

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: A36-02729
Date Received: 10/12/1989
Receipt No: C012178
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

RECEIVED

MAR 25 1992

Department of Water Resources
Southern Region Office

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE ID 83707

2. Date of Priority: MAR 3, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	23E	15	SE	NW	SW		MINIDOKA

5. Description of diverting works:
WELL WITH 150 HP PUMP DELIVERING TO TANK & PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.560		404.00

7. Total Quantity Appropriated is:
0.560 C.F.S. (and/or) 404.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL/ COOLING, HUMIDIFICATION, FLUME WATER, WASHING, ETC.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	23E	15	NE	SW		INDUST	
			NW	SW		INDUST	
			SW	SW	1	INDUST	

SCANNED
FEB 07 2007

MICROFILMED
FEB 01 1993

Date: 03/06/92

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of March 19 92

Seal

Holly Pepe
Notary Public

Residing at Meridian, Idaho

My Commission Expires 6-24-93

SCANNED
FEB 07 2007

MICROFILMED
FEB 01 1993

INPUT: AJ_SELECTION:FRAZEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER

ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT

ADDRESS LINE 3: PO BOX 27

CITY: BOISE

STATE: ID ZIP: 837070027

FIRST NAME:

ADDRESS LINE 2: 999 MAIN ST STE 1300

PHONE NUMBER: (208) 389-7318

36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02619 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02620 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02648B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02729 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04180 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04181 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04182 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-04256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07333 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07636 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-08154 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13319 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-13320 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02202 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
57-02203 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-04058 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-10101 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00015 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00060 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00076 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00087 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02053 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02118 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02139 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02166 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02220 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02221 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02222 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02241 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-02409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07027 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07040 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-07382 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10002 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10026 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10049 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A22-07423 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A22-07451 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07164 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07169 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

you have N.O.A. copy.
-Sal

RECEIVED

APR 01 1993
Department of Water Resources
Sandy H. Hays (DWR)MICROFILMED
OCT 18 1994

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

RECEIVED

APR 06 1993

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.*

*4-1-93
- 2/*

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

Counterdefendants.)

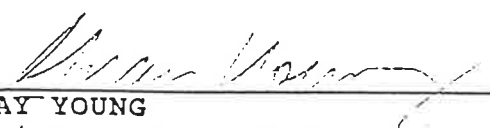
TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By


GRAY YOUNG
Assistant General Counsel

4507v11-20-92/1.42

MICROFILMED
OCT 18 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

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: A36-02729

Date Received: 10-12-89

Receipt No: C012178

Received By: RET

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 12 1989
Department of Water Resources

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

83707

2. Date of Priority: MAR 03, 1964

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	23E	15	SW	SW			MINIDOKA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL			0.560		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
COOLING, HUMIDIFICATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	15	SW	SW		INDUST	

