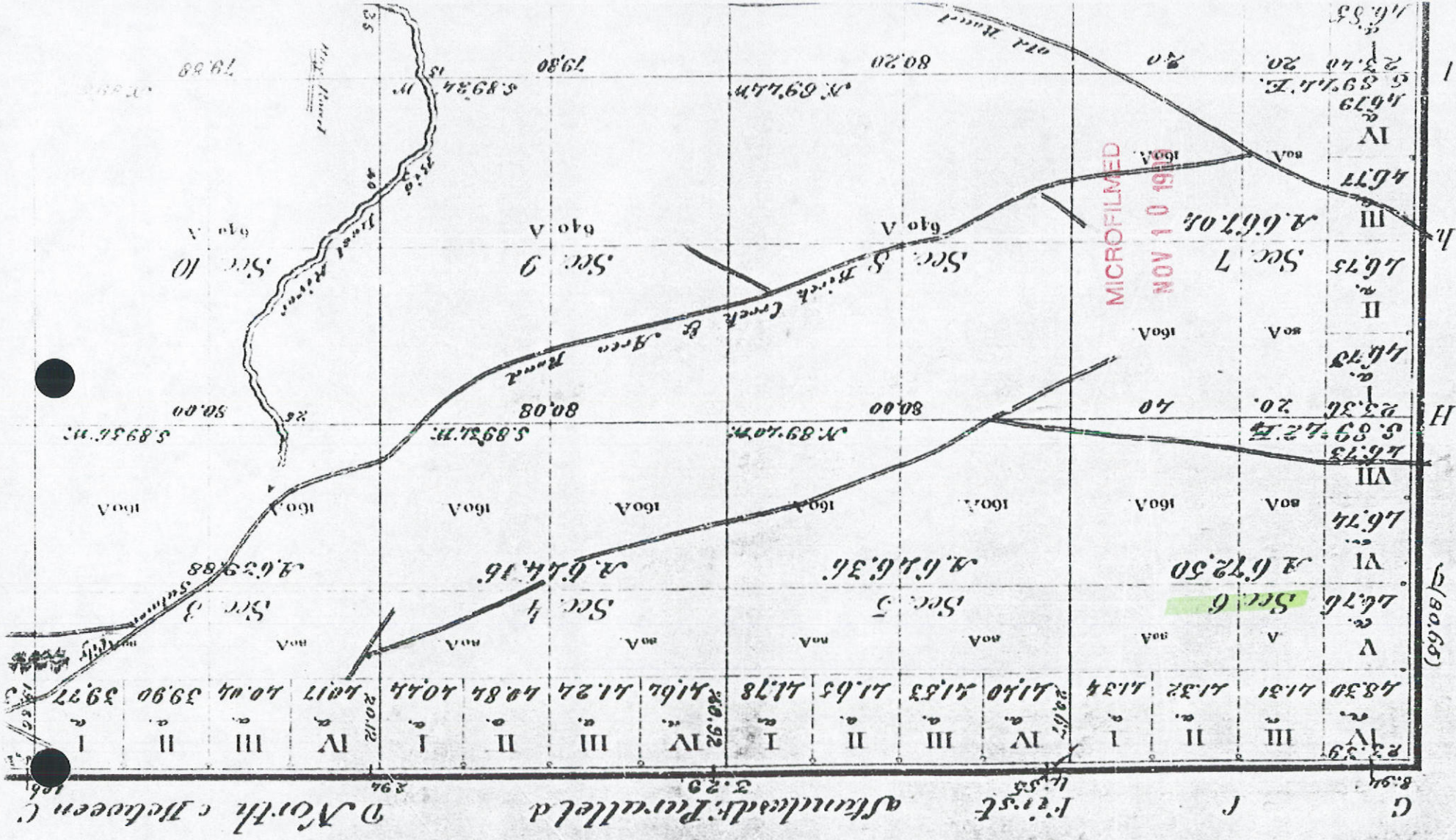


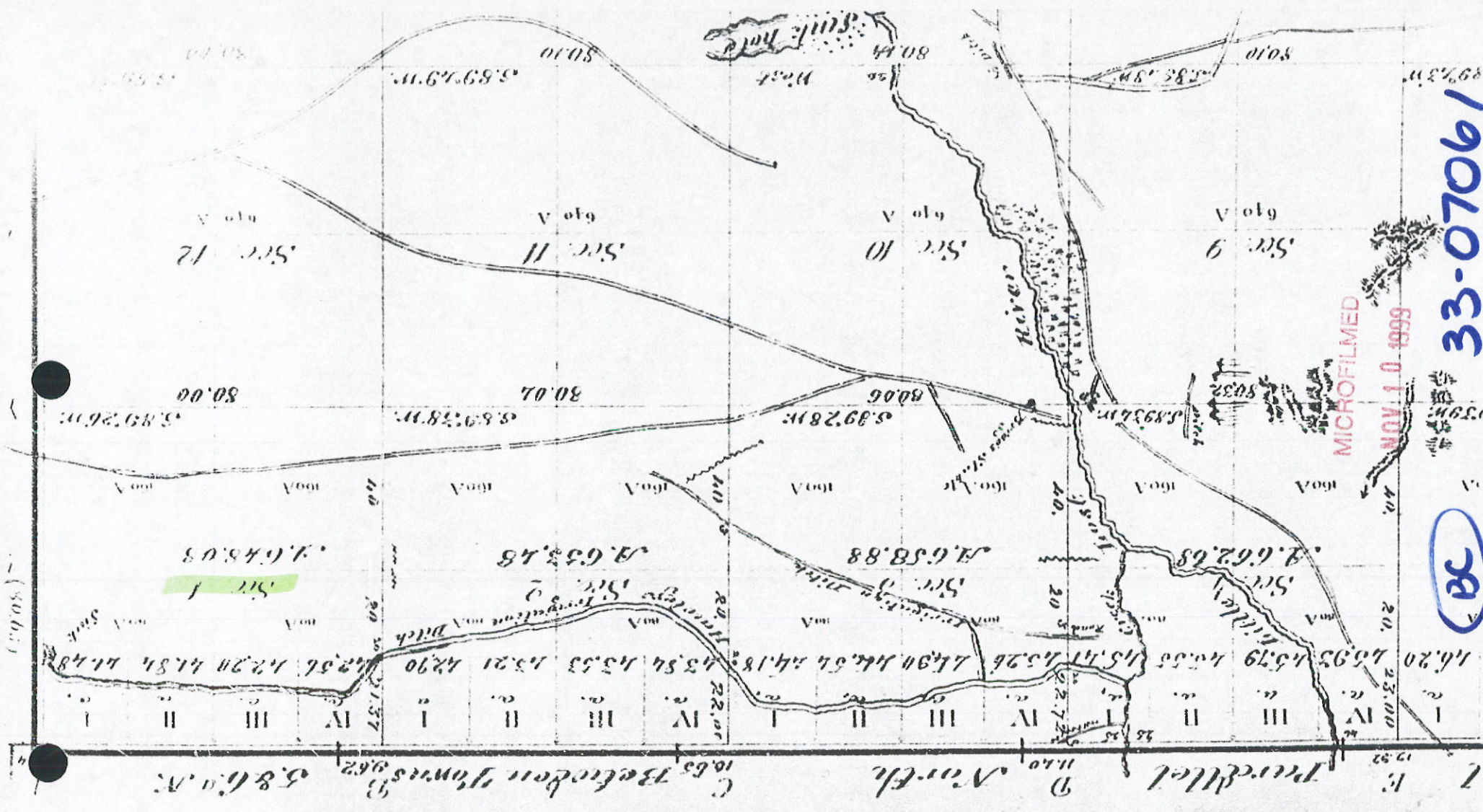
Township No. 5 North, Range No. 30 East, of



32

33-67061

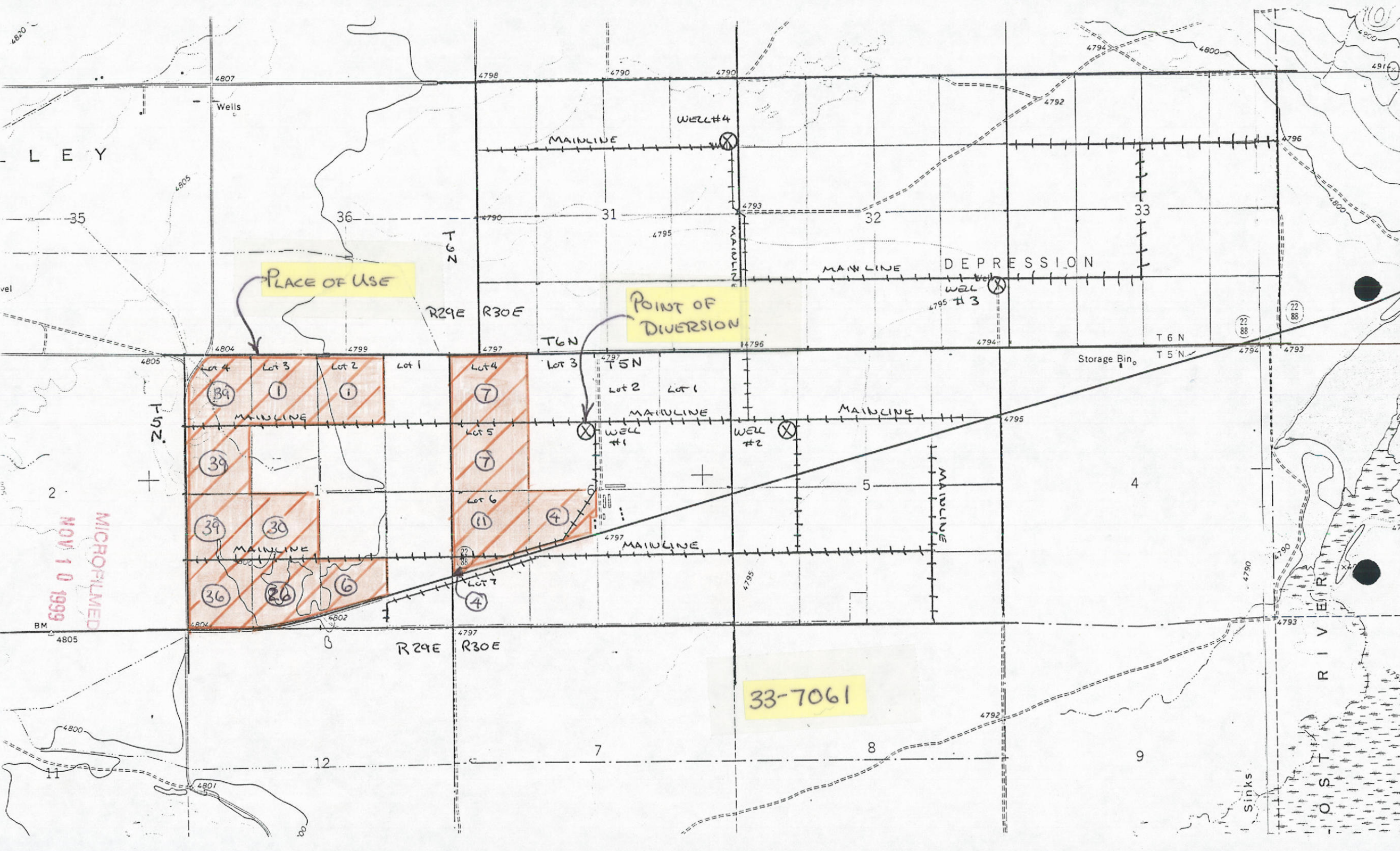
North Range No. 29 East, of the Boise Meridian.



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NOV 10 1999

33-07061

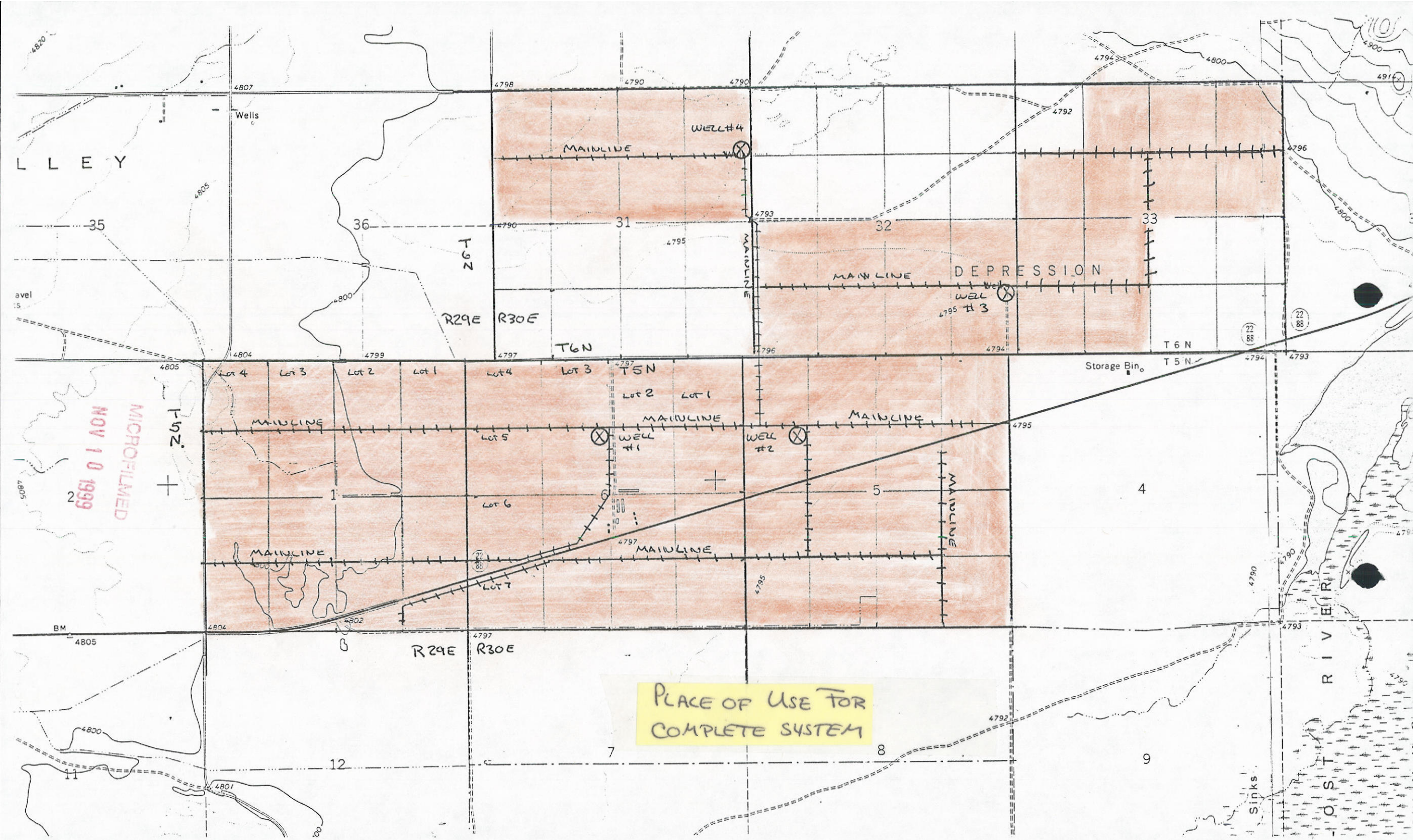


PLACE OF USE

POINT OF DIVERSION

33-7061

MICROFILMED
NOV 10 1999



Affidavit of Publication

RECEIVED

JAN 4 1978

Department of Water Resources
Eastern District Office

L. L. Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for *2* consecutive weeks, commencing with

the issue dated *11-10-77*

and ending with the issue dated *11-17-77*

L. L. Cammack

Subscribed and sworn to before me this

28 day of *Dec*, 19*77*

Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires *5/14*, 19*78*

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Simplot Industries, Inc., Boise,
Idaho, has on 10-21-77 submitted
Application No. 33-7061 for a permit
to appropriate 9.10 cubic feet per
second of water from a ground-
water source by means of well and
pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6,
T. 5N, R. 30E, B.M., Butte County;
to be used from Apr. 1 to Sept. 1 for
the irrigation of 770 acres within the
NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 5N, R.
30E, Sec. 1, T. 5N, R. 29E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before November
28, 1977.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on November 10 and
November 17, 1977.

MICROFILMED

M E M O R A N D U M

TO: The File

FROM: Tony Kozlowski

RE: An Analysis of the Conflict Between Pre-Existing Water Rights Filed by Hope Land & Water Co., and Applications for Permit Filed by Simplot Industries, Inc.

