

29-4307

IDAHO DEPARTMENT OF WATER RESOURCES 09/08/2001  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.01 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500  
GALLONS PER DAY.

PRIORITY DATE: 09/15/1955

POINT OF DIVERSION:

T06S R32E S24 SESE Within POWER County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

9/15 4/15

0.010 CFS

PLACE OF USE:

COMMERCIAL Within POWER County

T06S R32e S24

SWSE

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 IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4307 V1

Dates and Other Information:

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

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 9/8/2001 11:06:01 AM      | bcontor         |                           |                 | Active        |
| POD            | 9/8/2001 11:08:18 AM      | bcontor         |                           |                 | Active        |
| Source         | 9/8/2001 11:08:49 AM      | bcontor         |                           |                 | Active        |
| POU            | 9/8/2001 11:09:55 AM      | bcontor         |                           |                 | Active        |
| Use            | 9/8/2001 11:09:57 AM      | bcontor         |                           |                 | Active        |
| Season         | 9/8/2001 11:09:58 AM      | bcontor         |                           |                 | Active        |
| Quantity       | 9/8/2001 11:09:59 AM      | bcontor         |                           |                 | Active        |
| POU            | 9/8/2001 11:15:02 AM      | bcontor         |                           |                 | Active        |
| Use            | 9/8/2001 11:16:08 AM      | bcontor         |                           |                 | Active        |
| Season         | 9/8/2001 11:16:45 AM      | bcontor         |                           |                 | Active        |
| Quantity       | 9/8/2001 11:19:32 AM      | bcontor         |                           |                 | Active        |
| Summary        | 9/8/2001 11:20:57 AM      | bcontor         | 9/8/2001 11:20:57 AM      | bcontor         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                 |
|----------------|------------------------|-----------------|-------------------------------------------------|
| Contacts       | 9/8/2001 11:04:30 AM   | bcontor         | (No) 1. Do you want to schedule an appointment? |

Comment for 1: Deminiums; recommended from desktop review.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-4307 V1

|               |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 9/8/2001 11:04:20 AM | bcontor | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?<br>(No) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(No) 13. Has additional evidence of priority date been submitted?<br>(Yes) 14. Can any portion of the claim be recommended as a valid water right?<br>(No) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - See "comments," recommended as deminimus w/ remarks. |
| POD           | 9/8/2001 11:05:55 AM | bcontor | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POD           | 9/8/2001 11:06:37 AM | bcontor | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 8. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?<br>Description for Question 8 - Deminimus recommended as claimed with remarks                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Source        | 9/8/2001 11:07:08 AM | bcontor | (No) 1. Is the basis of claim decree or license?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - Deminiums recommended as claimed with remarks                                                                                                                                                                                                                                                                                                                                                                        |
| POU           | 9/8/2001 11:08:14 AM | bcontor | (No) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Use           | 9/8/2001 11:08:17 AM | bcontor | (No) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Season        | 9/8/2001 11:08:17 AM | bcontor | (No) 1. Is the basis of claim decree or license?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POD           | 9/8/2001 11:08:18 AM | bcontor | (No) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POD           | 9/8/2001 11:10:35 AM | bcontor | Edited polygons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

POD

9/8/2001 11:11:39 AM

bcontor

Edited polygons

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-4307 V1

|        |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------|----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU    | 9/8/2001 11:13:22 AM | bcontor | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(No) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(No) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - GIS shows apparent potato storage in qq adjacent to POD. Claimed POU was 3/4 mile W of POD and no apparent potato storage in GIS. Adjusted per GIS.</p>                                                                                                  |
| Use    | 9/8/2001 11:14:27 AM | bcontor | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(No) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - Deminiums recommended as claimed with remarks</p>                                                                                                                                                                                                       |
| Season | 9/8/2001 11:15:05 AM | bcontor | <p>(No) 1. Is the basis of claim decree or license?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(No) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> <p>Description for Question 15 - Deminiums recommended as claimed with remarks</p> |
| POD    | 9/8/2001 11:17:51 AM | bcontor | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 10. Is a irrigation a purpose of use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - Deminiums recommended as claimed with remarks</p> <p>Description for Question 10 - Question 9a "yes" this is a groundwater diversion 9b "no" this does</p>                                 |

