

5. Water is used for: General railroad water supply.

6. State whether or not water has been turned into works of diversion. *Yes*

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): *At Company's yards and facilities at Portello.*

Sept. drilling yards, shops, compressors, etc. etc.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? *Snake River*

Remarks: *Compensation 2.25 cts per 1000 gal. per day. 1559 50 M. Contingent pump*

against 125' pressure, 1000 gal. per day. 13" x 10" pipe.

Comp. rating = 2,000,000 gal. per day discharge.

(Under installation Sandus Barton pump, 1000 gal. per day)

five years, their capacity being 100,000 gal. per day.)

As shown, were on night of 7-30-30 with both pumps running

gave discharge of 3660 50 M. and a pump down

of 32 inches.

This examination was made on the

31st

day of

July

1930

14596

(Signed)

W. D. L. L.

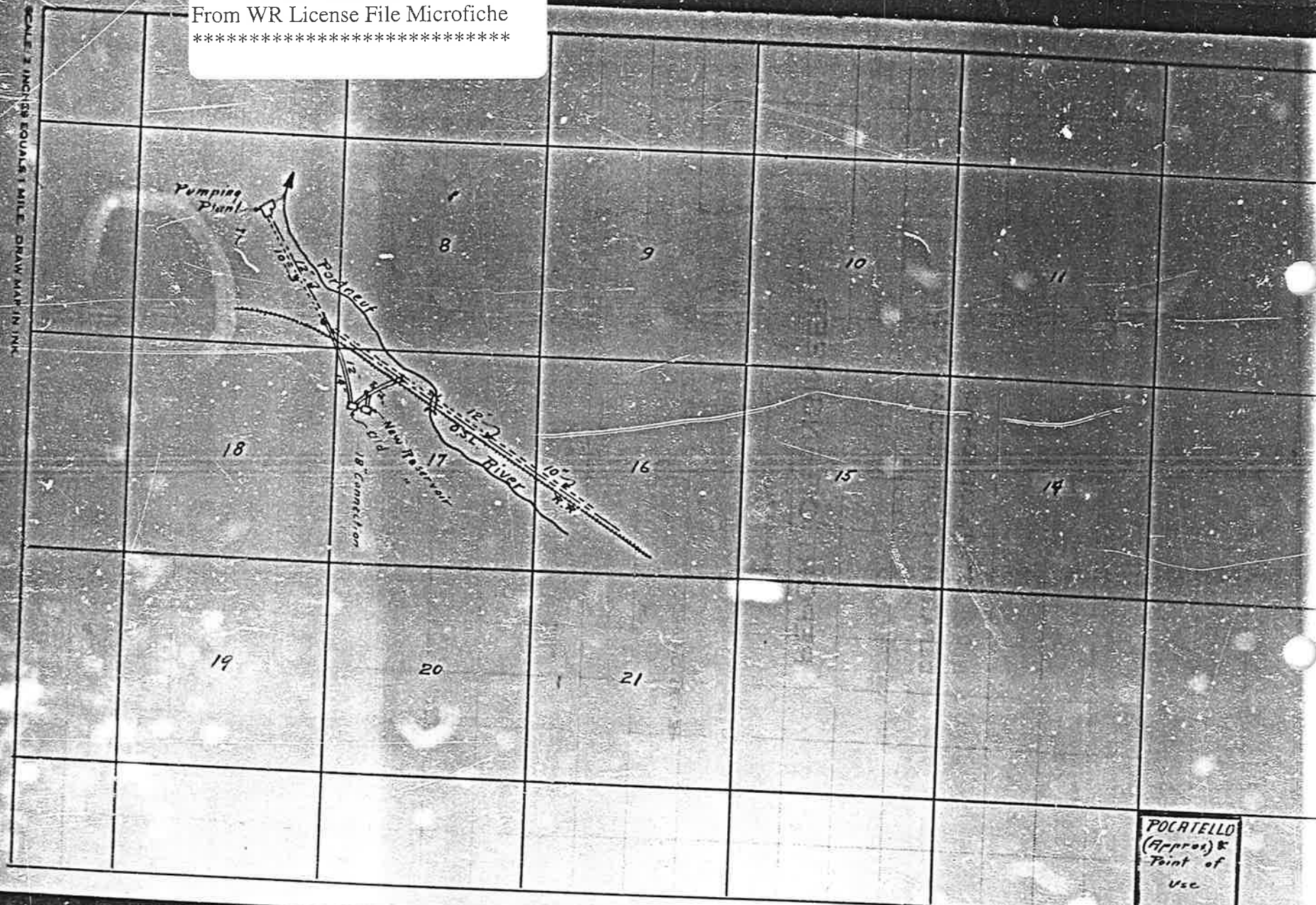
Engineer

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From WR License File Microfiche

DO NOT MICROFILM
From WR License File Microfiche

SCALE 2 INCHES EQUALS 1 MILE. DRAWN IN INK.

