

06/24/2003

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

RIGHT NUMBER: 29-2375

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.680 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8,500 AF. COMBINED RIGHT NOS.: 29-2375,
29-2501, 29-2502, 29-7763.

PRIORITY DATE: 03/13/1956

POINT OF DIVERSION:

T06S R34E S7 NESW Within POWER County
T06S R34E S7 SESW Within POWER County
T06S R34E S7 SESW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	6.680 CFS

PLACE OF USE: INDUSTRIAL Within BANNOCK County

T05S R34E S25	NENE	T05S R34E S25	NWNE
T05S R34E S25	SWNE	T05S R34E S25	SENE
T05S R34E S25	NENW	T05S R34E S25	NESW
T05S R34E S25	NWSW	T05S R34E S25	SWSW
T05S R34E S25	SESW	T05S R34E S25	NESE
T05S R34E S25	NWSE	T05S R34E S25	SWSE
T05S R34E S25	SESE	T05S R34E S31	NENW
T05S R34E S31	NWNW	T05S R34E S31	SWNW
T05S R34E S31	SENW	T05S R34E S36	NENE
T05S R34E S36	NWNE	T05S R34E S36	SWNE
T05S R34E S36	SENE	T05S R34E S36	NENW
T05S R34E S36	NWNW	T05S R35E S30	NENE
T05S R35E S30	NWNE	T05S R35E S30	SWNE
T05S R35E S30	SENE	T05S R35E S30	NENW
T05S R35E S30	NWNW	T05S R35E S30	SWNW
T05S R35E S30	SENW	T06S R34E S07	SENE
T06S R34E S07	NESW	T06S R34E S07	SESW
T06S R34E S07	NESE	T06S R34E S07	NWSE
T06S R34E S07	SWSE	T06S R34E S07	SESE
T06S R34E S08	NENW	T06S R34E S08	NWNW
T06S R34E S08	SWNW	T06S R34E S08	SENW
T06S R34E S08	NESW	T06S R34E S08	NWSW
T06S R34E S08	SWSW	T06S R34E S08	SESW
T06S R34E S08	SWSE	T06S R34E S17	NWNE

06/24/2003

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

T06S R34E S17

NENW

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



**State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-2375, 29-2501,
29-2502, 29-7763.**



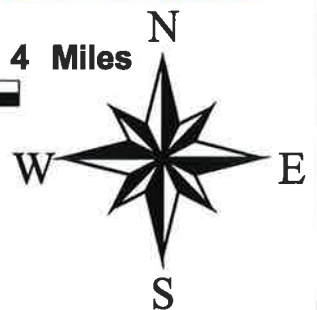
2

0

2

4 Miles

Industrial



-  Well.shp
-  Place of use.shp
-  Townships
-  Sections
-  QQ

PROFILED

SCANNED

FEB 02 2006

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: June, 2003

Warner, Roger

From: Vic.Conrad@simplot.com
Sent: Wednesday, June 18, 2003 1:07 PM
To: rwarner@idwr.state.id.us
Cc: ecarlsen@idwr.state.id.us
Subject: RE: Basin 29 Notices of Error - Water right nos 29-2501, 29-2502, 29-2375 & 29-7763

Roger, the last water right number in the subject line below should be 29-7763 not 29-7663.

> -----Original Message-----

> From: Conrad, Vic (Corporate)
> Sent: Wednesday, June 18, 2003 11:44 AM
> To: W. Roger Warner (E-mail)
> Cc: Ernest Carlsen (E-mail)
> Subject: Basin 29 Notices of Error - Water right nos 29-2501,
> 29-2502, 29-2375 & 29-7663.

> Roger:

> In response to your letter dated June 9, 2003 I have the following changes

> that should be made to the amended claims.

> 1. Claim Item #12 "Do you own the property listed above as place of use?"

> In the amended notices of claim mailed to your office on May 7, 2003, the

> following was provided in response to this question, "The above place of

> use describes land owned by the claimant and land used by the claimant for

> the land application of industrial process water pursuant to agreements

> with other landowners."

> Simplot (the claimant) does not own the entire place of use. Some of the

> place of use is owned by other landowners. Simplot has the consent from

> the other landowners to apply process water to their land pursuant to agreements allowing this use. Item no. 12 needs to be corrected to

> accurately describe that portions of the place of use are owned by the claimant - and other portions are owned by someone else and used by the

> claimant pursuant to agreements authorizing the use.

> I think if you leave the comment as-is you will receive objections when

> the Director's Report is published from the landowners who own portions of

> the place of use.

> 2. Item no. 14 "Remarks" Need to add "Well #7, NESW (All wells located

> in Section 7 T.6S R.34E)" to each of these amended claims.

> Well No. 7 was authorized pursuant to the approval of IDWR transfer no.

> 4129 dated January 21, 1994.

> Everything else looks good. Please confirm that you will make these changes - or let me know if I can help provide any additional information

*Done 6/18/03
WRW.*

*Can we
change this?
(in remarks)*

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> to accomplish these changes.

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FEB 02 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 9, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT COMPANY
C/O VIC CONRAD, LAND DEVELOPMENT
PO BOX 27
BOISE ID 83707

RE: Basin 29 Notices of Error; Water Right Nos. 29-2501, 29-2502, 29-2375, & 29-7663.