11. Place of use in counties: MINIDOKA

A36-02729

Page 1

Date: 10/11/89

MICROFILMED
FEB 01 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 31751

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

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

J. R. SIMPLOT COMPANY, that I have signed the foregoing
Organization
document in the space below as Secretary of
Title

J. R. SIMPLOT COMPANY and that the statements contained in the
Organization
foregoing document are true and correct.

Paul W. Shaw
Signature of Authorized Agent

Secretary, J. R. SIMPLOT COMPANY
Title and Organization

10/12/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day

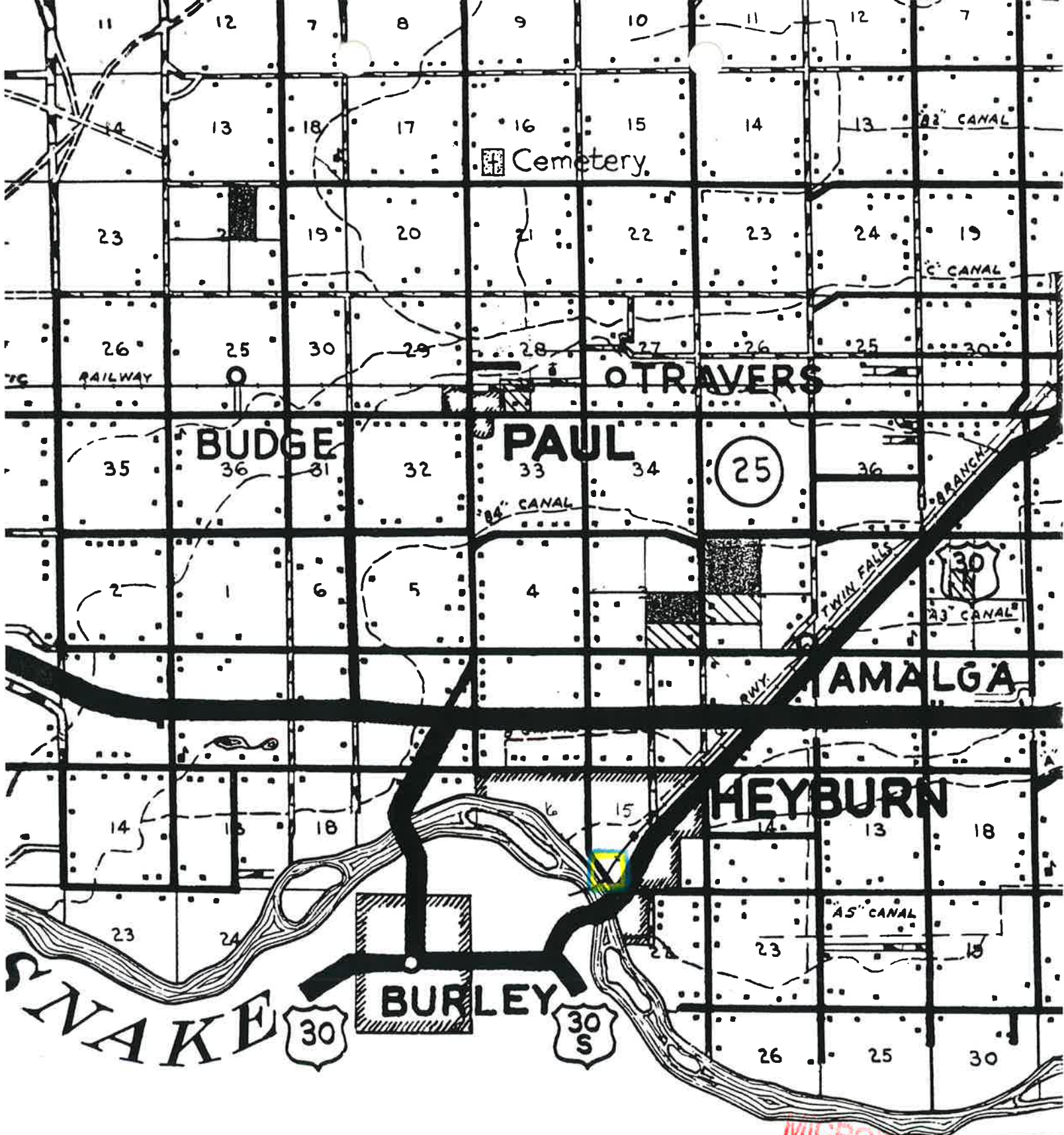
of October 19 89

Seal

Kellme Eason
Notary Public

Residing at Boise, Idaho

My Commission Expires 10-13-92



E. R. 23 E. FEB 01 1993

T. 10S R. 23E

WL# A36-02729

= point of Diversion

= place of Use

COPY TO FILE

C012178

RECEIVED

OCT 26 1989

Department of Water Resources
Southern Region Office

10/12/89
13:24:30

SIMPLOT COMPANY, J.R.

