

06/24/2003

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

RIGHT NUMBER: 29-2501

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.570 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: 04/12/1965

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	5.570 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 1	T05S R34E S31	SWNW 2
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 1	T05S R35E S30	SWNW 2
T05S R35E S30	SENW	T06S R34E S07	SENE 6
T06S R34E S07	NESW	T06S R34E S07	SESW
T06S R34E S07	NESE 7	T06S R34E S07	NWSE
T06S R34E S07	SWSE	T06S R34E S07	SESE 10
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

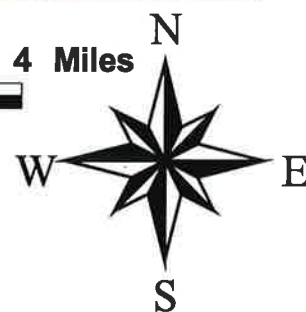
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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



Industrial

PROFILED

SCANNED

FEB 22 2006

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

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



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.

PROFILE

SCANNED
FEB 22 2006

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: 29-2501

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					

PROFILED

SCANNED
FEB 22 2006

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: Ronald N. Graves

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 22 2006

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 29-2501 V1

WATER RIGHT NUMBER: 29-2501 V1

<u>Owner Type</u>	<u>Name and Address</u>
Also Known As	SIMPLOT
Current Owner	J R SIMPLOT CO
Attorney	GRAY YOUNG OR TERRY UHLING

Priority Date: 04/12/1965

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	5.570 CFS	
	<u>Total Diversion:</u>	5.570 CFS	

Location of Point(s) of Diversion

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

Place of Use

INDUSTRIAL

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

Total Acres: 0

Conditions of Approval:

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

Remarks:

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2501 V1

Comments:

1. bcontor 9/12/2001 Recommendation
Comment: Recommnded per post-1987 transfer 29-4129.
2. bcontor 9/12/2001 Volume limitation
Comment: See paper file 29-2020 "general" flap and eCVR 29-2375.

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 12:46:02 PM	bcontor			Active
POD	9/12/2001 12:49:06 PM	bcontor			Active
Source	9/12/2001 12:49:33 PM	bcontor			Active
POU	9/12/2001 12:50:47 PM	bcontor			Active
Use	9/12/2001 1:01:30 PM	bcontor			Active
Season	9/12/2001 1:01:56 PM	bcontor			Active
Quantity	9/12/2001 1:03:07 PM	bcontor			Active
Summary	9/12/2001 1:10:43 PM	bcontor	9/12/2001 1:10:43 PM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/12/2001 12:45:19 PM	bcontor	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam already completed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2501 V1

Priority Date	9/12/2001 12:44:36 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/12/2001 12:45:41 PM	bcontor	Edited point location
POD	9/12/2001 12:46:02 PM	bcontor	Edited PLS
POD	9/12/2001 12:46:29 PM	bcontor	Edited point location
POD	9/12/2001 12:46:48 PM	bcontor	Edited PLS
POD	9/12/2001 12:47:10 PM	bcontor	Edited point location
POD	9/12/2001 12:47:27 PM	bcontor	Edited PLS
POD	9/12/2001 12:47:40 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	9/12/2001 12:48:07 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	9/12/2001 12:48:36 PM	bcontor	Edited polygons
POU	9/12/2001 12:49:20 PM	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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/12/2001 1:00:04 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (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 29-2501 V1

Season	9/12/2001 1:00:30 PM	bcontor	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	9/12/2001 1:01:41 PM	bcontor	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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 - No volume recommended per post-1987 transfer and consultation w/ deputy attorney general. See eCVR 29-2375 for discussion of combined volume limitation.
Summary	9/12/2001 1:09:17 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?

4129

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4129
WATER RIGHT NO. 29-02501

RECEIVED
JAN 26 1994

Department of Water Resources
Eastern District Office

This is to certify that: **JR SIMPLOT CO**
PO BOX 27
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	01/01 to 12/31	5.57 CFS

SOURCE

GROUNDWATER

Priority: 04/12/1965

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 7, Township 06S, Range 34E
SESW , Sec. 7, Township 06S, Range 34E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 34E 7	NESW	SESW	NWSE
	SWSE		

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED
NOV 13 1990

TRANSFER NO. 4129
WATER RIGHT NO. 29-02501

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Industrial use is for a fertilizer plant.

Dated this 21st day of January, 1994.

