

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: A63-02597
Date Received: 5/7/90
Receipt No: 6016710
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMPLOT MEAT PRODUCTS, INC. 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: MAY 22, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	16	SW	NW			CANYON
			SE	NW			CANYON

5. Description of diverting works:
3 WELLS, 3 PUMPS, AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	1.360		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/MEAT PACKING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	16	SW	NW		INDUST	
			SW	NW		DOMEST	

A63-02597

Page 1

Date: 05/03/90

SCANNED

APR 08 2008

MICROFILMED

AUG 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02W	16	SE NW		INDUST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-09961, A63-04936

14. Remarks:

2 P/D IN SENW, SEC. 16, T03N, R02W. THERE ARE 2 WELLS LOCATED IN THE SENW, SEC. 16, T03N, R02W. BOTH WELLS ARE IN THE SAME "HOLE" BUT HAVE DIFFERENT SIZED CASINGS. ONE HAS A 16" CASING AND THE OTHER AN 8" CASING. THESE WELLS ARE ALSO PLUMBED TO THE CONDENSER WELL UNDER A63-09961.

15. Basis of Claim: LICENSE

Water Right Number: 19321

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 Simplot Meat Products, Inc. Title

Organization, that I have signed the foregoing document in the space below as Secretary of Title

Simplot Meat Products, Inc. and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, Simplot Meat Products, Inc.
Title and Organization

05-04-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of May 19 90

Vicki S. Lower
Notary Public

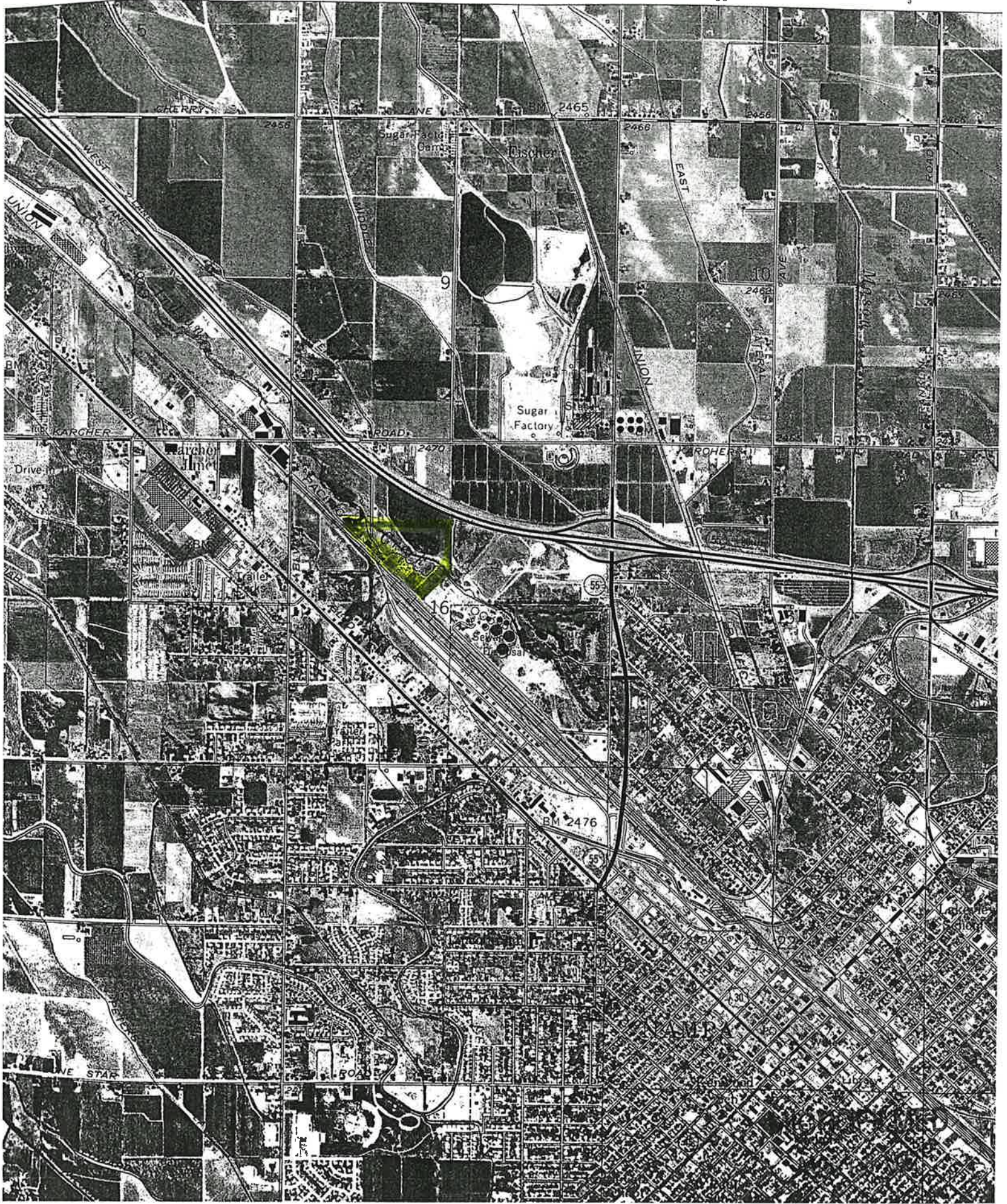
Seal

Residing at Meridian
My Commission Expires 11-06-91

ES
: INTERIOR
RVEY

Water Right # A63-02597
= points of Diversion
= place of Use

32 33 35 34 35 5



Receipt Details for ID C016710

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/7/1990 4:17:38 PM	5/7/1990	State	\$536.00	Check
Payer		SIMPLOT MEAT PRODUCTS INC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1281			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$536.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	9961		\$200.00	Claim
63	2597		\$186.00	Claim
63	4936		\$150.00	Claim

Print Report

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

RIGHT NUMBER: 63-2597

NAME AND ADDRESS: SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE ID 83707

~~SIMPLOT MEAT PRODUCTS INC~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
21.540 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/22/1942

POINT OF DIVERSION:

T03N R02W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.000 CFS 21.54 AFY
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is associated with an industrial meat packing and slaughterhouse facility.

Industrial use is for a slaughterhouse and meat packing plant.

PLACE OF USE: INDUSTRIAL in CANYON County

T03N R02W S16 SWNW T03N R02W S16 SENW

DOMESTIC in CANYON County

T03N R02W S16 SWNW

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

In Re SRBA

Case No. 39576

Water Rights: 63-2597, 63-4936,
63-9961

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 23, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 23, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

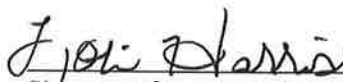
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Simplot Meat Products LLC
PO Box 27
Boise ID 83707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2008

SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE ID 83707

Re: Water Right Nos. 63-2597, 63-4936, 63-9961

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the typed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

JUN 23 2008

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-02597	A63-02597				
63-04936	A63-04936				
63-09961	A63-09961				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

PLEASE SEE THE ATTACHED CORPORATION WARRANTY DEED

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) SMP, Inc. former;y known as Simplot Meat Products, Inc.
PO Box 27
Boise, ID 83707
4. New Owner/Claimant(s) Simplot Meat Products, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 27
- City, State and ZIP Code Boise, ID 83707
- New Telephone Number (208) 336-2110 Email: _____

5. Date you acquired the property April 2, 1996

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s) By: Simplot Meat Products, LLC
Annette G. Elg (title if applicable)
Annette G. Elg, Manager (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date 6-23-08
 Receipted by _____ Date _____
 Processed by JAL AJ Date 7-21-08

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

CORPORATION WARRANTY DEED

THIS INDENTURE, made as of the 1st day of April, 1996, between SMP, Inc. formerly known as Simplot Meat Products, Inc., formerly known as Keim Beef Packing, Inc., a corporation duly organized and existing under the laws of the State of Idaho, and having its principal office in Idaho at 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, in the County of Ada, Grantor, and Simplot Meat Products L.L.C., an Idaho limited liability company, whose address is 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83707-0027, County of Ada, State of Idaho, Grantee.