not require a diversion volume as deminiums  
domestic.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4307 V1

|         |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 9/8/2001 11:19:16 AM | bcontor | (No) 1. Is the basis of this claim a Decree,<br>License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the<br>purposes claimed and to the extent claimed?<br>(Yes) 5. Is an additional remark and/or condition<br>required?<br>(Yes) 6. Would you like to view the<br>recommended right?<br>(No) 7. Is this a split or combined right?<br>(No) 8. Do you have documents you would like to<br>attach or link to the file?<br>(Yes) 9. Would you like to set the verification<br>date? |
|---------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

MAY 16 2001



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  
GOVERNORKARL J. DREHER  
DIRECTOR

May 2, 2001

J. R. Simplot Company  
P.O. Box 27  
Boise, Idaho 83707Re: Claim 29-4307, 29-4311, 29-4334, 29-4489, 29-11312, 29-11313,  
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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Simplot Industries, Inc.  
(Name of Claimant)

P.O. Box 27, Boise, Idaho 83701 Telephone No. 336-2110  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Sept. 15, 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Groundwater tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity                | (cfs, af) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)         |                |
|-------------------------|-----------|-----------------------|-------------------------------------|--------------------------------|----------------|
|                         |           |                       |                                     | (Mo., Day)                     | (Mo., Day)     |
| Quantity <u>.01 cfs</u> |           | Use <u>Commercial</u> |                                     | Period of Use From <u>9-15</u> | To <u>4-15</u> |
| Quantity                |           | Use                   |                                     | Period of Use From             | To             |
| Quantity                |           | Use                   |                                     | Period of Use From             | To             |
| Quantity                |           | Use                   |                                     | Period of Use From             | To             |
| Quantity <u>.01 cfs</u> |           | Use                   |                                     | Period of Use From             | To             |

(4) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SE 1/4 SE 1/4, Sec. 24 Twp. 6S Rge. 32E B.M., County of Power  
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well: 3 hp., 8" casing, depth unknown

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R   | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTAL |
|----|-----|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|    |     |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |       |
| 6S | 32E | 24   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       | X     |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|    |     |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |

No. of acres

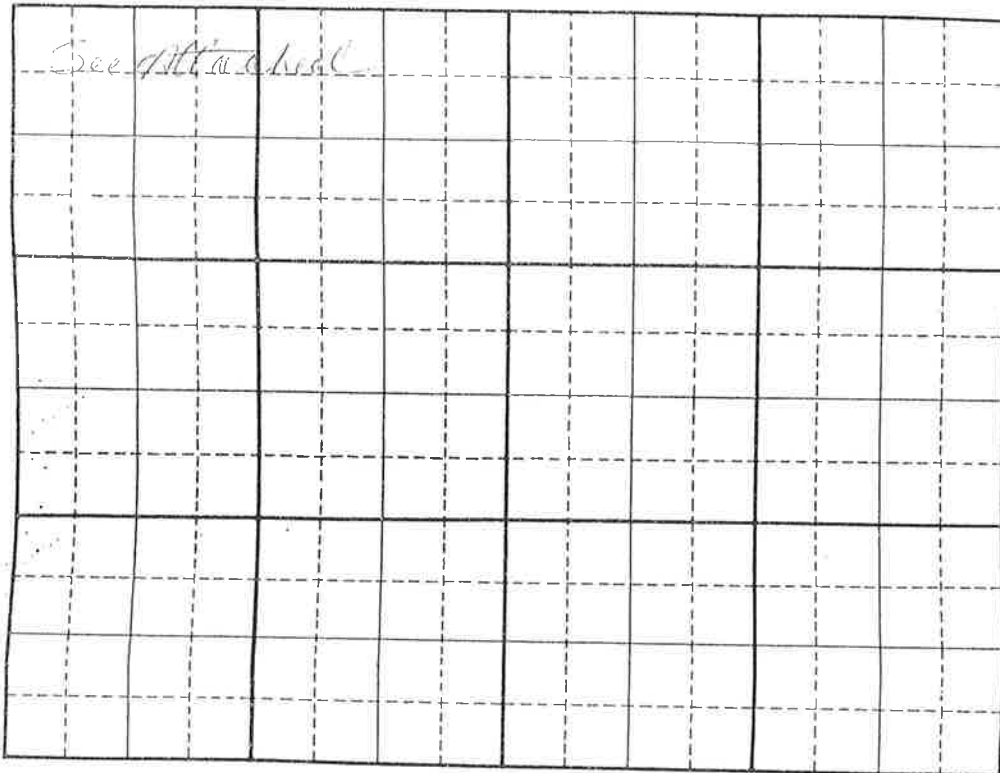
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Operation of potato storage humidification equipment and restroom