DATE: October 31, 1977

Hope Land & Water Pre-Existing Licenses:

- License 33-2054 - 2.32 c.f.s. on 997.22 acres
- License 33-2076 - 7.50 c.f.s. on 997.22 acres
- License 33-2075 - 10.12 c.f.s. on 997.22 acres

These licensed together are equivalent to 0.02 c.f.s./acre, (allowable limit).

Permit 33-2053 filed by Hope Land and Water Co. has lapsed due to the applicant's failure to file beneficial use. This permit was for the identical 997.22 acres appurtenant to the above three referenced licenses.

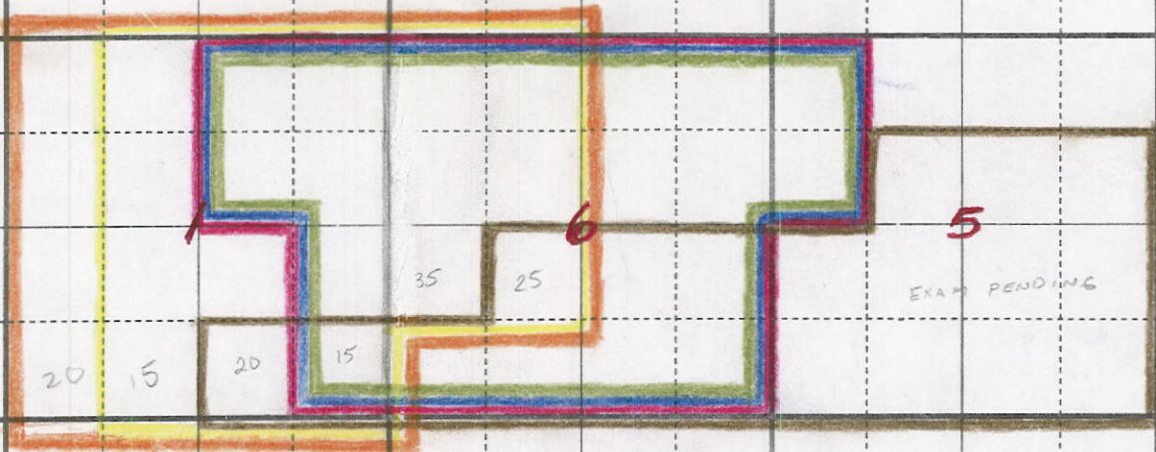
Permit 33-7007, proof has been filed and a field examination pending. The exam has not yet been completed due to a broken measuring device. (Simplot's) *10 cfs*

TO FIELD EXAMINER - Do not license any water for lands in Sec. 6, T. 5N, R. 30E, as these lands are licensed for a maximum amount of groundwater. License water for lands in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E, and lands in S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$, Sec. 5, T. 5N, R. 30E.

Permit 33-7053, approved but to date proof has not been filed. Here there has been an overfiling of 2.80 c.f.s. An appropriate filing would have been 160 acres and 3.20 c.f.s., (E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$). Overfiling - 220 acres in Sec. 6, T. 5N, R. 30E, 160 acres in NE $\frac{1}{4}$, and 55 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E. (Simplot's) *60 cfs*

Finally, the application received on October 21, 1977, should have been for only 80 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$, and 60 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E, for a maximum total of 2.80 c.f.s.; overfiling on 630 acres and 6.30 c.f.s. (Simplot's)

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Range
29ERange
30ETownship
6NTownship
5N

- L 33-2075 10.12 cfs on 997.22 ac Hope Land & water
- L 33-2076A 7.5 cfs on 997.22 ac Hope Land & water
- L 33-2054 2.32 cfs on 997.22 ac Hope Land & water
- P 33-7007 10.00 cfs on 622.60 ac Simplot Industries
- P 33-7053 6.00 cfs on 595 ac Simplot Industries
- New application 9.1 cfs on 774 ac Simplot Industries

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Scale 1:24000

2.64 mi
2000 ft

L L E Y

Wells

36

Gravel
Pits

2

Scat

12

R29E
R30E

22
88

Wells in Sec 16, 12, 21 T4N R29E
33-2054-238 CTS Sect 2, 14-1
33-2075-1012
33-2076-4-7.5 CTS MAT 22, 1955
997.22 Acres.

33-2076-6.8 CTS
SECT 5, 1958
340 Acres Total

20 Acres

DEPRESSION

lic. Pending

520 Ac.

Jan 8, 1966

10.4 CTS

33-2114

33-2125
10.0 CTS, Jan 8, 1966
lic. Pending

Well

32

31

36

R29E
R30E

Sinks

RIVER

148

9

8

7

42

4790

4793

4793

4792

4792

4792

16 N

15 N

Storage Eln.

4796

4795

4793

4790

4790

4797

4799

4804

4805

4804

4802

4800

4800

4805

4804

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07061

Priority: October 24, 1977

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

73.0 AF

This is to certify, that JR SIMPLOT CO

PO BOX 27

BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 24, 1977; and has submitted Proof of Beneficial Use on June 28, 1985. An examination indicates that the works have a diversion capacity of 43.680 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	73.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 05N, Range 29E
SWNW , Sec. 5, Township 05N, Range 30E
SENE , Sec. 6, Township 05N, Range 30E
NENE , Sec. 31, Township 06N, Range 30E
Lot 1 (SESE), Sec. 32, Township 06N, Range 30E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	29E	1	Lot 1 (NENE) 42	Lot 2 (NWNE) 42	SWNE 40	
			SENE 40	Lot 3 (NENW) 43	Lot 4 (NWNW) 37	
			SWNW 39	SENE 40	NESW 40	
			NWSW 39	SWSW 38	SESW 36	
			NESE 40	NWSE 40	SWSE 36	
			SESE 37			629
30E	5		Lot 1 (NENE) 42	Lot 2 (NWNE) 43	SWNE 39	
			SENE 38	Lot 3 (NENW) 42	Lot 4 (NWNW) 42	
			SWNW 39	SENE 39	NESW 41	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 41	SWSE 40	
			SESE 39			645
		6	Lot 1 (NENE) 42	Lot 2 (NWNE) 41	SWNE 36	
			SENE 41	Lot 3 (NENW) 42	Lot 4 (NWNW) 49	
			Lot 5 (SWNW) 48	SENE 41	NESW 37	
			Lot 6 (NWSW) 46	Lot 7 (SWSW) 45	SESW 41	
			NESE 38	NWSE 25	SWSE 41	
			SESE 41			654

Total number of acres irrigated: 1928

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NOV 10 1999

State of Idaho
Department of Water Resources**Water Right License**

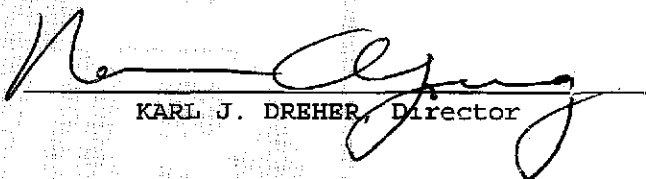
WATER RIGHT NO. 33-07061

CONDITIONS OF APPROVAL AND REMARKS

1. Rights 33-07053, 33-02054, 33-02075, 33-02076A, 33-02076B, 33-02119, 33-02125 and 33-07007 are also diverted from the points of diversion described above.
2. Rights 33-02054, 33-02075, 33-02076A, 33-02076B, 33-07007, 33-07053 and 33-07061 when combined shall not exceed a total diversion rate of 30.78 cfs, a total annual maximum diversion volume of 6748 af at the field headgate, and the irrigation of 1928 acres.
3. Rights 33-02054, 33-02075, 33-02076A, 33-02076B, 33-07007, 33-02119, 33-02125, 33-07053 and 33-07061 when combined shall not exceed a total diversion rate of 43.68 cfs, a total annual maximum volume of 10507 af at the field headgate, and the irrigation of 3002 acres.
4. Rights 33-07053 and 33-07061 when combined are limited to the irrigation of 388 acres within the place of use described above in a single irrigation season.
5. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 22ND day of

OCTOBER, 1999.


KARL J. DREHER, DirectorMICROFILMED
NOV 10 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 33-07061

Date of Priority: October 24, 1977

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 73.0 AF

Comes now JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 33-07061, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	73.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 05N, Range 29E
SWNW , Sec. 5, Township 05N, Range 30E
SESW , Sec. 6, Township 05N, Range 30E
NENE , Sec. 31, Township 06N, Range 30E
Lot 1 (SESE), Sec. 32, Township 06N, Range 30E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
05N	29E	1	Lot 1 (NENE)	42	Lot 2 (NWNE)	42	SWNE	40	
			SENE	40	Lot 3 (NENW)	43	Lot 4 (NWNW)	37	
			SWNW	39	SESW	40	NESW	40	
			NWSW	39	SWSW	38	SESW	36	
			NESE	40	NWSE	40	SWSE	36	
			SESE	37					629
30E	5		Lot 1 (NENE)	42	Lot 2 (NWNE)	43	SWNE	39	
			SENE	38	Lot 3 (NENW)	42	Lot 4 (NWNW)	42	
			SWNW	39	SESW	39	NESW	41	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	41	SWSE	40	
			SESE	39					645
		6	Lot 1 (NENE)	42	Lot 2 (NWNE)	41	SWNE	36	
			SENE	41	Lot 3 (NENW)	42	Lot 4 (NWNW)	49	
			Lot 5 (SWNW)	48	SESW	41	NESW	37	
			Lot 6 (NWSW)	46	Lot 7 (SWSW)	45	SESW	41	
			NESE	38	NWSE	25	SWSE	41	
			SESE	41					654

Total number of acres irrigated: 1928

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NOV 10 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07061

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 14th day of October, 1999.

J.R. Simplot Company
By: *Ronald N. Graves*
(Signature)
Ronald N. Graves, Secretary

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NOV 10 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07061

FOR DEPARTMENT USE ONLY

Preliminary check by SNK Fee = 50⁰⁰ Receipted by JM # C046903 Date 10-18-99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 33-07061 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Rights 33-07053, 33-02054, 33-02075, 33-02076A, 33-02076B, 33-02119, 33-02125 and 33-07007 are also diverted from the points of diversion described above.
2. Rights 33-02054, 33-02075, 33-02076A, 33-02076B, 33-07007, 33-07053 and 33-07061 when combined shall not exceed a total diversion rate of 30.78 cfs, a total annual maximum diversion volume of 6748 af at the field headgate, and the irrigation of 1928 acres.
3. Rights 33-02054, 33-02075, 33-02076A, 33-02076B, 33-07007, 33-02119, 33-02125, 33-07053 and 33-07061 when combined shall not exceed a total diversion rate of 43.68 cfs, a total annual maximum volume of 10507 af at the field headgate, and the irrigation of 3002 acres.
4. Rights 33-07053 and 33-07061 when combined are limited to the irrigation of 388 acres within the place of use described above in a single irrigation season.
5. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

Witness my hand this 22ND day of OCTOBER, 1999.


KARL J. DREHER, Director

MICROFILMED

NOV 10 1999

4/86

RECEIVED

AUG 18 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 150.00
Date 8-18-86
Receipt # 39837
Receipt by mj
Sent to S.O. 9-5-86

1. Permit No. 33-7061

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: J.R. Simplot Company, successor by merger with Simplot Industries

3. Post Office Address: P. O. Box 27 Boise, ID 83707

Attn: R. N. Graves Telephone No. 336-2110

4. Source of Water: groundwater

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 770 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 2.8 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
5-1-85

8. Person to contact to accompany the department representative during the field examination:

Jim Hoover

(Name)

c/o Howe Farms

Howe, ID

83224

767-3424

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

J. R. SIMPLOT COMPANY MICROFILMED

August 14, 1986
Date

By

R. N. Graves Secretary
Signature of Permit Holder (and title, if appropriate)

copy retained for file

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 33-7061

Name(s) of Permit Holder: J. R. Simplot Company, successor by merger with Simplot Industries, Inc.

Post Office Address: P.O. Box 27, Boise, Idaho 83707

Tel. No. 336-2110

Source of Water: Ground water

Extent of Use:

☐ Domestic		(number of households)
☐ Stockwater		(number and type of stock)
☒ Irrigation	<u>770</u>	(acres)
☐ Other		

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

J. R. Simplot Company

Raymond G. Givens

Signature of Permit Holder

6-27-85

Date

MICROFILMED

Rec'd
6-28-85

PLACE
13 CENT
STAMP
HERE

RECEIVED

JUN 28 1985



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

Department of Water Resources BOISE, IDAHO 83720

MICROFILMED

RECEIVED

JUL 1 1985

Department of Water Resources

JUL 26 1985

STATE OF IDAHO

Department of Water Resources
Eastern District Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now J. R. SIMPLOT CO. Successor in interest to Simplot Industries Phone 336-2110
Attn: Ron Graves
of (address) P.O. Box 27, Boise, ID 83707, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 33-7061, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ NW ¼, Section 6, Township 5N, Range 30E, B.M.,
County of Butte. Other points of diversion: NW¼NW¼, Sec. 1, T. 5N,
R. 29E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.80 for Irrigation purposes from 4-1 to 9-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	30E	6					40	40	40	40	25	35							220
5N	29E	1	40	40	40	40	40	40	40	40	40	40	20	15	40	40	20	15	550

Total number of acres to be irrigated = 770

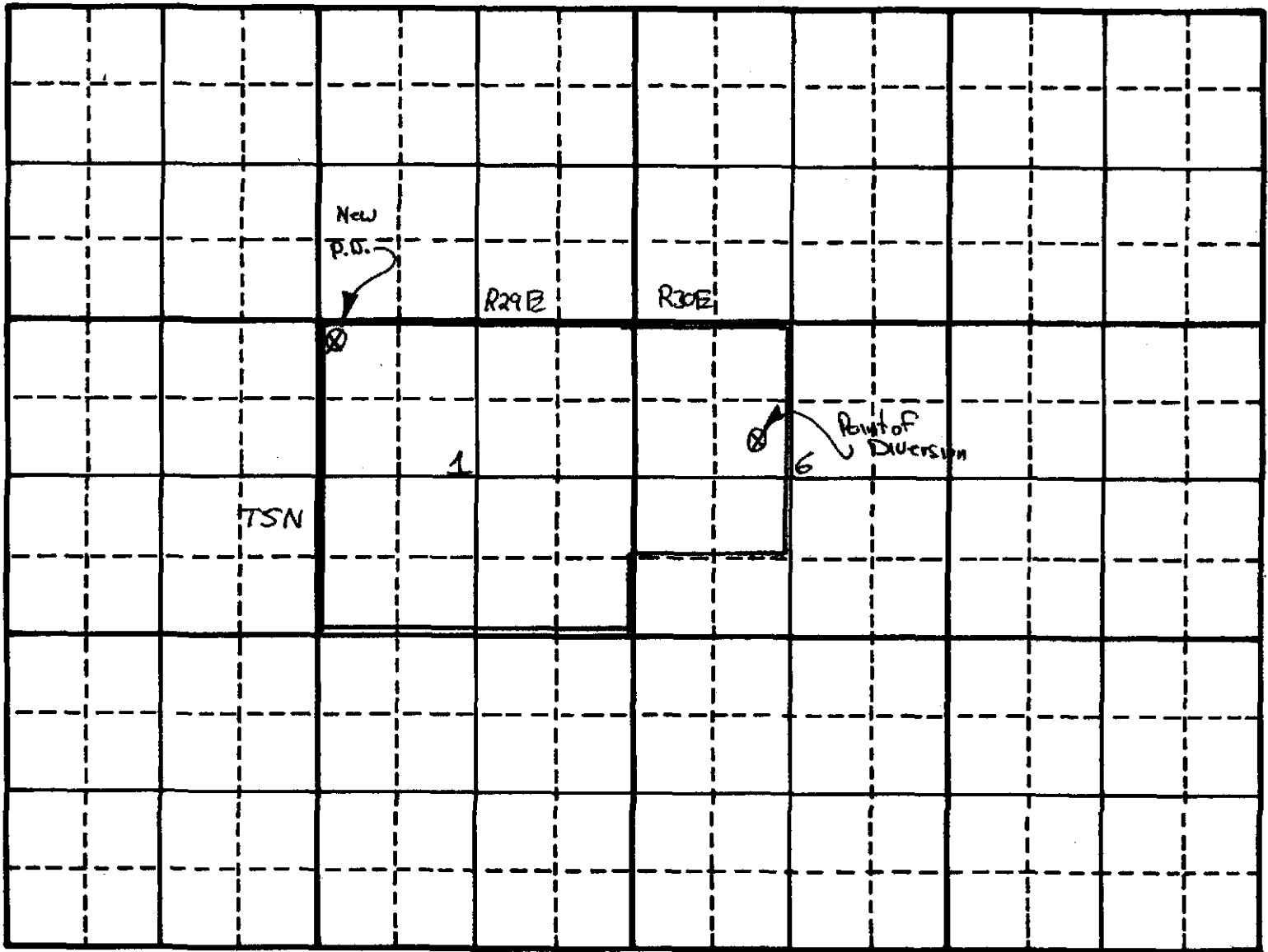
4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

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Scale: 2 inches equal 1 mile.