Dear Mr. Conrad:

Thank you for sending in your notice of error for the above referenced water rights. In the cover letter, you mentioned that you had discovered that there were four quarter-quarters in Section 8 of Township 6 South, Range 34 East, B.M., that should have been included.

Please find enclosed four revised claims to a water right for the above referenced adjudication water right claim numbers. I am sending these revised claims for your review. They should reflect the locations that were provided upon your signed claim copies. They reflect what is now shown in the department's database. If there are any discrepancies, please mark them up and return them to my attention.

Your other concerns are noted and are being evaluated. We hope to respond to them soon.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure(s) Revised Claims to a water right for water right numbers 29-2501, 29-2502, 29-2375, & 29-7663.

SCANNED
FEB 02 2006

PROFILE

CORPORATE HEADQUARTERS

May 7, 2003

Ernest Carlsen
State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

RECEIVED

MAY 09 2003

Department of Water Resources
Eastern Region

Re: IDWR Water right Nos. 29-2375, 29-2501, 29-2502, and 29-7763.

Dear Mr. Carlsen:

As a follow-up to the notices of error filed with you on or before April 21, 2003, enclosed are amended notices of claim for each of the above referenced water rights. In preparing the maps attached these amended claims I discovered the following industrial places of use were omitted from the earlier error notices:

Township 6 South Range 34 East B.M.

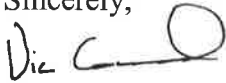
Section 8: NENW (Industrial)
SWNW (Industrial)
SEnw (Industrial)
NWSW (Industrial)

These places of use are included for each of the enclosed amended claims. In addition, I wanted to note the following administrative matters that may need to be referenced under these amended claims:

1. IDWR Transfer No. 4129 approved on January 21, 1994, authorized adding a new point of diversion to water right no. 29-2501. Because this was an administrative proceeding that began after the commencement of the SRBA I did not identify this 1994 well on these claims. Simplot refers to this well as Well No. 7. It is used along with the other wells identified as points of diversion under these amended claims in the industrial process. Please let me know if it is appropriate to add reference to Well No. 7 as a point of diversion under these rights.
2. IDWR Permit no. 29-7437 permits the application of effluent from Simplot's Pocatello Plant to land. The permitted place of use under 29-7437 is more extensive than the place of use identified under the amended claim nos. 29-2375, 29-2501, 29-2502 and 29-7763 because the place of use for land application was smaller when the SRBA began (Nov. 1987). In responding to the amended claim item no. 13 (other water rights used), I did not identify permit no. 29-7437 on any of the amended claims. I was not sure if this permit should be referenced because

of its status in the administrative process. If referencing permit no. 29-7437 on these claims is appropriate, please advise me if you need any additional information from Simplot to allow for such a reference.

Sincerely,

A handwritten signature in dark ink, appearing to read "Vic Conrad", with a large, stylized circular flourish at the end.

Vic Conrad
Land and Development

Enclosures

February 21, 2003

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003.

Water Right Number: 29-2375

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

Industrial Places of Use

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

In addition to the places of use recommended, the following industrial places of use should be added to this water right:

Township and Range	Sec.	1/4 1/4	County	Use	Township and Range	Sec.	1/4 1/4	County	Use
T.5S R.34E	25	NENE	Bannock	Industrial	T.5S R.34E	36	NENW	Bannock	Industrial
		NWNE	Bannock	Industrial			NWNW	Bannock	Industrial
		NENW	Bannock	Industrial	T.5S R.35E	30	NENE	Bannock	Industrial
		SWNE	Bannock	Industrial			NWNE	Bannock	Industrial
		SENE	Bannock	Industrial			SWNE	Bannock	Industrial
		NESW	Bannock	Industrial			SENE	Bannock	Industrial
		NWSW	Bannock	Industrial			NENW	Bannock	Industrial
		SWSW	Bannock	Industrial			NWNW	Bannock	Industrial
		SESW	Bannock	Industrial			SWNW	Bannock	Industrial
		NESE	Bannock	Industrial			SENE	Bannock	Industrial
		NWSE	Bannock	Industrial	T.6S R.34E	7	SENE	Bannock	Industrial
		SWSE	Bannock	Industrial			NESE	Bannock & Power	Industrial
		SESE	Bannock	Industrial			SESE	Power	Industrial
	31	NENW	Bannock	Industrial		8	NESW	Bannock	Industrial
		NWNW	Bannock	Industrial			NWNW	Bannock	Industrial
		SWNW	Bannock	Industrial			SWSW	Bannock	Industrial
		SENE	Bannock	Industrial			SESW	Bannock	Industrial
	36	NENE	Bannock	Industrial			SWSE	Bannock	Industrial
		NWNE	Bannock	Industrial		17	NWNE	Bannock	Industrial
		SWNE	Bannock	Industrial			NENW	Bannock	Industrial
		SENE	Bannock	Industrial					

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

The site where the industrial water is land applied was not identified among the recommended places of use. The description provided in response to question no. 2 are the places of use for the industrial land application site existing as of November, 19, 1987, the commencement date for the Snake River Basin Adjudication.