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

Zimmerli Quonset Potato S Pocatello, ID

(18) Remarks



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

ss.

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.

Simplot Industries, Inc.

[Signature]  
(Claimant)

Secretary

Sworn to before me this 17<sup>th</sup> day of March, 1983.

[Signature]  
Notary Public  
Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

CW

3-2-83 FOR DEPARTMENT USE ONLY

Received by SRC

Date 2-24-83

Exception filed by:

Forwarded to

Date

Prelim. check by SM

Date 3-21-83

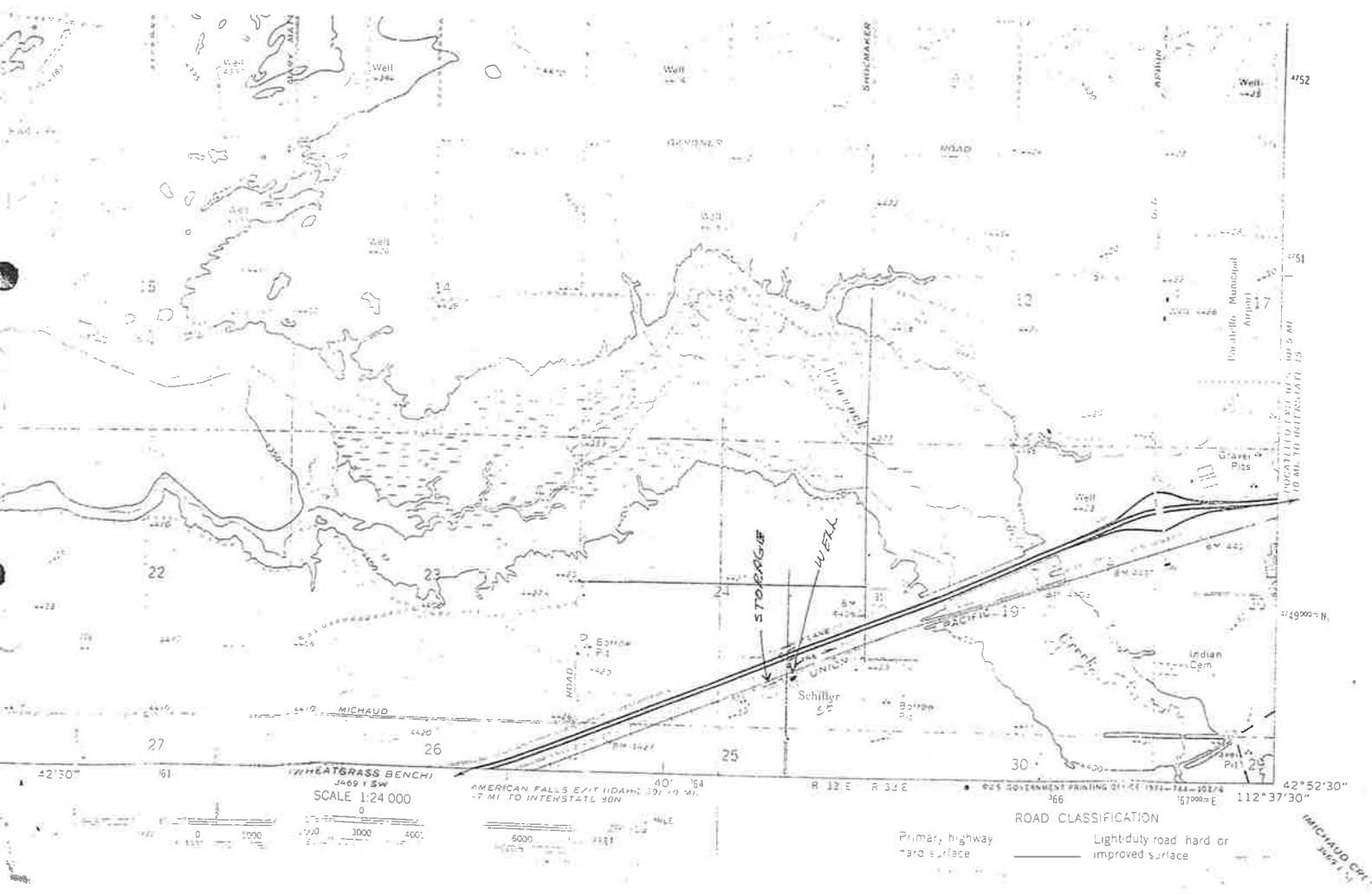
claimant by:

\$30.00 fee received by RG

Date 2-24-83 #25944

Published in Power County Press

Dates 3/31 & 4/7/83





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

E.O.

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 20, 1994

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

RECEIVED  
MAY 24 1994

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

Department of Water Resources  
Eastern District Office

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman  
Secretary, Adjudication Bureau  
Department of Water Resources

SS:regions

MICROFILMED  
NOV 13 1996

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

MICROFILMED

NOV 13 1996

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

NOV 13 1990

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

10 Attorneys for J. R. Simplot Company

1994 APR - 12 PM 12:52  
DISTRICT COURT - SRRA  
TWIN FALLS CO., IDAHO  
FILED

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

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

Civil Case No. 39576

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

Petitioner, )

22 v. )

NOTICE OF WITHDRAWAL  
OF COUNSEL

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

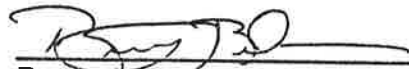
Defendants. )

MICROFILMED  
NOV 13 1996

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

5                                   36-13320  
6                                   57-02203A

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

8                                     
9                                   Bruce L. Belzer  
10                                  Assistant General Counsel for  
11                                  J. R. Simplot Company  
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28

MICROFILMED  
NOV 13 1998

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  
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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

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1 United States Department of Justice  
2 Environment & Natural Resources Division  
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4 Boise, Idaho 83724

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NOV 13 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04307

Date Received: 4/18/90

Receipt No: C016378

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: SEP 15, 1955

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 06S      | 32E   | 24      |        | SE     | SE  |     | POWER  |

5. Description of diverting works:  
WELL, PUMP, PIPELINE

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| COMMERCIAL | 09/15 | 04/15 | 0.010  |      |        |

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

A.F.A.

8. Total consumptive use is 1.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
C/POTATO STORAGE, HUMIDIFICATION

10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 06S      | 32E   | 24      | SW     | SW  |     | IRR |       |

11. Place of use in counties: POWER

A29-04307

Page 1

Date: 04/13/90

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
LOCALLY KNOWN AS ZIMMERLI

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