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

Signed at Boise, Idaho, this 22 day of July, 19 85.

J. R. SIMPLOT CO.

Russell D. Howe Secretary
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by HWT Fee = \$20.00 Received by _____ Date _____

Publication prepared by ct Date 8-14-85 #35466 Published in Arco Advertiser

Publication dates 8-22 & 8-29-85

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on

page 4 of Permit No. 33-7061 are met.

Witness my hand this 4th day of November

19 85

L. Glen Saxton
Chief, Operations Bureau

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF
STATE OF NEVADA

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

RECEIVED

AUG 1 1985

Department of Water Resources

FEB 27 1985

Merging

BRUCE W. HARRIS - SECRETARY

SIMPLOT INDUSTRIES, INC.

into

J. R. SIMPLOT COMPANY

(Pursuant to Section 78.486 of the Nevada Revised Statutes
and 16-10-70 of the Utah Business Corporation Act.)

J. R. SIMPLOT COMPANY, a corporation organized and
existing under the laws of Nevada, the parent corporation, does
hereby certify:

FIRST: That this corporation was incorporated on the
28th day of June, 1955, pursuant to the laws of the State of
Nevada.

SECOND: The number of outstanding shares of each
class of SIMPLOT INDUSTRIES, INC., a Utah corporation, and the
number of shares of each class owned by J. R. SIMPLOT COMPANY
are as follows:

<u>Names of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>Number of Shares Owned by J. R. Simplot Company</u>
Simplot Industries, Inc.	10	Common	10

THIRD: That this corporation, by resolution of its
board of directors, duly adopted the following Plan of Merger,
at a meeting held on the 15th day of February, 1985, and deter-
mined to merge into itself said SIMPLOT INDUSTRIES, INC. at the
Effective Time which resolution is in the following words
to-wit:

NOW, THEREFORE, be it resolved that J. R. SIMPLOT COMPANY
merge, and it hereby does merge into itself said SIMPLOT
INDUSTRIES, INC. and assumes all of its obligations, at the
Effective Time; under the following terms and conditions:

A. BE IT RESOLVED that effective as of the close of busi-
ness on the 28th day of February, 1985, (the Effective
Time), SIMPLOT INDUSTRIES, INC. shall be and it is hereby
merged into J. R. SIMPLOT COMPANY, with the effect and
result that the existence of SIMPLOT INDUSTRIES, INC. shall

MICROFILMED

NOV 10 1999

cease and J. R. SIMPLOT COMPANY shall continue in existence as the surviving corporation.

B. BE IT RESOLVED that all of the provisions contained in the Articles of Incorporation, as amended, and the By-Laws of J. R. SIMPLOT COMPANY shall remain in force and effect and shall not be deemed altered or amended hereby, and that the laws of the State of Nevada shall continue to govern the surviving corporation.

C. BE IT RESOLVED that the present members of the Board of Directors of J. R. SIMPLOT COMPANY shall continue to hold office during the remainder of the term to which they are elected and until their successors are elected and duly qualified.

D. BE IT RESOLVED that at the Effective Time, all of the property, real, personal or mixed, and all of the assets of SIMPLOT INDUSTRIES, INC. wherever located, shall be deemed automatically transferred to and become vested in J. R. SIMPLOT COMPANY as the surviving corporation, without any further act or deed or instrument of transfer of conveyance for the accomplishment thereof; and whereupon, further, J. R. SIMPLOT COMPANY shall assume and become liable for payment of all of the existing indebtedness and obligations of SIMPLOT INDUSTRIES, INC., including the obligations to perform existing agreements without any special act or assumption of liability for those obligations.

E. BE IT RESOLVED that in as much as SIMPLOT INDUSTRIES, INC. is a wholly-owned subsidiary of J. R. SIMPLOT COMPANY and is being merged into its parent corporation, no additional capital stock of J. R. SIMPLOT COMPANY will be issued upon or as a part of said merger; and after the Effective Time each certificate or certificates theretofore representing issued and outstanding shares of the Capital Stock of SIMPLOT INDUSTRIES, INC. shall be deemed cancelled.

F. BE IT RESOLVED that notwithstanding any action taken with respect to the merger by the Directors of J. R. SIMPLOT COMPANY or SIMPLOT INDUSTRIES, INC. or both, and notwithstanding anything herein or elsewhere to the contrary, the merger may be abandoned at any time prior to the filing thereof by the adoption of a resolution providing for such abandonment by the Board of Directors of J. R. SIMPLOT COMPANY.

G. BE IT RESOLVED that the Executive Vice President and Secretary of this corporation be and they hereby are directed to make and execute, under the corporate seal of this corporation, a certificate of ownership and merger setting forth a copy of the resolution to merge said SIMPLOT INDUSTRIES, INC. and assume its liabilities and obligations, and to file the same in the office of the Secretary of State of Nevada and the Secretary of State of Utah; and

H. BE IT FURTHER RESOLVED that the officers of this corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the States of Nevada and Utah which may be necessary or proper to effect said merger.

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NOV 10 1999

FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary of State of Utah as its agent to accept service of process in any such proceeding; and (c) agrees that it will promptly pay to the dissenting shareholders of such domestic corporation the amount, if any, to which they shall be entitled under the provisions of the Utah Business Corporation Act with respect to the rights of dissenting shareholders.

SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

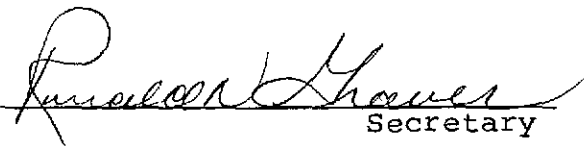
IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald N. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By


Its Executive Vice President

ATTEST:


Secretary

MICROFILMED

NOV 10 1989

STATE OF IDAHO)
) ss
County of Ada)

I, Laurel J. Walker, a notary public, do hereby certify that on this 15th day of February, 1985, personally appeared before me Scott R. Simplot, who, being by me first duly sworn, declared that he is the Executive Vice President of J. R. SIMPLOT COMPANY, that he signed the foregoing document as Executive Vice President of the Corporation, and that the statements therein contained are true.

Laurel J. Walker
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/30/87

MICROFILMED
NOV 10 1999

For Office Use Only
Fee Received <u>15.00</u>
Date <u>2-1-83</u>
Receipt # <u>25865</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED

JAN 28 1983

Department of Water Resources

Simplot Industries, Inc.

of P.O. Box 27, Boise, ID 83707

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 33-7061.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before March 1, 19 83.

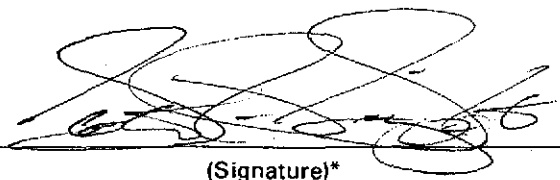
That he has heretofore performed the following work described under said permit: None
(This must be filled out! If no work has been completed put none.)

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Before expending the significant estimated construction costs associated with this permit, the Permit Holder desired to await the outcome of Idaho Power Company vs State of Idaho. The waters to be appropriated under Permit #33-7061 fell within the subterranean tributaries of the Snake River between Milner Dam and Hells Canyon, which was the focal point of the Idaho Power case. The Supreme Court of Idaho just recently handed down a decision in this case, and the permit holder desires to proceed.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to March 1, 19 85.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.



(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to March 1, 1988.

Signed this 8th day of February, 19 83.


Chief, Operations Bureau

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF
STATE OF NEVADA

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

FEB 27 1985

Merging

BRACKHAMER - SECRETARY

SIMPLOT INDUSTRIES, INC.

into

[Signature]
816-55

J. R. SIMPLOT COMPANY

(Pursuant to Section 78.486 of the Nevada Revised Statutes
and 16-10-70 of the Utah Business Corporation Act.)

J. R. SIMPLOT COMPANY, a corporation organized and
existing under the laws of Nevada, the parent corporation, does
hereby certify:

FIRST: That this corporation was incorporated on the
28th day of June, 1955, pursuant to the laws of the State of
Nevada.

SECOND: The number of outstanding shares of each
class of SIMPLOT INDUSTRIES, INC., a Utah corporation, and the
number of shares of each class owned by J. R. SIMPLOT COMPANY
are as follows:

<u>Names of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>Number of Shares Owned by J. R. Simplot Company</u>
Simplot Industries, Inc.	10	Common	10

THIRD: That this corporation, by resolution of its
board of directors, duly adopted the following Plan of Merger,
at a meeting held on the 15th day of February, 1985, and deter-
mined to merge into itself said SIMPLOT INDUSTRIES, INC. at the
Effective Time which resolution is in the following words
to-wit:

NOW, THEREFORE, be it resolved that J. R. SIMPLOT COMPANY
merge, and it hereby does merge into itself said SIMPLOT
INDUSTRIES, INC. and assumes all of its obligations, at the
Effective Time; under the following terms and conditions:

A. BE IT RESOLVED that effective as of the close of busi-
ness on the 28th day of February, 1985, (the Effective
Time), SIMPLOT INDUSTRIES, INC. shall be and it is hereby
merged into J. R. SIMPLOT COMPANY, with the effect and
result that the existence of SIMPLOT INDUSTRIES, INC. shall

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cease and J. R. SIMPLOT COMPANY shall continue in existence as the surviving corporation.

B. BE IT RESOLVED that all of the provisions contained in the Articles of Incorporation, as amended, and the By-Laws of J. R. SIMPLOT COMPANY shall remain in force and effect and shall not be deemed altered or amended hereby, and that the laws of the State of Nevada shall continue to govern the surviving corporation.

C. BE IT RESOLVED that the present members of the Board of Directors of J. R. SIMPLOT COMPANY shall continue to hold office during the remainder of the term to which they are elected and until their successors are elected and duly qualified.

D. BE IT RESOLVED that at the Effective Time, all of the property, real, personal or mixed, and all of the assets of SIMPLOT INDUSTRIES, INC. wherever located, shall be deemed automatically transferred to and become vested in J. R. SIMPLOT COMPANY as the surviving corporation, without any further act or deed or instrument of transfer of conveyance for the accomplishment thereof; and whereupon, further, J. R. SIMPLOT COMPANY shall assume and become liable for payment of all of the existing indebtedness and obligations of SIMPLOT INDUSTRIES, INC., including the obligations to perform existing agreements without any special act or assumption of liability for those obligations.

E. BE IT RESOLVED that in as much as SIMPLOT INDUSTRIES, INC. is a wholly-owned subsidiary of J. R. SIMPLOT COMPANY and is being merged into its parent corporation, no additional capital stock of J. R. SIMPLOT COMPANY will be issued upon or as a part of said merger; and after the Effective Time each certificate or certificates theretofore representing issued and outstanding shares of the Capital Stock of SIMPLOT INDUSTRIES, INC. shall be deemed cancelled.

F. BE IT RESOLVED that notwithstanding any action taken with respect to the merger by the Directors of J. R. SIMPLOT COMPANY or SIMPLOT INDUSTRIES, INC. or both, and notwithstanding anything herein or elsewhere to the contrary, the merger may be abandoned at any time prior to the filing thereof by the adoption of a resolution providing for such abandonment by the Board of Directors of J. R. SIMPLOT COMPANY.

G. BE IT RESOLVED that the Executive Vice President and Secretary of this corporation be and they hereby are directed to make and execute, under the corporate seal of this corporation, a certificate of ownership and merger setting forth a copy of the resolution to merge said SIMPLOT INDUSTRIES, INC. and assume its liabilities and obligations, and to file the same in the office of the Secretary of State of Nevada and the Secretary of State of Utah; and

H. BE IT FURTHER RESOLVED that the officers of this corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the States of Nevada and Utah which may be necessary or proper to effect said merger.

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FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary of State of Utah as its agent to accept service of process in any such proceeding; and (c) agrees that it will promptly pay to the dissenting shareholders of such domestic corporation the amount, if any, to which they shall be entitled under the provisions of the Utah Business Corporation Act with respect to the rights of dissenting shareholders.

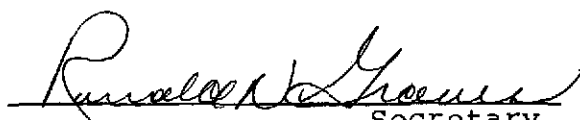
SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald N. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By 
Its Executive Vice President

ATTEST:


Secretary

MICROFILMED

STATE OF IDAHO)
) ss
County of Ada)

I, Laurel J. Walker, a notary public, do hereby certify that on this 15th day of February, 1985, personally appeared before me Scott R. Simplot, who, being by me first duly sworn, declared that he is the Executive Vice President of J. R. SIMPLOT COMPANY, that he signed the foregoing document as Executive Vice President of the Corporation, and that the statements therein contained are true.

Laurel J. Walker
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/30/87

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DEPARTMENT OF
STATE

I hereby certify that this is a true and complete copy of the document as filed in this office.

DATED: FEB 27 1985

Handwritten signature

W.M. D. SWACKHAMER
Secretary of State

57

Handwritten: Handwritten

Identification No. 33 7061

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant SIMPLOT INDUSTRIES, INC. Phone: 336-2110
post office address P. O. Box 27, Boise, ID 83707 - Attn: Ronald N. Graves
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6 Township 5 North
Range 30 East B.M. Butte County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into ground at a point in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 6 Township 5 North Range 30 East B.M. _____
4. Water will be used for the following purposes:
Amount 2.80 reduced ~~9.1 cfs~~ for irrigation purpose from April 1 to September 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: reduced
a. -9.1- 2.80 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water pumped by 500 HP pump and 150
HP booster through 1200' 16" steel line, 1200' 14" steel line, 1200' 12" steel
line and 1600' 10" steel line.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 26 inches; proposed depth of well is 615 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 150,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated -765- 770

c. Describe any other water rights used for the same purposes as described above. 33-7053. This application covers additional property (W₂W₂, Sec. 1, T5N, R29E) and increases quantity of water for the remainder of property.

9. a. Who owns the property at the point of diversion Simplot Industries, Inc.

b. Who owns the land to be irrigated or place of use Simplot Industries, Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

Proposed Priority 10/24/77

Received by DMD Date 21 Oct 1977 Time 11:30 AM

Preliminary check by AK Fee \$ 115.00

Receipted by ML Date 10-24-77 # 9060 + 9063

Publication prepared by CW Date 11-01-77

Published in Arco Advertiser

Publication dates Nov. 10 + 17-1977

Publication approved CW Date 1-04-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WJH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 33-7961, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1983.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

2. Denial of said application is for the following reasons: _____

Witness my hand this 8 day of March, 1978.


Deputy Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: WATER RIGHT NO. 33-07061

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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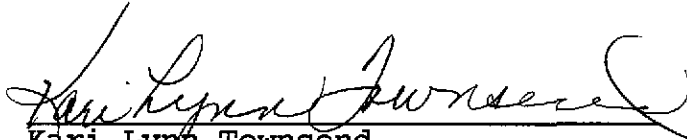
NOV 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 33-07061

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707


Kari Lynn Townsend
Secretary

MICROFILMED

NOV 10 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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NOV 10 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
NOV 10 1999

Memorandum

To: Files 33-07053 & 33-07061

From: Kay Walker

Date: 10/21/99

Re: Licensing Recommendations
.....

These rights when combined cannot exceed the irrigation of 388 acres within a permissible place of use of 1928 acres. Right No. 33-07053 is recommended for 6.0 cfs which would be enough water to irrigate the entire 388 acres at 0.015 cfs per acre. Right No. 33-07061 only adds 0.2 cfs to this system. I recommend we limit this right to the irrigation of 12 acres in any irrigation season which would be 0.016 cfs per acre. This adjustment to my prior recommendations is made in case these rights are ever involved in a transfer situation in the future where the right holder wants to utilize them individually.

