

12/04/2002

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

RIGHT NUMBER: 29-4088

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

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.940 CFS

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T06S R34E S7 SENESE Lot 7 Within BANNOCK County

T06S R34E S16 SWSESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.940 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R34E S07 Lot 7 NESE	12.0	T06S R34E S07 Lot 10 SESE	3.4
T06S R34E S08	NESW 26.0	T06S R34E S08	NWSW 31.0
T06S R34E S08	SWSW 20.0	T06S R34E S08	SESW 38.0
T06S R34E S08	SWSE 3.6	T06S R34E S17	NWNE 9.0
T06S R34E S17	NENW 3.6		

146.6 ACRES TOTAL

PLACE OF USE INCLUDES THE IRRIGATION OF 21.6 ACRES WITHIN POWER COUNTY, DEFINED AS FOLLOWS: 7.5 ACRES WITHIN NESE, SECTION 7; 3.4 ACRES WITHIN SESE, SECTION 7; 1.8 ACRES WITHIN NWSW, SECTION 8 AND 8.9 ACRES WITHIN SWSW, SECTION 8; ALL T06S, R34E.

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

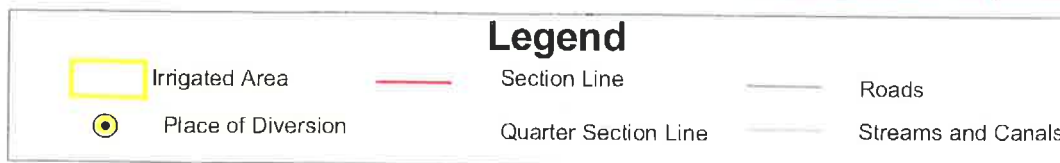
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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

Water Right Claim Number A29-04088
Township , 6S34E

09/20/2000

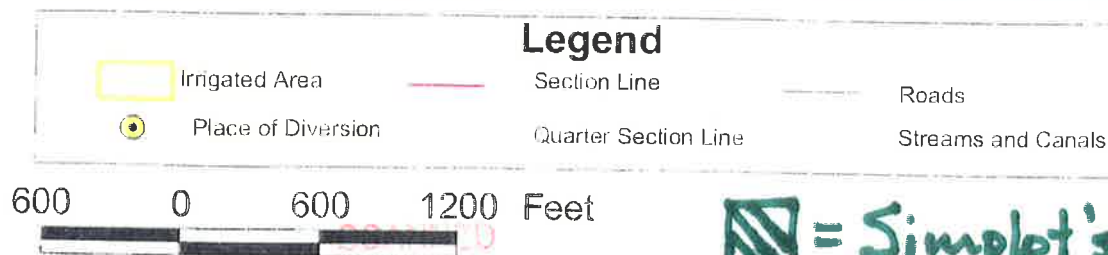
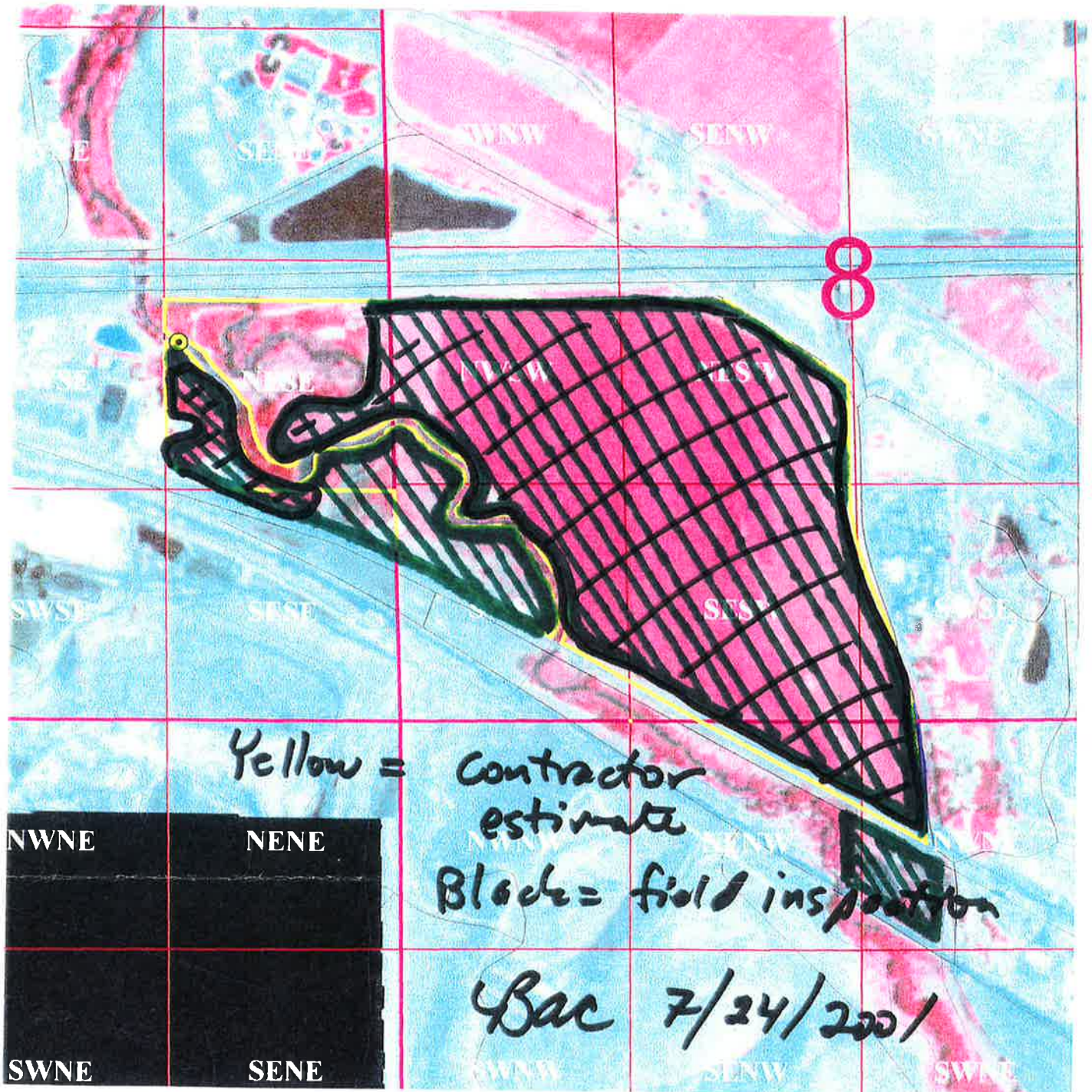


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Water Right Claim Number A29-04088
Township, 6S34E

09/20/2000

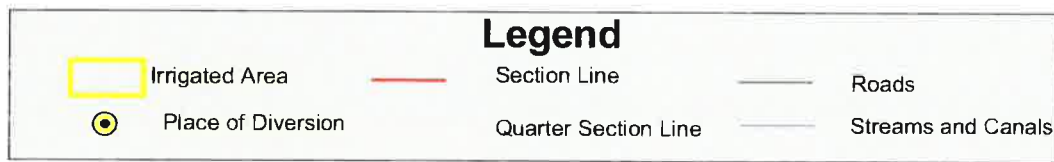
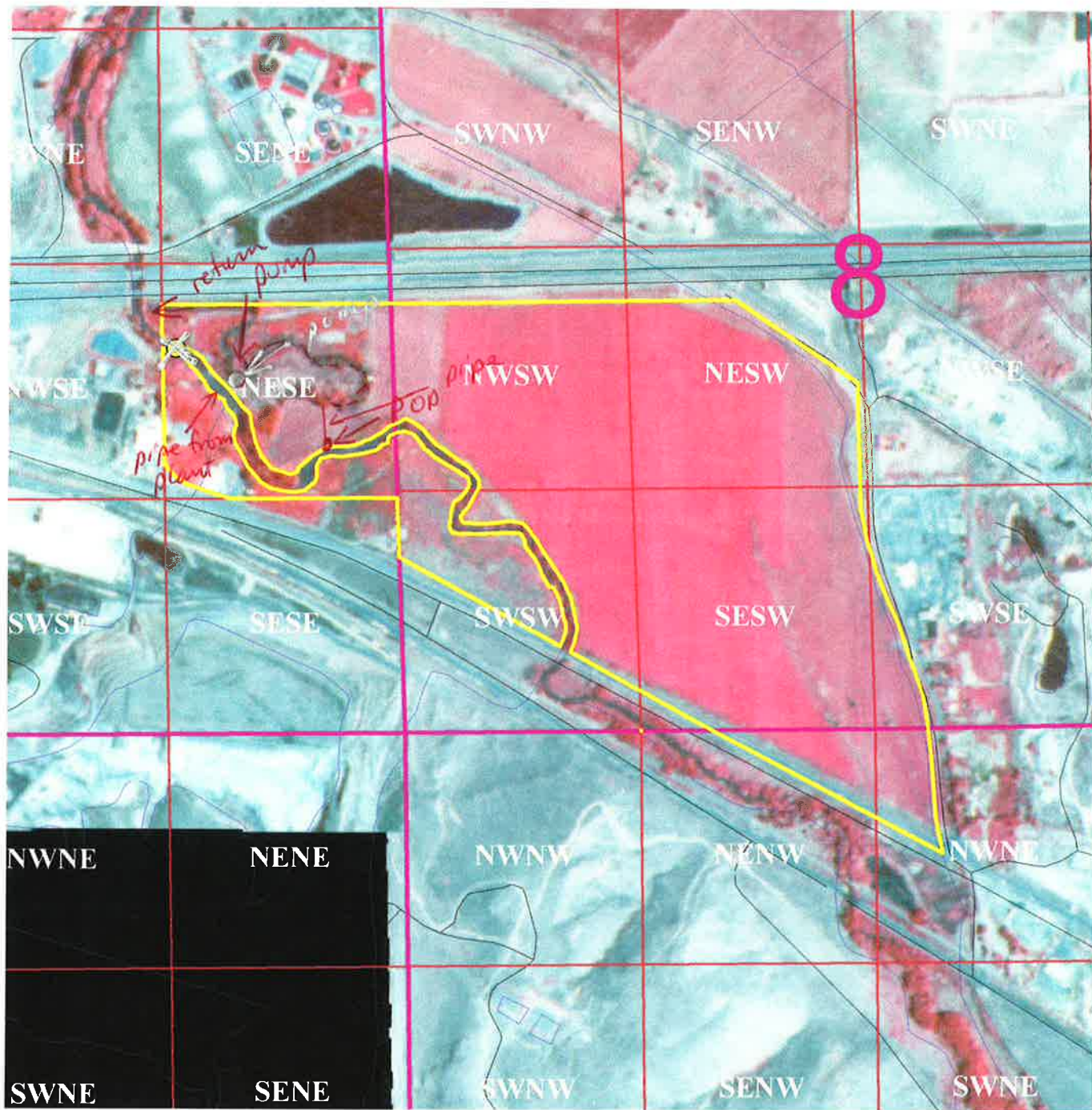


 = Simplot's P/u

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Water Right Claim Number A29-04088
Township , 6S34E