W I T N E S S E T H:

That Grantor, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, and to its successors and assigns forever, all the following described real estate situated in Nampa, County of Canyon, State of Idaho, to-wit:

See EXHIBIT A attached hereto and incorporated herein.

Together with the structures, buildings, easements improvements, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including but not limited to all water rights, ditch rights and related rights, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of Grantor.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto Grantee, and to its successors and assigns forever, and the Grantor, and its successors, shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, subject to such easements, covenants, encumbrances, restrictions and zoning regulations as appear in the records of Canyon County, Idaho and subject to the lien for current general property taxes.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be hereunto subscribed by its President and its

corporation seal to be affixed by its Secretary in pursuant to said resolution the day and year first above written.

SMP, INC.

By Stephen A. Beebe
Stephen A. Beebe, President

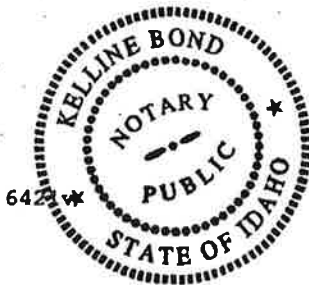
ATTEST:

Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of Ada)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

On this 2nd day of April, 1996, before me, a Notary Public in and for said State, personally appeared Stephen A. Beebe and Ronald N. Graves, the President and Secretary, respectively, of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.



Kelline Bond
Notary Public for Idaho
Residing at: Bose, Idaho
My Commission Expires: 10-13-98

PARCEL I:

All that portion of the Northeast Quarter of the Northwest Quarter of Section 16, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South of the Southerly right of way line of Interstate Highway 80 North, EXCEPTING THEREFROM the West 25 feet.

AND

All of that portion of the South Half of the Northwest Quarter, and of the Northeast Quarter of the Southwest Quarter, lying North and East of the Northeasterly right-of-way line of the Oregon Short Line Railroad Company, in Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING THEREFROM, that certain right-of-way in Book 64 of Deed, page 529.

ALSO EXCEPTING THEREFROM:

COMMENCING at the center of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said point being the TRUE POINT OF BEGINNING; thence South 0 degrees 18'05" West 336.71 feet along the Easterly boundary of the Northeast Quarter Southwest Quarter, said Section 16 to a point on the Northeasterly right of way line of the Oregon Short Line Railroad; thence North 46 degrees 16'10" West 575.00 feet along said Northeasterly right of way line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 557 feet to a point on the centerline of Indian Creek; thence Southeasterly along said centerline of Indian Creek to a point on the Easterly boundary of the Southeast Quarter Northwest Quarter, said Section 16; thence South 0 degrees 17'55" West 425 feet along said Easterly boundary of the Southeast Quarter Northwest Quarter, Section 16 to the POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the

said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing South 43 degrees 43'50" West 110.00 feet to a point; thence at right angles and bearing North 46 degrees 16'10" West 58.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to the POINT OF BEGINNING.

PARCEL II:

A portion of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South 0 degrees 02'35" West 623.39 feet along the Westerly boundary of said Section 16 to its intersection with the centerline of the Oregon Short Line Railroad; thence South 46 degrees 16'10" East 1538.90 feet (inadvertently described as 1939.39 feet in a description by J-U-B ENGINEERS, INC., dated April 26, 1973) along the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 186.94 feet to the TRUE POINT OF BEGINNING; thence at right angles and bearing North 46 degrees 16'10" West 52.00 feet along a line parallel to and 186.94 feet Northeasterly from the said centerline of the Oregon Short Line Railroad to a point; thence at right angles and bearing North 43 degrees 43'50" East 110.00 feet to a point; thence at right angles and bearing

South 46 degrees 16'10" East 110.00 feet along a line parallel to and 296.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to a point; thence at right angles and bearing
South 43 degrees 43'50" West 110.00 feet to a point; thence at right angles and bearing
North 46 degrees 16'10" West 58.00 feet along a line parallel to an 186.94 feet Northeasterly from the said center line of the Oregon Short Line Railroad to the POINT OF BEGINNING.

PARCEL III:

A portion of the Northwest Quarter Northwest Quarter, Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds asd follows:

COMMENCING at the Northwest corner of Section 16, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho and running
South 0 degrees 20'35" West 623.39 feet along the Westerly boundary of said Section 16 to a point on the centerline of the Oregon Short Line Railroad right of way; thence
South 46 degrees 16'10" East 1025.05 feet along said centerline of the Oregon Short Line Railroad right of way to a point on the Southerly boundary of the Northwest Quarter Northwest Quarter, said Section 16, said point bears
South 89 degrees 31'05" East 744.93 feet from the Southwest corner of the said Northwest Quarter Northwest Quarter, Section 16; thence
South 89 degrees 31'05" East 145.95 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the Northeasterly right of way line of the said Oregon Short Line Railroad, said point being the TRUE POINT OF BEGINNING; thence continuing
South 89 degrees 31'05" East 374.00 feet along said Southerly boundary of the Northwest Quarter Northwest Quarter, Section 16 to a point on the centerline of Indian Creek; thence
North 32 degrees 08'14" West 23.75 feet along said centerline of Indian Creek to a point; thence
North 89 degrees 31'05" West 382.46 feet along a line parallel to and 20.00 feet Northerly from the said Southerly

boundary of the Northwest Quarter Northwest Quarter,
Section 16 to a point on the said Northeasterly right of
way line of the Oregon Short Line Railroad; thence
South 46 degrees 16'10" East 29.19 feet along said Northeasterly
right of way line of the Oregon Short Line Railroad
to the POINT OF BEGINNING.

Purported Address:

616 WEST RAILROAD
NAMPA, IDAHO 83687

9610344

RECORDED

'96 APR 2 PM 4 26

NEU J. FERR

CANYON CNTY RECORDER

BY

W. G. Galloway

ALLIANCE - NAMPA

REQUEST

TYPE

Deed FEE *1800*

J.R. SIMPLOT COMPANY 999 MAIN STREET BOISE, IDAHO 83702
P.O. BOX 27 BOISE, IDAHO 83707
(208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

JUN 23 2008

WATER RESOURCES
WESTERN REGION

June 20, 2008

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Claim Nos. 63-2597, 63-4936 and 63-9961.

Dear Vicky:

At the request of and as an accommodation to Simplot Meat Products, LLC, enclosed is a Notice of Change of Water Right Ownership for the above referenced claims. Please update your records to show the current owner for these water rights, Simplot Meat Products, LLC.