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NOV 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: WATER RIGHT NO. 33-07061

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

10-12-99
per phone conversation
w/ Vic Conrad
amendments
will be coming in
mail - kw
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NOV 16 1999

LICENSE REVIEW CHECKLIST

Permit No. 33-07061 Date: 9/15/99 Reviewer: Kay Walker

Change/OK

Name/Address DE standards

Source OK Does change clarify original intended source? If no, void permit.

Point of Diversion: add Change (P39/P47) Add (P45/P42) Feds (P43)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): no p/u overlap - just p/d -
File reviewed ✓ Profile reports printed ✓ see attached profile reports
P/D & P/U amend (P37) Feds (P48)

Rate of Diversion: Permitted rate 2.80 cfs
Fee Limit _____ cfs
Measured _____ cfs
Theoretical _____ cfs
Recommended Total Diversion Rate 0.2
see memo of ↑ Bryce
Contour of 8/16/99

Water Uses OK Change (P46)

Irrigation 0.2 cfs 73 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 0.2 cfs 73 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/079)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)

Volume Determination
0.2 cfs x 1.9835 x 184 days = 73.0 af
388 acres x 3.5 (FHR) = 1358 af

* limit when combined w/33-07053

Remarks: _____

Additional Conditions ☐ Watermaster Control
☐ GW Measurement/Measuring Device
☐ Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

Advance Priority? ☒ yes ☐ no If yes, explain why below. - see memo
of Sharla Curtis dated
11/13/90 - late exam
SRBA Claim? yes
Adjust memo see
Amend Letters P45, P38

see also volume limits on
review of 33-07053 - tw
checklist

9/16/99 - make a ppu for middle
& west blocks since all 30.78
is used on these ~~lands~~ lands.

Water Right Numbers		Rate	Volume	Acres	Remarks
	MIDDLE BLOCK - 1540 acres				
R33-02054		2.32	828	1540	
R33-02075		10.12	3486	1540	
R33-02076A		7.50	2677	1540	
R33-02076B		6.80	1190	1540	These rights not to exceed 10.84 cfs on "R"
R33-07007		4.68	1420	1540	30.78 cfs/1540 acres = 0.019 cfs/acre
	WEST BLOCK - 388 acres				
L33-07053		6.00	1358	388	
L33-07061		0.20	73	388	30.78 cfs/1928 acres = 0.016 cfs/acre
	NORTH BLOCK - 1074 acres				
R33-02119		10.08	1764	504	These rights not to exceed 12.9 cfs per transfer.
R33-02125		10.00	2219	634	12.9 cfs/1074 acres = 0.012 cfs/acre
TOTAL	3002 acres	57.70	15015		Recommended diversion rate of entire system is 43.68 cfs

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 NOV 10 1999

KED
 9/15/99

Shelley Keen

To: Simplot Howe Farms Adjudication File
Fr: Bryce Contor
Date: August 16, 1999

Bryce A. Contor

Simplot's Adjudication Claims are filed as a permissible place of use for all water rights, diverted from five wells, on a 3029 acre place of use. There is also a separate small claim for domestic use and lawn irrigation. The claims are based upon licenses, permits, and beneficial use:

Licenses

33-02054
33-02075
33-02076A
33-02076B
33-02119 + 33-02125
33-07007

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Department of Water Resources

Permits

33-07053
33-07061

Beneficial Use

33-10092

I. Points of Diversion

Claim 33-10092 is for domestic use and 1.5 acres of irrigation from the domestic well at the farmstead. All the other claims are for irrigation wells on an interconnected system.

Original water rights 33-02054, 33-02075, 33-02076A, and 33-02076B were for points of diversion in a well orchard located in the northwest part of 06N 29E. The water was conveyed to the places of use via a canal. Current points of diversion are located on the places of use:

Well #1	05N 30E 06 SENE
Well #2	05N 30E 05 SWNW
Well #3	06N 30E 32 SESE
Well #4	06N 30E 31 NENE ✓
Well #5	~~06N 29E 35 SESESE~~ → 5N 29E 1 NWNW

original location

A 1990 well log in file 33-02075 documents a 1990 accomplished transfer of Well #5 to the current location at 06N 29E 35 SESESE (a few hundred feet from the original location). Transfers 3722 and 3192 and the original claims list Well #5 in 05N 29E 1, the amended claims place it in 06N 29E 35.

Because the accomplished transfer occurred after 1987, Well #5 is recommended in the original location rather than the new (current) location. The water user will need to file a formal transfer to the new location.

Water rights 33-02119 and 33-02125 are recommended to be diverted from Well #3, Well #4, and Well #5, based upon transfer 3722 (1991).

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Water rights 33-02054, 33-02075, 33-02076A, 33-02076B, and 33-07007 are recommended to be diverted from all five wells, based upon:

- 33-07007 original license.
- Keith Wilson's 1983 exam showing Wells #1 through #4 on an interconnected system.
- Transfer 3192 (1985) which implies Well #5 would be added to the combined system and authorizes diversion of 33-02075 from Well #5.
- 1987 claims indicating a combined delivery system.

I suggest licensing permits 33-07053 and 33-07061 for all five points of diversion, because the delivery system is interconnected.

II. Places of use

The clear intent of the claims was for all water rights to be recommended for the entire farm, as a permissible place of use. However, transfer 3722 post-dates the Adjudication Claims and assigns 33-02119 and 33-02125 to specific places of use. Furthermore, licenses have not been issued for permits 33-07053 and 07061. In reviewing licenses, transfers, permits, and overlaps, it appears best to recommend three separate places of use as illustrated in the attachment:

1) North Block.

Water rights 33-02119 and 33-02125 are recommended as per transfer 3722. 33-02119 is recommended for 504 acres and 33-02125 is recommended for 634. There is an overlap of 64 acres, so irrigated lands for these two rights total 1074 acres.

2) Middle Block

Water rights 33-02054, 33-02075, 33-02076A, and 33-02076B are recommended for a permissible place of use covering the farmed acres in 05N 30E sections five and six, and parts of 05N 30E 01.

Licenses 33-02054, 33-02075, and 02076A cover virtually the same original place of use. None of the other original water rights cover this place of use, and the three rights sum to approximately 0.02 cfs/acre.

License 33-07007 was issued for 4.68 cfs on 442 acres, which is approximately 0.011 cfs/acre. License 33-02076B was issued for 6.80 cfs on 340 acres (0.02 cfs/acre). There is an overlap of approximately 240 acres which was not considered in the analysis of 33-07007. Considering overlaps, the original licenses authorize irrigation of a total of 544 acres. There is no other overlap on these acres.

Recommended accomplished transfers include:

- Move approximately 20 acres of 33-02054, 33-02075, and 33-02076A from the farmstead and waste areas to unlicensed lands in 05N 30E 05.

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- Move seven acres of 33-07007 from 05N 29E 01 to unlicensed lands in 05N 30E 05.
- Move 80 acres of 33-02076B from 05N 30E 08 to unlicensed lands in 05N 30E 05.

Note that the unlicensed places of use in section five are not included in the authorized places of use for the two permits.

Apparent clerical errors resulted in the electronic records for 33-02076A and 33-02076B each being one 40-acre tract short of the original licenses. These were restored in the recommendations.

The middle block as recommended contains 1540 acres, which is the full acreage authorized by the original licenses.

3) West Block

When the original water rights are allocated as above, 388 acres of unlicensed place of use remain on the west side of 05N 29E 01. These places of use are approved for irrigation under permits 33-07053 and 33-07061.

The licensing examiner's recommendation for these two permits is for a permissible place of use of 595 acres. However, this includes an overlap of about 200 acres with 33-02054, 33-02075, and 33-02076B, which already authorize a full 0.02 cfs/acre.

I propose licensing the two permits with a permissible place of use of only the 388 acres not covered by other licenses. This is illustrated in an attached GIS map.

While these recommendations do not preserve the claimant's desire to make the whole farm a permissible place of use, they honor the post-claim transfers and perhaps make the licensing of the permits more straightforward. After the licenses and partial decrees are issued, the claimant could file a transfer to make the entire farm a permissible place of use for all the rights.

III. Rate of Diversion – Existing Licenses

North Block

Rights 33-02119 and 33-02125 have individual licensed rates of 10.08 and 10.00 cfs respectively, based on 1976 measurements of Well #3 and Well #4. The original licenses limit the combined diversion rate to 12.9 cfs. This amounts to approximately 0.012 cfs/acre. Per transfer 3722, these are recommended at the licensed rates, with the combined limitation.

Middle Block

Rates of diversion for 33-02054, 33-02075, and 33-02076A are based on measurements of the well orchard. They sum to approximately 0.02 cfs/acre and are recommended at the licensed rates:

- | | |
|-------------|-----------|
| • 33-02054 | 2.32 cfs |
| • 33-02075 | 10.12 cfs |
| • 33-02076A | 7.50 cfs |

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Rate of diversion for 33-02076B is based upon measurements of the well orchard, and the rate for 33-07007 is based upon a 1982 reading of an installed flow meter at Well #2. These rights are recommended at the original licensed rates, which sum to 11.48 cfs. Due to the 240 acre overlap, the recommendations include a combined limitation of 10.88 cfs, which is 0.02 cfs/acre on 544 acres.

The middle-block recommendations will include a combined limitation of 30.80 cfs, which is 0.02 cfs/acre on the permissible place of use.

IV. Rates of Diversion – Permits

The licensing examiner's recommendation was for a combined limitation of 6.49 cfs on the two permits, based on measurements of Well #1.

Because the system is interconnected, I suggest using total per-acre capacity to derive authorized diversion rates for the permits. Existing licenses imply an original system capacity of 43.70 cfs, and the attached analysis shows that current system capacity is no greater. Transfer 3722 allocates 12.9 cfs of the total to the north 1074 acres. This leaves 30.80 cfs for the southern part of the farm. These lands total 1928 acres.

Based on the above, I suggest licensing the two permits for a total of $(30.80/1928) * 388 = 6.20$ cfs, with a condition limiting the combined diversion rate of the permits and the "middle block" licenses to 30.80 cfs.

V. Summary

These recommendations divide the place of use into three blocks, with water rights assigned to each block based on post-claim transfers and original licenses. The north block is authorized for 0.012 cfs/acre based upon transfer 3722 and the original licenses. The middle block is recommended for 0.02 cfs/acre based upon the original licenses. The west block is suggested at 0.016 cfs/acre, based upon system capacity.

Wells # 3, 4, and 5 are recommended as points of diversion for the north block, based upon the transfer. All five wells are recommended or suggested for the other rights, based upon the fact that the system has been fully interconnected since at least 1983.

These recommendations allow irrigation of all 3002 *farmed* acres identified in a GIS analysis of the claimed place of use.

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Analysis of Simplot System Capacity

Pumps 1 through 4 have been measured at some point in the past, and on August 10 I timed power meter disks and recorded operating pressures to do theoretical calculations on all the pumps. The farm manager told me that last winter when pump #2 was pulled, the static water level was 306 feet. Based on these measurements and data, approximate system capacity is:

Well #1	1983 measurement	6.49 cfs
	Theoretical - '83 data	6.8 cfs
	Theoretical - '99 data	6.6 - 7.3 cfs
Well #2	1982 measurement	4.68 cfs
	Theoretical - '82 data	6.8 cfs
	Theoretical - '99 data	6.7 - 7.4 cfs
Well #3	1977 measurement	5.46 cfs
	Theoretical - '99 data	6.0 - 6.6 cfs
Well #4	1997 measurement	7.44 cfs
	Theoretical - '99 data	6.3 - 6.9 cfs
Well #5	Theoretical - '99 data	6.5 - 7.2 cfs

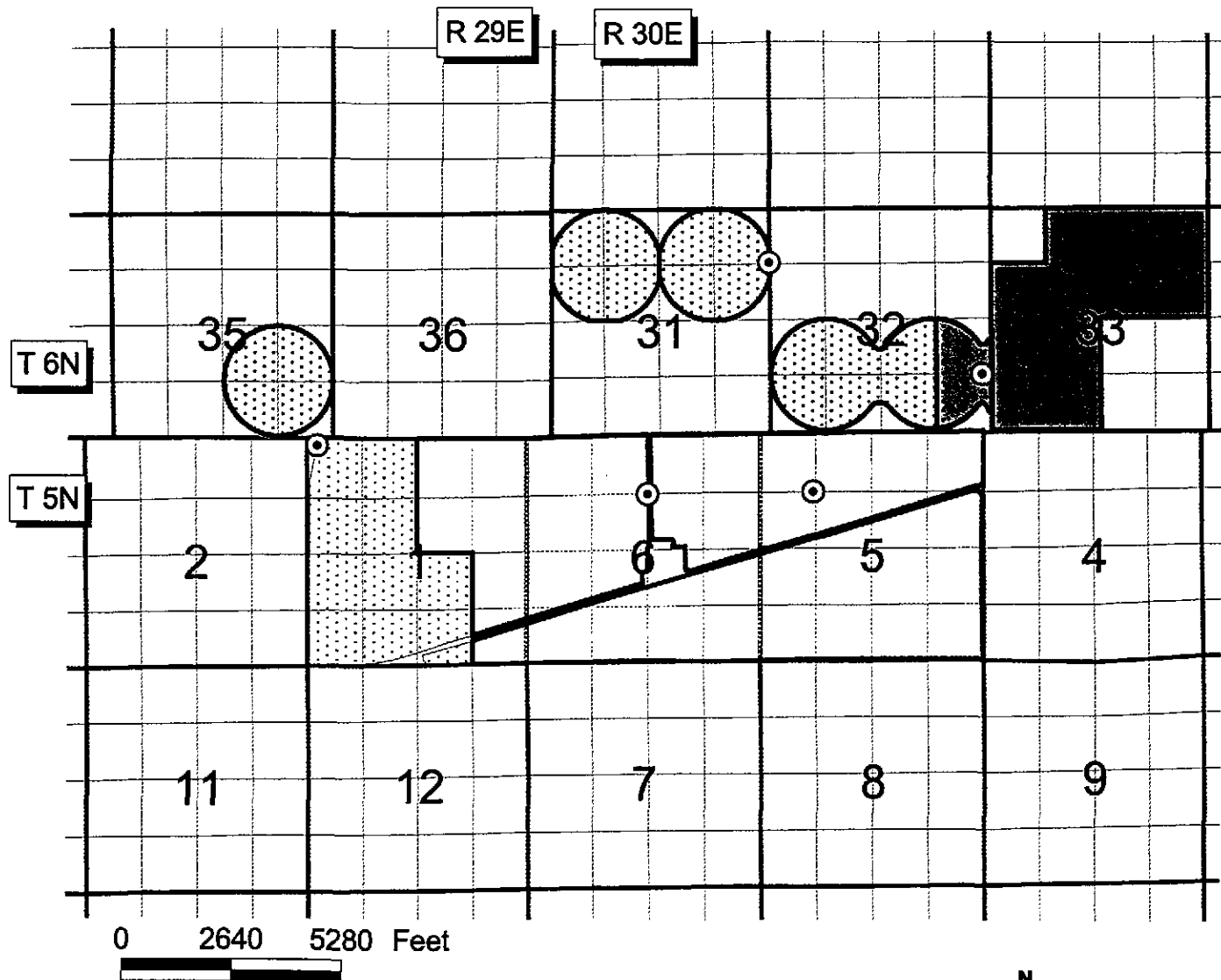
Using the most generous value for each well gives an approximate current capacity of 35 cfs.