09/20/2000



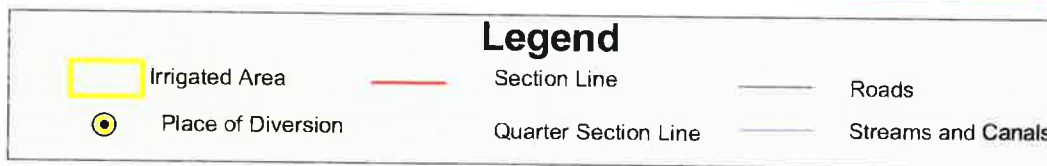
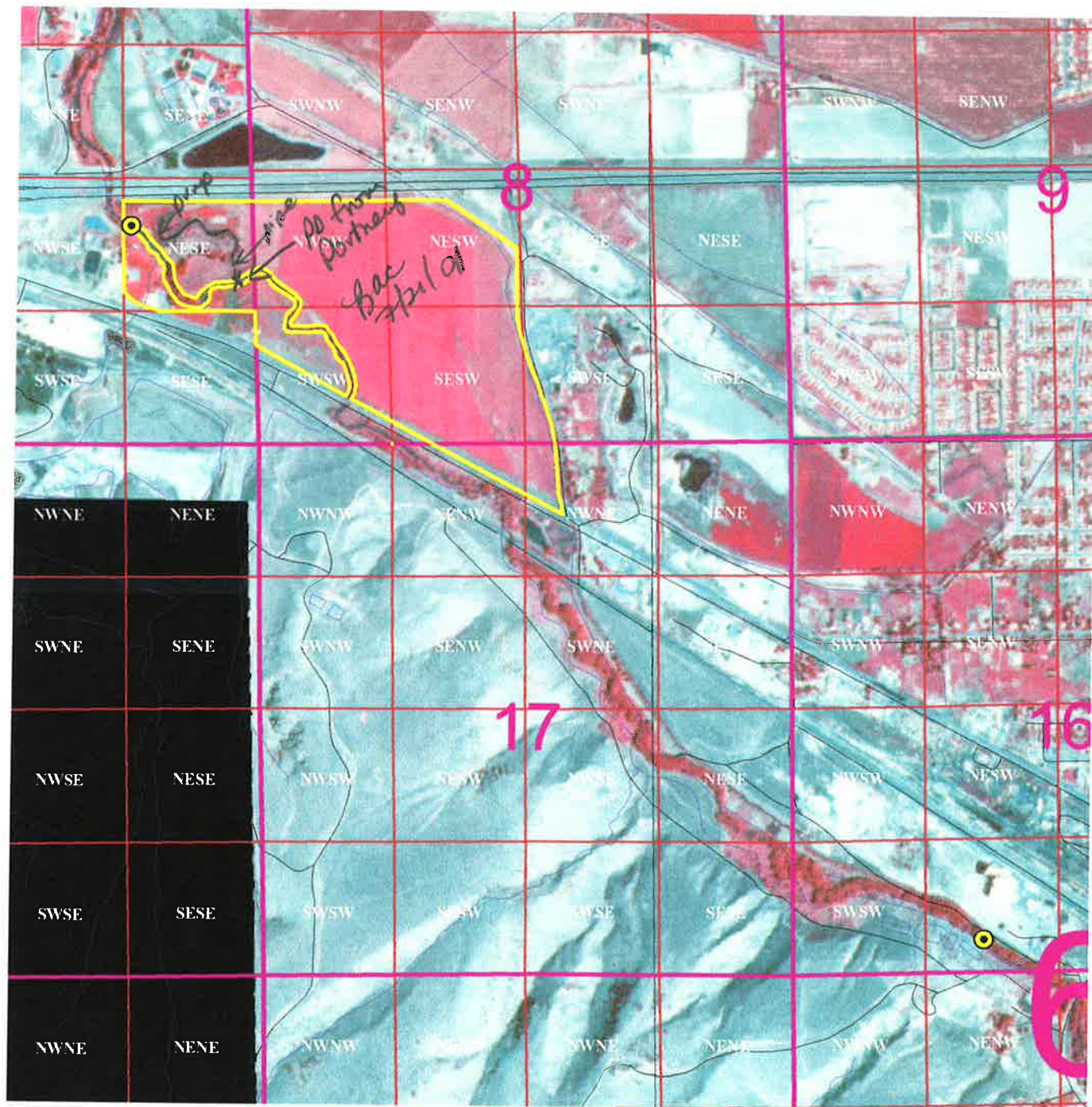
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MAY 16 2001

Water Right Claim Number A29-04088

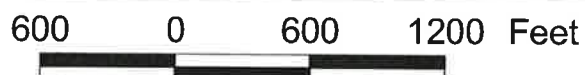
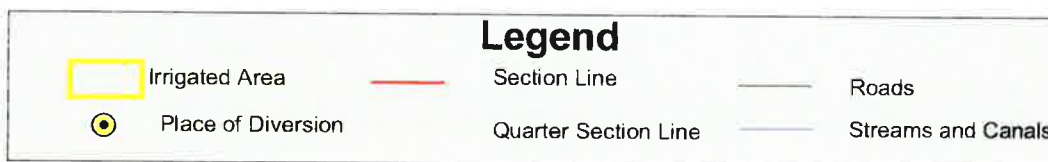
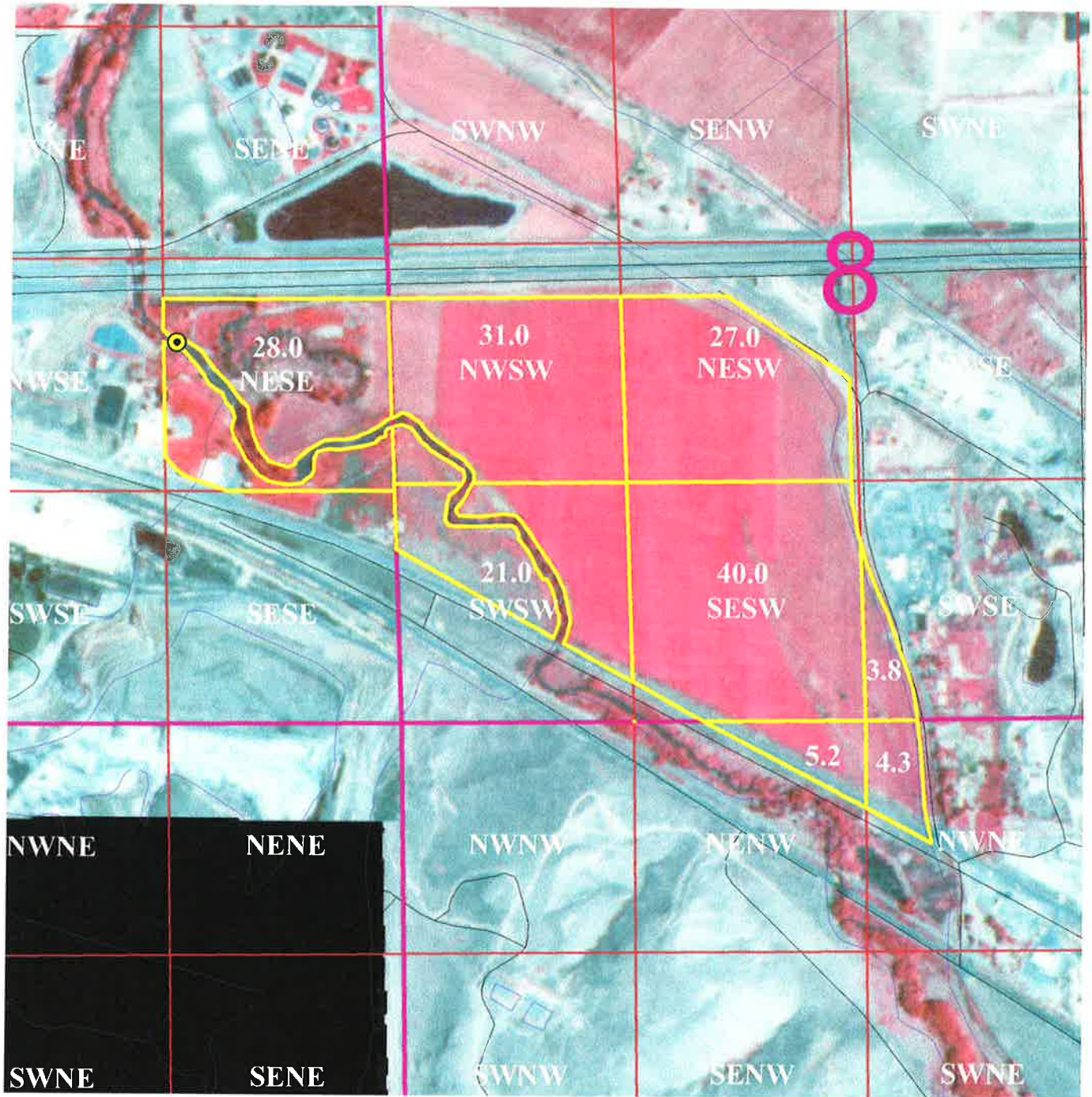
Township , 6S34E

09/20/2000



Water Right Claim Number A29-04088
Township , 6S34E

09/20/2000



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: **29-10927**

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

The IDWR's Recommendation states, "Recommended as right no. 29-4088." However, the following irrigated place of use contained on claim no. 29-10927 is not identified under the place of use recommended under 29-4088.

T.6S R. 34E Section 17:	SW $\frac{1}{4}$ NE $\frac{1}{4}$ (5.0 acres)	NE $\frac{1}{4}$ SE $\frac{1}{4}$ (5.0 acres)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ (4.0 acres)	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (2.0 acres)

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

a. The Place of Use should be:

T.6S R. 34E Section 17:	SW $\frac{1}{4}$ NE $\frac{1}{4}$ (5.0 acres)	NE $\frac{1}{4}$ SE $\frac{1}{4}$ (5.0 acres)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ (4.0 acres)	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (2.0 acres)

b. The Quantity should be 0.32 cfs.

c. The Priority should be June 18, 1902.

As an alternative the above place of use and quantity may be added to the place of use and quantity recommended under 29-4088 because they were originally part of the same system of appropriation.

The remaining water right elements should be recommended as claimed.

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

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The above place of use is situated on land owned by the J. R. Simplot Company. Water diverted from the Portneuf River has been beneficially used to irrigate the place of use since the development of the irrigation system.

_____ 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

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Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 199 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2.

FAX COVER LETTER

Transmittal Time:

TO:	Paul Meyer	Fax No.	208-525-7177	DATE:	August 2, 2002
COMPANY:	IDWR	No. of pages including cover sheet: 2			
FROM:	Vic Conrad	Direct Dial Number	(208)389-7359	FAX NO.	(208) 389-7333
CONFIDENTIALITY NOTICE: <u>This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.</u>					
RE: Notice, Portneuf River diversion.					
Message: Attached is a copy of the Notice we discussed. Please let me know what you think after you have a chance to review it. Please note there is an note beside the notice "Water Right Book 2, Page 156" Is this a reference to a document in your records?					

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WATER RIGHT BOOK 2 PAGE 156

Notice is hereby given, That Theodore Swanson and S.C. Winters of Pocatello, County of Bannock State of Idaho has this 18 day of June 1902 appropriated and hereby claim the use of the waters of Portneuf River to the extent of fifty cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: being a point on the Portneuf River four hundred and fifty five rods up said river from the south-east corner of the South west quarter of section eight Township seven South of Range thirty four East B.L. in Bannock County, Idaho.

That the special purpose or purposes for which said water is claimed is for irrigation, mining, manufacturing and domestic purposes. The place of its intended use is in the north east quarter of the south east quarter of section seven west half of the south west quarter of section eight Township seven South of Range thirty four East B.L. in Idaho. That the general course of the proposed canal or conduit is a northwesterly direction. The length of said proposed canal or conduit is two miles.

That it is intended to complete the works for the diversion and use of said water as aforesaid within two years.

A copy of this notice was duly posted at or near the point of intended diversion on the 17th day of June 1902.

Witness my hand at Pocatello County of Bannock State of Idaho, this Idaho day of 18th June 1902.

Appropriator and Claimant.
State of Idaho,
(S.C. Winters,
County of Bannock.)

Theodore Swanson being first duly sworn, depose and say that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 8:30 o'clock P.M., the 18th day of June 1902.

Subscribed and Sworn to before me this 23rd day of June 1902.
(SEAL)

Recorded at request of R.C. Shned, at 1.05 o'clock P.M. June 24th, 1902.
By D.N. Campbell, Deputy. Fee 80¢
J.S. Campbell, Recorder.