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

J. R. Simplot Company

DATE: April 16, 2003

SIGNATURE: By: 

Please print your name: Ronald N. Graves, Senior Vice President,
Secretary and Chief Legal Officer

IDWR Regional Office, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 (208) 525-7161

SCANNED
FEB 02 2006



CORPORATE HEADQUARTERS

April 17, 2003

Overnight Mail

Ernest Carlsen
Water Rights Supervisor
State of Idaho
Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

**Re: Basin 29 Notices of Error; Water Right Nos. 29-2375, 29-2501, 29-2502, 29-7663
and 29-10927.**

Dear Mr. Carlsen:

Enclosed are Notices of Error to the Preliminary Recommendations for the above referenced water rights claimed in the Snake River Basin Adjudication for Basin 29. The reasons for the Notices are briefly described below:

Notices for 29-2375, 29-2501, 29-2502, 29-7763: These water rights relate to Simplot's chemical and fertilizer manufacturing facility located near Pocatello, Idaho. The notices are filed to add the industrial places of use to include the sites where water was land applied as of November 19, 1987. These places of use continue to be used for this purpose. We are preparing amended notices of claims for each of these rights to add the places of industrial use identified on the enclosed Notices. The amended claims will be filed as soon as they are available.

Notice for 29-10927: This notice is filed in response to the preliminary recommendation that the right was being recommended under 29-4088. The places of use and quantity identified on this notice were not contained in the recommended for 29-4088. The water use claimed under 29-10927 and 29-4088 were appropriated simultaneously. The places of use and quantity under 29-10927 could be added to 29-4088 or, in the alternative, 29-10927 should be recommended with the elements described in the enclosed Notice.

Should you have any questions about these Notices please contact me. When they are available, I will forward the amended notices of claim for water right nos. 29-2375, 29-2501, 29-2502, 29-7763 to you for filing.

Sincerely,

Vic Conrad
Land and Development

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FEB 02 2006

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APR 18 2003

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2375 V1

Remarks:

1. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8,500 AF. COMBINED RIGHT NOS.: 29-2375, 29-2501, 29-2502, 29-7763.

Comments:

1. bcontor 9/12/2001 Recommendation
Comment: Based on license, field exam, transfer 4129 on overlapping right 29-2501.

Dates and Other Information:

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

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	9/12/2001 11:42:50 AM	bcontor			Active
POD	9/12/2001 11:53:12 AM	bcontor			Active
Source	9/12/2001 11:53:30 AM	bcontor			Active
POU	9/12/2001 11:55:29 AM	bcontor			Active
Use	9/12/2001 11:56:08 AM	bcontor			Active
Season	9/12/2001 11:56:56 AM	bcontor			Active
Quantity	9/12/2001 12:00:50 PM	bcontor			Active
Summary	9/12/2001 12:05:29 PM	bcontor	9/12/2001 12:05:29 PM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2375 V1

POD	9/12/2001 11:59:24 AM	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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Per instructions from Candice McHugh, no volume as original license had no volume. However combined volume calculated based on std deviation and mean of WMD data, procedure approved by Vic Conrad, Norm Self, and Candice. See 29-2020 "general" flap in paper file for computations.
Summary	9/12/2001 12:04:03 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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?
Contacts	9/12/2001 11:42:08 AM	bcontor	(No) 1. Do you want to schedule an appointment?
Priority Date	9/12/2001 11:41:24 AM	bcontor	Comment for 1: Field exam already completed. (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?
POD	9/12/2001 11:47:57 AM	bcontor	Edited point location
POD	9/12/2001 11:48:16 AM	bcontor	Edited PLS
POD	9/12/2001 11:49:25 AM	bcontor	Edited point location
POD	9/12/2001 11:49:46 AM	bcontor	Edited PLS
POD	9/12/2001 11:50:25 AM	bcontor	Edited point location

POD

9/12/2001 11:50:41 AM

bcontor

Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2375 V1

POD	9/12/2001 11:51:46 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Field inspection, transfer 4129 on overlapping right. See map in "general" flap of paper file 29-2020.
Source	9/12/2001 11:52:04 AM	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?
POD	9/12/2001 11:52:40 AM	bcontor	Edited polygons
POU	9/12/2001 11:54:03 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (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 8 - Claimed QQ match current location of plant per map and aerial photos. Shape generated from PLS. Description for Question 13 - See answer to #7
Use	9/12/2001 11:54:42 AM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2375 V1

Season	9/12/2001 11:55:30 AM	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 and claimant interview.
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State of Idaho

SCANNED

DEPARTMENT OF WATER RESOURCES

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

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

E.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

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

RECEIVED
MAY 24 1994

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

Department of Water Resources
Eastern District Office

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

SIKROFILMEL

NOV 13 1994

CORPORATE HEADQUARTERS

April 12, 1994

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APR 14 1994

Department of Water Resources

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

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

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

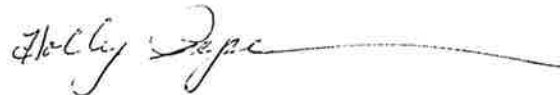
Dear Mr. Shaff:

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

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

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

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

NOV 13 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

Gray Young
Terry Uhling
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

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

RE: Appearance of J. R. Simplot in Subcase Nos. 36-13320 and 57-02203A

Dear Mr. Young and Mr. Uhling:

Enclosed I am returning your *Notice of Withdrawal of Counsel* which was received by the court on April 5, 1994, and which stated that Bruce L. Belzer was withdrawing as counsel for J. R. Simplot Company in the above-referenced subcases.