14596



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

RECEIVED
SEP 30 2002
Department of Water Resources
Eastern District

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

[Signature]

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
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.

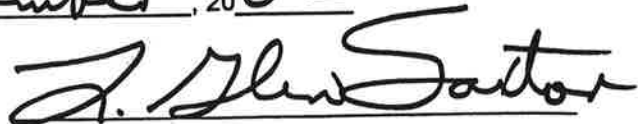
WATER RIGHT NO. 29-2020
As Modified by Transfer No. 66770

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				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 34E 7									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.

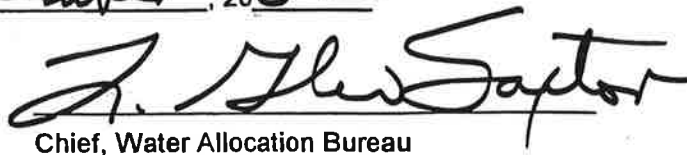
WATER RIGHT NO. 29-2225
As Modified by Transfer No. 66770

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

Transfer No. 5349

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

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.

- | 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: | | See Exhibit A | | | |

[illegible][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 _____

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 CountyPLACE OF USE: See RemarksCONDITIONS/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 CountyPLACE OF USE: See RemarksCONDITIONS/REMARKS:

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

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 contains the text: STATE OF IDAHO, PUBLIC, SOLVER, and THE BOND.

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 (cfs/ac-ft)</u>	<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: J.R. Simplot Company James D. Crawford, Vice
 (Signature of Applicant) President & Controller
 Subscribed and sworn to before me this 16th day of November, 1998



My commission expires 10-13-04

Kelline Bond
 (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

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

Prelim. check by _____ Fee \$100.00

Received by AWJ #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

DO NOT MICROFILM
From WR License File Microfiche

Eastern Region All 6 cations

STATE OF IDAHO
CORRECTED LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 14596 Priority 3-10-1920 Amount 3.5 Sec.Ft.

THIS IS TO CERTIFY that Oregon Short Line Railroad Company, of Salt Lake City, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated March 10, 1920; that Permit No. 14596 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.5 second feet, was issued thereunder on February 16, 1925, showing that said works were completed on the 2nd day of February, 1925; and that on the 27th day of August, 1930, OREGON SHORT LINE RAILROAD COMPANY, of Salt Lake City, State of Utah, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Batise Springs, a tributary of Portneuf River, for the purpose of railroad water supply, under Use Permit No. 14596, of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3629, on the 15th day of September, 1930;

The right hereby confirmed dates from March 10, 1920;

The Point of Diversion is located in the SW 1/4 NE 1/4, Section 7, Tp. 6 S., R. 34 E.B.M. Power County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.5 cubic feet per second.

Description and location of use: General railroad purposes at Pocatello, Idaho.

This Corrected License and Certificate of Water Right is made for the reason that the original License and Certificate to said water right issued September 15, 1930, erroneously stated that the point of diversion was located in Section 6 instead of Section 7, and that said springs were a tributary of Snake River instead of Portneuf River.

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this _____ day of _____ 1955.

State Reclamation Engineer

(SEAL)

14596

DO NOT MICROFILM
From WR License File Microfiche

MAY 1 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: **A29-02225**
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: MAR 10, 1920

3. Source: BATISE SPRINGS 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	3.380		
MUNICIPAL	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
3.500 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	

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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:
29-02020

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 POCATELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCATELLO AND OTHER BUSINESS BY AGREEMENTS.

14. Remarks: Continued

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

15. Basis of Claim: LICENSE

Water Right Number: 14596

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: **A29-02225**
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: MAR 10, 1913

3. Source: BATISE SPRINGS 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	3.380		
MUNICIPAL	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
3.500 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:
29-02020

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 BUSINESS BY AGREEMENTS.

15. Basis of Claim: LICENSE

Water Right Number: 14596

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AJ0749NP
No. A29-02225

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	03/10/1920	INDUSTRIAL MUNICIPAL	01-01 12-31 01-01 12-31	3.38 CFS 0.12 CFS	
TOTAL DIVERSION:					3.50 CFS	

Water Source: BATISE SPRINGS

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion:

T06S R34E S07

SWNE

POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE							
T	R	S	:	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	I		I	:			I		:
06S	34E	21	:	I		I		:					:					:					:
06S	34E	22	:					:			I		:	I	I	I		:			I		:
06S	34E	26	:					:		I	I		:	I	I		I	:					:
06S	34E	27	:			I		:					:					:					:
06S	34E	35	:			I	I	:	I				:					:					:
06S	34E	36	:					:					:			I	I	:	I				:

POU County: BANNOCK

Non-Irrigation Uses: SEE REMARKS

Other Rights: 29-02020

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 POCATELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCATELLO AND OTHER BUSINESS BY AGREEMENTS.