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 24, 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. 29-4088 & 29-10927.

Dear Mr. Conrad:

Thank you for sending in your notice of error for the above referenced water rights. In your reply, you mentioned that you disagree with the department's preliminary recommendation for both rights 29-4088 & 29-10927. You indicate that the preliminary recommendation for right no. 29-10927 states that it is "recommended as right no. 29-4088" but that the place of use claimed for right 29-10927 were omitted from the place of use list on the preliminary recommendation for water right 29-4088.

I have reviewed the file concerning this matter and comment the following:

- In a letter from former IDWR Senior Water Right Agent, Bryce Contour addressed to Vic Conrad dated July 24, 2001, Mr. Contour comments that the areas claimed to be irrigated under claim 29-10927 "*...is not and has not been irrigated.*" This comment was the result of a personal visit and conversation with Mr. Norm Self and Mr. Bob Willey, employees of the JR Simplot Company, and Elise Teton, Tribal Engineer, Shoshone-Bannock Tribe. For your convenience, I have included a copy of the letter (minus enclosures).
- This last comment precludes an earlier comment in the same letter in regards to evidence of priority. Apparently, there were questions concerning a letter provided by Mr. Robert W. Swanson indicating whether or not Mr. Swanson had personal knowledge or the date upon which he personally observed beneficial use.
- A follow up letter supplied by Mr. Conrad in regards to 29-4088 shows revised areas of place of use requested to be included in the recommendation none of which contain the areas requested in the referenced notice of error reply. For your convenience, I have included a copy of the revised map that was returned to us.

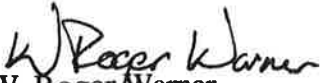
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Based upon this information, I am not inclined to make any changes to the recommendation.

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) Letter from IDWR to JR Simplot Co. Dated July 24, 2001.
Revised Place of Use map returned to IDWR from JR Simplot Co.

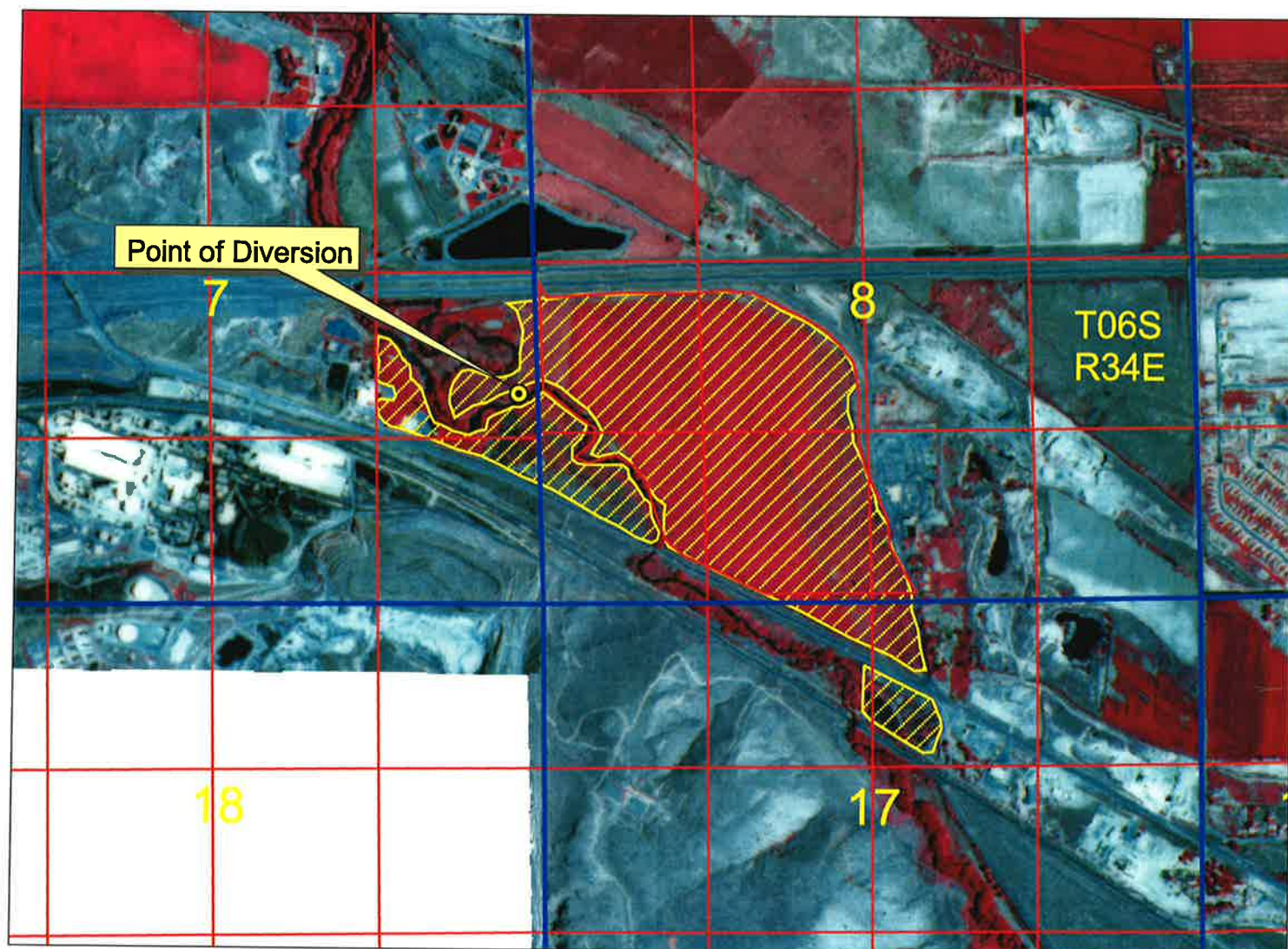
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MAR 15 2006



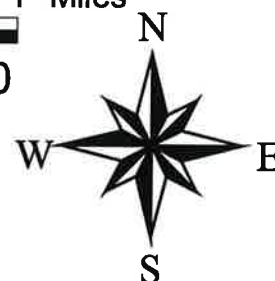
State of Idaho
Department of Water Resources
Eastern Region

Water Right: 29-04088



0.5 0 0.5 1 Miles

1:16000



- Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

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GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: July 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4088 V1

Comments:

1. bcontor 9/8/2001 Priority Date

Comment: See letter in paper file and documentation in paper file 29-2020. Affidavit in 29-10927 from son of former owner Swanson asserts diversion & use in 1910 but does not speak to personal knowledge. Assuming signer of affidavit was at least 21 years old on 3/3/95 when letter was written makes date of birth earlier than 1974. Without further evidence I presume development took place before mandatory permit statute but I dont know when, so I recommend one day before permit statute date. Hopefully claimant will respond to requests for information to allow more accurate determination of priority.

2. bcontor 9/8/2001 Field work

Comment: See field notes in paper file 29-2020, "general" flap.

3. bcontor 9/8/2001 POD

Comment: POD is where gate from Portneuf diverts water to pipeline, to pond. Pump at other end of pond pressurizes water for sprinkler system.

4. bcontor 9/8/2001 POU

Comment: POU per GIS as confirmed with Norm Self.

5. bcontor 9/8/2001 Overlap

Comment: This recommendation overlaps post-AJ permit. I trust Allocations Bureau will add appropriate combined use limitations.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/8/2001 2:46:33 PM	bcontor			Active
POD	9/8/2001 2:50:58 PM	bcontor			Active
Source	9/8/2001 2:51:20 PM	bcontor			Active
POU	9/8/2001 3:01:12 PM	bcontor			Active
Use	9/8/2001 3:02:59 PM	bcontor			Active
Season	9/8/2001 3:03:53 PM	bcontor			Active
Quantity	9/8/2001 3:04:48 PM	bcontor			Active

Summary 9/8/2001 3:06:41 PM bcontor 9/8/2001 3:06:41 PM bcontor Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4088 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/8/2001 2:45:37 PM	bcontor	(No) 1. Do you want to schedule an appointment? Comment for 1: Field work already done.
Priority Date	9/8/2001 2:44:53 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - See comments
POD	9/8/2001 2:45:34 PM	bcontor	Edited point location
POD	9/8/2001 2:46:16 PM	bcontor	Edited point location
POD	9/8/2001 2:46:41 PM	bcontor	Edited PLS
POD	9/8/2001 2:49:18 PM	bcontor	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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 - Original POD was upstream in section 16 per WMD files. Upon conversion to sprinklers that POD was abandoned. Both Norm Self and Vic Conrad related that original POD and canal were abandoned for construction of Pocatello Greenbelt. Old POD was "behind the malt plant."
Source	9/8/2001 2:49:39 PM	bcontor	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field inspection

POU

9/8/2001 2:53:16 PM

bcontor

Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4088 V1

POU	9/8/2001 2:53:50 PM	bcontor	Edited PLS
POU	9/8/2001 2:59:32 PM	bcontor	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - GIS and interview with Norm Self
Use	9/8/2001 3:01:19 PM	bcontor	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field inspection, GIS, user interview.
Season	9/8/2001 3:02:13 PM	bcontor	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim a Application or Permit? (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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	9/8/2001 3:03:08 PM	bcontor	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - WMD data and theoretical calculations show adequate capacity for recommended diversion rate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4088 V1

Summary	9/8/2001 3:05:01 PM	bcontor	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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CORPORATE HEADQUARTERS

June 27, 2002

Ernest Carlson
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED

JUL 01 2002

Department of Water Resources
Eastern District Office

Re: IDWR Water Right No. 29-04088.

Dear Mr. Carlson:

I am enclosing a copy of an image provided by Bryce Contor while he was employed by the Eastern Regional office of the IDWR. The image contains areas that have been outlined by Bryce indicating a proposed place of use for this water right.

Also enclosed is a copy of the same image containing Simplot's revisions to Bryce's proposed place of use. Simplot's revisions include small areas omitted from Bryce's proposal within the following quarter quarters:

**T.6S R.34E Section 7: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$**

I did not attempt to estimate the number of acres that are included within each quarter quarter. Please revise your electronic shape files to conform to Simplot's revisions then provide me with the computerized estimate for the number of acres irrigated within the revised place of use. If possible, please forward the revised image in a jpg format to the following email address along with acreage estimate: vconrad@simplot.com.

Sincerely,



Vic Conrad
Land and Development

C: H. Jones, IDWR (without enclosures)
 L. Pruett, Simplot (with enclosures)

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MEMORANDUM

TO: AT files 29-4088, 29-11312, 29-11313
Permit file 29-2437
FR: Bryce Connor
DATE: 7/24/01

Re: Physical operation of system.

Based on field inspection and interview w/
Mr. Norm Self, done on 2/20/01 by me,
accompanied by Mr. Self and Bob Willey of
Simpson Co. and Tribal Engineer Elise Tetan of
Shoshone-Bannock Tribes, the claimed POC
on attached contractor layout is correct.
Mr Self did not reference any use in Nully of
8, as claimed in 29-11313. I requested to ask;
this was not on my list of questions I had
prepared.

There is a 200 hp pump in a sump, located
approx. as shown on attached map. I took a
GPS reading but the downhole failed.
Theoretical capacity is calculated later in
this memo.

Sump is supplied by a 12" line from plant

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PROFIT

Memo 7/21/01

p2

Under Post-1987 ~~At~~ we permit 29-3437.
Contributions to Sump are measured by Krahn
may meter & data-logger @ Sump and
used in calculating charges from City of Pocatello,
as this is a deduction from waste stream
that otherwise would be treated by the
city.

Sump also receives water from Slough. This
can include spring water claimed under
99-11312 and Portneut River water diverted
into slough, upstream.

Slough has return flow to river on North.
Spring-water contribution could be quantified
by measuring this return flow after sufficient
period of no pumping and no diversion to
slough.