After a search of the files for the above subcase, I am unable to locate any appearance by Bruce L. Belzer. However, on January 28, 1994, a *Notice and Entry of Appearance* was filed on behalf of J. R. Simplot in these subcases. That notice listed Gray Young and Terry Uhling as counsel for J. R. Simplot.

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

NOV 13 1994

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

10 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

Petitioner,)

v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

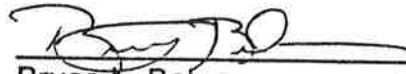
Defendants.)

ENCLOSURE
NOV 13 1994

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

5 36-13320
6 57-02203A

7 DATED this 4~~th~~ day of April, 1994.

8 
9 _____
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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NOV 13 1994

CERTIFICATE OF SERVICE

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

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

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Rexburg, Idaho 83440

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ROCK & FIELDS
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911 West Idaho
P.O. Box 829
Boise, Idaho 83701

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Committee
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Christopher H. Meyer
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NOV 13 1994

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11 Boise, Idaho 83701-2773

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10 James P. Speck
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12 120 East Avenue
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14 Ketchum, Idaho 83340

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Vale, Oregon 97918

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
18 Burley, Idaho 83318

Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
22 Parma, Idaho 83660

22 **Addresses Under A.O.1., Section 7.d(2)**

23 Chief, Natural Resources Division
24 Office of the Attorney General
25 State of Idaho
26 P.O. Box 44449
27 Boise, Idaho 83711-4449

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

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7 5500v
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RECEIVED
NOV 13 1990

State of Idaho

License and Certificate of Water Right

Water License No. 0-26271

Amount 6.684 second feet

Water District No.

Priority March 13, 1956

THIS IS TO CERTIFY that J. R. SIMPLOT CO., FERTILIZER DIVISION of Pocatello, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated March 13, 1956, that Permit No. 0-26271 was issued under said application, that Certificate of Completion of works, with a carrying capacity of 6.684 second feet, was issued thereunder on October 26, 1956, showing that said works were completed on the 26th day of July, 1956, and that on the 26th day of July, 1956,

J. R. SIMPLOT CO., FERTILIZER DIVISION

of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~underground~~ (subterranean flow) for the purpose of manufacturing under Use Permit No. 0-26271 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5839, on the 26th day of October, 1956.

The right hereby confirmed dates from March 13, 1956.

The Point of Diversion is located

In the SE 1/4 SW 1/4 Sec. 7, T. 3S., R. 34E., 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 6.684 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Water to be used for manufacturing purposes at the J. R. Simplot Co., Fertilizer Division Plant located in the NE 1/4 Section 7, Township 6 South, Range 34 East, B.M.		

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 26th day of October, 1956.

MARK R. KULP

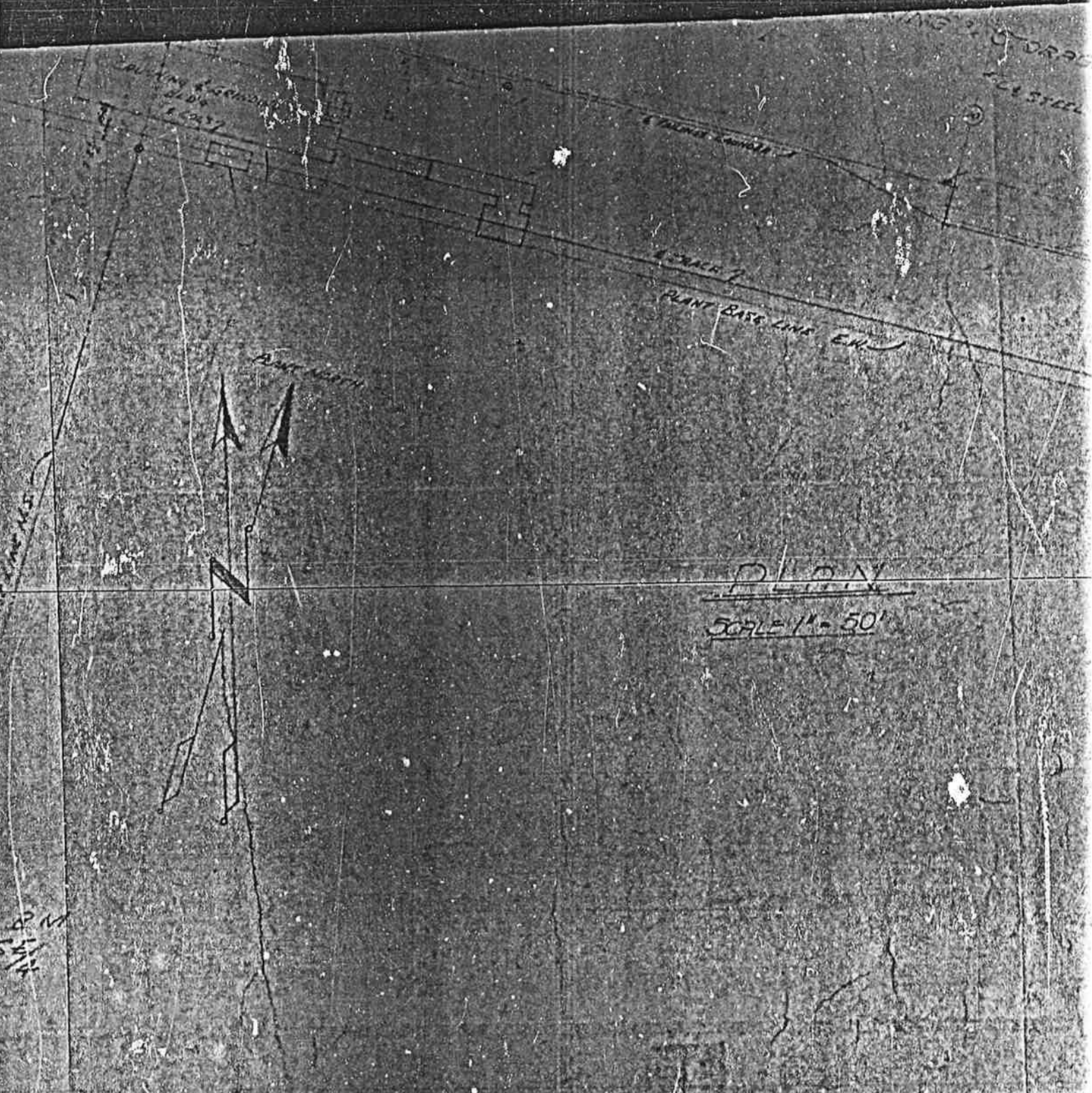
State Reclamation Engineer.