ADJUDICATION FEE
APPLICATION FOR PERMIT

0410162 9337 6490 \$4,912.00
0610199 1238 6390 \$45.00

\$4,957.00

CHECK 47890

WR/NO: A36-02648 A36-02729 A36-08154 A36-04182 A36-04181
A36-04180 A36-04178 A36-04179 A36-02542 A36-04256
A36-07636 A36-02620 A36-02619 A36-02213 A36-02208
A36-13320 A36-13319 A36-02212 A36-04006

Idaho Department of Water Resources

Region: STATE

Signature: _____

10/17/89 JP
AFTER CHANGE

MICROFILMED
FEB 01 1993

J. E. Simplot Company

A36-2648 - \$316
A36-2729 - \$106
A36-08154 - \$500
A36-04182 - \$57
A36-04181 - \$51
A36-04180 - \$51
A36-04178 - \$51
A36-04177 - \$685
A36-02542 - \$272
A36-04256 - \$99
A36-07636 - \$99
A36-02620 - \$50
A36-02619 - \$690
A36-02213 - \$50
A36-02208 - \$370
A36-13320 - \$600
A36-13319 - \$85
A36-02212 - \$50
A36-04006 - \$730

Application - 45

4,957.00

C012178

Conc 11

Bar - U - Inc.

A36-13261 - \$25

A36-13258 - 25

\$50

C012179

MICROFILMED

FEB 01 1993

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	SNAKE RIVER ADJUDICATION			\$50.00		

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING.

J. R. SIMPLOT COMPANY - Boise, Idaho 83707

No 47890

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	SNAKE RIVER ADJUDICATION			\$4,957.00		

J.R. SIMPLOT CO

10-12-89

Jeff —

I receipted two checks for
Vic Conrad —\$50 for the 2 Bar U, Inc. ^{attached}\$4957⁰⁰ for 19 claims (attached)
1 app/permit ^(sent to) ~~(sent to)~~ ^(Sawyer)He said he would bring the maps
next week.

Also, he did not bring the
list with fees for each
claim. Therefore, the receipt ~~is~~
does not break out the
claims. When he brings
the list back, receipt needs
to be corrected & have all
claims listed ^{1/2 per}.

John

MICROFILMED

FEB 01 1993

Water Right Number - 36-02729

Prefix Translation: WATER RIGHT

Old (D) Number - 31751

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***

YOUNG OR TERRY UHLING

GRAY

1 - ENV AND REGULATORY AFFAIRS

2 - J R SIMPLOT COMPANY

3 - PO BOX 27

City- BOISE

State- ID Zip- 837070027

Phone - 208-389-7318

*** C - CURRENT OWNER ***

J R SIMPLOT COMPANY

1 - PO BOX 27

2 -

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-000-0000

*** K - ALSO KNOWN AS ***

SIMPLOT

1 -

2 -

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-000-0000

+ - - Priority Date - - +

03/03/1964

+ - - Region - - - +

17 SOUTHERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - +

GROUNDWATER

+ - - - - Tributary - - - - +

+ - - - - Point of Diversion - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
-----	-----	-----	-------	-----	------	--------	----------------

10S	23E	15	SW NW SW			(67) MINIDOKA	
			SW SW SW	1		(67) MINIDOKA	

+ - - - - Water Use - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

07 - INDUSTRIAL		01/01	12/31	0.560	
-----------------	--	-------	-------	-------	--

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.560

0.0

+ - - - - Place of Use - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10S	23E	15	NE SW			07	INDUSTRIAL	(67) MINIDOKA
10S	23E	15	NW SW			07	INDUSTRIAL	(67) MINIDOKA
10S	23E	15	SW SW	1		07	INDUSTRIAL	(67) MINIDOKA

+ - - Diversion Means - 3 WELLS & PUMPS TO PIPELINE NETWORK

+ - - Non-Irrigation Use - INDUSTRIAL/ POTATO PROCESSING PLANT

+ - - Other Rights for Same Use - SEE REMARKS

*Proofed
12-10-97
K KC*

*updated
12-9-97
K KC*

Exp Rmk

Water right number - 36-02729

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

POD
elp
QNT

GEN TWO POINTS OF DIVERSION LOCATED IN SENWSW, S15, T10S, R23E.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04179, 36-02648A, 36-04180 & 36-08154.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.70 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3630.8 AF, A TOTAL COMBINED ANNUAL
~~CONSUMPTIVE USE VOLUME OF 817.2 AF.~~ COMBINED RIGHT NOS.:
36-04179, 36-02648A, 36-04180 AND 36-08154.