Portneut river diversion is approximately as
located on map. Water flows through pipe
to slough, GPS reading and photo were taken
at slough end of pipe but downed of GPS
failed. Slough conveys water around to Sump.

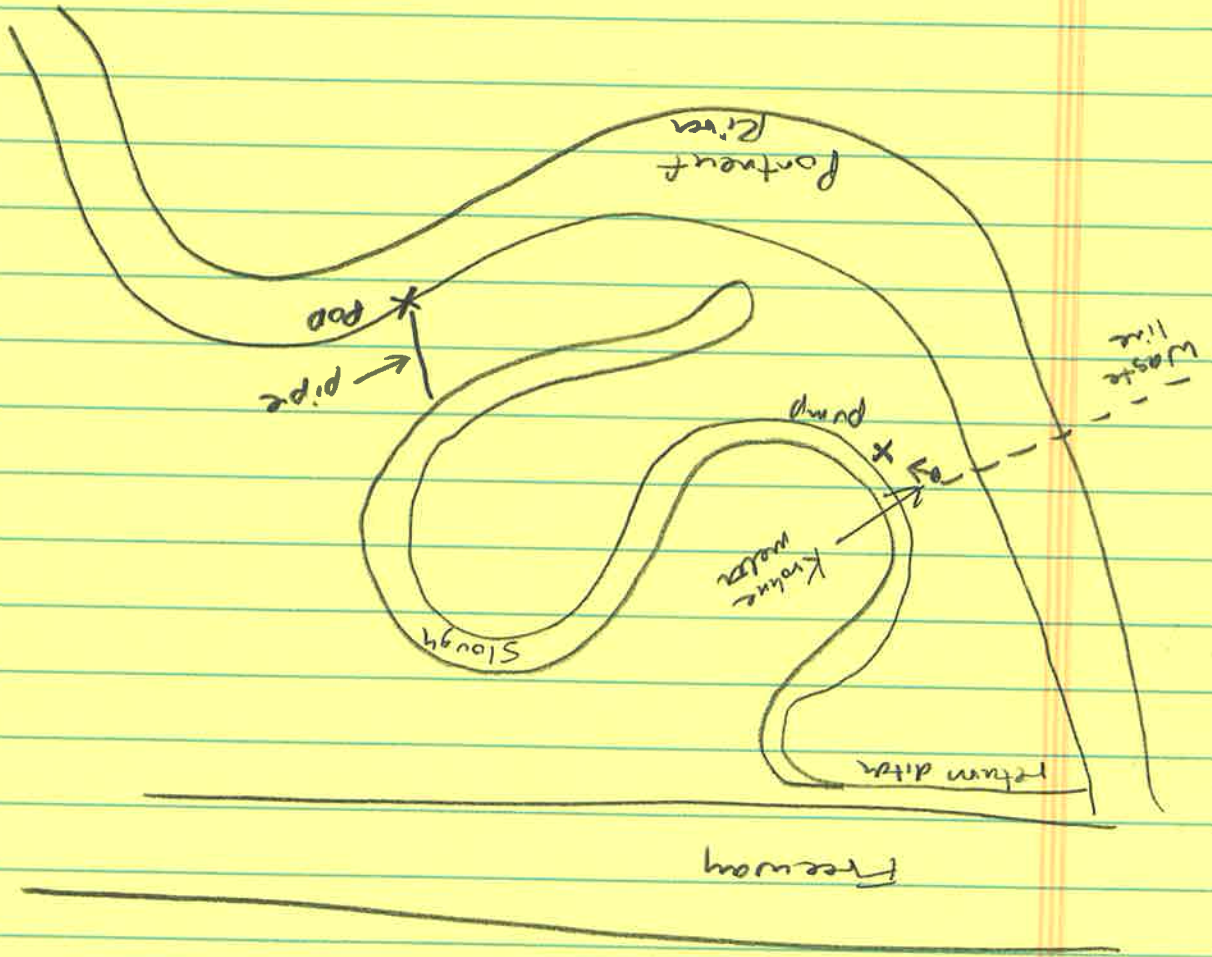
SCANNED

MAR 15 2008

MAR 15 2001

SCANNED

George A. Cantor
7/21/01



This schematic sketch (not to scale)
describes operation:

Memo 7/21/01
p 3

Theoretical Calculations:

Kw demand on motor = 3.92
 T coils appeared to be "200" assume
 multiplier = $200/5 = 40$
 Demand then = $3.92 \times 40 = 157 \text{ Kw}$. This is
 reasonable for 200-hp motor.

Observed discharge was 95 psi (lower gauge) but
 only 33 birds were running. Assume more
 typical discharge $\approx 60 \text{ psi}$.

Assume efficiency (wire-to-water) = 60% per
 Kjelsrud study. Assume 5 ft lift, 15 feet
 friction.

$$\text{TQH} = (5 + 15 + 2.31 \times 60) \approx 158 \text{ ft}$$

$$\text{Water hp} = 157 \text{ Kw} \times 1.34 \times 60\% \approx 126 \text{ hp}$$

$$\text{GPM} = \frac{\text{Water hp} \times 3960}{\text{TQH}} = \frac{126 \times 3960}{158} = 3180.6 \text{ PM}$$

$$\approx 7 \text{ cfs}$$

Memo 7/21/01

P 4

for 7/21/01

MAR 15 2006

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Contor, Bryce

From: Contor, Bryce

Sent: Wednesday, July 18, 2001 11:01 AM

To: McHugh, Candice

Cc: Music, Vicky

Subject: Transfer 2274, Statutory Claim 29-

Transfer 2274 approved 4/8/1980 includes the condition "Approval of this Transfer does not validate items set forth in the claim."

I assume I'm correct in requiring evidence of priority and evidence of beneficial use before recommending this claim, approved transfer notwithstanding?

Thanks.

Bryce Contor

Idaho Department of Water Resources

bcontor@idwr.state.id.us

bcontor@hotmail.com

SCANNED

MAR 15 2006

PROFILED

7/18/2001

Contor, Bryce

From: Contor, Bryce

Sent: Friday, July 13, 2001 2:05 PM

To: Meyer, Paul; Wilson, Keith; Jones, Harold

Subject: Permit 29-7437 JR Simplot

Proof was made in 1988, no AJ claim filed nor required. If these folks ask me a status do we know an answer? It is for irrigation storage and irrigation from storage, source "wastewater." Appears to be associated with fertilizer plant at Pocatello.

Bryce Contor

Idaho Department of Water Resources

bcontor@idwr.state.id.us

bcontor@hotmail.com

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MAR 15 2006

7/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 29-7437

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707

Priority Date: 05/20/1978
Status: Active

<u>Source</u>	<u>Tributary to</u>
WASTEWATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	4.25 CFS		
IRRIGATION STORAGE	1/01	12/31		860 AFA	
IRRIGATION FROM STORAGE	3/15	11/15		860 AFA	
DIVERSION TO STORAGE	1/01	12/31	4.25 CFS		
Total Diversion			4.25 CFS	860 AFA	

Location of Point(s) of Diversion:

WASTEWATER NWSE Sec. 07 Township 06S Range 34E POWER County

IRRIGATION Use:
Acre Limit: 3124

IRRIGATION STORAGE Use:
Acre Limit: 3124

IRRIGATION FROM STORAGE Use:
Acre Limit: 3124

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

<u>Townshi</u>	<u>Rang</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>
05S	34E	25		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	30		NWNW	40		SWNW	40		SENE	20
				NESW	40		NWSW	30		SWSW	30		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		26		NESW	37		NWSW	40		SWSW	40		SESE	37
				NESE	40		SESE	40						
		27		NESE	30		SESE	36						
		29		NENE	10		NWNE	40		SWNE	40		SENE	30
		30		SENE	40									
				NWSE	40		SWSE	40		SESE	40			
		34		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		36		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	31						
06S	33E	1		SWSE	9		SESE	9						

12	NENE	40	NWNE	40	SWNE	40	SENE	40
	NENW	40	SENW	40				
	NESW	30	SESW	25				
	NESE	29	NWSE	27	SWSE	10		
34E 2	NWNW	28	SWNW	25				
3	NENE	40	NWNE	40	SWNE	40	SENE	40
7	SENE	20						
	SWSW	5	SESW	10				
	NESE	30	NWSE	15	SWSE	10	SESE	35
8	SWNW	5	SENW	1				
	NESW	30	NWSW	30	SWSW	35	SESW	40
	NWSE	1	SWSE	2				
17	NWNE	8						
	NENW	12						
18	NENE	40	NWNE	40	SWNE	12	SENE	12
	NENW	40	NWNW	20	SWNW	6	SENW	12
	NESW	40	NWSW	20	SWSW	20	SESW	40
	NESE	40	NWSE	40	SWSE	40	SESE	40
19	NENW	40	NWNW	20				

Place of Use Legal Description: IRRIGATION FROM STORAGE same as IRRIGATION

Total Acres: 3124

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. 005 Use of water under this right is subject to control by the watermaster of State Water District No. 29.
4. 016 See remarks for additional conditions of approval.

Remarks:

1. General REINSTATED 11-22-1983.
 THAT PRIOR TO DIVERTING ANY WATER UNDER THESE PERMITS, THE APPLICANTS WILL SUBMIT FOR APPROVAL OF THE DEPT. OF WATER RESOURCES A DETAILED OPERATING PLAN WHICH WILL INCLUDE THE FOLLOWING ITEMS: A) A PROGRAM TO PREVENT, DETECT, AND CONTROL ANY LEAKAGE WHICH MAY OCCUR FROM THE PRESSURE PIPELINE.
 B) A PLAN FOR MONITORING THE MOVEMENT OF ANY MATERIAL WHICH MAY SEEP FROM THE RESERVOIR.
 PLANS FOR THE DAM MUST BE APPROVED BY THE DEPT. UNDER THE DAM SAFETY ACT PRIOR TO THE IMPOUNDMENT OF WATER.

Dates:

Proof Due Date: 09/01/1988
 Proof Made Date: 08/04/1988
 Approved Date: 09/08/1978
 Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Application Received Date: 05/31/1978
 Protest Deadline Date:
 Number of Protests: 0
 Field Exam Date:
 Date Sent to State Off:
 Date Received at State Off:

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number: 29

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Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

SCANNED

MAR 15 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

07/13/2001

WATER RIGHT NO. 29-7437

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707

Priority Date: 05/20/1978
Status: Closed

<u>Source</u>	<u>Tributary to</u>
WASTEWATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
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Acre Limit: 3124

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<u>Townshi</u>	<u>Rang</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>
05S	34E	25		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	30		NWNW	40		SWNW	40		SENE	20
				NESW	40		NWSW	30		SWSW	30		SESE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		26		NESW	37		NWSW	40		SWSW	40		SESE	37
				NESE	40		SESE	40						
		27		NESE	30		SESE	36						
		29		NENE	10		NWNE	40		SWNE	40		SENE	30
		30		SENE	40									
				NWSE	40		SWSE	40		SESE	40			
		34		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		36		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	31						
06S	33E	1		SWSE	9		SESE	9						

12	NENE	40	NWNE	40	SWNE	40	SENE	40
	NENW	40	SENW	40				
	NESW	30	SESW	25				
	NESE	29	NWSE	27	SWSE	10		
34E 2	NWNW	28	SWNW	25				
3	NENE	40	NWNE	40	SWNE	40	SENE	40
7	SENE	20						
	SWSW	5	SESW	10				
	NESE	30	NWSE	15	SWSE	10	SESE	35
8	SWNW	5	SENW	1				
	NESW	30	NWSW	30	SWSW	35	SESW	40
	NWSE	1	SWSE	2				
17	NWNE	8						
	NENW	12						
18	NENE	40	NWNE	40	SWNE	12	SENE	12
	NENW	40	NWNW	20	SWNW	6	SENW	12
	NESW	40	NWSW	20	SWSW	20	SESW	40
	NESE	40	NWSE	40	SWSE	40	SESE	40
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 B) A PLAN FOR MONITORING THE MOVEMENT OF ANY MATERIAL WHICH MAY SEEP FROM THE RESERVOIR.
 PLANS FOR THE DAM MUST BE APPROVED BY THE DEPT. UNDER THE DAM SAFETY ACT PRIOR TO THE IMPOUNDMENT OF WATER.