Sincerely,



Vic Conrad
Land Water & Asset Recovery

Enclosure

c: N. Spencer
G. Young

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____		) SUBCASE NOS: 63-02597 63-04936
		63-09961

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 03:45 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

SIMPLOT MEAT PRODUCTS INC
SIMPLOT MEAT PRODUCTS LLC
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

Subcase 63-2597

(Insert water right number)

In Re SRBA)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: Simplot Meat Products, LLC

Address: P. O. Box 27

Boise, Idaho 83707

Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Simplot Meat Products, Inc.

Address: PO Box 27

Boise, ID 83707

I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: Simplot Meat Products, LLC C/O Terry Uhling 999 Main Street,
Suite 1300, PO Box 27, Boise, ID 83707

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: 1.36 cfs

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be:

Township	Range	Section	Quarter Quarter
3N	2W	16	SW $\frac{1}{4}$ NW $\frac{1}{2}$
			SE $\frac{1}{4}$ NW $\frac{1}{4}$

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The quantity of water licensed under this water right provided the right to divert up to 1.36 cfs from groundwater sources for industrial and irrigation purposes. All of the water appropriated under this water right was used for industrial and domestic purposes prior to the commencement of this

adjudication. Consequently, the claim submitted for this licensed water right was filed in the SRBA for the entire 1.36 cfs to be diverted from groundwater sources for industrial and domestic use.

The recommendation by the IDWR for this water right, reduces the amount of water available for diversion to no more than 1.0 cfs and no more than 21.45 acre feet per annum. Diverting continuously at a rate of 1.0 cfs reaches the recommended volume limit within 11 days clearly insufficient to cover the beneficial use associated with this right. The beneficial uses in connection with the licensed purposes substantially exceed the amount recommended. Without an understanding of the basis for the Director's recommendation, the claimant must object to this substantial reduction in the licensed quantity appropriated to determine the basis for the recommendation of this water right.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Terry T. Uhling as Secretary, Senior Vice President, and General Counsel of the J. R. Simplot Company, a Member of Simplot Meat Products, LLC and as Secretary of SMP, Inc. a Member of Simplot Meat Products, LLC, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

SIMPLOT MEAT PRODUCTS, LLC

SMP, Inc. a Member

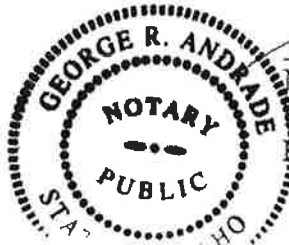
By: [Signature]
Terry T. Uhling, Secretary

J. R. Simplot Company, a Member

By: [Signature]
Terry T. Uhling, Sr. Vice President, Secretary and General Counsel

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: JUNE 12, 2007



[Signature]
Notary Public for _____
Residing at: BOISE, IDAHO
My Commission Expires: JUNE 13, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Simplot Meat Products, LLC
Address: PO Box 27
Boise, ID 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

J.R. Simplot Company

By: Dick C. [Signature], Director Land, Water & Asset
Signature of Objector or attorney *Receivng*
mailing on Objector's behalf

05/30/2006

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

RIGHT NUMBER: 63-2597

NAME AND ADDRESS: SIMPLOT MEAT PRODUCTS INC
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
21.540 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/22/1942

POINT OF DIVERSION:

T03N R02W S16 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.000 CFS
DOMESTIC	01/01 12/31	21.54 AFY
		0.040 CFS

Domestic use is associated with an industrial meat packing and
slaughterhouse facility.

Industrial use is for a slaughterhouse and meat packing plant.

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S16 SWNW T03N R02W S16 SENW

DOMESTIC Within CANYON County

T03N R02W S16 SWNW

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.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 16
Water Right (s): 63-2597



1320 0 1320 Feet



arcmap
update 9/25/06



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2006

Music, Vicky

From: Music, Vicky
Sent: Thursday, September 18, 2008 11:25 AM
To: 'Conrad, Vic E'
Subject: RE: 63-9961, 63-2597

It is a municipal use and we do not include a volume for municipal uses.

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, September 18, 2008 11:24 AM
To: Music, Vicky
Cc: Young, Gray A
Subject: RE: 63-9961, 63-2597

Vicki,
Vicki, this works fine. I still am curious how United Water was treated in terms of the mandate of annual volume limits.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, September 18, 2008 10:16 AM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

HEY – we may have made some progress! So, the facility does/ has operated 365 days a year? IF SO, $333.8(1.10) = 367.18$ afy. Will go the 10% consumptive use, again, which I have to assume, was a high estimate.

The United water limits are irrelevant to this situation. A volume limitation, similar to the diversion rate, is the highest quantity, or the ceiling, historically used.

Vic, I am not going to spend much more time on this. Is the 367.18 acceptable? Vicky

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, September 18, 2008 9:45 AM
To: Music, Vicky
Subject: RE: 63-9961, 63-2597

Vicki,
This goes to the core reason why a volume restriction on an industrial water right is difficult to pin down. Depending on market, production requirements, etc. the facility operated some years 365 days and others it did not.

What are the volume limits your are assigning to United Water's water rights?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, September 18, 2008 9:37 AM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

9/18/2008

Well, Vic, I either need to know how many days the facility operates and uses water or we can assumed that my calculation which gives the claimant credit for operating virtually every day during the year, which I think would cover the consumptive use, or you need to tell me how many days a year the facility uses water, and I will calculate using a 10%, 15%, or 20% consumption factor and I will consult with my attorney and technical staff as to what is reasonable. You stated in the beginning that it was about 10% consumptive and I have to assume you were estimating high.

I believe I was being generous using the 365 days a year. Please provide more info. Thanks - Vicky

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, September 18, 2008 9:30 AM
To: Music, Vicky
Subject: RE: 63-9961, 63-2597

Close – either in production mode or clean-up mode. Water was used in both modes.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, September 18, 2008 9:25 AM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

No, however, I used 365 days a year. Does this facility operate 365 days a year?

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, September 18, 2008 9:16 AM
To: Music, Vicky
Cc: Young, Gray A
Subject: RE: 63-9961, 63-2597

Vicki:

I like this approach. One question on the 333.8 af volume limit for 63-2597. Did you at the 20% consumed amount to the 333.8 average daily discharge to arrive at a total volume limit for this right?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, September 18, 2008 8:29 AM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

So, I am not sure how you want to handle 63-9961. Your objection to 63-9961 was to Q but we recommended the licensed Q, to PODs, but I think we confirmed that there is only 1 cooling well, and to the afy which was also recommended as licensed.

Do you want to withdraw your objection to 63-9961, and we will do an SF5 [adding back the POD in SENW and changing the afy to 333.8afy] for 63-2597?
Thanks - Vicky

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Wednesday, September 17, 2008 3:32 PM
To: Music, Vicky

9/18/2008

Cc: Young, Gray A
Subject: RE: 63-9961, 63-2597

Vicki:
Sounds Good. Thanks.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Wednesday, September 17, 2008 2:04 PM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

IDWR was not willing to accept it for 63-9961. As I stated, I was using various calculations to illustrate that the licensed afy of 751.5 afy for 63-9961 was plenty based on the info you submitted.

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Wednesday, September 17, 2008 2:01 PM
To: Music, Vicky
Subject: RE: 63-9961, 63-2597

? What prevents the IDWR from accepting the 447,000 gpd for 63-2597 when it is willing to accept that quantity for 63-9961?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Wednesday, September 17, 2008 1:56 PM
To: Conrad, Vic E
Subject: RE: 63-9961, 63-2597

Vic – Yes, I see that I did reverse the 2 situations.