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Idaho Department of Water Resources

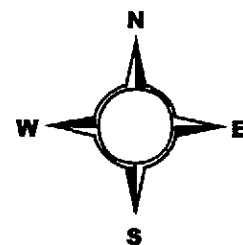
Simplot Farms Recommendation Summary



- ⊙ Wells
- ▨ Permits
- ▩ Permissible Place of Use
- ▩ 33-2125
- ▩ 33-2119

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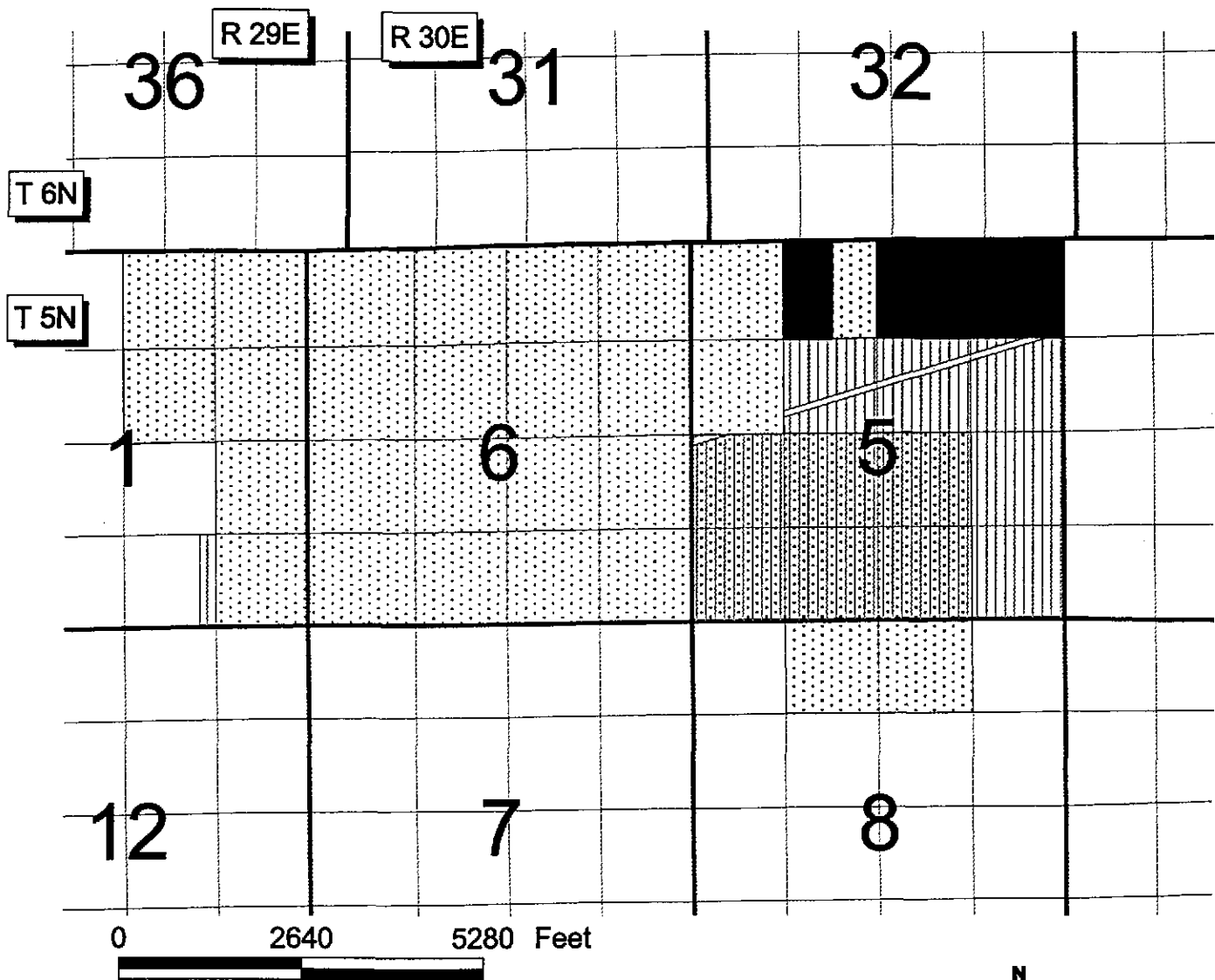
NOV 10 1999



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
August, 1999

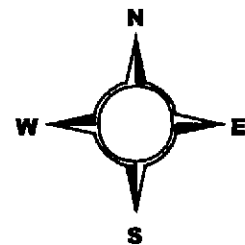
Idaho Department of Water Resources

Simplot Farms Middle Block Original Licenses



- 2076B
- 7007
- 2054, 2075, 2076A
- No Water Right

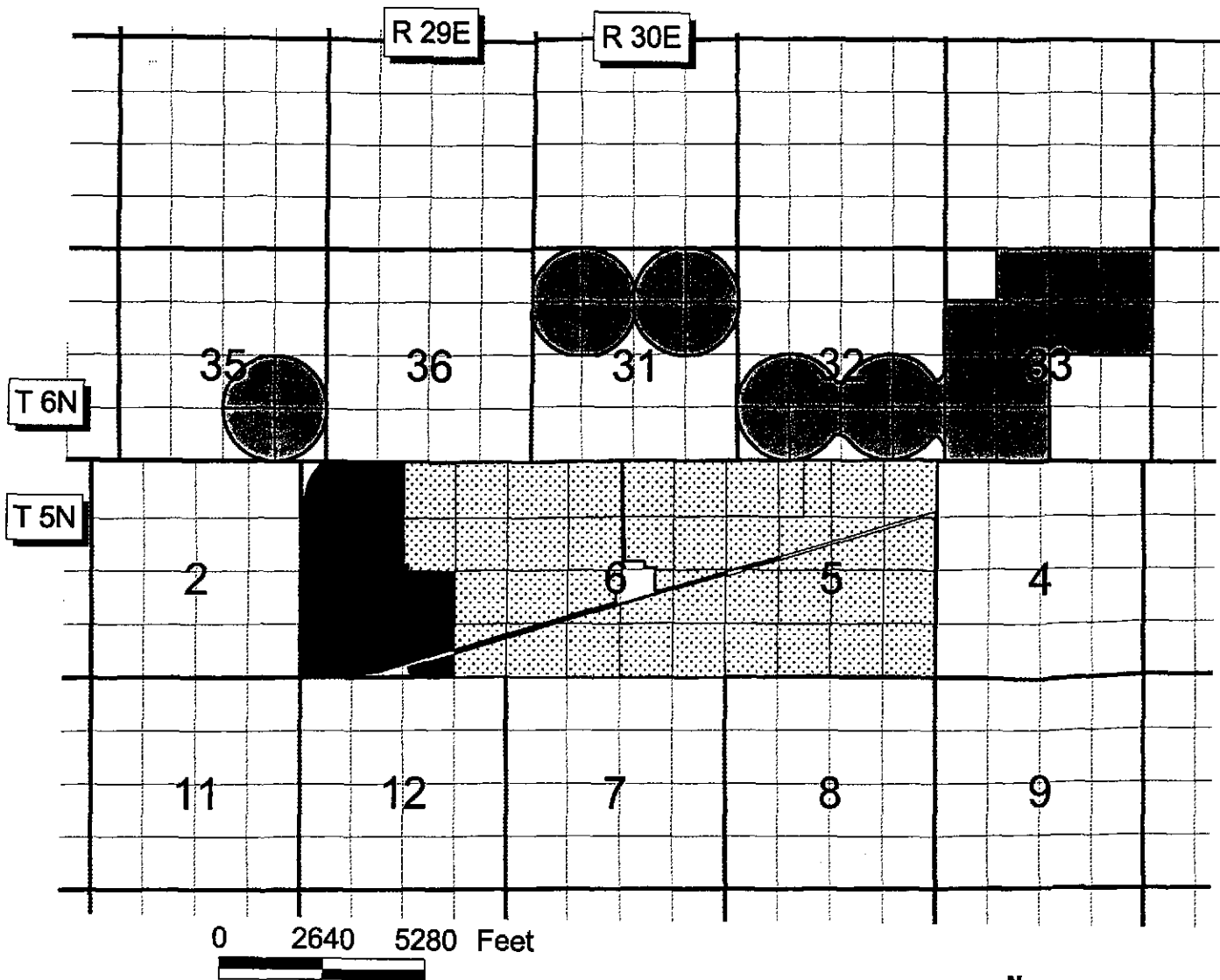
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NOV 10 1999



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
August, 1999

Idaho Department of Water Resources

Diversion Rate Per Acre
Overall Licensed = 0.0146
Overall Capacity = 0.012



0.012

0.02

0.0146 Suggested
0.016

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NOV 10 1989

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
August, 1999

5 P/Ds in system according to claims filed

- RIGHTS AS LICENSED -

1 P/D	①	33-02054	1979	2.32 CFS	996 acres	(S1-5-6)
5 P/Ds	②	02075	1960	10.12 CFS	996 acres	(SEC 1-5-6)
3 P/Ds	③	02076A	1960	7.5 CFS	956 acres	(SEC 1-5-6)
3 P/Ds	④	02076B	1966	6.8 CFS	300 acres	(SEC 5+8)
3 P/Ds	⑤	02119	1979	10.08 CFS	504 acres	(SEC 32+33)
same ↑	⑥	02125	1979	10.0 CFS	634 acres	(SEC 35-31-32)
1 P/D	⑦	07007	1983	4.68 CFS	442 acres	(SEC 1+5)
				44.32		

COMBINED
LIMIT
OF 12.9

- #1 1 P/D (NOT ON CLAIM LIST)
- #2 ONLY SEC 1 P/D OF THE 5 ON THE CLAIM
- #3 NONE OF THE P/D'S ON THE CLAIM
- #4 NONE OF THE P/D'S ON THE CLAIM
- #5 All 3 P/D's are ON THE CLAIM
- #6 Same 3 P/Ds as #5 - are ON the claim
- #7 IS ON the claim

CLAIMED: TOTAL of 3029 acres in system
ALL FILED 1-12-1990 (before the SEC 1 well
was drilled)

NOV 10 1999

Note * No information in the claim microfilm ^{records} other than the claims themselves.

* 8-16-95 Rukhry will be scheduled to work on these but not in the near future ∴ NO R-RECORDS MADE ON ANYTHING YET

WR0749NP
No. L33-07061

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/17/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707	10/24/1977	IRRIGATION	04-15 10-15	2.800 CFS	1021.80 AFA
TOTAL DIVERSION:					2.800 CFS	1021.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 6.490 CFS

Point(s) of Diversion: T05N R30E S06 SENW BUTTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
05N	29E	1	:	01-40	02-41	40	40	:	03-41	04-39	39	40	:	40	39	36	36	:	40	40	26	15	: 592.0
05N	30E	6	:					:	03-40	04-47	05-47	40	:	29	06-46	07-04		:					: 253.0
																					TOTAL ACRES	845.0	

Pou County: BUTTE

Other Water Rights with Same Point(s) of Diversion and Source:
33-07053 33-07061 L33-07053

Other Water Rights Listing Overlapping Place(s) of use:
33-02054 33-02075 33-02076A 33-07007 33-07053 33-07061 L33-07053

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for the
- lands above.

Remarks: Right 33-07053 is also diverted through the point of diversion described above.

This right is limited to the irrigation of 770 acres within the place of use described above in a single irrigation season.

Use of this right with Right 33-07053 is limited to a total combined diversion rate of 6.49 cfs, a total combined annual diversion volume of 2957.5 af, and to the irrigation of a combined total of 845 acres in a single irrigation season.

This right when combined with the following rights and all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above. The combined rights include: 33-02054, 33-02075, 33-02076A, 33-07007 and 33-07053.

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NOV 10 1999

WR0749NP
No. L33-07061

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/17/95
PAGE: 2

Dates: App. Received: 10/24/1977 Priority Date: 10/24/1977
Proof Due Date: 03/01/1988 Proof Made Date: 06/28/1985
Exam Made Date: 08/15/1986 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/23/90 CURTIS 02/06/91 CURTIS 02/13/91 CURTIS 08/17/95 BCHAPMAN
08/17/95 BCHAPMAN

MICROFILMED

NOV 10 1999

(WATER RIGHT NUMBERS THAT BEGIN WITH AN (*) ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L3307061	T05N R29E S 1 GROUNDWATER	: 01-40 02-41				40		40		: 03-41 04-39				39		40		592
3302054	GROUNDWATE	: 01-41	02-42	40		40										40		243
A3302054	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
3302075	GROUNDWATE	: 01-41	02-42	40		40										40		243
A3302075	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
3302076A	GROUNDWATE	: 01-41	02-42	40		40										40		243
A3302076A	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
A3302076B	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
A3302119	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
A3302125	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
3307007	GROUNDWATE															07		7
A3307007	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
3307053	GROUNDWATE	: 40	40	40		40		40		10		10		10		40		375
A3307053	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
L3307053	GROUNDWATE	: 01-40	02-41	40		40		03-41	04-39	39		40		39		36		592
3307061	GROUNDWATE	: 40	40	40		40		40		40		40		20		15		550
A3307061	GROUNDWATE	: 40	40	40		40		40		40		40		40		40		640
L3307061	T05N R30E S 6 GROUNDWATER	: 03-40 04-47 05-47				40		: 29 06-46 07-04										253
3302054	GROUNDWATE	: 01-41	02-41	40		40		03-41	04-48	05-47		40		40		47		672
A3302054	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
3302075	GROUNDWATE	: 01-41	02-41	40		40		03-41	04-48	05-47		40		40		06-47		672
A3302075	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
3302076A	GROUNDWATE	: 01-41	02-41	40		40		03-41	04-48	05-47		40		40		06-47		632
A3302076A	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
A3302076B	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
A3302119	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
A3302125	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
A3307007	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
3307053	GROUNDWATE							40		40		40		25		35		220
A3307053	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
L3307053	GROUNDWATE							03-40	04-47	05-47		40		29		06-46		253
3307061	GROUNDWATE							40		40		40		25		35		220
A3307061	GROUNDWATE	: 40	40	40		40		40		48		47		40		40		669
A3310092	GROUNDWATE													01				1

REPRODUCED

NOV 10 1999

AJ5809NP
No. A33-07061

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/10/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	10/24/1977	IRRIGATION	04-01 09-01	2.80 CFS	
TOTAL DIVERSION:					2.80 CFS	7572.50 AFA
CONSUMPTIVE USE:						

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:	T05N R29E S01 R30E S05 S06 T06N R30E S31 S32	NWNW SWNW SENW NENE SESE	BUTTE County BUTTE County BUTTE County BUTTE County BUTTE County
------------------------	--	--------------------------------------	--

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	:	SUM
05N	29E	1	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
05N	30E	5	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640.0
05N	30E	6	:	40	40	40	40	:	40	48	47	40	:	40	47	47	40	:	40	40	40	40	:	669.0
06N	30E	31	:	40	40	40	40	:	40	40	40	40	:					:					:	320.0
06N	30E	32	:					:					:	40	40	40	40	:	40	40	40	40	:	320.0
06N	30E	33	:	40	40	40	40	:	40		40	40	:	40	40	40	40	:					:	440.0
TOTAL ACRES																							3029.0	

POU County: BUTTE

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS

Other Water Rights with Same Point(s) of Diversion and Source:

A33-02054 A33-02075 A33-02076A A33-02076B A33-02119 A33-02125 A33-07007 A33-07053

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

A33-02054 A33-02075 A33-02076A A33-02076B A33-02119 A33-02125 A33-07007 A33-07053 A33-10092

Conditions of Approval:

- 01A - For licensing purposes, a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing and approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

Remarks: OTHER RIGHTS: A33-02054, A33-02075, A33-02076A, A33-02076B, A33-02119, A33-02125, A33-07007, A33-07053.
THESE RIGHTS ARE ALL PART OF THE SAME SYSTEM.

MONITORING

NOV 10 1995

Example AS ALL CLAIMS FILED (1-12-90)

LICENSE REVIEW CHECKLIST

PERMIT NO. 33-07061 DATE 8-17-85



Change OK

NAME	☒	Or Address Change?
PRIORITY DATE	☒	Advance? <u>YES</u> Advanced to: <u>10-27-77</u>
		Order to reinstate needed? <u>NO</u>
		Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	Changes or just clarification of originally intended source? _____
		Notice of Intent to Void necessary? _____
POINT OF DIV	☒	Amendment needed? _____
		Overlaps? <u>33-07053</u>
PLACE OF USE	☒	Amendment needed? <u>Add SWSW OF SEC 6</u>
		Overlaps? <u>33-07053, 02054 (some), 02076A (some), 02075 (some), 07007</u>
DIV RATE	☒	Permit/fee limits: <u>2.80</u>
CAPACITY = <u>6.49</u>		Meas Q = <u>6.49</u> Theo Q = _____ Recommend: <u>2.80</u>
33-07053 = <u>6.00</u>		<u>SYSTEM TOTAL = 845 acw</u>
<u>.49</u>		<u>Permit limit = 770 acres</u>
		Combined rates exceed capacity <u>YES-CONDITION</u>
ANNUAL VOLUME	☒	Volume Limit: <u>NEW</u> Season: <u>B/3.5 (4-15 to 10-K)</u>
		Calculations: <u>770 x 3.5 = 2695.0</u>
		<u>845 x 3.5 = 2957.5 - 2082.5 = 875 g/f</u>
		Flow limit: <u>2.8</u> cfs x <u>184</u> x <u>1.9835</u> = <u>1021.8</u>
		Combined volumes exceed capacity/allowable <u>CONDITION</u>
		<u>YES</u>
USES	☒	Change in Nature of Use or additional uses? _____
		Amendment necessary? _____ (NOT ENTIRE SYSTEM)
ADDITIONAL INFO		Supplemental Groundwater <u>NO</u> PPU Scenario <u>YES</u>
		Irr/Dom Combination <u>NO</u> Shared G/W System <u>YES</u>
NEW REMARKS	<u>NO</u>	Multiple p/d(s) in 1/4 1/4?
	<u>YES</u>	Other <u>W36 (33-07053), W27 (770), W28 (EDIT), W34 (edit)</u>
NEW CONDITIONS	☐	Watermaster control - District _____
	☐	Measuring/Locking Devices _____
	☐	Irrigation Overlap _____
	☐	Other _____
	☐	Water Quality _____ Heat/Cool/Fish verified _____

COMMENTS: _____

 _____ Amend P/U

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>YES</u>
<u>Irrigation</u>	<u>2.8</u>	<u>1021.8</u>	Adjustment Memo Needed	<u>YES</u>
_____	_____	_____	LICENSE	_____
_____	_____	_____	1ST AMEND LETTER	<u>P41 + P38</u>
_____	_____	_____	2ND AMEND LETTER	<u>P42</u>

MEMORANDUM

TO: File 33-07053 / 33-07061 [J. R. Simplot Co.]
FROM: Brenda Chapman
DATE: August 17, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced permits are based on the information below:

The examiner has stated that both of these permits are part of a larger system covered by 3 additional wells. Claims for 7 other rights supposedly covered by the 4 wells in the system were filed on 1/12/90. However, they also include a well in S01, T05N and R29E. Of all the licenses represented by the claims, only 4 of the 7 have at least one of the p/d's that are shown on their respective claims.