(SFAL)

29 2375

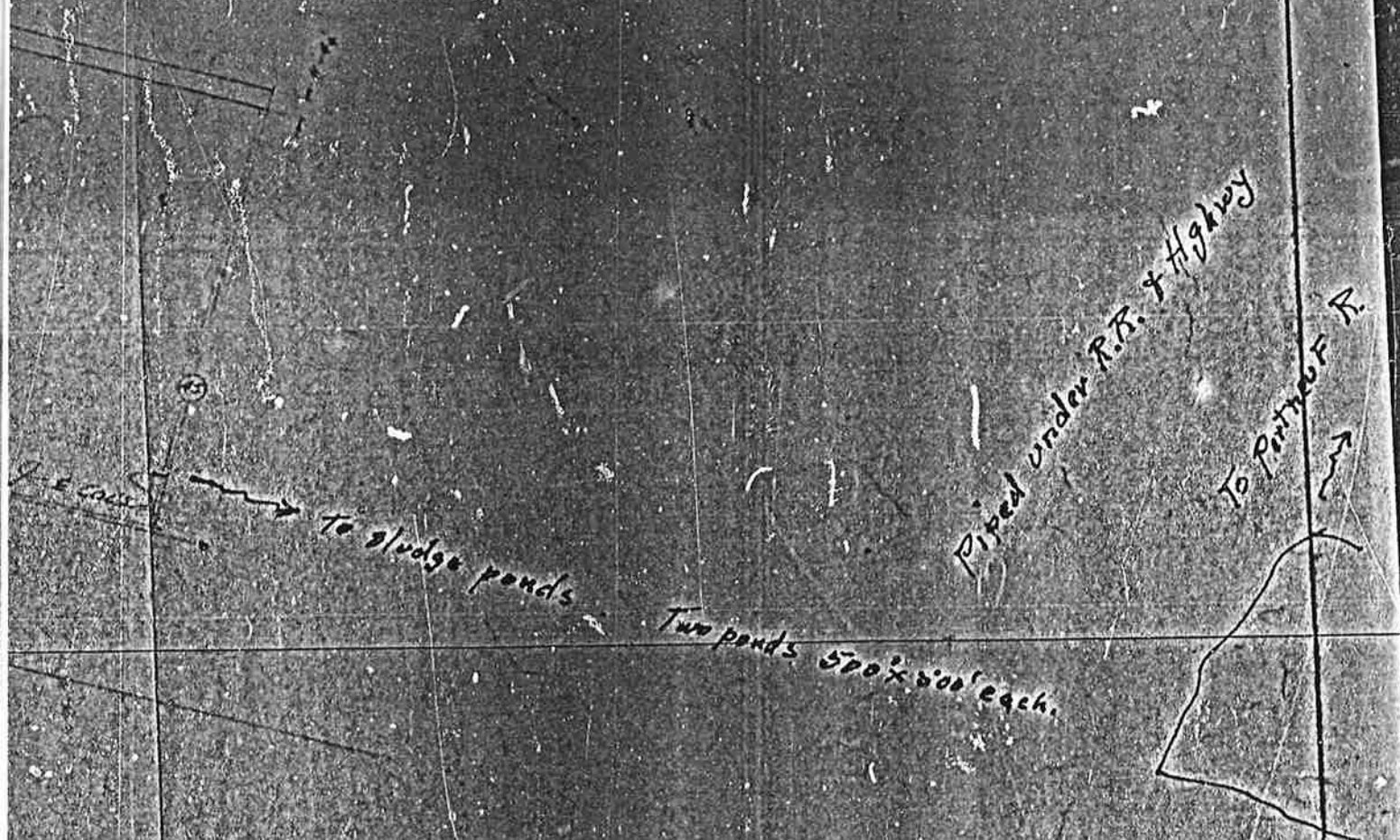
Franklin Ave. No. 151

[illegible]



PLAN
SCALE 1" = 50'

REVISED	NO.