IDWR will not go with calculations using the peak of 447,000 gpd x 365 days a year for calculation of the afy for 63-2597. I calculated it both ways to illustrate that the licensed 715.5 afy for the cooling water, 63-9961, was more than sufficient. Given the information you provided, it looks like the cooling process only requires less than the 147 afy using a 20% consumptive volume.

So, using the 30 day average is the one we would need to use which gives us the 333.8 afy for 63-2597.

Vicky

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Friday, September 12, 2008 3:36 PM
To: Music, Vicky
Subject: RE: 63-9961, 63-2597

Vicki,
I think we may have these reversed. The non-contact cooling water was discharged to Indian Creek, consequently the NPDES discharge permit was required to allow this discharge. The NPDES permit has the 0.11 mgd limit not the City discharge permit.

The City Discharge Permit contains the 30-day average discharge limit with a maximum peak of 447,000 per day.

9/18/2008

This is the water used for industrial processing which was treated after use in the City's water treatment system.

I think we can live with the volumes proposed provided the 500.71 afy is associated with 63-2597; and 147.86 is connected to 63-9961.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Friday, September 12, 2008 3:18 PM
To: Conrad, Vic E
Cc: Spencer, Nick
Subject: 63-9961, 63-2597

Vic –

I have looked at the discharge permits you sent re the above subcases. Regarding 63-9961, the right used for cooling, the licensed volume is 715.5 afy and that is what I recommended to the SRBA Ct. The NPDES permit you sent limits the peak daily maximum of 447,000 gallons per day and the maximum consecutive 30-day average discharge of 298,000 gallons per day.

$[447,000][365 \text{ days}] / 325850 \text{ gallons per af} = 500.71 \text{ afy}$

$298,000[365] / 325850 = 333.8 \text{ afy}$

So, it appears the recommended amount will suffice.

Regarding 63-2597, licensed for industrial uses at 1 cfs. No volume was licensed. You provided the City of Nampa discharge permit for this one. The permit allows 0.11 mgd effluent discharge and you stated that the water use prior to discharge was estimated to be 10%. I used 20% in the following calculation.

$0.11 \text{ mgd effluent and } 20\% \text{ consumptive water use} = [1,000,000][0.11] = [110,000 \text{ gpd}][1.20] = [132,000][1.20] / 325850 = 48,180,000 / 325850 = 147.86 \text{ afy}$. Can we settle on this annual volume?

Vicky L. Music

Sr. Water Resource Agent

Adjudication Bureau

IDWR/Western Region

2735 Airport Way

Boise, Idaho 83705-5082

(208) 334-2190

9/18/2008

Music, Vicky

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Friday, June 06, 2008 9:51 AM
To: Music, Vicky
Cc: Young, Gray A; Spencer, Nick
Subject: SRBA Subcase Nos. 63-2597, 63-4936 and 63-9961.
Attachments: Nampa_Permit_002696-4.pdf; Nampa_Meats_Sewer_Rates.pdf

63-9961 - NPDES cooling water
 63-2597 processing city of nampa

Vicki

Attached are the discharge permits we discussed yesterday.

Permit No. 002696-4 is the NPDES authority authorizing the discharge of the non-contact water used to cool the chilling condensers located at the Nampa Meats facility. We believe this discharge is consistent with the flow and volume diverted from the "condenser well" since the use has very little, if any, consumption.

The second permit is the City of Nampa discharge permit authorizing the discharge of effluent from the Nampa Meats plant to the City of Nampa's water treatment plant. We believe the consumption associated with processing prior to discharge amounted to approximately 10% of the quantity diverted. Consequently, 10% of the volume described in this discharge permit should be added back to the permitted volume to arrive at the total quantity diverted from the groundwater source.

63-2597

will permit using ave. max 30-day discharge = 298,000 gpd (365) =

$$108770000 / 325850 = 333.8 \text{ afy} \quad (298,000)(1.10)(365) = 119647000$$

$$63-9961 \quad (24) \\ (1.13)(448.8)(60)(365) = 23652000 / 325850 = 725.8 \text{ afy}$$

$$(1)(365)(1.4835) = 723.47$$

6/10/2008



Nampa Wastewater Division

340 West Railroad Street, Nampa, Idaho 83687-1741
(208) 465-2274 or 465-2237, FAX 467-9194

Page 1 of 12

CITY OF NAMPA DEPARTMENT OF PUBLIC WORKS INDUSTRIAL WASTE ACCEPTANCE PERMIT

COMPANY NAME: SIMPLOT MEAT PRODUCTS L.L.C.

MAILING ADDRESS: PO BOX 1158

STREET OR P.O. BOX

Nampa, Idaho 83653-1158

CITY, STATE AND ZIP

FACILITY ADDRESS: 616 West Railroad Street

STREET ADDRESS

Nampa, Idaho 83687

CITY, STATE AND ZIP

The above Industrial User is authorized to discharge industrial wastewater to the City of Nampa's sewer system in compliance with the City Code Title 8, Chapter 9, any applicable provisions of Federal or State law or regulations, and in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit is granted in accordance with the application filed on July 27, 2000 in the office of the Superintendent and in conformity with plans, specifications, and other data submitted to the City in support of the above application.

Effective Date: October 1, 2000

Expiration Date: September 31, 2001



Pretreatment Administrator

8-24-2000

Date

Wastewater Discharge Limitations and Monitoring Requirements

The industrial user shall comply with the effluent limitations specified below by *October 1, 2000*.

PARAMETER*	Maximum Consecutive 5-day Average Discharge	Maximum Consecutive 30-day Average Discharge	Peak Daily Maximum
Flow, gallons/day	372,250	298,000	447,000
B.O.D., lb./day	6,000	4,800	7,200
Total Suspended Solids, lb./day	3,875	3,100	4,650
Ammonia as N, pounds#	50 lbs per day		
Total Phosphorus as P, pounds#	150 lbs per day		

Fats, Oils, Grease, 250 mg/l Daily Maximum

pH, standard units 6.0 to 9.0 at all times

All analyses to determine compliance with permit limits shall be performed in accordance with 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act" and amendments, or with any other test procedures approved by EPA.

*Limits may be adjusted by the Board of Sewer Appraisers if it is determined that discharges at the allowed concentrations have a deleterious effect on the City sewer, collections, treatment plant or receiving waters.

Based on average of measurements.

The sampling point shall be at the end of the industrial pretreatment process just prior to being discharged into the sewer system. The sample is to be a 24 hour composite. Each aliquot shall be a grab sample of not less than 100 mls and shall be collected and stored in accordance with 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act" and amendments, or with any other test procedures approved by EPA.

Music, Vicky

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:23 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Oh, I thought you were going to tune me into a slaughterhouse that could run only 2 hours per day, 5 days per week for half the year and actually be profitable. I was ready to invest.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 4:09 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Actually, the 2 hour duration is a minimum well design assumption per Dave T. The 5 days a week is arbitrary and is based on a business week.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 4:01 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

I understand the minimum well design criteria – but what is the rationale for using a diversion frequency and duration of only 2 hours per day; 5 days per week; 6 mos/year? This is a separate assumption than minimum well design. How was this duration and frequency determined?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:57 PM
To: Conrad, Vic
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Dave Tuthill has advised the agents to use these minimum well design assumptions in making recommendations when information regarding historical annual volume of water used has been requested of the claimant but not provided.