+ - - - - Old Water Right Numbers - - - - - +

3602729

+ - - - - Conditions of Approval - - - - - +

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields - 08/16/91 SOUTH1 09/19/91 WORSTELL 09/20/91 WORSTELL 03/10/92 MERRITT 07/18/92 POST-STD
08/28/92 PR-PRODM 11/02/92 CPSHAW 12/05/92 ADT-SHAW 04/02/93 CAN-SHAF 05/19/94 CAN-SHAF
03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 258592 08/24/92

+ - - - - Comments - - - - - +

Date: 03/10/1992 User Id: MERRITT Subject: UNRECORDED TRANSFER
THIS RIGHT HAS BEEN USED OUT OF THE DRY STORAGE WELL SINCE THERE WAS A MIXUP IN TRANSFERING OF WATER RIGHTS WHEN 36-02648
WAS MOVED TO COVER THE ETHANOL PLANT. THE WELL IN DRY STORAGE LICENSED UNDER 36-02648 WAS NEVER REDUCED IN USE SINCE THE TRANS.
IT APPEARS A MISTAKE WAS MADE IN THAT IT SHOULD HAVE BEEN THIS RIGHT THAT SHOULD HAVE BEEN TRANS. TO CORRECT THIS PROBLEM
THIS RIGHT IS BEING RECOMMENDED WHERE 36-02648 WAS REMOVED.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 08/14/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/10/1992	Old Judicial District	-
Claim Received Date	- 10/12/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C012178	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	- AND/OR	Notice of Error Flag	-

From: DWR60::AMERRITT 5-JUL-1995 11:06:34.69
To: DWR03::NSPENCER,DWR03::DSHAFF,DJONES
CC: AMERRITT
Subj: TYPO ERRORS IN BASIN 36 DIRECTOR'S REPORT

THRU SOME GOOD WORK ON THE PART OF TIM LUKE, HE HAS DISCOVERED TWO TYPO ERRORS IN THE P/D DESCRIPTIONS ON TWO RECOMMENDATIONS AS FOLLOWS:

RECOMMENDATION	AS REPORTED	SHOULD BE
36-02729	SEC 15 SWNWSW SWSWSW LT1	SEC 15 SENWSW SWSWSW LT 1
36-07206	SEC 28 NWSESW SEC 32 NWNENW	SEC 28 NWSESW SEC 32 NENENW

BOTH OF THESE CLAIMS INVOLVE MULTIPLE RIGHTS FROM THESE SAME P/D BUT THE OTHER CLAIMS CORRECLTY REPORT THE P/D'S.

I WILL PLACE A COPY OF THIS MEMO IN THE FILES AND ASSUME THAT THE LAWYERS WILL TAKE THE APPROPRIATE STEPS TO GET THESE RECOMMENDATIONS MODIFIED.

ALLEN

MICROFILMED
DEC 04 1996

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

07/05/95 09:44:41
Page 1

Water Right Number - 36-02729

Prefix Translation: WATER RIGHT

Old (D) Number - 31751

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
YOUNG OR TERRY UHLING

GRAY

1 - ENV AND REGULATORY AFFAIRS
2 - J R SIMPLOT COMPANY
3 - PO BOX 27
City- BOISE
Phone - 208-389-7318

State- ID Zip- 837070027

*** C - CURRENT OWNER ***
J R SIMPLOT COMPANY

1 - PO BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

*** K - ALSO KNOWN AS ***
SIMPLOT

1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/03/1964 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - SE - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
10S 23E 15 SW NW SW (67) MINIDOKA
SW SW SW 1 (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
07 - INDUSTRIAL 01/01 12/31 0.560