J. Glen Saylor
Chief, Water Alloc. Bureau

NOV 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 32316/A29-02501 issued by the Idaho Department of Water Resources.
- c. Claim No. A29-02501 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water ground water tributary to _____

4. Date or priority 4-12-65

5. Water is used for the following purpose:

amount 5.570 cfs for manufacturing purposes from 01/01 to 12/31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 5.570 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	7	06S	34E	Power	Well #6

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06S	34E	7									I			I		I	I		

Total acres _____

9. Describe any other water rights used for the same purpose as described above A29-02502 Well #5 and

A29-02375 Well #4

RECEIVED

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 08 1992

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant J. R. SIMPLOT COMPANY Phone 336-2110
Post Office address P.O. Box 27, Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Concern due to the loss of pumping capacity of Well #6 (water right A 29-02501)

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-02501</u>	<u>April 12, 1965</u>	<u>5.570cfs</u>	<u>manufacturing</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 5.570cfs cubic feet per second and/or _____ acre-feet per annum.

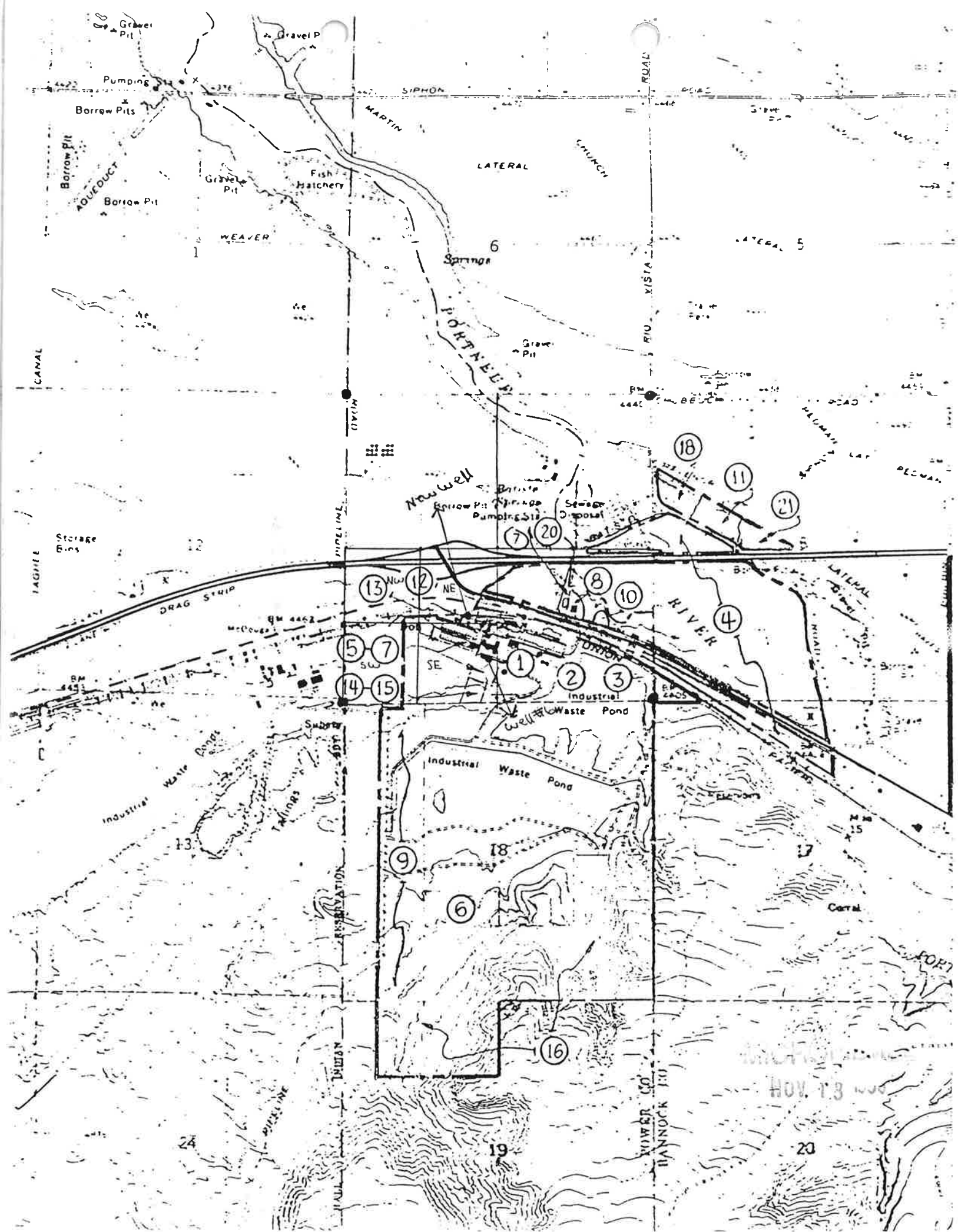
3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	7	06S	34E	Power	Well #6
		NE	SW	7	06S	34E	Power	New well to be drilled.