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 11, 2007 3:46 PM
To: Music, Vicky
Subject: RE: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vicky,
 Was there any basis to the assumption of 2 hours/day/5 days a week x 6 months a year? Or was this purely an assumption?

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, June 11, 2007 3:31 PM
To: Conrad, Vic
Subject: Simplot claims for meat packing plant 63-2597, 62-4936 and 63-9961

Vic -

This email is in response to your phone call of last week re the above claims. The phone message did not include a phone number.

63-2597 - the rate was reduced because the license clearly states that 1 cfs is for industrial use. Simplot claimed 1.36 cfs for industrial use, however, the .36 cfs was for irrigation. The annual volume was calculated at the minimum well design parameters of pumping 2 hours/day/5 days a week x 6 months a year. I had to use these assumptions because I did not receive a response to my letter request dated 5/10/06.

63-4936 - a duplicate claim of license 63-2597 for 1 cfs industrial. disallowed.

63-9961 - recommended as licensed.

hope this provides the information you were looking for.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 10, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT CO.
ENV AND REGULATORY AFFAIRS
ATTN: GRAY YOUNG OR TERRY UHLING
P.O. BOX 27
BOISE, ID 83707-0027

RE: Snake River Basin Claim No(s): 63-2597, 63-4936 and 63-9961

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Both of these claims are for industrial uses. At the time 63-2597 was licensed, no annual volume component was required. However, to recommend this license and the 63-4936 statutory claim in the SRBA, IDWR must have information regarding how the water is used and the volume used. The annual volume is an important component of a right because it is a limitation on the use of ground water sources.

In addition to the annual volume data, the following information is needed.

63-2597 - This right was licensed for diversion from 4 wells for irrigation, domestic and industrial uses.

- 1 - Which of these 4 wells are still used for this right;
- 2 - a description of the domestic use; and,
- 3 - if an accomplished transfer in purpose from irrigation to industrial was made, when the change was made.

63-4936 - This statutory claim was filed for industrial uses with the diversion from an 8" diameter well. In 2003, an IDWR subcontractor did a site visit and gathered well information. No 8" well was being used.

- 1 - Which well is the point of diversion for this claim;
- 2 - If an accomplished transfer in point of diversion took place, when it occurred; and,
- 3 - evidence of priority for the 1944 claimed priority date.

63-9961 - The SRBA claim adds a point of diversion that was not licensed.

- 1 - If an accomplished transfer in point of diversion took place, when it occurred.

Please submit the information by May 26, 2006. Thank you for your attention to this matter.

Sincerely,

Vicky L. Music
Senior Water Resource Agent
Adjudication Bureau/Western Region
Idaho Department of Water Resources

Enclosures: Claim Reports for 63-2597, 63-4936; Licenses 63-2597, 63-9961;
Statutory Claim 63-4936.



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

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

JUL 25 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED
JUL 25 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

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

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

April 6, 1994

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

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

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

Dear Mr. Young and Mr. Uhling:

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

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

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

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

MICROFILMED

JUL 25 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)
official capacity as director)
18 of the Idaho Department of)
Water Resources,)
_____)

19 Petitioner,)
_____)

20 v.)
_____)

NOTICE OF WITHDRAWAL
OF COUNSEL

21)
22 The United States; the State of)
Idaho; and all claimants to the)
23 use of water from the Snake)
River Basin Water System,)
_____)

24 Defendants.)
_____)

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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MICROFILMED
JUL 25 1994

CERTIFICATE OF SERVICE

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

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

MICROFILMED

JUL 25 1994

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
P.O. Box 955
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
P.O. Box 51718
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
P.O. Box 389
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
P.O. Box 176
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
P.O. Box 2527
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 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Fort Street, Box 33
4 Boise, Idaho 83724

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Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
6N	7E	1																	
6N	7E	2																	
6N	7E	3																	
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6N	7E	38																	
6N	7E	39																	
6N	7E	40																	
6N	7E	41																	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2597

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 02W 16							X										

Conditions of Approval:

1. 2 P/D IN SENW, SEC. 16, T03N, R02W. THERE ARE 2 WELLS LOCATED IN THE SENW, SEC. 16, T03N, R02W. BOTH WELLS ARE IN THE SAME "HOLE" BUT HAVE DIFFERENT SIZED CASINGS. ONE HAS A 16" CASING AND THE OTHER AN 8" CASING. THESE WELLS ARE ALSO PLUMBED TO THE CONDENSER WELL UNDER A63-09961.

Remarks:Comments:

N10 ✓ Q for dam not a det of his bly
 N12 ✓ Q for dam not to 7 BK 6Pd
 X01 ✓ dam use is associated with a meat/packing's
 slaughterhouse facility.

Water Supply Bank:

purpose ✓ Industrial use is for a meat packing and
 slaughterhouse.

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-2597, 63-4936 AND 63-9961
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIM REVIEW – BASIS FOR DISALLOWAL
DATE: 5/30/2006

These 3 claims are for the Simplot meat packing/ slaughterhouse facility. Two of the claims are licenses and one is a statutory claim. A letter was sent May 10, 2006, to Simplot requesting additional information regarding the wells that are still in use, annual volume data, information re accomplished transfers in PODs and evidence of priority for the statutory claim. There has been no response.

Claims

63-4936 is a beneficial use claim that was first claimed as a statutory claim by HK Keim Co. LTD in 1982. Both the statutory and the SRBA claims for industrial use, 1 cfs, at a meat packing plant and slaughterhouse. The statutory claim states that the pod is a well, 8" diameter, 280' deep that was first put to this beneficial use in April of 1944. The SRBA claim claims as points of diversion 3 wells, the other 2 being licensed under 63-2597 and 63-9961.

63-2597 [priority date of 5/22/1942] was licensed for domestic, irrigation and industrial use from 4 artesian wells. The 2 wells in section 8 were used for irrigation and are not claimed in the SRBA claim. Only the 2 wells of the 4 wells originally licensed in section 16 are claimed in the SRBA. Additionally, irrigation is not claimed as a use in the SRBA, only domestic and industrial. SRBA claims - 3 pods.

63-9961 [priority date of 12/10/1982] was licensed for industrial use [refrigeration for meat] from a well with a 16" diameter and 108' deep. The SRBA claims - 3 PODs.

Issues

1 - All of the water uses claimed were developed by HK Keim. If they applied for licenses in 1942 and 1982, they were clearly aware of the licensing procedure. Why did they not apply for the use developed under the statutory claim when it was developed in 1944?

2 - PODs – the SRBA claims all claim 3 PODs and state that there are 2 wells in one casing. The 16" diameter well drilled in 1982 and licensed under 63-9961 is not doubly completed. There is no information in the older license file or the statutory claim that any of these well are either.

3 - An IDWR subcontractor was on site in 2003 and talked to the Maintenance Manager. He stated that he did not know anything about 2 wells in one casing. He said there were 2 wells on site, the condenser well [63-9961] and the plant well [corresponds to 63-2597]. The wells were not located in the location claimed in 63-4936.

Basis for Recommendation

63-2597 – will recommend the plant well as the only pod. Will calculate annual volume based on standard minimum well design assumptions from Dave T: 2 hours pumping time, 5 days a week, 6 months a year.

63-4939--No evidence of priority was provided for. Cannot locate well. Disallow.