Permit 33-07061 was amended in 1985 to add the Section 1 well. A transfer on 33-02075 was also approved in 1985 to add the Section 1 well. However, according to the well log found in 33-02075, the well was drilled 1/25/90-3/22/90, after the exam for 33-07061 was done and also after all of the claims were filed. The log's legal description also has the well drilled adjacent to Section 1 (an error?).

Given the above information the following conclusions and recommendations are being made:

1. The exam maps for 33-07053 and 33-07061 verify all of the p/d's shown on the claims for the entire system except the Section 1 well (which had not been drilled yet);
2. Only some of the licenses in the group of claims had one or more of the p/d's listed on the claims to begin with.
3. The claims have not yet been verified. According to Al Ruberry at Eastern, that group of claims is not going to be examined and verified anytime in the near future;
4. Capacity calculations are available for all of the wells, except the Section 1 well.
5. Therefore, the recommendation to include the other 4 wells as points of diversion for 33-07053 and 33-07061 is not being made at this time.
6. Also, some of the licenses have acres not shown on the claims; therefore, the recommendation will be just for the acres recommended on the exams and not as part of a larger system. The recommendations can be adjusted by Adjudication when their review of the system is complete.

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C. DIVERSION AND DELIVERY SYSTEM

2. Place of Use / 33-07061: A "permissible place of use" recommendation is being made for this right. The recommendation to license the permitted acres and rate (770 acres/2.8 cfs) within the 845 acre place of use is being made rather than the "new vs old" acres with a limiting "system rate per acre" rate.

Combined rights conditions address the system capacity limitations.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-15 to 10-15	2.8	1021.8

The irrigation season dates and annual diversion volume are the current standards. Volume limited by rate.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENLEAGUE RESERVATION SUBSIDIES
Drilling PERMITState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER		7. WATER LEVEL	
Name <u>J.R. Simplot Co.</u>		Static water level <u>261</u> feet below land surface.	
Address <u>P.O. Box 27 Boise Id 83707</u>		Flowing? ☐ Yes ☒ No G.P.M. flow _____	
Owner's Permit No. <u>33-90-E-001</u> <u>(23-22075)</u>		Artesian closed-in pressure _____ p.s.i.	
		Controlled by: ☐ Valve ☐ Cap ☐ Plug	
		Temperature <u>52</u> OF. Quality <u>Excellent</u>	
		Describe artesian or temperature zones below.	
2. NATURE OF WORK		8. WELL TEST DATA	
☒ New well ☐ Deepened ☐ Replacement		☒ Pump ☐ Bailor ☐ Air ☐ Other _____	
☐ Well diameter increase		Discharge G.P.M. <u>3500</u>	
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		Pumping Level <u>267 ft</u>	
		Hours Pumped <u>5 hrs.</u>	
3. PROPOSED USE		9. LITHOLOGIC LOG	
☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal		Bore Diam. Depth From To Material Water Yes No	
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		24" 0' 8' Brown Clay X	
☐ Other _____ (specify type)		8' 30' Brown Clay & Pea Gravel X	
		30' 40' Brown Clay & Gray Sand mixed X	
		40' 55' Brown Clay X	
		55' 60' Brown Sand & Pea Gravel X	
		60' 65' Brown Sand X	
		65' 70' Brown Clay X	
		70' 102' Brown Clay Gray Sand & Pea Gravel X	
		102' 130' Brown Firm Lava X	
		130' 135' Gray lava X	
		135' 138' Black Lava X	
		138' 145' Black Lava X	
		145' 151' Black Lava X	
		151' 155' Brown Clay X	
		155' 160' white clay X	
		160' 180' Brown Sticky Clay X	
		180' 200' Brown Clay & Black Sand X	
		200' 225' Brown Sticky Clay X	
		225' 226' Yellow Sandstone X	
		226' 230' Brown Clay X	
		230' 235' Yellow Shale X	
		235' 260' Brown Sticky Clay X	
		260' 265' Black and Gray Sand X	
		265' 295' Brown Sticky Clay X	
		295' 300' Gray and Black Sand X	
		300' 305' Gray Sand X	
		305' 306' white shale X	
		306' 325' Brown Clay & Black Sand X	
		325' 350' Brown Sticky Clay X	
		350' 355' Brown silty sand and clay X	
		355' 405' Brown sticky clay X	
		405' 415' Brown shale X	
		415' 435' Brown Sand X	
		435' 445' Brown Sticky Clay X	
		445' 456' Gray Sand X	
		456' 458' Brown Sticky Clay X	
4. METHOD DRILLED		10. Work started <u>Jan 25-90</u> finished <u>March 22-90</u>	
☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary		11. DRILLERS CERTIFICATION	
☒ Cable ☐ Dug ☐ Other _____		I/We certify that all minimum well construction standards were complied with at the time the rig was removed.	
5. WELL CONSTRUCTION		Firm Name <u>Martin's Well Service</u> Firm No. <u>478</u>	
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____		Address <u>P.O. Box 923 Rexburg</u> Date <u>4-4-90</u>	
Thickness Diameter From To		Signed by (Firm Official) <u>Martin's Well Service</u>	
<u>37.5</u> inches <u>24</u> inches + <u>1</u> feet <u>102</u> feet		and	
<u>31.2</u> inches <u>20</u> inches + <u>1</u> feet <u>461</u> feet		(Operator) <u>Martin's Well Service</u>	
_____ inches _____ inches _____ feet _____ feet			
_____ inches _____ inches _____ feet _____ feet			
Was casing drive shoe used? ☒ Yes ☐ No			
Was a packer or seal used? ☒ Yes ☐ No			
Perforated? ☐ Yes ☒ No			
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun			
Size of perforation _____ inches by _____ inches			
Number From To			
_____ perforations _____ feet _____ feet			
_____ perforations _____ feet _____ feet			
_____ perforations _____ feet _____ feet			
Well screen installed? ☐ Yes ☒ No			
Manufacturer's name _____			
Type _____ Model No. _____			
Diameter _____ Slot size _____ Set from _____ feet to _____ feet			
Diameter _____ Slot size _____ Set from _____ feet to _____ feet			
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____			
Placed from _____ feet to _____ feet			
Surface seal depth <u>20 ft</u> Material used for seal: ☐ Cement grout			
☐ Bentonite ☒ Puddling clay ☐ _____			
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing			
☒ Overbore to seal depth			
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent			
_____ Weld			
☐ Cemented between strata			
Describe access port <u>Pump Base</u>			
6. LOCATION OF WELL			
Sketch map location must agree with written location.			
N. _____			
W. _____ E. _____			
Subdivision Name _____			
Lot No. _____ Block No. _____			
County <u>BUTTE</u>			
SE 1/4 SE 1/4 Sec. <u>35</u> , T. <u>6</u> N. R. <u>29</u> W. <u>1</u>			

There is no record of a well being
drilled in the NUNNO of Section 1.
Because that legal is adjacent to
the legal on this log - the log could
be in error.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Pg 2 of 2

1. WELL OWNER Name <u>J.R. Simplot Co.</u> Address <u>P.O. Box 27 Boise Id. 83207</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>261</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature ____°F. Quality _____ <i>Describe artesian or temperature zones below.</i>																																																																																																																																		
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6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>BUTTE</u> <u>SE ¼ SE ¼ Sec. 35 T. 6 S. R. 29 W. 1</u>	11. DRILLERS CERTIFICATION I/we certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Martins Well Service</u> Firm No. <u>478</u> Address <u>P.O. Box 923 Reiburg Id.</u> Date <u>4-4-90</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>[Signature]</u> MICROC NOV																																																																																																																																		

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33-07061

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

8-19-1986

33-1061
Permit No.

Ernest

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index 33-7053 Kew 12-4-88 (Initial and date)
Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☒ Add acres or uses to existing system
☒ Increase rate of flow or volume
☐ Other: _____
Check of P/U index Kew 12 April 88 (Initial and date)
Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____
Aerial Photo
Required? ☐ yes ☐ no If yes: ☐ copy attached?
Scheduling Letter sent? _____ (Initial and date)
☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
☐ Photographs of Point of Diversion and Place of Use
☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Kew (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent HC 8-3-89 (Initial and date)
Exam Reviewed by Manager of Regional Office SM 5-10-88 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

Permit No.

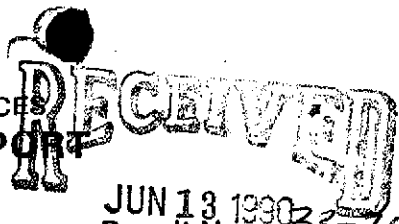
CONTACT WITH PERMIT HOLDER

- ☐ Appointment letter mailed:
- ☐ Telephone call made
(List Telephone No. used)
- ☐ Appointment scheduled for:
(Date, time, location)

DIRECTIONS:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT



Department of Water Resources
Permit No. 33-7061
Phone No. 336-2110

1. Owner: J.R. Simplot Company
Current Address: P.O. Box 27 Boise Idaho 83707
2. Accompanied by: Dee Newman, Ron Robertson, Jim Hoover EXAM. DATE: 30 Aug 1983
Address: % Howe Farms Howe Id 83224 Phone No. 767-3424 and
Relationship to Permit Holder: Farm Managers 15 April 1988
3. Source: GROUNDWATER tributary to _____

Well/Diversion* No.	Motor Make	HP.	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	U.S. Electric	500	C523345-2-2875	Singer Well Line	45441
			85-03249		
Booster	GE	150	NKJ1218171	Layneau Bowler	45442

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
well #1 to mainline to laterals with sprinklers used in conjunction with
three other wells connected into a common system

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
FLOW INDICATOR	Eagle Eye Meter	Dieterich	#67C	091473	10-80"	4/25/83
FLOW METER STATION	Annular	Dieterich	7517-316-85 #191166	191166	13.25	

7. Measurements 16" with 13.25" annular ☐ Additional data/computation sheets attached

8. Point(s) of Diversion:							Indicate Method of Determination			
Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks	
#1		SE	NW	6	5N	30E		Butte		

9.

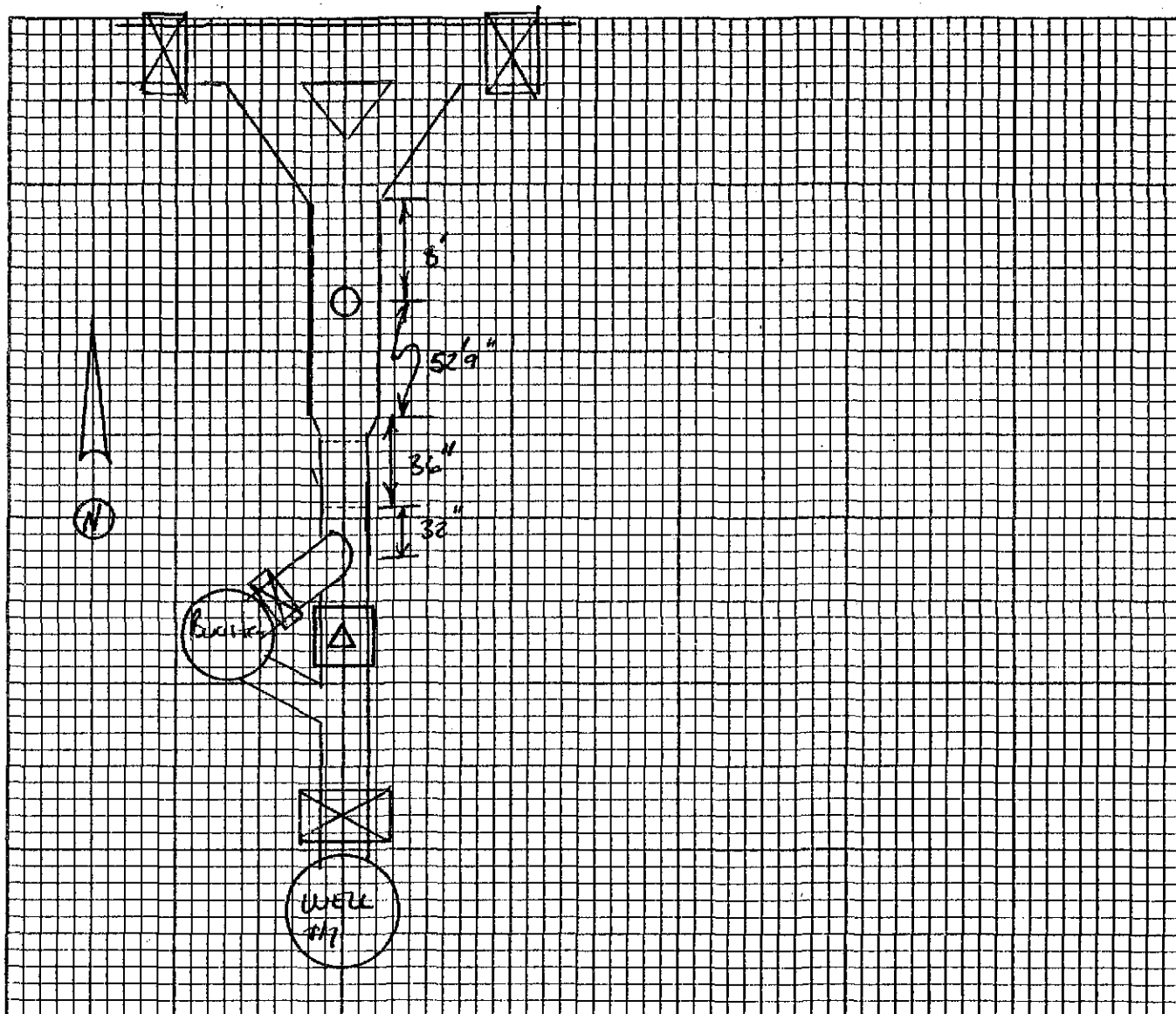
Irrigation - give acres served by system at time of exam.
Indicate Method of Determination USGS Map ASCS Aerial

Place(s) of Use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			L1	L2			L3	L4											
5N	29E	1	40	41	40	40	41	39	39	40	40	39	36	36	40	40	26	15	592
							L3	L4	L5			L6	L7						
5N	30E	6					40	47	47	40	29	46	4						253
Total Acres 845																			

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10. Other water rights on these lands 33-2054/2075/2076A
11. Other water right diverted from same p.d. 32-7053
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature

Date 18 April 1988

Consultant's License Number

IDWR Director's Authorization to Conduct

Beneficial Use Examination

Date

Steve McCormick
5-10-88
CONSULTANT SEAL

MICROFILMED

NOV 10 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

33-7061
Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = \left[\frac{C (id)^2 \sqrt{\text{inches}}}{448.8} \right] K$$

$$C_{13.25} = 4.01 \quad K = 1.035$$

$$\text{inches} = 16''$$

$$Q = \left[\frac{(4.01)(13.25)^2 \sqrt{16}}{448.8} \right] 1.035 = 6.49 \text{ cfs} = \text{System capacity}$$

$$Q \text{ per acre} = \frac{\text{Total Capacity}}{\text{Total acres}} = \frac{6.49 \text{ cfs}}{845} = 0.0077 \text{ cfs/acre}$$