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.560 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
10S 23E 15 NE SW 07 INDUSTRIAL (67) MINIDOKA
10S 23E 15 NW SW 07 INDUSTRIAL (67) MINIDOKA
10S 23E 15 SW SW 1 07 INDUSTRIAL (67) MINIDOKA

+ - - Diversion Means - 3 WELLS & PUMPS TO PIPELINE NETWORK

+ - - Non-Irrigation Use - INDUSTRIAL/ POTATO PROCESSING PLANT

+ - - Other Rights for Same Use - SEE REMARKS

MICROFILMED
DEC 04 1996

Water right number - 36-02729

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

TWO POINTS OF DIVERSION LOCATED IN ~~SENUSW~~, S15, T10S, R23E.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04179, 36-02648A, 36-04180 & 36-08154.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.70 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3630.8 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 817.2 AF. COMBINED RIGHT NOS.:
~~36-04179, 36-02648A, 36-04180 AND 36-08154.~~

+ - - - - Old Water Right Numbers - - - - - +

3602729

+ - - - - Conditions of Approval - - - - - +

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 08/16/91 SOUTH1 09/19/91 WORSTELL 09/20/91 WORSTELL 03/10/92 MERRITT 07/18/92 POST-STD
08/28/92 PR-PRODM 11/02/92 CPSHAW 12/05/92 ADT-SHAW 04/02/93 CAN-SHAF 05/19/94 CAN-SHAF
03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 258592 08/24/92

+ - - - - Comments - - - - - +

Date: 03/10/1992 User Id: MERRITT Subject: UNRECORDED TRANSFER
THIS RIGHT HAS BEEN USED OUT OF THE DRY STORAGE WELL SINCE
WAS MOVED TO COVER THE ETHANOL PLANT. THE WELL IN DRY STORAGE
IT APPEARS A MISTAKE WAS MADE IN THAT IT SHOULD HAVE BEEN THIS
THIS RIGHT IS BEING RECOMMENDED WHERE 36-02648 WAS REMOVED.

THERE WAS A MIXUP IN TRANSFERING OF WATER RIGHTS WHEN 36-02648
LICENSED UNDER 36-02648 WAS NEVER REDUCED IN USE SINCE THE TRANS.
RIGHT THAT SHOULD HAVE BEEN TRANS. TO CORRECT THIS PROBLEM

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 08/14/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/10/1992	Old Judicial District	-
Claim Received Date	- 10/12/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C012178	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	- C
Fee Exempt Flag	-	Name Connector	- AND/OR	Notice of Error Flag	-

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DEC 04 1995

R PROOF



CVR



MAPS



PHOTOS



MISC



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Water Right Number - R36-02729

Prefix Translation: RESEARCH

Old (D) Number - 31751

VERIFIED ADM

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
J. R. SIMPLOT COMPANY1 - P.O. BOX 27
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

*** K - ALSO KNOWN AS ***
SIMPLOT1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83707

+ - - Priority Date - - +
03/03/1964+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - -
GROUNDWATER

+ - - Tributary - - - - -

+ - - Point of Diversion - - - - -						+	
Trwn	Rng	Sec	Tract	Lot	RFlg	County	
10S	23E	15	SW NW SW			(67) MINIDOKA	
			SW SW SW	1		(67) MINIDOKA	

+ - - Water Use - - - - -		+				
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
07 - INDUSTRIAL		01/01	12/31	0.560		

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.560		0.0	

+ - - Place of Use - - - - -								+
Trwn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10S	23E	15	NE SW			07	INDUSTRIAL	(67) MINIDOKA
10S	23E	15	NW SW			07	INDUSTRIAL	(67) MINIDOKA
10S	23E	15	SW SW	1		07	INDUSTRIAL	(67) MINIDOKA

Total Acres:

+ - - Diversion Means - 3 WELLS & PUMPS TO PIPELINE NETWORK

+ - - Non-Irrigation Use - INDUSTRIAL/ POTATO PROCESSING PLANT

+ - - Other Rights for Same Use - SEE REMARKS

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Water right number - R36-02729

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
TWO POINTS OF DIVERSION LOCATED IN SENWSW, S15, T10S, R23E.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04179, 36-02648A, 36-04180 & 36-08154.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.70 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3630.8 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 817.2 AF. COMBINED RIGHT NOS.:
36-04179, 36-02648A, 36-04180 AND 36-08154.