63-9961 – will calculate annual volume as above and recommend the licensed pod.

VLM

63-2597
5/30/06

Annual volume calculation

- 1- no information provided by claimant
- 2- used minimum well design/pumping assumptions
 - 2 hours/day
 - 5 days/week
 - 26 weeks/year

$$(1 \text{ cfs}) (450 \text{ gpm}) (60 \text{ min}) (2 \text{ hrs/day}) (5 \text{ days/wk}) (26 \text{ weeks/yr})$$

325,950 gallons per acre-foot

$$= \frac{7020000 \text{ gallons per year}}{325950} = 21.54 \text{ af/yr}$$

VWM

SIMPLOT CLAIMS IN T3N R2W SECTIONS 8 [potato processing plant] AND 16 [slaughter house/ meat packing]

<u>Bas</u>	<u>Seque</u> <u>n</u> <u>ce</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u> <u>Date</u>	<u>Rate</u> <u>(cfs)</u>	<u>Volu</u> <u>me(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Comments/ status</u>
63	2597	License	Active	5/22/1942	1.4		GROUND WATER	DOMESTIC, INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	LICENSE: 4 artesian wells: #1 & #2 - [6" dia, 90' & 95" deep] located in S 8 - used for irr of 18 ac. in the NWSE S 8. #3 & #4 - [#3 - 6" dia, 225' deep & #4 - 4 " dia, 90' deep] located in S 16 - for dom & industrial in the HH Keim meat packing plant - S/2 NW S 16. Industrial 1 CFS; Irr .36 CFS. Per 5/9/88 memo in 63-9961 license file, 2 of these wells were capped. SRBA CLAIM: claimed the entire 1.36 cfs for industrial. no irrigation claimed & didn't claim the irr PODs. INFO NEEDED: 1) ACC TRX IN PURPOSE & PODs? 2) WHEN? 3) NEED AFA FOR INDUSTRIAL USE 4) WHAT IS THE DOMESTIC USE & SHOULD IT BE COMMERCIAL? 5) ANY OF THESE 4 WELLS STILL OPERATIONAL & USED?
63	4936	Statutory Claim	Active	4/1/1944	1		GROUND WATER	INDUSTRIAL	SIMPLOT MEAT PRODUCTS INC (Current)	STATUTORY CLAIM says 8" dia & 282' deep located in SENW S 16 [no POD here in 03 exam] & claimed 1 cfs for industrial at the Keim slaughter house & processing plant in SENW S 16. Evidence of priority is IDSOS printout. SRBA CLAIM - 1 cfs for industrial in same location as stat claim. plant well? 12 " casing per field exam & no well log for a 12" well. INFO NEEDED: 1) which well is used now? ACC TRX IN POD? WHEN? 2) WHEN WAS 8" WELL ABANDONED? 3) NEED AFA FOR INDUSTRIAL USE 4) big question: if HH KEIM knew to apply for license in 1942, why did they not apply for license in 1944 for this stat claim?

Letter sent to Clint 5-10-06

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2597

05/30/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2597	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SW	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9360	Claim	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-2597	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-4936	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-9961	Claim	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC
63-2597	Water Right	03N	02W	16	SW	NW		GROUND WATER	HH KEIM CO
63-9360	Water Right	03N	02W	16	SW	NW		GROUND WATER	IDAHO PRESS TRIBUNE INC
63-4936	Water Right	03N	02W	16	SE	NW		GROUND WATER	HH KEIM CO LTD
63-9961	Water Right	03N	02W	16	SE	NW		GROUND WATER	SIMPLOT MEAT PRODUCTS INC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2597

WATER RIGHT NUMBER: 63-2597

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HH KEIM CO
	NAMPA, ID

Priority Date: 05/22/1942

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>
DOMESTIC	/ to /		
INDUSTRIAL	/ to /	1.000 CFS	
IRRIGATION	/ to /	0.360 CFS	
	<u>Total Diversion:</u>	1.360 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 16, Twp 03N, Rge 02W, B.M.
CANYON County		
GROUND WATER	NW1/4SE1/4	Sec. 8, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02W	16							X	X									

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02W	8														18.0			18.0

Total Acres: 18

DOMESTIC same as INDUSTRIAL

1. 2 P/D IN NWSE, S8 & SWNW, S16, T3N, R2W.

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2597**

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2597	Claim	03N	02W	16	SW	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
2597	Water Right	03N	02W	16	SW	NW		INDUSTRIAL		HH KEIM CO
9360	Claim	03N	02W	16	SW	NW		HEATING		IDAHO PRESS TRIBUNE INC
9360	Water Right	03N	02W	16	SW	NW		HEATING		IDAHO PRESS TRIBUNE INC
9360	Claim	03N	02W	16	SW	NW		COOLING		IDAHO PRESS TRIBUNE INC
2597	Claim	03N	02W	16	SW	NW		DOMESTIC		SIMPLOT MEAT PRODUCTS INC
2597	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
4936	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
9961	Claim	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC
2597	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO
4936	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		HH KEIM CO LTD
9961	Water Right	03N	02W	16	SE	NW		INDUSTRIAL		SIMPLOT MEAT PRODUCTS INC

State of Idaho
License and Certificate of Water Right

Water License No. 19321 Amount 1.36 second feet
Water District No. _____ Priority May 22, 1942

THIS IS TO CERTIFY that H. H. KEIM COMPANY
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 22, 1942; that Permit No. 19321
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Two (2) second feet, was issued thereunder on August 20, 1943, showing that said works
were completed on the 11th day of August, 1943; and that on the 11th
day of August, 1943,
H. H. KEIM COMPANY

of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of four artesian
wells, a tributary of _____, for the purpose of irrigation, domestic and
industrial use, under Use Permit No. 19321 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
7 of Licenses at page 4365, on the 25th day of July, 1947;

no son
no ata

The right hereby confirmed dates from May 22, 1947;
The Point of Diversion is located in the NW 1/4 SE 1/4 Sec. 8 (Wells Nos. 1 and 2) and in
the SW 1/4 1/4 NW 1/4 1/4, Sec. 16, Tp. 3 N., R. 2 W., B. M. (Nos. 3 and 4) Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.36 cubic feet per second for irrigation, and 1.00 cubic foot per second for industrial
use.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 W.	8	NW 1/4 SE 1/4		18
Industrial use at H. H. Keim Co. meat packing plant in S 1/2 NW 1/4 Section 16, Township 3 North, Range 2 West, B.M.					

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
25th day of July, 1947.

MARK H. KULP
State Reclamation Engineer

(SEAL)

State of Idaho License and Certificate of Water Right

Water License No. 14387Amount 0.26 second foot

Water District No. _____

Priority Oct. 30, 1919

THIS IS TO CERTIFY that BENDIX REIMER
of Lowman, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 30, 1919; that Permit No. 14387
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on August 8, 1921, showing that said works
were completed on the 19th day of July, 1921; and that on the 2nd
day of November, 1922,
BENDIX REIMER

of Lowman, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Richards
Creek, a tributary of So. fork Payette River, for the purpose of irrigation and
domestic use, under Use Permit No. 14387 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
7 of Licenses at page 4366, on the 18th day of August, 1947;
The right hereby confirmed dates from October 30, 1919;
The Point of Diversion is located
in the NW ¼ NE ¼, Sec. 20, Twp. 9 N., R. 9 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.26 cubic feet per second.
to George A. Atkinson, of Boise, Idaho. Assignee
Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	9 E.	17	NE 1/4 SW 1/4	2.5	0
			SE 1/4 SW 1/4	10.0	5
			NW 1/4 SE 1/4	7.5	3
			SW 1/4 SE 1/4	20.0	5
			Total number of acres irrigated		

This license is issued as an amendment to License No. 14387, recorded on page 3855, Volume 6,
of Licenses, and supersedes the original license, in the amount of 0.026 second feet.