Dates:

Date Application Received: 05/31/1978
 Date Application Denied:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date:
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number: 29
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Application Type: New Appropriation
 Applicant Remarks:

Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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MAR 15 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

07/13/2001

There is no claim right ID for water right number 29-7437

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MAR 15 2006

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/13/2001

There is no water right ID for water right number 29-7437

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Reports of annual volume (one representative year) from
East Water Measurement District records.

Supplied by Assistant Hydrographer Michael Holliday

	volume in AF	meas method	confidence	notes
200055	33	TC	poor	volume estimated based on just 2 months worth of reporting
200762	439	FM	fair	TOTAL VOLUME IS ESTIMATE OF FORT HALL CANAL AND PORTNEUF RIVER WATER DIVERTED (BASED ON PIPE MOVING RECORDS) + 36,600,000 GAL QMETER READING OF WASTEWATER SPILL TO RIVER.
200764				not yet measured
200765				not yet measured
200766				not yet measured
200767				MAY NOT EXIST AS DIVERSION, MORE RESEARCH NEEDED. OPERATOR DOES NOT KNOW IF THIS EXISTS. NEED TO FIND SOMEONE ELSE INVOLVED IN OPERATION OF SYSTEM TO FIND OUT. In 1998, Lewis said "NOT IN USE. PUMP MOTOR NEEDS TO BE REPLACED. WATER IS FLOWING FREE FROM SPRING UNTIL REPAIRS CAN BE MADE TO SYSTEM"
200769				
200883	13	PCC	fair	
200900	8	TC	poor	volume estimated based on just 2 months worth of reporting

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MAR 15 2006

MEMORANDUM

To: 29-4088
 Fr: Bryce Center
 Date: 7/2/01

Re: Diversion rate

1) EUMD records indicate 300 hp GE

motor. From photo litt appears to be ≈ 15 feet. Assume sprinkler in discharge ≈ 60 psi, friction ≈ 10 ft, efficiency $\approx 90\%$ (motor), 75% (pump) 67.5% (overall).

2) KW demand from power co. would give better indication of motor developed horsepower. Power meter = 02.026945 AGR, Idaho Power.

3) Theoretical calculation from motor horsepower:

$$GPM = \frac{\text{Water Horsepower} \times 3960}{TDH}$$

$$GPM = \frac{200 \times .75 \times 3960}{(15 + 10 + 60 \times 2.31)} = 3640 = 8.1 \text{ g/s}$$

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Phone call to Idaho Power 7/2001 7/2001 7/2001
 Power meter transfer to Caldwell addition - 1/2 inch meter has been moved

4)

Claim indicates 29-11312 and 29-11313 are intermingled w/ this right. Under whether this refers to POO, POA, or both.

5)

29-4088 is for 160 acres in sections 7, 8, 17.
29-11312 is for 125 acres in section 8, appearing not to overlap 29-4088
29-11313 is for 125 acres in section 8, appearing to overlap 29-11312 100%.

6)

Total area appear to be $160 + 125 = 285$
 $285 \times 0.02 = 5.70$ acs

8)

Calculations for other simple pumps (see 29-2020) indicate possible company bins towards over-size matters. 5.70 acs is probably better indication of capacity.

9)

Claims sum to 5.70 acs
(29-4088 = 3.20 acs, 29-11312 = 0.22 acs,
29-11313 = 2.28 acs)

Byrd A. Carter 7/7/01

MAR 15 2006

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WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern

RECORD NUMBER 200762

SITE DATA:

EXAMINER (inv_name) L. Rounds

EXAM DATE 05-12-98
(site_visit)

DIVERSION NAME Swanson
(div_name)

GPS FILE 1051219A
(gps_filnam)

SITE TAG NUMBER A0007745
(site_tagno)

GPS OFFSET (offset) 10' NW

TAG LOCATION (tag_locat) pipe in

POD LEGAL (pod) T 6 N(S) R 34 E, Sec 7, NE SE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s)

SONIC/DIG (sd)

SONIC @ PVT (sp)

COLLINS (c)

PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2)

HOUR METER (7)

IRR. FLOWMETER (1)

ALTERNATE (3)

OTHER FLOWMETER (8)

CRP (9)

AMEND CLAIM (A)

OPEN CHANNEL DEVICE (D)

SUITABLE FOR PCC even if other method selected (pcc_ok)

YES NO

TRACKING will be required (trkng_reqd)

YES NO

Well has ACCESS PORT for water level meas. (wl_access)

YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez)

YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) J R Simplot Company

ADDRESS _____

OPERATOR (contact) _____

ADDRESS _____

Claim

Doc Source

Date

East Water
Measurement District
5/3/01 Sig. BAC

CEL

Record 200762

PUMPING PLANT SKETCH

- VALVE = 
- CHECK VALVE = 
- AIR VAC = 
- PRESS. RELIEF = 
- INDIVE/UPDIVE = 
- HOSE BIB = 
- PRESS. GAGE = 
- WELL ACCESS = 



 Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. BAC

Record 200762

WELL/PUMP INFORMATION:

DEPTH OF WELL: _____

WATER LEVELS: _____

PRE-SEASON STATIC: _____
(swl_pre)DURING-SEASON STATIC: _____
(swl_mid)POST-SEASON STATIC: _____ *Record 200762*
(swl_post)DYNAMIC WATER LEVEL: _____ DATE MEAS: _____
(pmpng_wl) (pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: GESERIAL: CTJ 325120HP: 200

BOOSTER 1 MOTOR

MFG: _____

SERIAL: _____

HP: _____

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

UTILITY KWH METER INFORMATION:

UTILITY: IP
(utility)POLE #: _____
(pole_no)

MAX KW DEMAND _____

KILOWATT HRS 515 x40
(kwh_1)
(use date of exam for "kwh1_date")UTILITY ACCOUNT NUMBER _____
(acct_no)

Claim _____

Doc Source East WaterMeasurement DistrictDate 5/3/01 Sig. BAC

WELL PUMP

MFG: Layne and BowlerSERIAL: N/ATYPE: VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: _____

SERIAL: _____

TYPE: VERT T CENT SUBMER

KWH METER SERIAL: 02026945
(pwrmttr_sn)METER MFG: ABB
(pwrmttr_mfg)Kh DISK CONSTANT 12
(kh)MULTIPLIER est 90
(disk_mult)

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE (system_type)

COMMENTS TO DATA-ENTER (exam_notes):

FILE-ONLY COMMENTS:

Claim

Doc Source East Water Measurement District

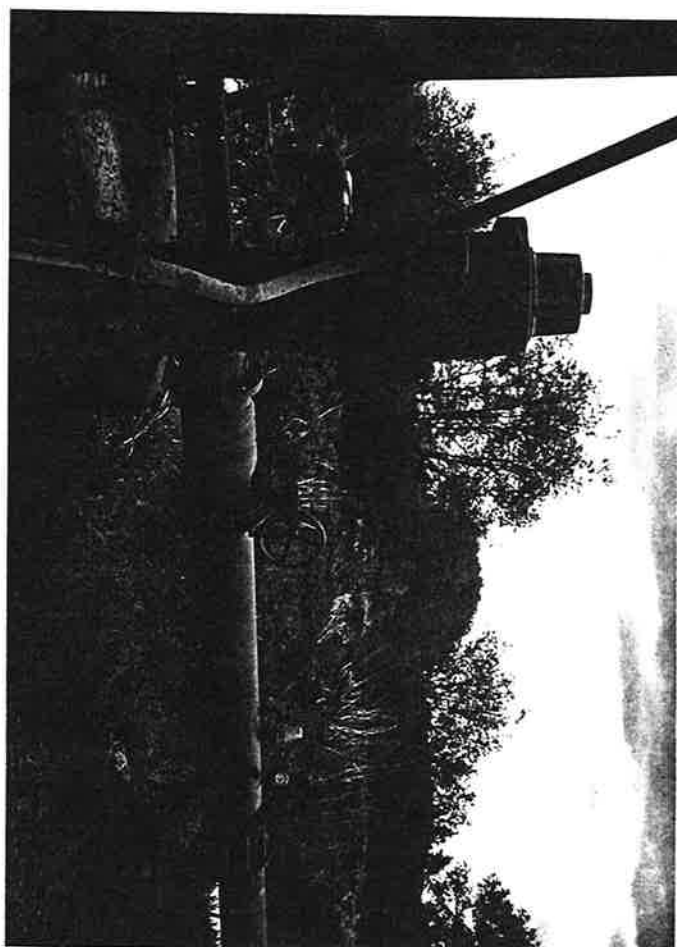
Date 5/3/01 Sig. Bar

Reord 200762

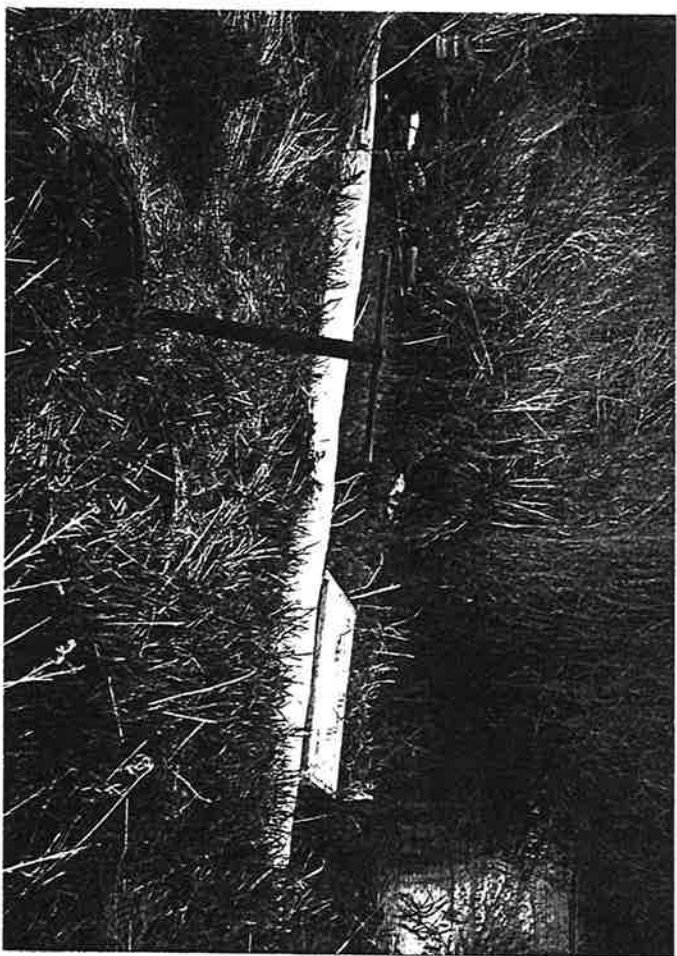
I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature

Date



Pump near
old river
channel



location
where water
is diverted
from river
to old river
channel

PERMIT
NUMBER

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAR

Record 200762



Old Diversion
head gates
for this
LR



Old Diversion
check for
this LR

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BOC

Record 200762

PERMIT
NUMBER



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2001

J. R. Simplot Company
P.O. Box 27
Boise, Idaho 83707

Re: Claim 29-4307, 29-4311, 29-4334, 29-4489, 29-11312, 29-11313, *29-4088*
Snake River Basin Adjudication

Dear Water User(s):

We are now in the process of reviewing adjudication claims in Administrative Basin 29. Claim filing began a number of years ago, followed by several years of resolving legal issues. We are now in the process reviewing claims in order to make recommendations to the court.