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

CHANGED OWNERSHIP PER REQUEST/JH/7-15-98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

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 29-2225

Date Received 1-19-95

Receipt Number C032004

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) 271-2332Mailing Address 1416 Dodge Street, Omaha, Nebraska 68179 Zip 681792. Date of Priority (Only one (1) per claim) March 10, 19133. 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 _____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.

A2902225

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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 3.38 or _____

For Municipal purposes from 1-1 to 12-31 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.5 (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? _____

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 ()

14. Remarks:

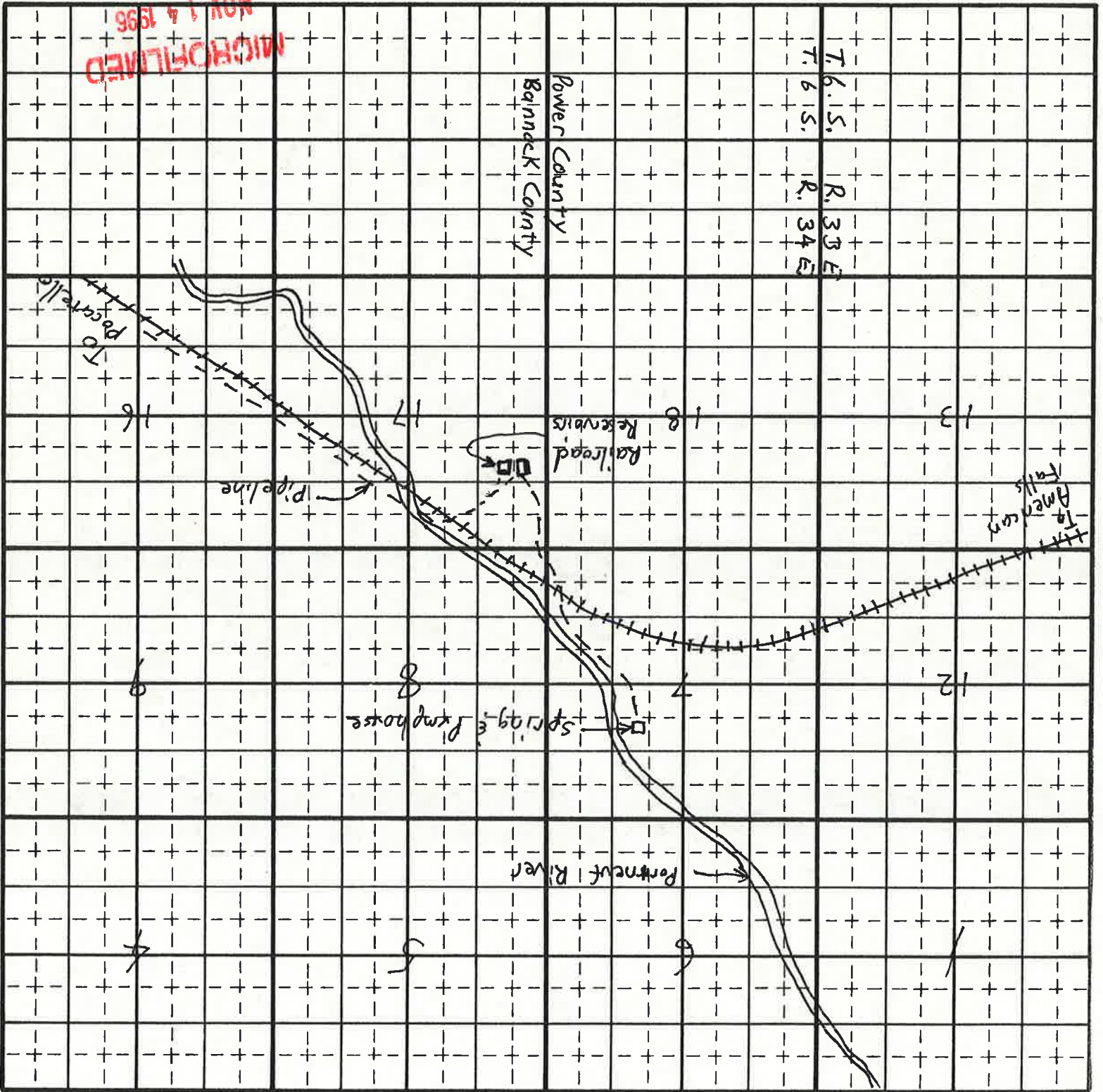
Water is used for industrial purposes within the Railroad yards and
facilities at Pocatello, Idaho, with surplus water being furnished
to the City of Pocatello and other business by agreements.

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Last Name Union Pacific Ident No. 29-2225

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
 Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-2225
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 _____ 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 _____

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

Date 12-28-94

State of Idaho/or Nebraska)
County of Douglas) SS.

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

SEAL



Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

Milli M. Scheer

Omaha, Nebraska

August 17, 1997

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 _____

Last Name Union Pacific Ident. Number 29-2225

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NOV 14 1996

Copies White-State, Yellow-Claimant