+ - - - - - Old Water Right Numbers - - - - - +
3602729

+ - - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 03/10/1992 User Id: MERRITT Subject: UNRECORDED TRANSFER
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RIGHT THAT SHOULD HAVE BEEN TRANS. TO CORRECT THIS PROBLEM

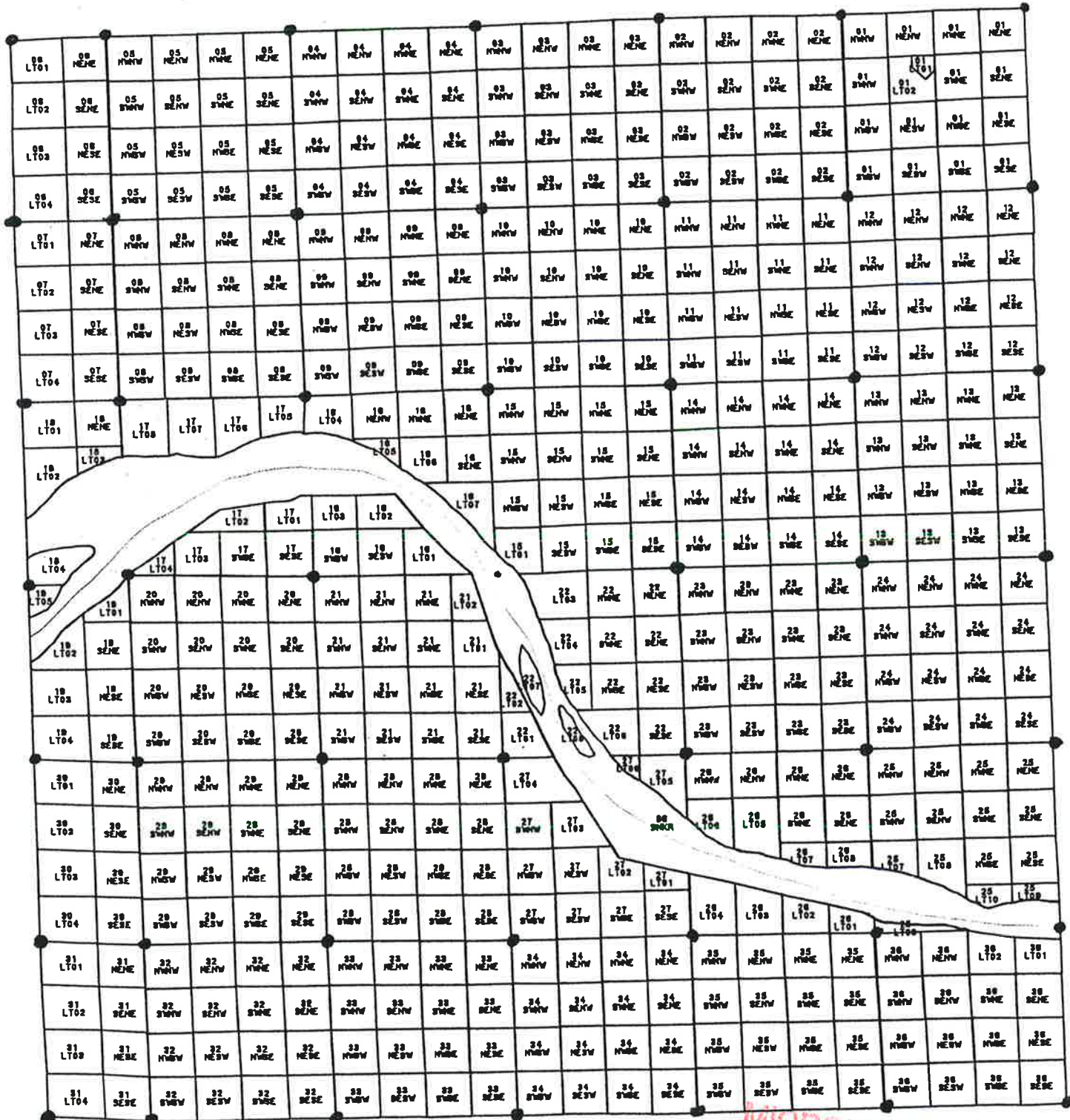
+ - - Audit Fields - - +
03/10/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 08/14/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/10/1992	Old Judicial District	-
Claim Received Date	- 10/12/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C012178	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	-