For a long period of time in Idaho's history, a water right could be perfected by simply using water. Unless a dispute were resolved in court, there may never have been a paper record of a legitimate water right. In the 1970's or 1980's, many "statutory" claims were filed to record these existing unrecorded rights, but this process did not involve any investigation by the department. Claims were simply advertised, then recorded. When the adjudication commenced, new adjudication claims were filed, based upon the older statutory claims.

Your claims 29-4307, 29-4311, 29-4334, and 29-4489 fall in this class. Because of the nature of the statutory claims process and the adjudication claims process, these right has never been investigated nor verified by the department. Claims 29-11312 and 29-11313 are also claims for older unrecorded rights, but these did not have the intermediate statutory claim filing. I've enclosed copies of the adjudication claims and the older statutory claims, for your information.

In order to recommend these rights, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of these rights. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

RECEIVED

APR 10 1980

Transfer No. 2274

Water Right No. 29-4088

Department of Water Resources
STATE OF IDAHO Office

DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant SIMPLOR INDUSTRIES, INC. Phone (208) 336-2110
Post office address P.O. Box 27 Boise, Idaho 83707 - Attn: Ronald N. Graves

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 29-4088 Amended on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Copy of Deed Attached.

3. Source of water Portneuf tributary to Snake River

4. Date of priority June 18, 1902

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from April 1 to November 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day – both dates inclusive)

6. Total amount of water under right: a. 13,200 cubic feet per second
b. acre feet per annum

7. Location of original point of diversion is SE 1/4 of SW 1/4 of Section 16 Township 6 S Range 34 E B.M. in Bannock County
- Additional points of diversion, if any

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated	160
---------------------------------------	-----

9. Describe any other water rights used for the same purposes as described above:

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE 1/4 SE 1/4, Section 7 Township 6 S
Range 34 E, B.M., Bannock County _____
Additional points SE 1/4, Sec. 16, T. 6 S., R. 34 E.

c. Description of diverting works Pump, pipeline and sprinkler system to replace canal

d. Describe the reasons for applying for a change in the point(s) of diversion To eliminate canal and install a pump and sprinkler system.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred: NO CHANGE

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

TOTAL NO. OF ACRES 160

4. Remarks

I hereby assert that no one will be injured by such change and 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.

SIMPLIST INDUSTRIES, INC.

By Samuel H. Lewis
Its (Signature of Applicant) Secretary

Subscribed and sworn to before me this 31st day of January, 1980.

Debra Kay Kelley
(Notary public)

My commission expires 3/1/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-4088 and said application is hereby approved, subject to the following limitations and conditions:

(1) Approval of this Transfer does not validate items set forth in the claim.

Witness my hand this 8th day of April, 19 80.

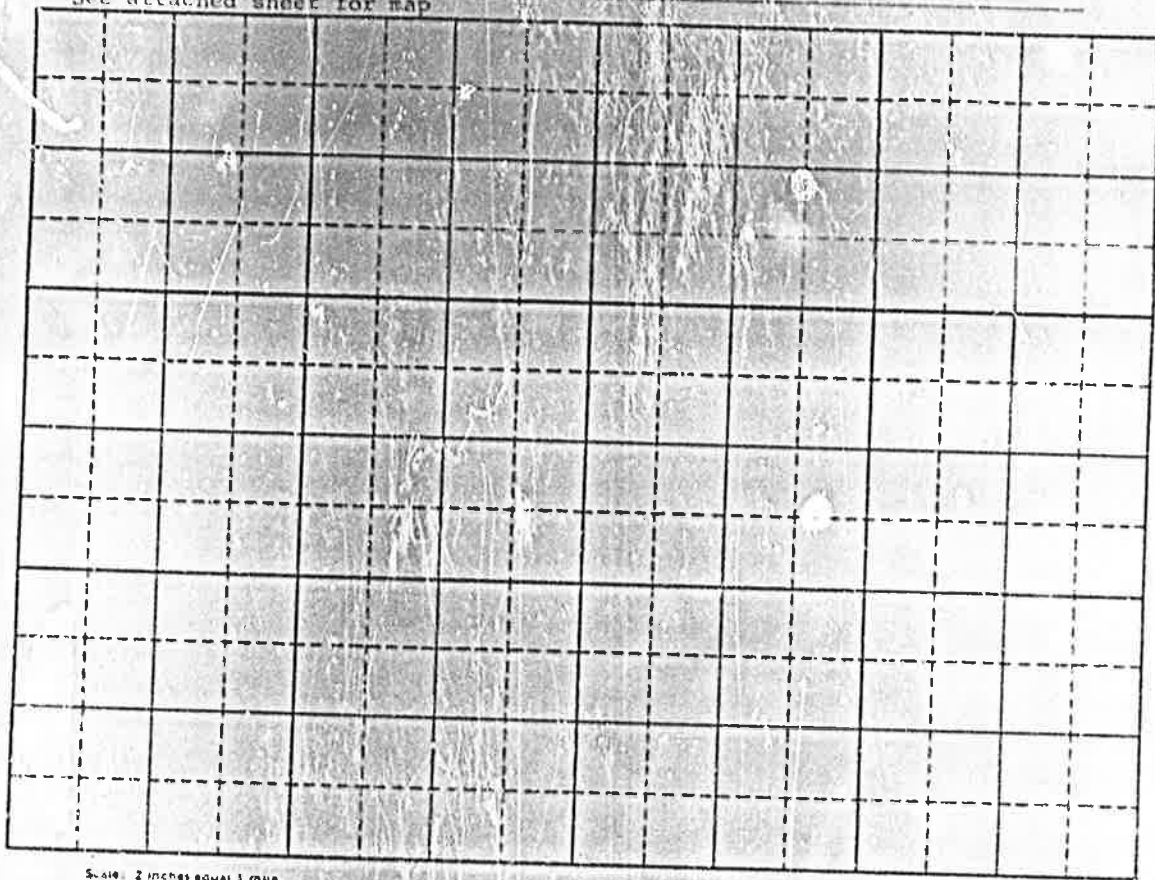
Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by DRT Date 2/4/80 Protest filed by _____
Prelim. check by ELC Fee 2000
Receipted by ELC Date 2/5/80 #10368
Published in Idaho State Journal Copies of protest forwarded by _____
Pub. dates 2/28 & 3/6/80 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
rec'd. _____ by ELC Jim

(8) Remarks SEE ATTACHED SHEETS

See attached sheet for map



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

J. R. SIMPLOT COMPANY

By [Signature] Its Secretary (Claimant)

Sworn to before me this 10th day of January, 19 78

Notary Public

Residing at Boise, Idaho

My commission expires May 29, 1979

For Department Use Only

Received by <u>[Signature]</u>	Date <u>2-9-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[Signature]</u>	Date <u>2-16-78</u>		claimant by:	
\$10.00 fee received by <u>[Signature]</u>	Date <u>2-16-78</u>			
Approved for publication by <u>[Signature]</u>	Date <u>2-22-78</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>Feb 16-22-1978</u>				

NOTICE OF WATER RIGHT LOCATION.
To Whom it May Concern:

Notice is hereby Given, That Theodore Swanson and S.C. Winters of Pocatello, County of Bannock State of Idaho has this 18 day of June 1902 appropriated and hereby claim the use of the waters of Portneuf River to the extent of Fifty cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: being a point on the Portneuf River Four hundred and fifty rods up said river from the south-east corner of the South west quarter of section Eight Township Seven South of Range Thirty four East B.M. in Bannock County, Idaho.

That the special purpose or purposes for which said water is claimed is for irrigation, mining, manufacturing and domestic purposes. The place of its intended use is in the north east quarter of the south east quarter of section seven west half of the south west quarter of section eight South east quarter of south west quarter section eight Township Seven, South of range Thirty-four East Boise Meridian in Bannock County Idaho. That the general course of the proposed canal or conduit is a northwesterly direction. The length of said proposed canal or conduit is two miles.

That it is intended to complete the works for the diversion and use of said water as aforesaid within Two Years.

A copy of this notice was duly posted at or near the point of intended diversion on the 17th day of June 1902.

Witness my hand at Pocatello County of Bannock State of Idaho, this Idaho day of 18th June 1902.

Appropriator and Claimant.

(Theodore Swanson,
(S.C. Winters.

State of Idaho,)
(ss.
County of Bannock.)

Theodore Swanson being first duly sworn, depose and say that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 2:30 o'clock P.M., the 18th day of June 1902.

Subscribed and Sworn to before me this 23rd day of June 1902.

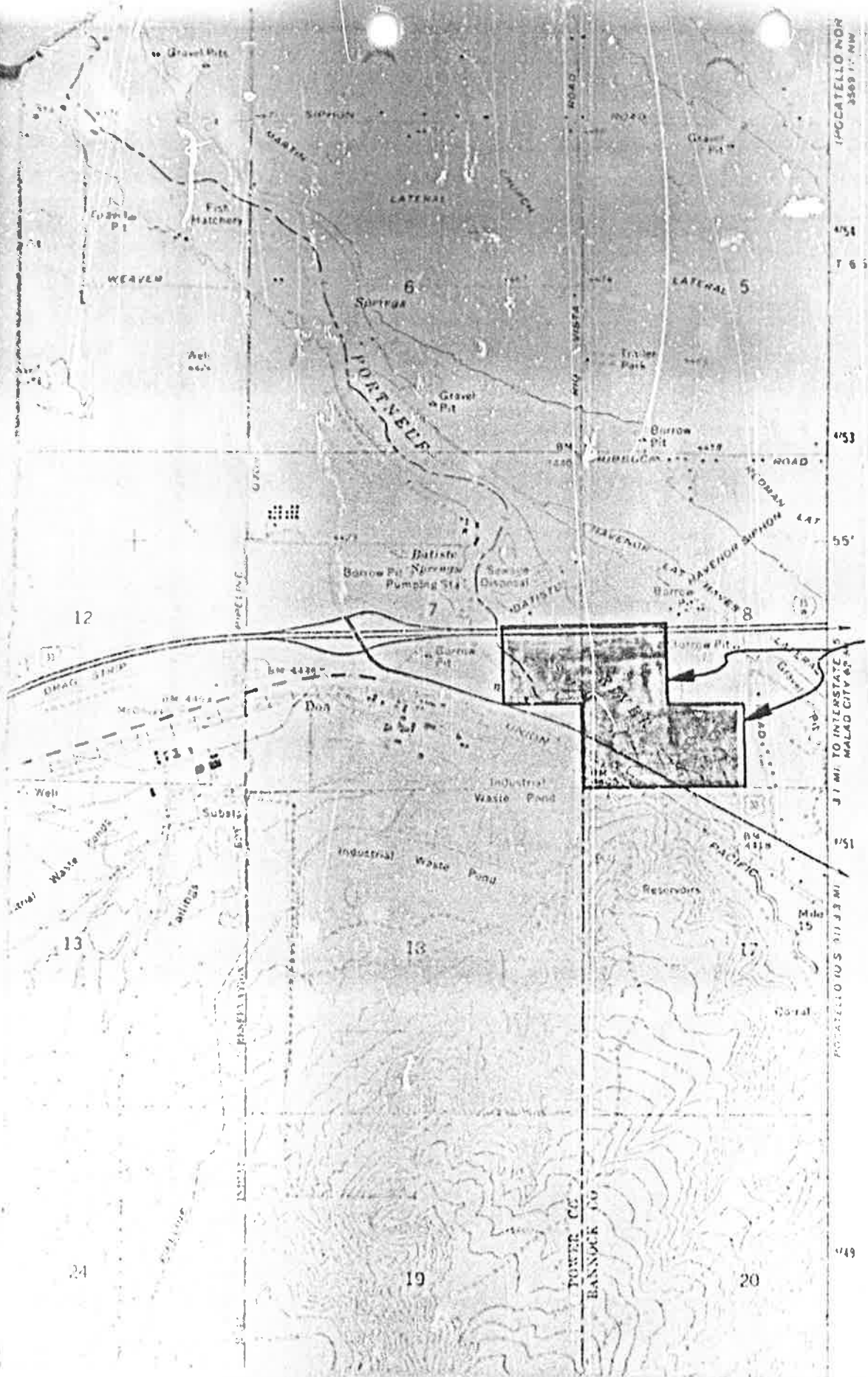
(SEAL)

Theodore Swanson,
Fred G. Caldwell, Notary Public.