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06S	34E	7									I			I		I	I		



PART 3**B. CHANGES IN NATURE OF USE**

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

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

There is approximately 500 gpm that is pumped into a containment pond and then
field applied to surrounding farm land. (THIS FURTHER USE OF WATER IS COVERED

3. Describe effects on other water uses resulting from the proposed change: UNDER PERMIT 29-07437)None known.

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.

Jordan C. Smith
 (Signature of Applicant)

Subscribed and sworn to before me this 17th day of September, 19 92.

Kelline Eason
 (Notary Public)

My commission expires 10-13-92

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SC Date 9/17/92 Protest filed by _____Prelim. check by _____ Fee 50⁰⁰ _____Received by SC #C025652 Date 10/5/92 _____Published in Lower County Press Copies of protest forwarded by _____Pub. dates 11-5-92 - 92 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

CORPORATE HEADQUARTERS

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

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

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

ENCLOSURE
NOV 13 1990

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

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

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

April 6, 1994

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

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

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

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

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

RECORDED
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 - SRRA
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,)

22 Petitioner,)

23 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

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

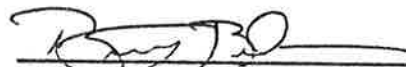
28 Defendants.)

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 4th day of April, 1994.

8 
9 Bruce L. Belzer
10 Assistant General Counsel for
11 J. R. Simplot Company
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CERTIFICATE OF SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 William A. Parsons
2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

8 William F. Ringert
9 Daniel V. Steenson
10 RINGERT, CLARK, CHARTERED
11 455 South Third Street
12 P.O. Box 2773
13 Boise, Idaho 83701-2773

14 James P. Speck
15 HOGUE, SPECK & AANESTAD, P.A.
16 120 East Avenue
17 P.O. Box 987
18 Ketchum, Idaho 83340

19 Douglas R. Whipple
20 WHIPPLE'S LAW OFFICE, CHTD.
21 111 West 15th Street
22 P.O. Box 249
23 Burley, Idaho 83318

24 Craig R. Zaiss
25 CRAIG R. ZAISS, P.A.
26 Attorney at Law
27 305 Grover Street
28 P.O. Box 628
Parma, Idaho 83660

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

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

Jerry R. Rigby
Ray W. Rigby
RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, CHARTERED
25 North Second East
P.O. Box 250
Rexburg, Idaho 83440

John A. Rosholt
James C. Tucker
ROSHOLT, ROBERTSON & TUCKER
142 Third Avenue North
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Larry Sullivan
SCHROEDER, HUTCHENS & SULLIVAN
P.O. Box 220
Vale, Oregon 97918

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

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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RECEIVED
NOV 13 1990



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

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

MICROFILMED
NOV 13 1996

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 29-2501
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: 04/12/1965

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	NE SW	POWER	
06S	34E	7	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	1/01	12/31	5.57	

7. Total Quantity Appropriated is:

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

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 29-2501
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: 04/12/1965

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	NE SW	POWER	
06S	34E	7	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	1/01	12/31	5.57	

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

8. Total consumptive use:

9. Non-irrigation uses: Industrial

SCANNED

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		INDUSTRIAL	
			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				

SCANNED

FEB 22 2006

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: 29-2375, 29-2502, 29-7763

14. Remarks:

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

15. Basis of Claim: License

SCANNED
FEB 22 2005

(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.

For Organizations:

May 7, 2003
Date

Subscribed and sworn (or affirmed) before me this 7th day of May 2003

Jarlene A. Kattner
Notary Public

Residing at Boise, Idaho

My commission Expires 5/31/08

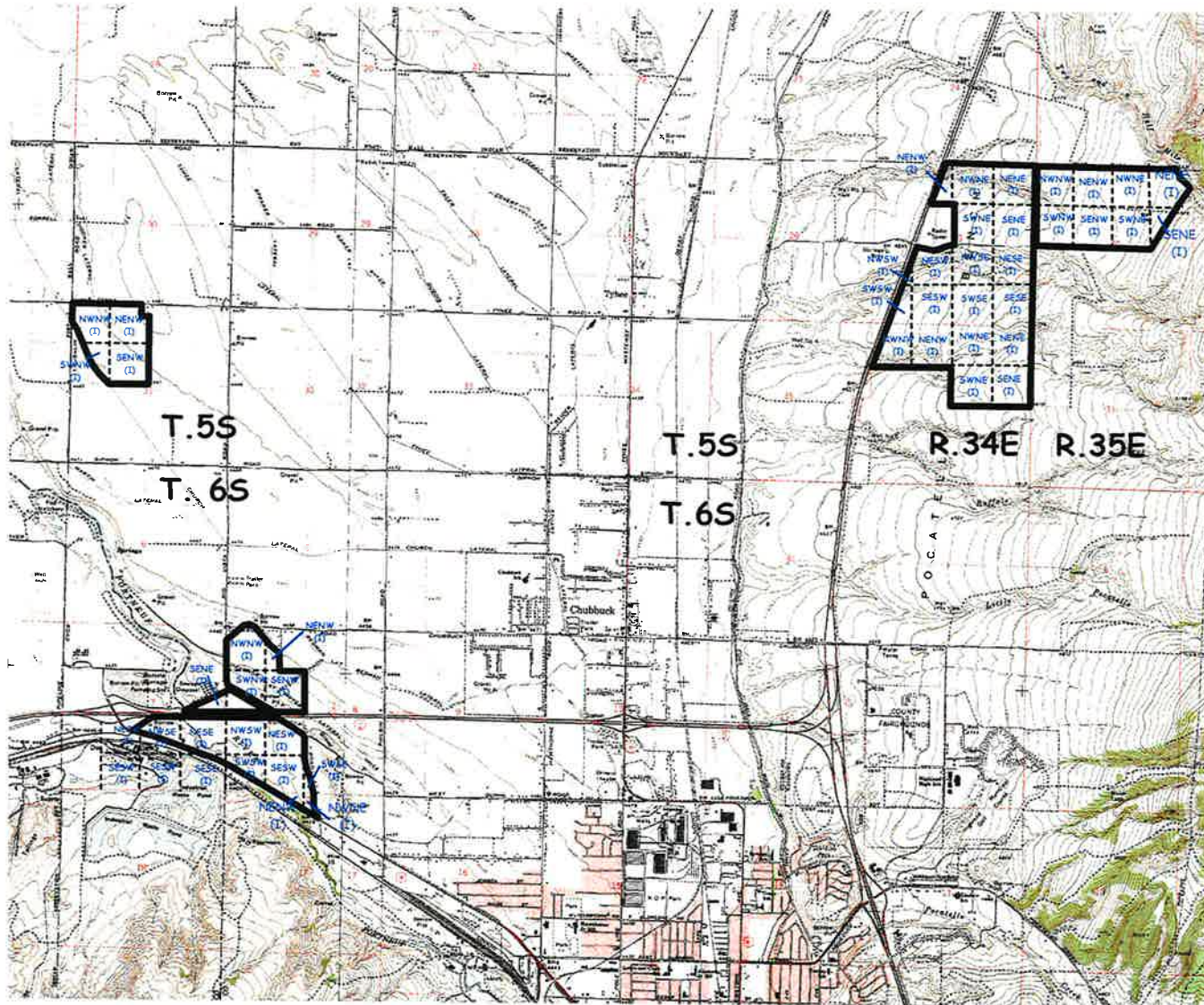


SCANNED

FEB 22 2006

05/02/2003

Amended SRBA Claim No. 29-2501

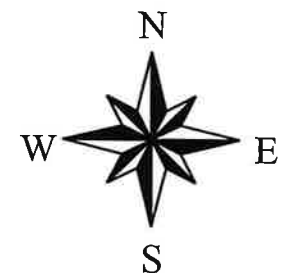


$\frac{1}{4} \frac{1}{4} (I)$ = Places of Industrial Use

 = Land where process water is land applied

SCANNED
FEB 22 2006

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: A29-02501
Date Received: 4/13/90
Receipt No: C016378
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: APR 12, 1965

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	7		NE	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	5.570		

7. Total Quantity Appropriated is:
5.570 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	Lot	Use	Acres
06S	34E	7		NE	SW	INDUST	
				SE	SW	INDUST	

A29-02501

Page 1

Date: 04/13/90

MICROFILMED

NOV 13 1992

A2902501



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, A29-02375

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

15. Basis of Claim: LICENSE
Water Right Number: 32316

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.

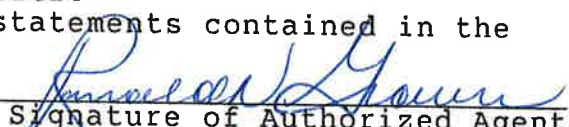
Number of attachments: One Map

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 Secretary of Title

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


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