26271

SURFACE YARDS

TERMINAL MAP

POCATELLO PLANT

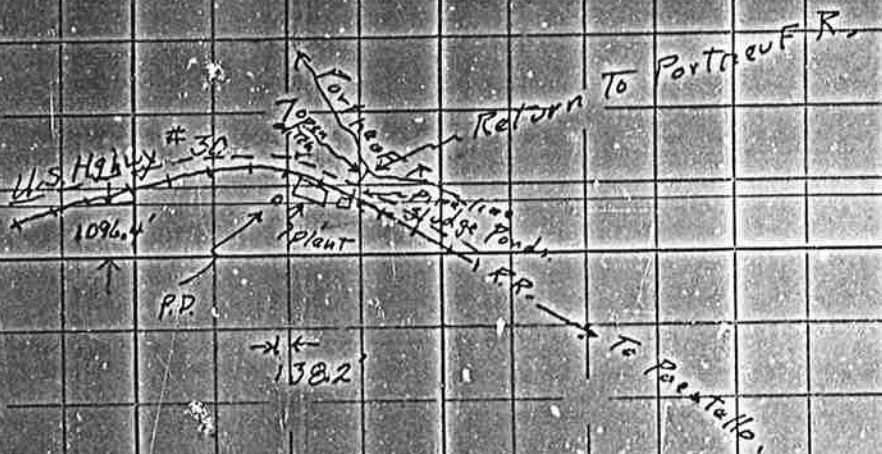
SIMPLOT FERTILIZER CO.
POCATELLO, IDAHO

SCALE

J-102

R-34E.

T.
6
S.



Subdivisions = two

$Q = 6.684$ of ant of filing

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26271

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: A. Dale Dunn, Chemical Engineer, J. R. Simplot Co., Fertilizer Div.,

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 7

T. 6 S. R. 34 E., B.M. County of Power

4. Describe works as they exist, giving dimensions and capacities of same: 200 h.p. Fairbanks Morse Motor #81102 Fairbanks Morse Turbine #PS 7736 4.257 d.d. to 68' 20" x 22.9' well c.d. to bottom. Perf. below 68' 3 stage 16" 90' x 12" col. delivery into closed system thru 18" pipe.

5. Water is used for: Manufacturing

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 other than irrigation):

Mfg., at J. R. Simplot Company, Fertilizer Division Plant at Don, Idaho.

Used throughout the whole plant for any purpose needed. Domestic supply cooling washing flushing etc.

This and one other pump furnish all the water used. This one operates alone when the load is light. There is no storage tank. This is an open vane pump and they operate against 75" vacuum.

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

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

Remarks: They state pump was tested at 6.684 cfs.

It should produce over 8 cfs if pump is all in good order.

This examination was made on the 24 day of Sept. 1952

(Signed) E. N. Humphrey Examiner.

G26271

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 29-2375
Date Received: 4/18/1990
Receipt No: C016378
Received By:

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

1. Name of Claimant(s)

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

999 MAIN ST STE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 03/13/1956

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

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

5. Description of diverting works:

3 WELLS, 3 PUMPS, COMMON PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	6.68	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

05S	34E	25	NE	NE	INDUSTRIAL
			NW	NE	INDUSTRIAL
			SW	NE	INDUSTRIAL
			SE	NE	INDUSTRIAL
			NE	NW	INDUSTRIAL
			NE	SW	INDUSTRIAL
			NW	SW	INDUSTRIAL
			SW	SW	INDUSTRIAL
			SE	SW	INDUSTRIAL
			NE	SE	INDUSTRIAL
			NW	SE	INDUSTRIAL
			SW	SE	INDUSTRIAL
			SE	SE	INDUSTRIAL
05S	34E	31	NE	NW	INDUSTRIAL
			NW	NW	INDUSTRIAL
			SW	NW	INDUSTRIAL
			SE	NW	INDUSTRIAL
05S	34E	36	NE	NE	INDUSTRIAL
			NW	NE	INDUSTRIAL
			SW	NE	INDUSTRIAL
			SE	NE	INDUSTRIAL
			NE	NW	INDUSTRIAL
			NW	NW	INDUSTRIAL
05S	35E	30	NE	NE	INDUSTRIAL
			NW	NE	INDUSTRIAL
			SW	NE	INDUSTRIAL
			SE	NE	INDUSTRIAL
			NE	NW	INDUSTRIAL
			NW	NW	INDUSTRIAL
			SW	NW	INDUSTRIAL
SE	NW	INDUSTRIAL			
06S	34E	7	SE	NE	INDUSTRIAL
			NE	SW	INDUSTRIAL
			SE	SW	INDUSTRIAL
			NE	SE	INDUSTRIAL
			NW	SE	INDUSTRIAL
			SW	SE	INDUSTRIAL
			SE	SE	INDUSTRIAL
06S	34E	8	NE	NW	INDUSTRIAL
			NW	NW	INDUSTRIAL
			SW	NW	INDUSTRIAL
			SE	NW	INDUSTRIAL
			NE	SW	INDUSTRIAL
			NW	SW	INDUSTRIAL
			SW	SW	INDUSTRIAL
			SE	SW	INDUSTRIAL
SW	SE	INDUSTRIAL			
06S	34E	17	NW	NE	INDUSTRIAL
			NE	NW	INDUSTRIAL