EXAM for 33-7053 & 33-7061 completed at same time so spread water evenly over entire place of use

$$\therefore 250 \text{ ac} \times 0.0077 \text{ cfs/acre} = 1.92 \text{ cfs}$$

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (250 \text{ ac})(3.0 \text{ af}) = 750 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{1.92 (214) (1.9835)}{750} = 814.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 750$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: 33-2054 / 2075 / 2076A

b) Other water rights with same point of diversion: 33-7053

c) Analysis: R29

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RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	33-7061					6.49 cfs

4. Permit Holder: _____

Address: _____

5. Source: GROUNDWATER tributary to _____

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>IRRIGATION</u>	<u>4/1</u> <u>11/1</u>	<u>1.92 cfs</u>	<u>750</u>

Allowable Maximums: 1.92 cfs 750

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
1			SE	NW	6	5N	30E	Butte

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	29E	1		L2			L3	L4					30	39	36	26		6	217
5N	30E	6						L4	L5				L6	L7					33
								7	7				4	11	4				
Total Acres																			250

9. Recommended Conditions/Remarks: R29

10. Recommended Amendments

☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature Keith C. Wilson

Date 4 May 1988

Checked in Regional Office by Em Jem

Date 5 May 1988

Approved in State Office by _____

Date _____

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NOV 10 1999

METER NO. 091473

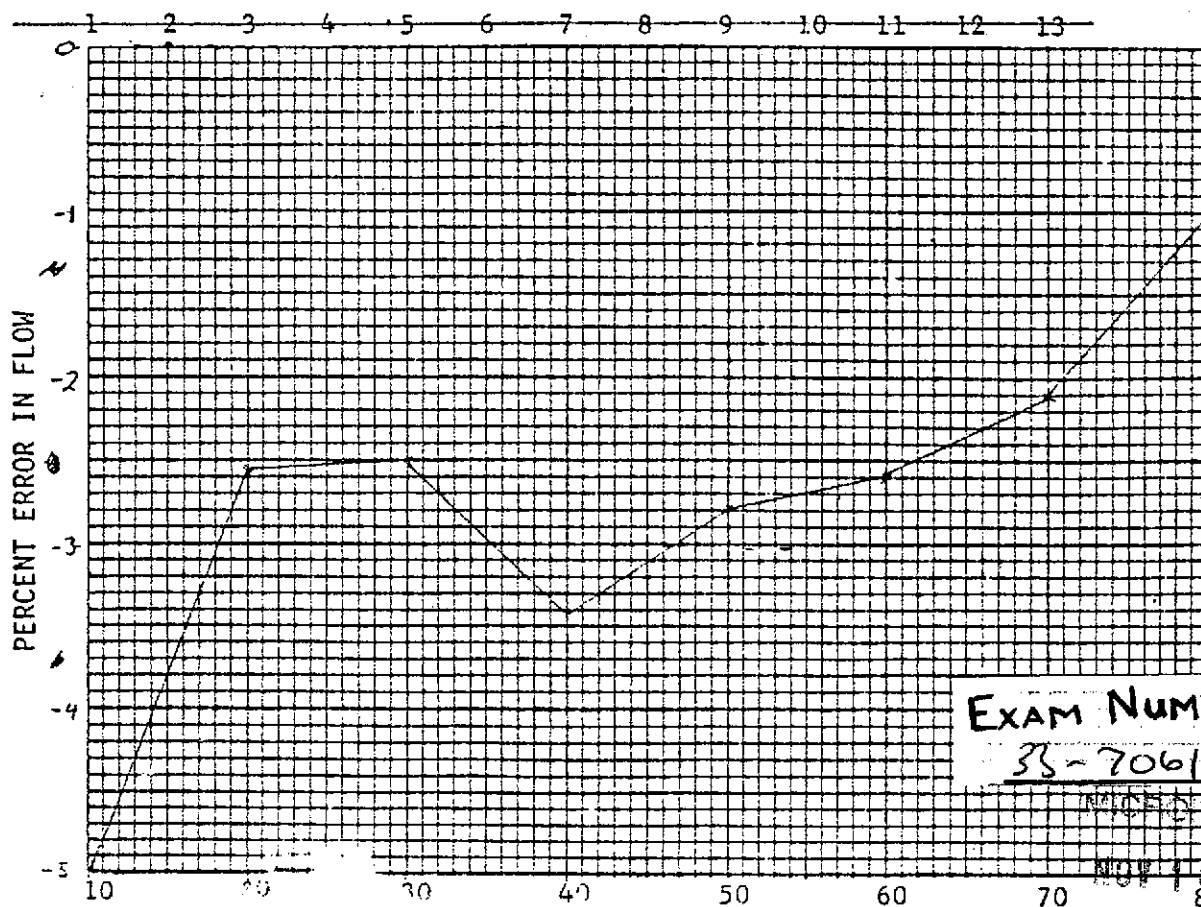
RANGE 10-80

DATE TESTED 4/25/83

2011
ADM

APPLIED PRESSURE			METER READING	FLOW ERROR (%)	FLOW CORRECTION FACTOR
UPSCALE	DOWNSCALE	AVERAGE			
11.29	10.87	11.08	10.0	-5.00	1.050
21.50	20.62	21.06	20.0	-2.55	1.025
32.14	30.97	31.56	30.0	-2.50	1.025
43.47	42.27	42.87	40.0	-3.41	1.034
53.50	52.29	52.90	50.0	-2.78	1.028
63.80	62.63	63.22	60.0	-2.58	1.026
73.47	72.59	73.03	70.0	-2.10	1.021
81.87	81.42	81.65	80.0	-1.01	1.010

1.035
EXAM NUMBER
33-7061



Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
US Elec Motor High thrust	500	CS23745-2-22-75 P503249	Singer Well Line	45441
GE	150	NRT1218171	Layne Bowler	45442

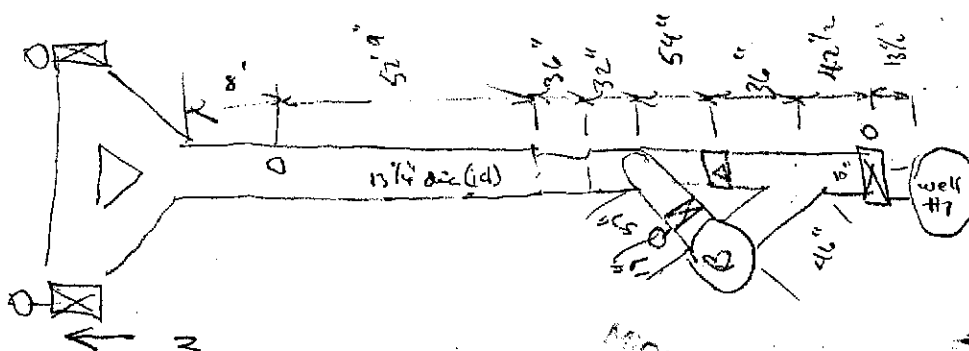
Measurement calculations:

16" w / 13.25" annular

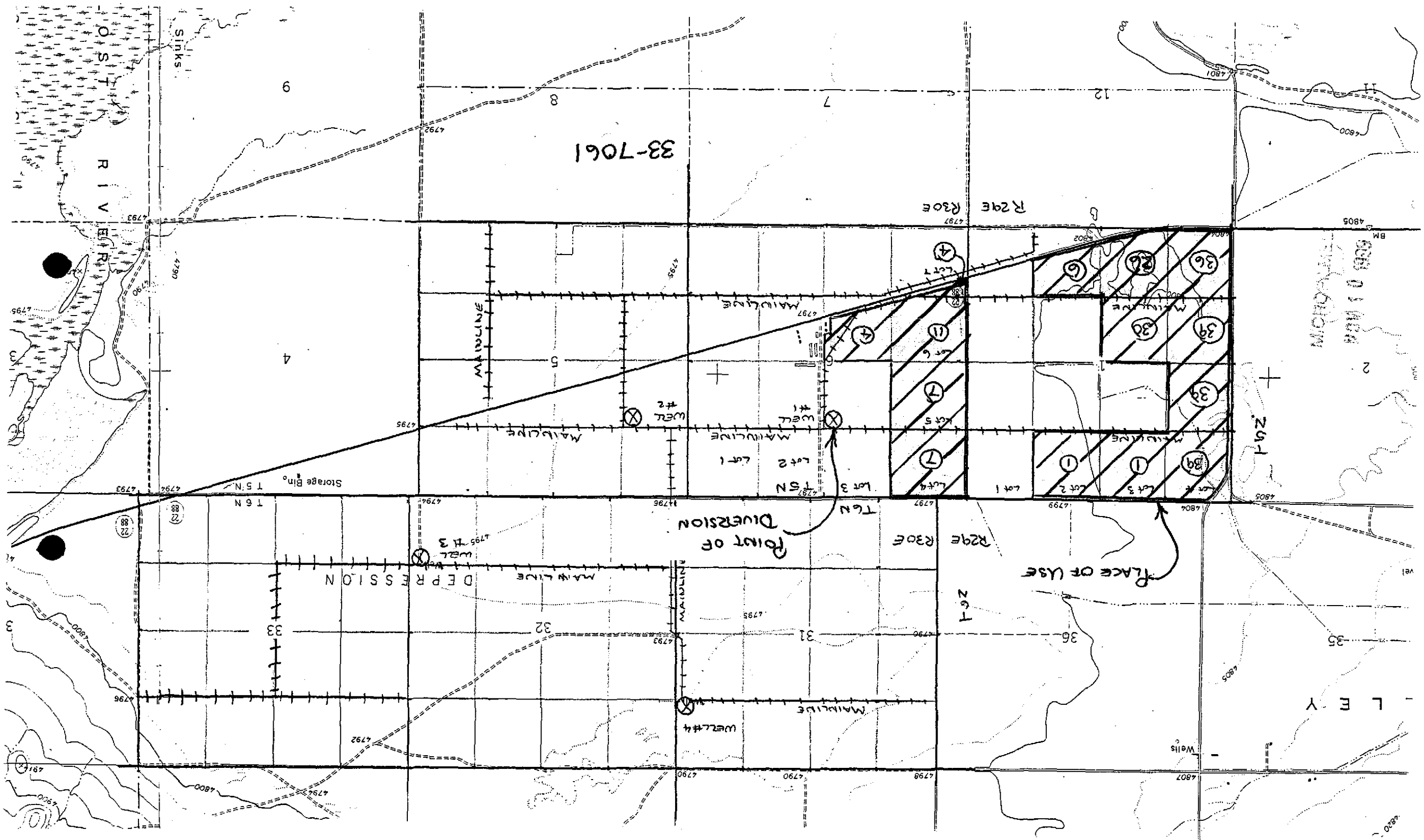
$$Q = \left(\frac{4.01}{5.85} \frac{(-13.25)^2 \sqrt{16}}{448.8} \right) (1.073) = 6.73 \text{ cfs}$$

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter	Length
-------------------	--------



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NOV 10 1999



33-7061

R29E

R30E

PLACE OF USE

35 36 117.2

36 31 223.0

31 32 76.1

Lot 3
4256 Comp
3-11
4 Home Acres

L2
41.84

L1
41.48

L4
48.30

L3
41.31

L2
41.32

L1
41.34

L4
41.4

(41)

(41)

(40)

(47)

(40)

(40)

(40)

(40)

MAINLINE

POINT OF DIVERSION

OUT

2 200.5

PAVEMENT

2-2-200.5

11 41.4

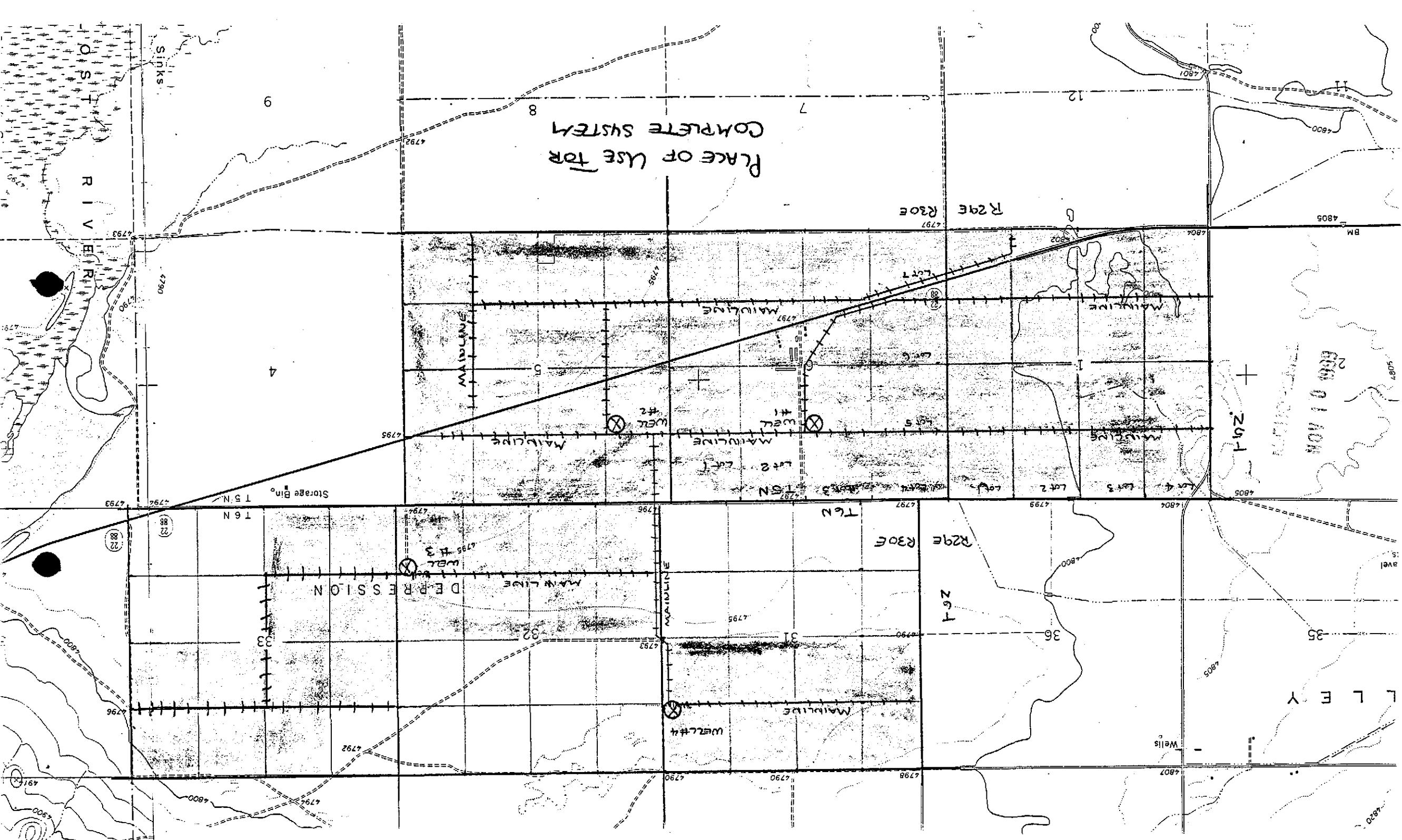
6 259

127

6 5

NOV 10 1999

33-7055



BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 33-7061

FROM: SHARLA CURTIS

RE: PRIORITY ADVANCE REVIEW

DATE: 13-NOV-1990

=====

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	OCTOBER 24 1977	297
EXAM FEE NOTICE		
Exam Fee Notice Date:	JUNE 16 1986	167
Exam Fee/Info Sheet Received Date:	AUGUST 18 1986	230
Exam Fee or Info Due Date:	AUGUST 15 1986	227
Days Late:		3 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	OCTOBER 24 1977	297
Total Days Late:		3 DAY(S)
New Priority Date:	OCTOBER 27 1977	300

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NOV 10 1990



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

33-7061
J. R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

June 16, 1986

138783

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

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NOV 10 1999

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

Ron D. Carlson
ry

RONALD D. CARLSON
Regional Manager

Enclosure

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NOV 10 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 20, 1986

J. R. SIMPLOT
P.O. BOX 27
BOISE

ID 83707

RE: Permit No. 33-7061

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED
NOV 10 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 25, 1985

RE: Water Rights in the name of "Simplot Industries, Inc."

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

Gentlemen:

Please be advised that we are in receipt of the Certificate of Ownership and Merger, merging Simplot Industries, Inc. into J. R. Simplot Company. We have corrected our water right records to show this merger on the below listed water rights.