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
18th day of August, 1947.

(SEAL)

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

68-2597

Application No. 26791
Permit No. 19321
District No.

1. Name of Applicant: H. H. KEIM COMPANY
Postoffice address: Box 628, Nampa County: Canyon State: Idaho
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation: November 1925, Boise, Idaho
 (b) Amount of capital stock: 50,000.00
 (c) Amount paid in: 27,000.00
 (d) Names and addresses of directors: H. H. Keim, Richard V. Keim, Stanley B. Keim, Wallace B. Keim, Wm. H. Keim, and S. B. Eshelman, all of Nampa, Idaho.
 II. The financial resources of the applicant are:
 (a) Cash on hand: 3,596.24
 (b) Treasury stock: 16,550.00 (c) Bonds to be issued: none
 (d) Other resources: meat packing plant
2. Quantity of water claimed: 2.0 cubic feet per second.
3. Source of water supply: Artesian Wells which is a tributary of
Sec. 8; Wells 3 & 4, NE 1/4, Sec. 17
4. Location of point of diversion: Wells 1 & 2 located in NW 1/4 SE 1/4 feet distant from the
 (see map)
corner of Section , T. 3 N , R. 2 W , B. M., and is in the County of Canyon
of Section -----, T. -----, R. -----, B. M., County of -----
5. Water is to be used for: irrigation, domestic, and industrial.
 (Wells 1 & 2 are for irrigation, Wells 3 & 4 for domestic and industrial use.)
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.
7. Estimated cost of works: \$
8. Kind of works: Artesian wells and distributing canals
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 1.5 feet; width at water line 2.0 feet; depth of water 1
feet; dimensions of flume:
Diameter of pipe various sizes. inches; length of conduit miles.
Average grade per mile feet.
12. The time required for the completion of such work is 6 months years.
13. The time required for the complete application of the water to the proposed use is 1 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? Mo. If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

H. H. KEIM COMPANY

Applicant.

RICHARD V. KEIM /s/

By

Agent.

Date of first receipt at Department of Reclamation: May 22, 1942, 9:00 A. M.

Returned to applicant for correction: May 23, 1942

Corrected application received: June 19, 1942

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19321

Recorded in Book 70 Page 19321 Approved June 19, 1942

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before Aug. 20, 1942

and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Sept. 19, 1942

The whole of said work to be completed on or before Dec. 19, 1942

Beneficial use of water appropriated in accordance herewith, to be made on or before Dec. 19, 1943

Witness my hand this 19th day of June, 1942.

E. V. BERG

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th day of June 19 42

Countersigned:

STATE OF IDAHO

(SEAL

By

Geo. H. Curtis

Secretary of State.

By

Chase A. Clark

Governor.

The water from these wells is approximately two second feet. Is used for irrigating the heretofore described premises, and Remarks: for domestic and industrial use in connection with H. H. Keim Co. Meat Packing Plant.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N	2 W	16	All of S½NW¼, North and East of O.S.L. Railway and all of NE¼NE¼SW¼, North and East of Railway. 29.05 acres.																
3 N	2 W	8	Commencing at the Northeast corner of the SE¼ of Section 8, Township 3 N, Rge. 2 W., B. M. running thence west along the North line of the SE¼ 2650.5 feet to NW corner of SE¼, thence S along W line of said SE¼ 538.3 feet to a point 100 feet Northerly from the center line of the main track of the O.S.L.R.R.; thence run Southeasterly parallel to said center line 46°48' left 541.3 feet; thence Easterly 43°01' left 1513 feet; thence Southeasterly 21° 31' right 807.4 feet to a point on the East line of SE¼ 1319.6 feet south from Northeast corner of SE¼; thence North along said East line of SE¼ 1319.6 feet to place of beginning, containing 62.63 acres, more or less. 62.63 acres 91.68 total acre																

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the matter of the Reinstatement of Permit No. 19321)
Under the Provisions of Section 41-311, Idaho Code Annotated)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 19321 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: December 19, 1942; and,

WHEREAS, On the 6th day of July, 1943, notice to show cause why said permit should not be cancelled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said Permit; and,

WHEREAS, On the 8th day of July, 1943, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 19th day of August, 1943, depositions of the holder and two witnesses were received at the Department of Reclamation showing that said works of diversion were completed within the time required in the permit; and

WHEREAS, After examination of the said Depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19321, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 19321 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 20th day of August, 1943.

(SEAL)

JAMES SPOFFORD
State Reclamation Engineer

PERMIT NO. 19321
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that H. H. KEIM COMPANY, of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 19321, issued upon Application No. 25791, bearing date of priority of May 22, 1942, authorizing the diversion of Two (2) second feet of the waters of artesian wells, County of Canyon, State of Idaho, for irrigation, industrial and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Two (2) second feet of the waters of said artesian wells; that the points of diversion of said waters are located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Township 3 North, Range 2 West, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All of S $\frac{1}{2}$ NW $\frac{1}{4}$, and all of NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North and East of Railway, in Section 16; and 62.63 acres, more or less, in Section 8, described by metes and bounds in permit; All in Township 3 North, Range 2 West, B. M.

Witness my hand this 20th day of August, A. D., 1943.

JAMES SPOFFORD
State Reclamation Engineer

Proof of completion of works made August 11, 1943
Certificate of Completion of Works issued August 20, 1943

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT

PERMIT NO. 19321

STATE OF IDAHO)
(ss.
County of Canyon)

Wallace B. Keim, Vice-President H. H. Keim Company, being first duly sworn, deposes and says: That his postoffice address is Nampa, Idaho. That he is the owner of and using a certain water right for 1.36 cubic feet per second of the water of artesian wells, County of Canyon, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 19321, issued by the Commissioner of Reclamation, dated June 19, 1942, bearing date of priority of May 22, 1942, for the purpose of irrigating the following described lands, situate, lying and being in Water District No... in the County of Canyon, and State of Idaho, to-wit: Property set out in Permit No. 19321, and is the person (or representative of the person or persons) to whom such right was so issued.

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, Twp. 3 N., Range 2 W., B.M. and conducted to the above described lands through the artesian wells No. 3 and 4.

That affiant desires to change the point of diversion of said waters from the point above described to a point located in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16, Twp. 3 N., Range 2 W., B.M., and thereafter conduct the same through artesian wells No. 3 and 4.

That his reasons for desiring to make such change are as follows: This change is being made to correct the description of point of diversion, making the proof conform with the examination of the field engineer.

That no one will be injured by such change and that such change will be made at affiant's own risk.

WALLACE B. KEIM, Pres.
Affiant

Subscribed and sworn to before me this 21st day of December, 1943.
(SEAL)

Earl E. Garrity
Notary Public.

LICENSE ISSUED FOR 1.36 SEC. FT.

p-4365

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19321

This proof is for Beneficial use

In Water District No.