Recorded at request of R.C. Sneed, at 1.05 o'clock P.M. June 24th, 1902
By D.N. Campbell, Deputy. Fee 50¢

J.S. Campbell, Recorder.

WATER RIGHT BOOK 2
PAGE 156



- LAND COVERED
BY
1902
WATER RIGHT
CLAIM

Log for claim A29-04088

Spatial Dynamics LTD

9/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	7	NESE	26	28	
06s34e	8	NESW	28	27	
06s34e	8	NWSW	36	31	
06s34e	8	SWSW	9	21	
06s34e	8	SESW	37	40	
06s34e	8	NWSE	1	0	
06s34e	8	SWSE	7	3.8	
06s34e	17	NWNE	9	4.3	
06s34e	17	SWNE	1	0	
06s34e	17	NENW	6	5.2	
Totals:			160	160.3	

AJ5809NP
No. A29-04088

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 66

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	06/18/1902	IRRIGATION	03-15 11-15	3.200 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					3.200 CFS	480.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T06S R34E S07
S16

NESE
SESW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
06S	34E	7	:															26		:	26.0	
06S	34E	8	:											28	36	09	37		01	07	:	118.0
06S	34E	17	:			09	01			06											:	16.0
TOTAL ACRES																				:	160.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-07437

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02502 A29-07504 A29-10927 A29-11312 A29-11313

Other Water Rights Listing Overlapping Place(s) of Use:
A29-10927

Remarks: GEN SEE TRANS. 2274.
#5. DESCRIPTION OF DIVERSION WORKS: SEC. 7 - HEADGATE, PIPE,
DITCHES, AND PUMP; SEC. 16 - DIVERSION DAM, DITCHES
A29-11312 IS DIVERTED AND INTERMINGLES IN SEC. 7 WITH WATER FROM
THIS CLAIM AND CLAIM A29-11313.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/19/90 PEPPERSA 04/02/93 CAN-SHAF 05/19/94 CAN-SHAF 07/19/94 THOMPSON
03/29/95 POST-STD 04/13/00 CVANDERM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED
Department of Water Resources

Name of applicant SIMPLOT INDUSTRIES, INC. Phone (208) 336-2110
Post office address P.O. Box 27 Boise, Idaho 83707 - Attn: Ronald N. Graves

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 29-4088 Amended on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Copy of Deed Attached. _____

3. Source of water Portneuf tributary to Snake River

4. Date of priority June 18, 1902

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16
Township 6 S Range 34 E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	34 E	7													26				26
6 S	34 E	8									28	36	9	37		1	7		118
6 S	34 E	17		9	1		6												16

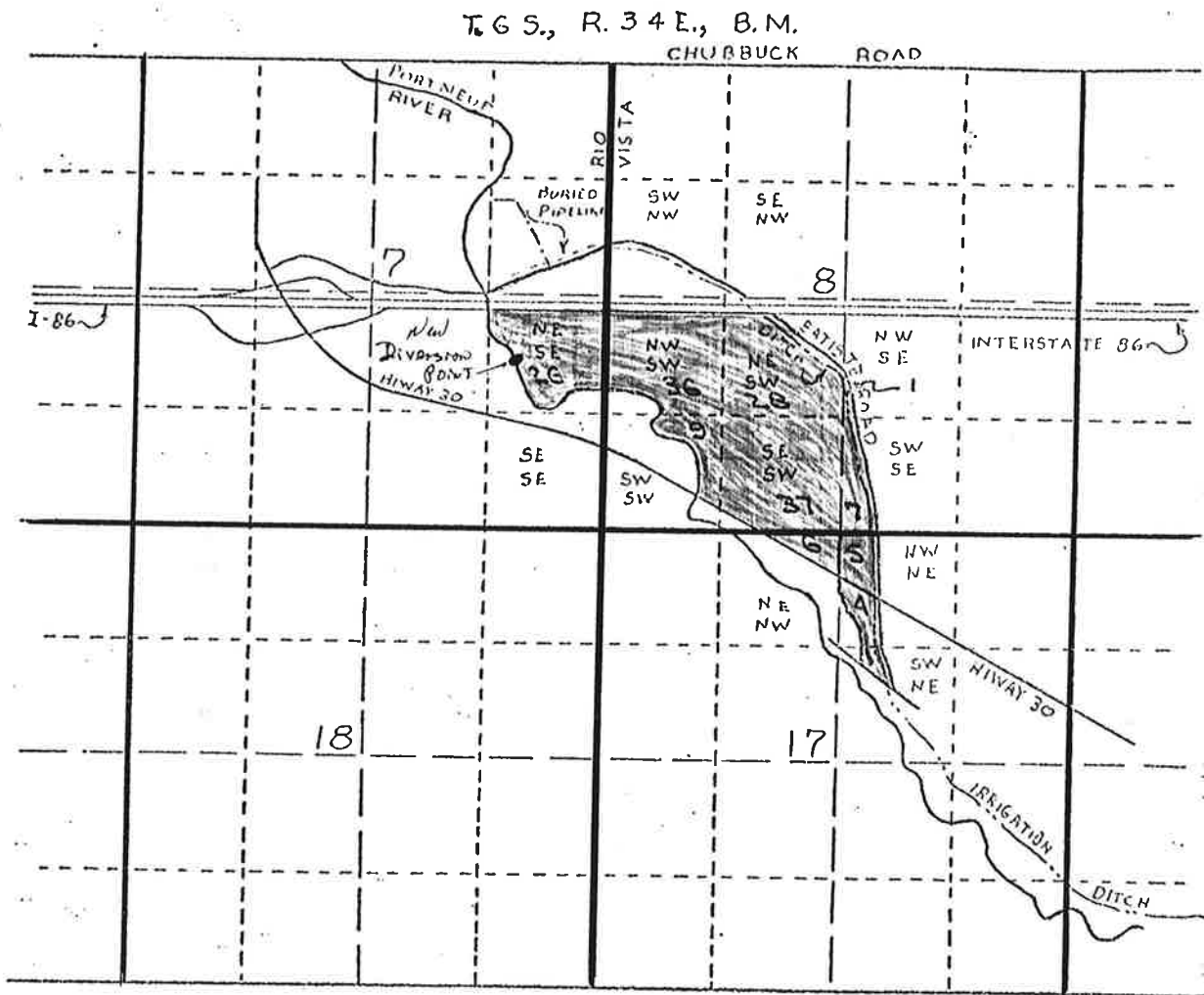
Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purposes as described above _____

AMENDED

(7) If you are claiming water as a member of an organization, list name of organization: J.R. SIMPLOT CO.

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

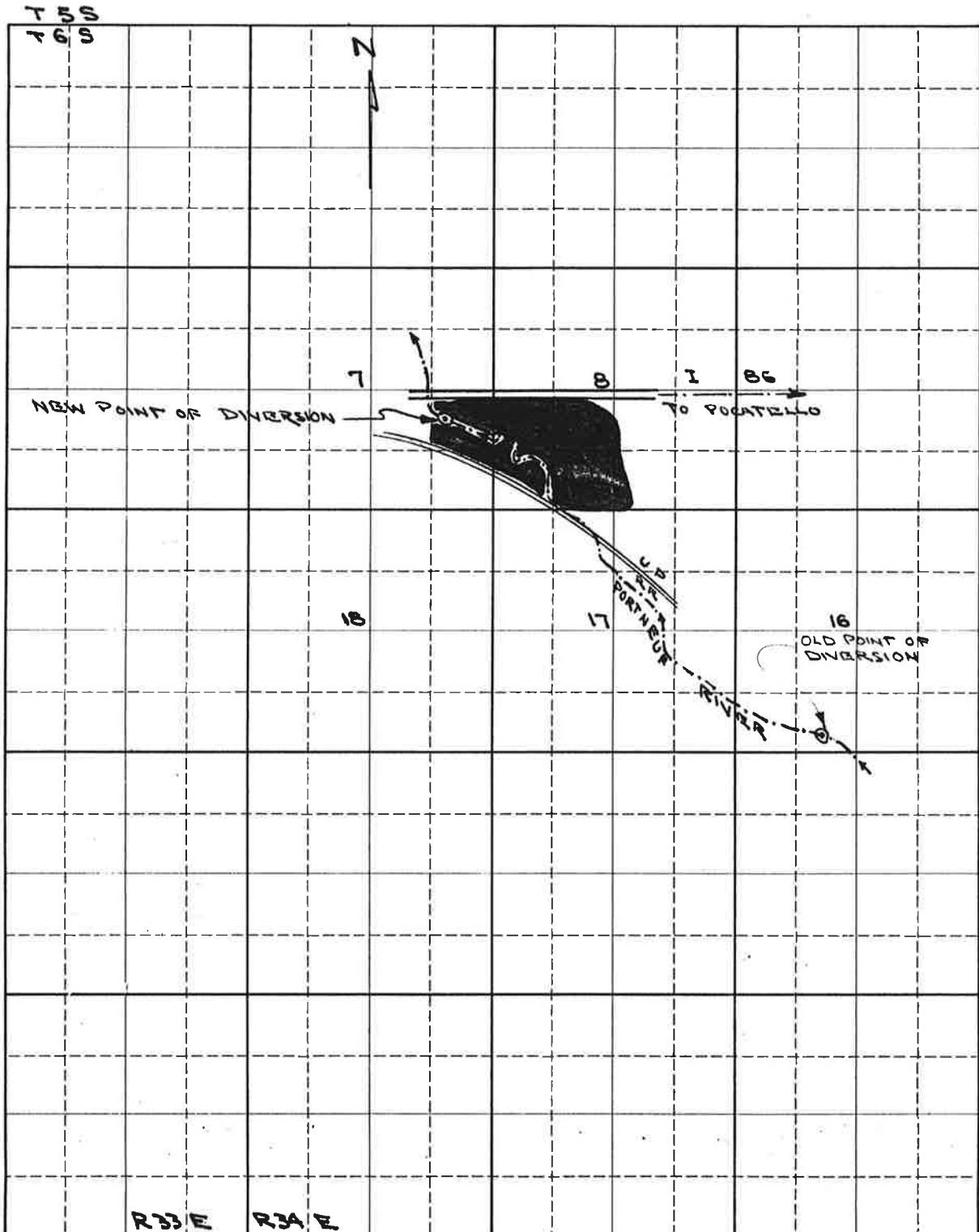


T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	34 E	7													26				26
6 S	34 E	8									20	36	9	37		1	7		113
6 S	34 E	17		9	1	6													16
																			160