11. Place of use in counties: BANNOCK, POWER

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

13. Other Water Rights Used:

14. Remarks:

WELL #4, SESW - ORIGINAL WELL UNDER THIS LICENSE WELL #5, NESW WELL #6, SESW

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-2375
Date Received:
Receipt No: C016378
Received By:

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

1. Name of Claimant(s)

J. R. SIMPLOT COMPANY Phone: (208) 336-2110

999 MAIN ST STE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 03/13/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

3 WELLS, 3 PUMPS, COMMON PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	6.68	

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

8. Total consumptive use:

9. Non-irrigation uses: Industrial

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05S	34E	25	NE	NE		INDUSTRIAL	
			NW	NE		INDUSTRIAL	
			SW	NE		INDUSTRIAL	
			SE	NE		INDUSTRIAL	
			NE	NW		INDUSTRIAL	
			NE	SW		INDUSTRIAL	
			NW	SW		INDUSTRIAL	
			SW	SW		INDUSTRIAL	
			SE	SW		INDUSTRIAL	
			NE	SE		INDUSTRIAL	
			NW	SE		INDUSTRIAL	
			SW	SE		INDUSTRIAL	
			SE	SE		INDUSTRIAL	
			05S	34E	31	SE	NW
SW	NW					INDUSTRIAL	
NW	NW					INDUSTRIAL	
NE	NW					INDUSTRIAL	
05S	34E	36	NW	NW		INDUSTRIAL	
			NE	NW		INDUSTRIAL	
			SE	NE		INDUSTRIAL	
			SW	NE		INDUSTRIAL	
			NW	NE		INDUSTRIAL	
			NE	NE		INDUSTRIAL	
05S	35E	30	SE	NW		INDUSTRIAL	
			SW	NW		INDUSTRIAL	
			NW	NW		INDUSTRIAL	
			NE	NW		INDUSTRIAL	
			SE	NE		INDUSTRIAL	
			SW	NE		INDUSTRIAL	
			NW	NE		INDUSTRIAL	
			NE	NE		INDUSTRIAL	
06S	34E	7	NE	SW		INDUSTRIAL	
			SE	SW		INDUSTRIAL	
			NE	SE		INDUSTRIAL	
			NW	SE		INDUSTRIAL	
			SW	SE		INDUSTRIAL	
			SE	SE		INDUSTRIAL	
			SE	NE		INDUSTRIAL	
06S	34E	8	NE	NW		INDUSTRIAL	
			NW	NW		INDUSTRIAL	
			SW	NW		INDUSTRIAL	
			SE	NW		INDUSTRIAL	
			NE	SW		INDUSTRIAL	
			NW	SW		INDUSTRIAL	
			SW	SW		INDUSTRIAL	
			SE	SW		INDUSTRIAL	
			SW	SE		INDUSTRIAL	

06S

34E 17

NE	NW
NW	NE

INDUSTRIAL
INDUSTRIAL

11. Place of use in counties: BANNOCK, POWER
12. Do you own the property listed above as place of use? The above place of use describes land owned by the claimant and land used by the claimant for the land application of industrial process water pursuant to agreements with other landowners.
13. Other Water Rights Used: 29-2501, 29-2502, 29-7763
14. Remarks:

WELL #4, SESW - ORIGINAL WELL UNDER THIS LICENSE; WELL #5, NESW; WELL #6, SESW

15. Basis of Claim: License
16. Signature(s)

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

Number of attachments: 1 Map

For Organizations:

I do solemnly swear or affirm that I am Sr. Vice President and Secretary of
Title

J. R. Simplot Company, that I have signed the foregoing
Organization

document in the space below as Sr. Vice President and Secretary of
Title

J. R. Simplot Company and that the statements contained in the
Organization

foregoing document are true and correct.