1. Name of applicant H. H. Keim Company, Nampa, Idaho
2. Source of water supply: Four artesian wells
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17
T. 3 N. R. 2 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same: Four Artesian Wells,
Well #1 is 90ft. deep, cased to rock with 6 inch casing.
" #2 " 96 " " 96ft. with 6" casing.
" #3 " 225 " " cased to rock with 6 inch casing, and
" #4 " 90 " " " " " " 4 " "
5. Water is used for: Irrigation, industrial and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation)

All S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, lying North and East of Railway
All NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, lying North & East of Railway
62.63 acres, more or less in Section 8, described as follows:
Commencing at the Northeast corner of the SE $\frac{1}{4}$ Section 8, running
thence West along the North line of the SE $\frac{1}{4}$ 2650.5 feet to NW corner
of SE $\frac{1}{4}$; thence South along West line of said SE $\frac{1}{4}$ 638.3 feet to a
point 100 feet northerly from the center line of the main track of
the U. S. L. R.R.; thence run Southeasterly parallel to said center
line 46°48' left 541.3 feet; thence Easterly 45°01' left 1513 feet;
thence Southeasterly 21°31' right 807.4 feet to a point on the East
line of SE $\frac{1}{4}$ 1319.6 feet south from Northeast corner of SE $\frac{1}{4}$; thence
North along said East line of SE $\frac{1}{4}$ 1319.6 feet to place of beginning.

All in Township 3 North, Range 2 West, B. M.

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

8. What large stream would the water here appropriated finally reach? None

Remarks: Well No. 1 is equipped with pump and 3 H.P. motor
" " 2 " " " " " " 10 H.P. "
" " 3 " " " " " a 2 $\frac{1}{2}$ " gear type pump and motor.
" " 4 " " " " one inch intake centrifugal pump.

Approximate requirement for Industrial Use: One Sec. Ft.

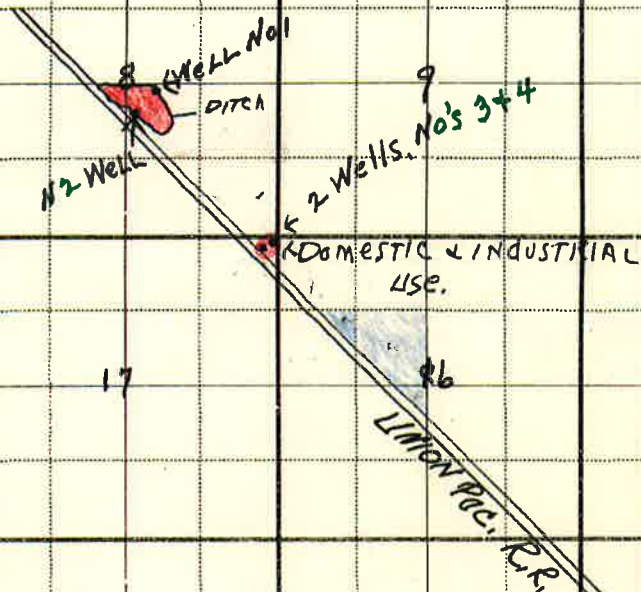
This examination was made on the 13th day of October, 1943.

(Signed)



Examiner.

Twp. 3 North - Range 2 West B.M.



Wells No's 1 & 2 are applied to IRRIGATION

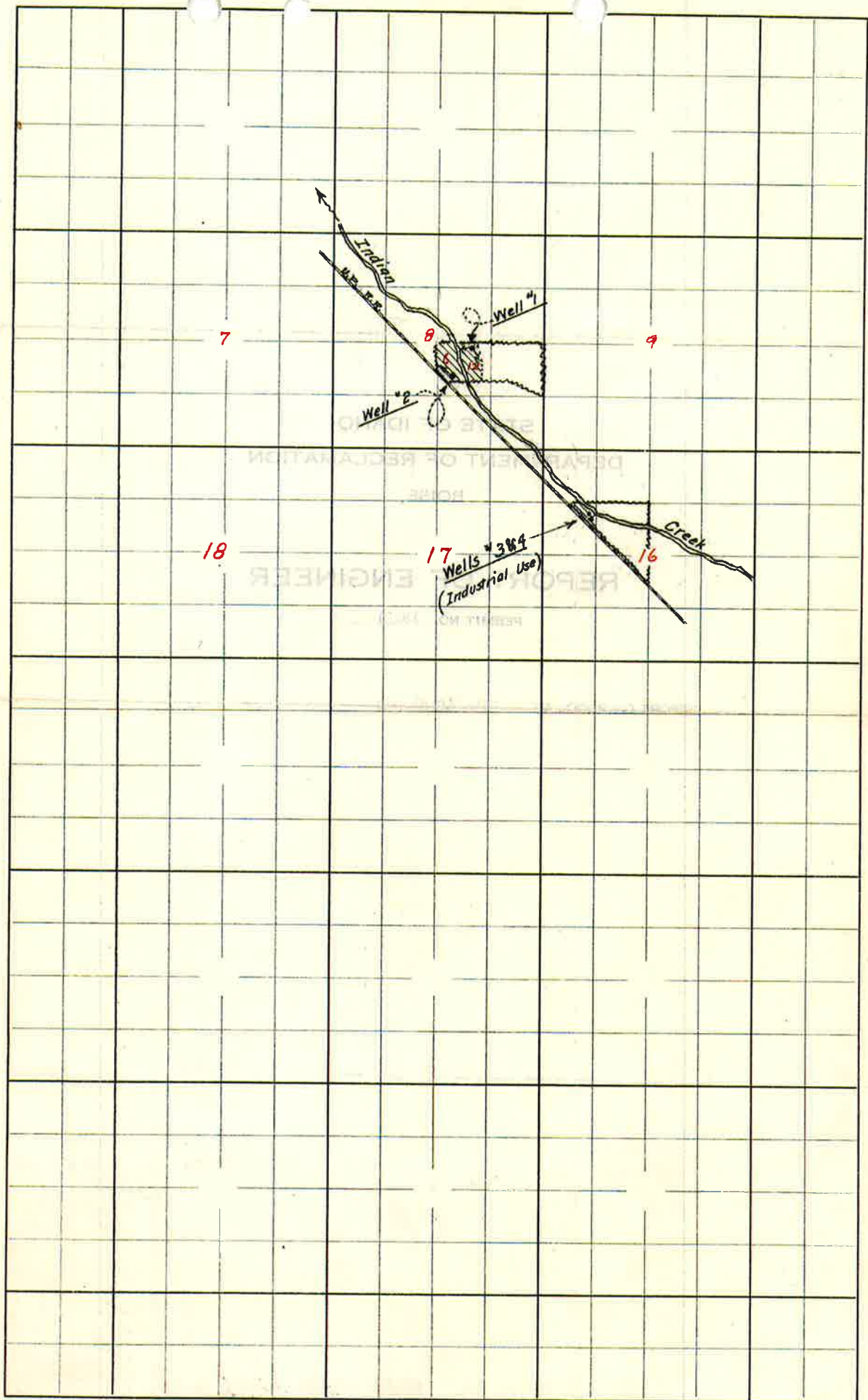
Wells No's 3 & 4 are applied to DOMESTIC & INDUSTRIAL USES.

Permit Map No. **19321**

As Approved

JUN 16 1942

E. V. BERG



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19 321

Sec 8 37-27 B.M.

Sec 16 37-27 B.M.