TOTAL NO. OF ACRES 160

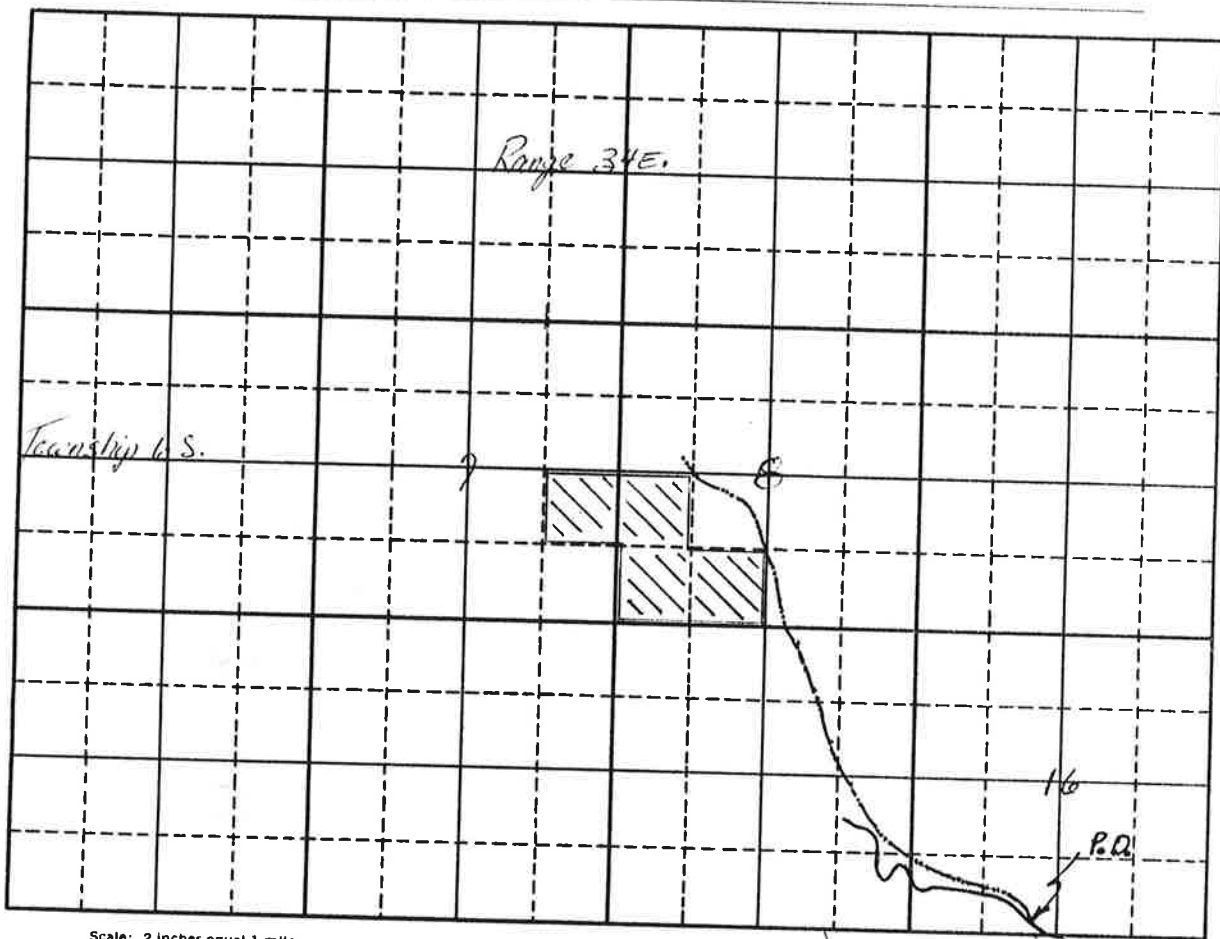
Total number of acres to be irrigated **160**

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

(8) Remarks SEE ATTACHED SHEETS



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Adair)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 26th day of

Ronald G. Green
(Claimant) Secretary
July, 1978
Paula V. Holbrook
Notary Public
Residing at Boise, Idaho

My commission expires 11-23-81

For Department Use Only

Received by B.P. Date 7-27-78
Prelim. check by EMC Date 7-27-78
\$10.00 fee received by N.A. Date _____
Approved for publication by _____
Published in Idaho State Journal
Dates Aug 10 & 17-1978

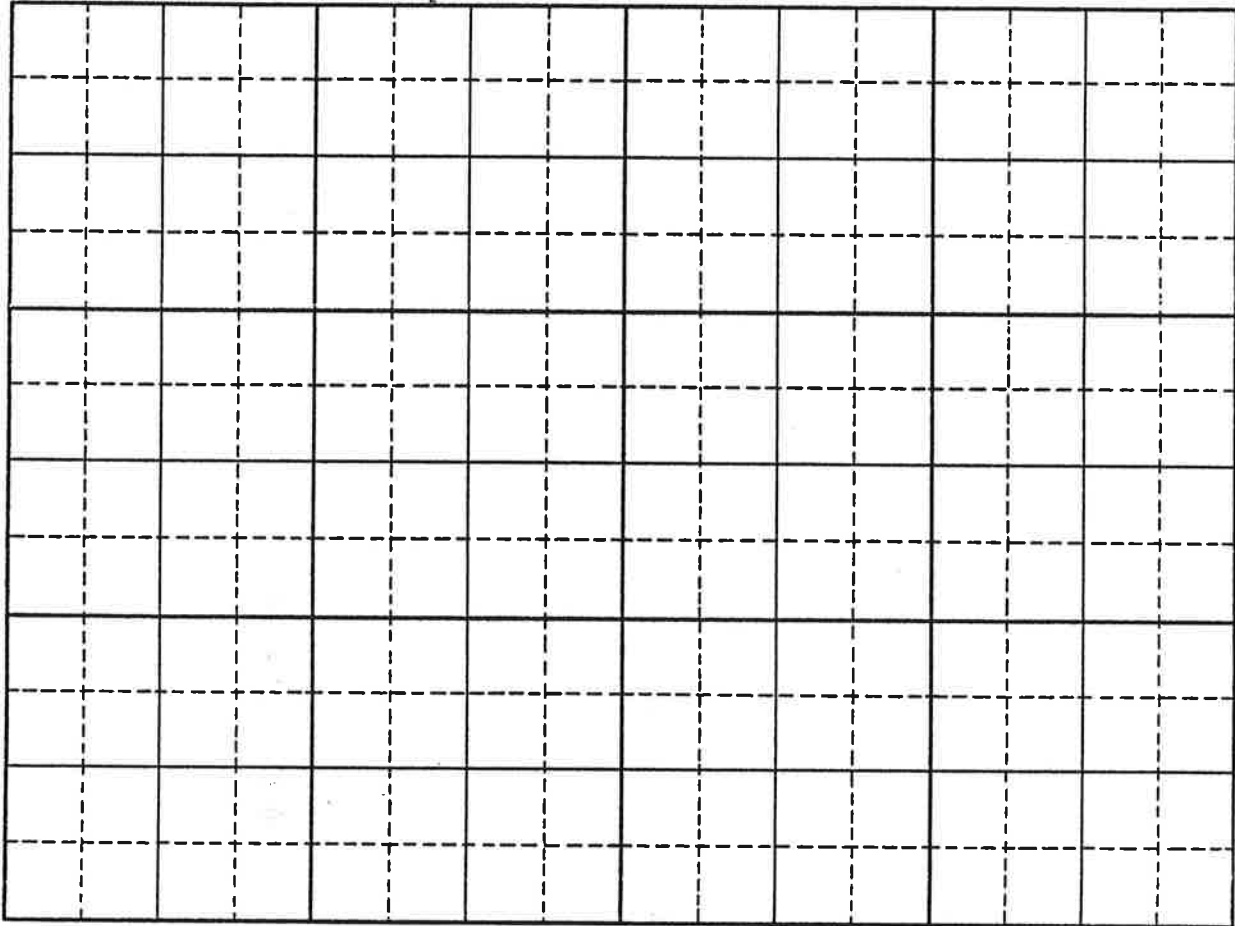
Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

(8) Remarks SEE ATTACHED SHEETS

See attached sheet for map



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

J. R. SIMPLOT COMPANY

By [Signature] Secretary
ITS (Claimant)

Sworn to before me this 10th day of January, 19 78.

[Signature]
Notary Public

Residing at Boise, Idaho

My commission expires May 29, 1979

For Department Use Only

Received by <u>[Signature]</u>	Date <u>2-09-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>Jan-18-78</u>		claimant by:	
\$10.00 fee received by <u>[Signature]</u>	Date <u>2-09-78</u>			
Approved for publication by <u>[Signature]</u>	Date <u>3-2-78</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>Feb 16 & 23, 1978</u>				



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

RECEIVED
NOV 13 1996

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

RECEIVED
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) 738-3011
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

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
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

19 Petitioner,)

20 v.)

21 NOTICE OF WITHDRAWAL
22 OF COUNSEL

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

25 Defendants.)
26 _____)
27)
28)

NOV 13 1994

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

8
9 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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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:

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

NOV 13 1996

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

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

14 HEPWORTH, NUNGESTER &
15 LEZAMIZ, CHARTERED
16 133 Shoshone Street North
17 P.O. Box 389
18 Twin Falls, Idaho 83303-0389

19 Cecil D. Hobdey
20 HOBDEY & HOBDEY
21 Attorneys at Law
22 125 Fifth Avenue West
23 P.O. Box 176
24 Gooding, Idaho 83330

25 Dana L. Hofstetter
26 Murray D. Feldman
27 HOLLAND & HART
28 West One Plaza, Suite 1400
101 South Capitol Boulevard
P.O. Box 2527
Boise, Idaho 83701

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

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

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

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

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

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

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

NOV 13 1996

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

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

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

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

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

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

18 Craig R. Zaiss
19 CRAIG R. ZAISS, P.A.
20 Attorney at Law
21 305 Grover Street
22 P.O. Box 628
23 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 Fort Street, Box 33
4 Boise, Idaho 83724

5 
6

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NOV 13 1990

SCANNED
MAY 16 2001

210

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: A29-04088
Date Received: 4/18/90
Receipt No: 6016377
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: JUN 18, 1902

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

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

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.
IRRIGATION	03/15	11/15	3.200		

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

A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	7	NE	SE		IRR	26.0
Section Acres							26.0

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10. Place of Use: Continued

Township 06S	Range 34E	Section 8	1/4 of 1/4	Lot	Use	Acres
			NE SW		IRR	28.0
			NW SW		IRR	36.0
			SW SW		IRR	9.0
			SE SW		IRR	37.0
			NW SE		IRR	1.0
			SW SE		IRR	7.0
					Section Acres	118.0
		17	NW NE		IRR	9.0
			SW NE		IRR	1.0
			NE NW		IRR	6.0
					Section Acres	16.0
					Total Acres	160.0

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:
A29-07437

14. Remarks:

SEE TRANS. 2274.

#5. DESCRIPTION OF DIVERSION WORKS: SEC. 7 - HEADGATE, PIPE, DITCHES, AND PUMP; SEC. 16 - DIVERSION DAM, DITCHES
A29-11312 IS DIVERTED AND INTERMINGLES IN SEC. 7 WITH WATER FROM THIS CLAIM AND CLAIM A29-11313.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 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]
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

[Signature]
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

RECEIVED
MAR 08 1995

Department of Water Resources
Eastern District Office

3-3-95
A29-10927
Evidence of Priority

State of Idaho Dept. of Water Resources:

My grandparents, Theodore and Effie Swanson, were owners of this land in 1906. In 1910, my grandfather built a diversion dam in the Portneuf river in T6S, R34E, S16, SE1/4SW1/4. At the same time he also built an irrigation canal to irrigate the property indicated in the deed record, a portion of which is indicated on the adjudication claim report.

In the late 1950's, the J.R. Simplot Co. purchased most of this property from the Swanson Ranch, the rest of the property, which is indicated on this adjudication claim remained in my fathers name Raymond V. Swanson. He in turn deeded this property to Michaud Creek Ranch Inc., a family corporation that we both owned.

The property described on the adjudication claim has been irrigated or controlled by a member of the Swanson family since the diversion dam was built in 1910.

Robert W. Swanson

Robert W. Swanson(president)

Michaud Creek Ranch, Inc.

State of Idaho
County of Power

On this 6th day of March, 1995, before me Patricia Fowler, a notary public, personally appeared Robert W. Swanson, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

Patricia Fowler
Notary Public

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My Commission expires March 17, 1997