1 that the statements contained in the



Signature of Authorized Agent

Sr. Vice President and Secretary for

J. R. Simplot Company

Title and Organization

May 7, 2003

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 7th day of

May 20 03



Janene A. Kattner
Notary Public

Residing at Boise, Idaho

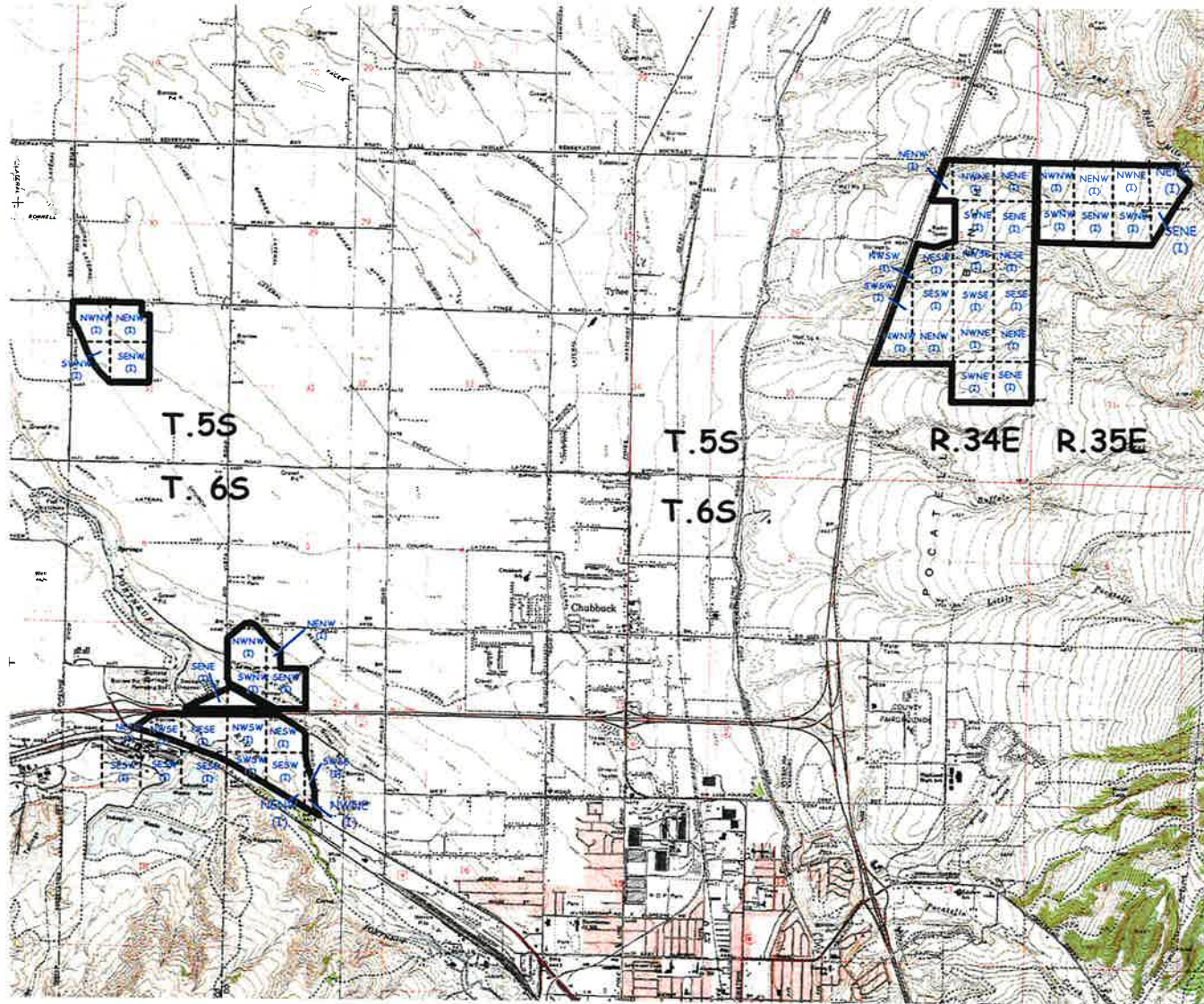
My commission Expires 5/31/08

SCANNED

FEB 02 2006

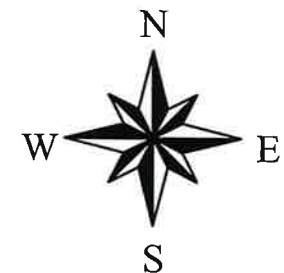
Amended SRBA Claim No. 29-2375

SCANNED
FEB 02 2006



$\frac{1}{4} \frac{1}{4} (I)$ = Places of Industrial Use

 = Land where process water is land applied



2 0 2 4 Miles

SCANNED
MAY 10 2001

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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: A29-02375
Date Received: 4/18/90
Receipt No: CD16378
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: MAR 13, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
3 WELLS, 3 PUMPS, COMMON PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	6.680		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
I/CHEMICAL MANUFACTURING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	7	NE	SW		INDUST	
			SE	SW		INDUST	

A29-02375

Page 1

Date: 04/13/90

MICROFILMED
NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	34E	7	NW SW	SE SE	INDUST INDUST	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A29-02502, A29-02501

14. Remarks:
WELL #4, SESW - ORIGINAL WELL UNDER THIS LICENSE
WELL #5, NESW
WELL #6, SESW

15. Basis of Claim: LICENSE
Water Right Number: 26271

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: One Map

For Organizations:

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

J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as _____ of
Secretary

J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

Donald L. Grouse
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

04-17-90

Date

State of Idaho

County of Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 17th day

of April 19 90

Vicki A. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91