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10S23E



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E.

R. 23 E.

T. 105 2. 23E

WL# A3C-02729

--- = point of Diversion
--- = place of Use

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MEMO

09-Mar-1992 08:55

From: Allen Merritt

To: Files A36-02542
A36-02648
A36-02729
A36-08154
A36-04179
A36-04180
A36-04181
A36-04182

J.R.Simplot Company has filed the above referenced claims to record the water use at the Simplot-Heyburn potatoe processing plant. The plant is located within the SW1/4 of Sec.15 T10S, R23E, BM in Minidoka County with the waste disposal plant located across the Snake River in the S1/2 of Sec.16 and the N1/2NE1/4 Sec.21 T10S, R23E, BM in Cassia County.

In the fall of 1991 Mike Harshburger, summer aid, conducted a field review of the claims but the exams were not finalized with detail sufficient to determine the diversion volume and consumptive use of the facility. During my re-evaluation I have contacted Vic Conrad of the Simplot office in Boise by phone on numerous occasions and on Feb. 21, 1992 I visited the plant and was escorted to all the well sites by Gerald Jordan. Additionally on Feb. 27 I contacted Mike Gann, environmental engineer for the plant, by phone to discuss the waste treatment facility and on 3/6/92 Vic Conrad visited my office.

My field review found that the bulk of the potatoe processing plant is supplied water from three production wells which are valved together but normally operated separately. The ethanol plant is supplied from a separate production well and there are other sandpoint wells for small domestic uses and watering of landscape. The water used within the plant is used for many purposes which can generally be classified as:

Domestic	(To supply the needs of the workers which would include drinking, toilet, washing, etc.)
Flume	(Water is used as a medium to transport potatoes and potatoe products thru the process)
Cooling	(Water is used to cool various mechanical devices as well as for humidification)
Washing	(Cleaning equipment, potatoes, ect.)
Fire Prot	(Protection for Plant)

Waste water from the processes at the potatoe processing plant and the ethanol plant is pumped across the river for treatment and disposal. A small portion being the domestic waste is processed thru the City of Heyburn waste treatment facility. Regarding the three main production

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wells these are generally used year-round, 24 hrs a day. They are valved &/or switched such that the discharge varies greatly throughout the day. To determine the appropriate amounts for the diversion volume and consumptive use volume I decided to first determine the volume of water pumped based on conversations and observations made then subtract out the measured waste. The large unknown in the water budget for the complex is the water evaporated into the air at the plant thru the venting of steam. This consumptive use of the water was estimated to be large by both Mr. Gann and Mr. Conrad but they could not quantify this value. Mike Gann indicated that the waste treatment facility treats around 3.0 million gallons/day (mgd). Of this 2.3 to 2.7 is termed "white water" and the remainder being termed "silt water". These waters are run thru a combination of digesters and settling ponds with effluent being discharged back to the Snake River under a discharge permit with a daily average of 2.5 to 2.7 mgd. A by product of this process is a biogas which is recovered and burned. Using napp photos and the description provided by Mr. Gann it appears that there are 35 acres of pond surface to evaporate water at the waist disposal site. The numbers provided by Mr. Gann and Mr. Conrad are their best estimates and are reduced below in a simplified water budget for the processes:

WATER INPUT TO SYSTEM

Main Well
 $4.27 \times 1.98 \times 365 = 3085.1 \text{ AFA}$

Dry Storage Well
 $30\% \times 2.23 \times 1.98 \times 365 = 477.0 \text{ AFA}$

Ethanol Well
 $0.70 \times 1.98 \times 240 = 332.6 \text{ AFA}$

River Well = 66.7 AFA

Estimated loss to evap @ plant

3961.4
 -3247.9
 - 3.7
 -61.6

 648.2 AFA

WATER OUTPUT FROM SYSTEM

Waste Treatment
 $2.9 \text{ mgd} = 3247.9 \text{ AFA}$
Back to River
 $2.6 \text{ mgd} = 2911.9 \text{ AFA}$
Evap in Pond
 $4 \times 35 = 140.0 \text{ AFA}$
Unaccounted
 $3247.9 - 2911.9 - 140 = 196.0 \text{ AFA}$
 (Biogas + seepage +?)

Ethanol Production
 5000×240
 ----- = 3.7 AFA
 325900

Domestic Waste
 $1100 \times 50 \times 365$
 ----- = 61.6 AFA
 325900

TOTAL DIVERSION VOLUME 3961.4 AFA
TOTAL CONSUMPTIVE USE 648.2 + 140.0 + 3.7 + (196 x 50%) 889.9 AFA

It is realized that some water enters the process in the potatoes and some water is lost in the biogas but it is assumed that these balance

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out or is a portion of the 196.0 AFA unaccounted at the waste treatment plant.

.....
In recommending the rights since the three main production wells are tied together all three points of diversion should be listed and the rights associated with these three wells should be:

Main Well	36-04179	4.27 cfs
Dry Storage	36-02648 part	1.96 cfs (2.66-0.70)
	36-02729	0.56 cfs

		2.23 cfs *well cap.
River Well	36-08154	1.20 cfs

*** Combined diversion rate = 7.70 cfs

**** Combined diversion volume = 3628.8 AFA

***** Also note that 36-04080 also supplied from this system for irrig. of 1/2 acre

***** Combined consumptive use est. = 889.9 (7.70/8.4) = 815.7 AFA

.....
Ethanol Pump 36-02648 part 0.70 cfs
** Diversion volume = $0.7 \times 1.98 \times 240 = 332.6$ AFA
*** Consumptive use est. = 889.9 (0.7/8.4) = 74.2 AFA

.....
A36-02542 This claim was for the fertilizer plant and after review with Mr. Conrad they are going to relinquish the claim since Simplot has never owned the property and they do not own it now. If belongs to Cenex but Simplot my purchase it in the future. During my field review we reviewed the property and the well and pump was not located and the fertilizer plant was not used and it was reported that the plant has not been used for many years.

.....
36-04180 This right was initially developed with an old sandpoint well located in the auto body shop. The right was for irrigation of a small strip of grass on the southern end of the property. During the field review the strip of ground continues to be irrigated but the pump on the sandpoint has been removed. Further discussions with Mr. Jordan indicated that the grass is watered from the pipeline network which connects the River Well, Dry Storage Well & the Main Well. This use will be recommended out of this system.

.....
36-04181 This right is for the lawn and shrub irrigation around the main parking lot located near the main building. The well and pump are located inside the main building inside the wheel pit peal room. The pump is a 1 hp and is only used for irrigation of the lawn of approx. 1/2 acre.

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.....
36-04182 This right is for the small domestic type use for the workers
in the carpenter shop. The well is a sandpoint with 1/3 hp pump
supplying the shop.

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CANAL

416

CLAIM _____ INIT AD
T. R. S. Q/Q
P/D _____
PHOTO BB 78 SE
DT. & ID. _____

Well location
Simplot Plant
Heyburn

4715

4714

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FEB 01 1993

32' 30"