01-4058	43-4194	65-11119	65-6638	29-7036	43-2575
01-7082	43-4196	65-11120	65-6639	33-7007	43-7056
33-2125	43-4197	65-11121	65-6640	33-7053	43-7068
35-4189	43-4198	65-11122	65-6641	33-7061	45-2746
36-4179	43-4201	65-11123	65-7376	35-8114	51-2160
36-4180	43-7145	65-11124	65-0786	36-7333	61-7067
36-4181	45-4167	65-11125	02-7040	37-0465	63-5273
36-4182	63-9335	65-2477	02-7396	37-0692	63-5274
36-8153	65-10426	65-6063	22-7423	43-2519	63-5286
36-8154	65-10428	65-6637	29-4088	43-2569	63-5297
02-0006	02-0015	02-0076	02-2053	02-2118	02-2139
02-2166	02-2220	02-2221	02-2222	02-2409	
33-2119	65-2805				

We have placed a copy of the merger in all of the files above. If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k

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J. R. SIMPLOT COMPANY / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

CORPORATE HEADQUARTERS

RECEIVED

AUG 1 1985

July 31, 1985

Department of Water Resources

Department of Water Resources
450 West State
Boise, Idaho 83720

ATTENTION: Rita Flack

RE: 33-7061

Dear Rita:

Pursuant to Bruce Belzer's request, enclosed please find a certified copy of the merger of Simplot Industries, Inc. into J. R. Simplot Company. If you need anything further, please advise. Thank you for your assistance in this matter.

Sincerely,

Laurel J. Walker

LAUREL J. WALKER

LJW/ms
Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 6, 1985

RE: Permit No. 33-7061

J.R. Simplot Co.
Attn: Ron Graves
Box 27
Boise, ID 83707

Dear Mr. Graves:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

September 10, 1985

Arco Advertiser
Box "C"
Arco, ID 83213

RE: Application for Amendment No. 33-7061 SIMPLOT

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on August 22 and 29, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

*Called
9-24-85
CW*

MICROFILMED

Affidavit of Publication

I, CHARLES CAMMACK
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated August 22, 1985

and ending with the issue dated August 29, 1985

Charles Cammack

Subscribed and sworn to before me this

3rd day of Oct., 1985

Judith R. Bailey
Notary Public

Residence: Arco, Idaho.

My commission expires 1-13, 1986.

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 33-7061 in the name of J. R. Simplot Co., Boise, was issued for the diversion of 2.80 cfs of water from a groundwater source with the point of diversion within the SENW, Sec. 6, T. 5N, R. 30E, B.M., Butte County; to be used for irrigation of 770 acres from 4-1 to 9-1 within the NW1/4, NW1/2SW1/4, Sec. 6, T. 5N, R. 30E, Sec. 1, T. 5N, R. 29E, B.M.

The permit holder now proposes to amend Permit No. 33-7061 changing the point of diversion to the SENW, Sec. 6, T. 5N, R. 30E, NWNW, Sec. 1, T. 5N, R. 29E.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID 83402 on or before September 9, 1985.

A. KENNETH DUNN
Director

Published in the Arco Advertiser, 8-22 & 8-29-85.

RECEIVED

OCT 7 1985

Department of Water Resources
Eastern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 14, 1985

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before SEPTEMBER 9, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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A. KENNETH DUNN

Director

Published in the Arco Advertiser, 8/22 & 8/29/85.

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A. KENNETH DUNN
Director

Published in the Arco Advertiser, 8-22 & 8-29-85.

MICROFILMED

CONVERSATION MEMORANDUM

DATE

January 30, 1985

FILE

33-7061

NAME OF PARTY

Bruce Belger

EMPLOYEE

Peter Hunk

RE:

Proof of Beneficial Use

The proof has been received with the name "J R Simplot Co; successor by merger". I contacted the office and requested a copy of the merger papers. Mr. Belger said he would provide them shortly.

October 22, 1985

Mr. Belger, advised me by phone that he would send in a copy of the merger agreement which we could use for all of those water rights affected by the merger between the two companies.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

February 9, 1983

Simplot Industries, Inc.
P. O. Box 27
Boise, ID 83707

Gentlemen:

Re: Permit No. 33-7061

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to March 1, 1988.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date a permit is issued. In the case of this extension, you must commence works within a year from the day the extension was signed and proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction. If you are still prevented from commencing works eleven months from now, note the reason on the blue card and return it then.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RTA I. FLECK
Sr. Secretary

Enc: Ext. of Time
Blue Postcard

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

SIMPLOT INDUSTRIES, INC.
BOISE, IDAHO

No 12899

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	Requests for Extension of Time	23	19052	\$15.00		

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

February 1, 1983

Simplot Industries, Inc.
P. O. Box 27
Boise, ID 83707

PERMIT NO. 33-7061

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 25865.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
FEB 1 1983
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SIMPLIOT INDUSTRIES, INC. / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432 JAN 28 1983

JAN 28 1983

Department of Water Resources

January 27, 1983

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit #33-7061

Gentlemen:

I have enclosed a completed Request for Extension of Time for the above-referenced permit, as well as the necessary \$15.00 consideration fee.

If you have any questions in regard to the enclosed, please advise. Thank you.

Sincerely,

Bruce G. Lee

BRUCE L. BELZER
Assistant Corporate Counsel

BLB/geh

FROM: JIM

DATE: 2-2-83

TO FILE NO. 33-7061

Subject: Extension of Time Request dated 1-28-83

Time allowed for delay in permit development caused by Idaho Power Litigation
is determined as follows:

Start of Idaho Power Litigation

12/29/1977

Proof to Beneficial Use Due

3-1-83

Period of Delay

5 yrs 3mo.

New Proof to Beneficial Use Date

3-1-88

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138013

SIMPLOT INDUSTRIES INC.
C/O RONALD N. GRAVES
P.O. BOX 27
BOISE, ID 83707

DECEMBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 33-7061 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

RECEIVED

SIMPLOT INDUSTRIES, INC. / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

OCT 6 1977
Department of Water Resources

October 4, 1977

RECEIVED

OCT 7 1977

Department of Water Resources
Eastern District Office

State of Idaho
Department of
Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Enclosed is Simplot Industries, Inc.'s Application for Permit, which we are submitting to your office for filing, together with our checks totaling \$115 covering your fee.

If you have any questions regarding the enclosed, please contact the undersigned at the above address.

Sincerely,


RONALD N. GRAVES
Associate General Counsel

jw

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 11, 1977

Mr. Ronald N. Graves
Simplot Industries, Inc.
P.O. Box 27
Boise, Idaho 83707

Dear Mr. Graves:

On October 7, 1977, we received your application for permit and two checks No. 92-155 in the amounts of \$75.00 and \$40.00. Unfortunately, we cannot begin processing your application, at this time, as there is a discrepancy between the number of acres described on the application in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E, B.M., and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 5N, R. 30E, B.M., under Item 8b; and the number of acres that you have indicated as being in these locations on the map.

Also, the total number of irrigated acres indicated at the end of each row under item 8b, does not equal the sum of their respective rows. We are returning to you both the application and the statutory filing fee. Please review the application and make the necessary corrections, then resubmit the application and appropriate filing fee to this office.

If we can be of any further assistance, please feel free to contact this office.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:CW

Enclosure

Attachment: 2 checks No. 92-155

MICROFILMED

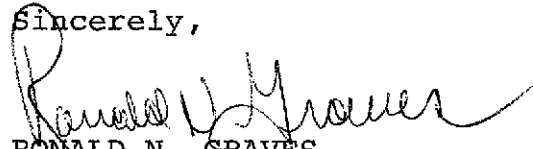
October 19, 1977

Mr. Anthony R. Kozlawski
Water Resource Agent
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Kozlawski:

Simplot Industries, Inc. is resubmitting its Application for Permit, which has been corrected pursuant to your letter of October 11, 1977. Also enclosed are checks totaling \$115 covering your fee.

Sincerely,


RONALD N. GRAVES
Associate General Counsel

jw

Enclosures

11-10-77
11-10-77

STATE OF IDAHO
Department of Water Resources

9060

Boise, Idaho, Oct. 24, 1977

RECEIVED FROM Gordon C. Smith of Boise \$75.00
Seventy five + 10/100 DOLLARS

FOR	Partial Permit	\$	75.00
	as app.	\$	
		\$	
	SEE RECEIPT #9063	\$	
	TOTAL - - -	\$	75.00

J. K. Simplot

Traverse Company

CES

dad
83401
16

Mr. Ronald Graves
Simplot Industries, Inc.
P.O. Box 27
Boise, ID 83707

Dear Mr. Graves:

Attached please find receipt no. 9060 and no. 9063 for your checks totalling \$115.00 which were receipted in this office October 24, 1977.

In reviewing our records, we find that this application overlaps with existing licenses nos. 33-2075, 33-2076, 33-2054, permit no. 33-7007 and permit no. 33-7053. Because of this overlap, your application is found to be in excess of the statutory one-inch per acre, pursuant to Section 42-220 of the Idaho Code. Because of these overlapping water rights, it will be necessary for you to either amend your application to remove the present conflict, or submit acceptable justification showing why these lands require more than the allowable one-inch per acre before November 28, 1977. If, at that time, we have not heard from you, the amount on your application will be reduced to 2.80 c.f.s.

If you have any questions on this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

Attachments

RECEIVED

Affidavit of Publication

RECEIVED
FEB 4 1978

JAN 4 1978

Department of Water Resources
Eastern District Office

Lella Commack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for *2* consecutive weeks, commencing with

the issue dated *11-10-77*

and ending with the issue dated *11-17-77*

Lella Commack

Subscribed and sworn to before me this

28 day of *Dec*, 19*77*

Charles G. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires *5-14*, 19*78*

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Simplot Industries, Inc., Boise,
Idaho, has on 10-21-77, filed with
Application No. 33-7061 for
to appropriate 9.10 cubic
second of water from
water source by means of
pump within the SE 1/4 of Sec. 1,
T. 5N, R. 30E, B.M., Boise County,
to be used from Apr. 1 to Sept. 1 for
the irrigation of 770 acres within the
NW 1/4, N 1/2 SW 1/4, Sec. 6, T. 5N, R.
30E, Sec. 1, T. 5N, R. 30E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1515 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before November
28, 1977.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on November 10 and
November 17, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Simplot Industries, Inc.,
Boise, Idaho

has on 10-21-77 submitted Application No. 33-7061
for a permit to appropriate 9.10 cubic feet per second ~~XXXXXX~~ acre feet per annum
of water from a ground-water source
by means of well and pump
within the SE 1/4, Sec. 6, T. 5N, R. 30E, B.M., Butte County;

to be used from Apr. 1 to Sept. 1
for the irrigation of 770 acres

within the NW₁, NE₂SW₄, Sec. 6, T. 5N, R. 30E, Sec. 1, T. 5N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 28, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho
on November 19 and November 17, 1977

ms. A

November 1, 1977

RE: Application for Permit No. 33-7061 SIMPLOT

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (1)

Bill submitted 1-04-78 by CW

MICROFILMED

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Simplot Industries, Inc., Boise, Idaho, has on 10-21-77 submitted Application No. 33-7061 for a permit to appropriate 9.10 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 5N, R. 30E, B.M., Butte County; to be used from Apr. 1 to Sept. 1 for the irrigation of 770 acres within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 5N, R. 30E, Sec. 1, T. 5N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 28, 1977.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on November 10 and
November 17, 1977.

November 28, 1977

RE: Application for Permit No. 33-7061 SIMPLOT

Arco Advertiser
Box "C"
Arco, ID 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on November 10 and November 17, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

MICROFILMED

MEMORANDUM

TO: The File

FROM: Tony Kozlowski

RE: An Analysis of the Conflict Between Pre-Existing Water Rights Filed by Hope Land & Water Co., and Applications for Permit Filed by Simplot Industries, Inc.

DATE: October 31, 1977

Hope Land & Water Pre-Existing Licenses:

- License 33-2054 - 2.32 c.f.s. on 997.22 acres
- License 33-2076 - 7.50 c.f.s. on 997.22 acres
- License 33-2075 - 10.12 c.f.s. on 997.22 acres

These licensed together are equivalent to 0.02 c.f.s./acre, (allowable limit).

Permit 33-2053 filed by Hope Land and Water Co. has lapsed due to the applicant's failure to file beneficial use. This permit was for the identical 997.22 acres appurtenant to the above three referenced licenses.

■ Permit 33-7007, proof has been filed and a field examination pending. The exam has not yet been completed due to a broken measuring device. (Simplot's) ^{10 cfs}

TO FIELD EXAMINER - Do not license any water for lands in Sec. 6, T. 5N, R. 30E, as these lands are licensed for a maximum amount of groundwater. License water for lands in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E, and lands in S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$, Sec. 5, T. 5N, R. 30E.

Permit 33-7053, approved but to date proof has not been filed. Here there has been an overfiling of 2.80 c.f.s. An appropriate filing would have been 160 acres and 3.20 c.f.s., (E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$). Overfiling - 220 acres in Sec. 6, T. 5N, R. 30E, 160 acres in NE $\frac{1}{4}$, and 55 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E. (Simplot's) ^{60 cfs}

■ Finally, the application received on October 21, 1977, should have been for only 80 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$, and 60 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, T. 5N, R. 29E, for a maximum total of 2.80 c.f.s.; overfiling on 630 acres and 6.30 c.f.s. (Simplot's)

RECEIVED 11/1/77

Hope Land & Water Co.
I. P. Simplot Industries, Inc.

NAME OF APPLICANT

Form No. 0

Range
29E

Range
30E

Township
6N

Township
5N

EXAM PENDING

5

35 25

15

20

20 15

— L 33 - 2075

10.12 cfs on 997.22 ac Hope Land & Water

— L 33 - 2076A

7.5 cfs on 997.22 ac Hope Land & Water

— L 33 - 2074

2.32 cfs on 997.22 ac Hope Land & Water

— P 33 - 7007

10.00 cfs on 622.60 ac Simplot Industries

Now applications 9.1 cfs

on 975 ac Simplot Industries

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

Scale 1:24000

2.64 mi

2000 ft

LEE Y

MICROFILMED

12

R29E

R30E

7

8

9

Sinks

RIVER

2

+

All

4

Wells in Sec 14 12.21 T6N R29E
33-2054 - 232 AC. Sect 2 14-1

33-2075-104R

33-2076A-7.5 ACs MAT 29. 1455

991.22 ACts.

33-2076B 6.8 ACs
SEPT 5. 1958

340 ACts Total

20 ACts

DEPRESSION

Lic. Pending

520 AC.

33-2119
10.4 ACs

Jan 8 1966

R29E
R30E

33-2125
10.0 ACs, Jan 8 1966
640 ACts
Lic. Pending

Well

Storage Bin

16 H
15 H

Well

4790

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Name of proposed Insured:

3. The estate or interest in the land described in this commitment and covered herein is:

A fee simple

4. Title to the estate or interest referred to herein is at the effective date hereof vested in:

SIMPLOT INDUSTRIES INC., a Utah Corporation, which acquired
title as RUBY COMPANY, a Utah Corporation

5. The land referred to in this Commitment is described as follows:

Township 5 North, Range 29 East, Boise Meridian

Section 1: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

Township 5 North, Range 30 East, Boise Meridian

Section 5: Lot 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 6: ALL, EXCEPT that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
said section described as follows:

Beginning at the South boundary line of State Highway
No. 22 at a point North 58°07'45" East 3275.6 feet from
the Southwest corner of Section 6, T. 5 N., R 30 EBM; thence
South 252.11 feet; thence
East 150 feet; thence
North 294.40 feet to the South boundary line of State
Highway No. 22; thence
South 74°16' West 155.84 feet along said South boundary
line to the Point of Beginning.

(continued on page 3)

COMMITMENT

Order No. 2967

Page 3.

Township 6 North, Range 29 East, Boise Meridian

Section 35: NW₄, S₂¹

Township 6 North, Range 30 East, Boise Meridian

Section 31: Lots 1, 2, NE₄, S₂NE₄,

Section 32: Lot 1, NE₄SE₄, SE₄, NE₄SE₄,

Section 33: Lots 3, 4, NE₄, NE₄NW₄, S₂NE₄, N₂SW₄

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 14, 1978

Re: Permit No. 33-7061

Attn. Ronald N. Graves
Simplot Industries, Inc.
P. O. Box 27
Boise, ID 83707

Dear Mr. Graves:

Enclosed is a copy of your approved Application for Permit No. 33-7061. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:KW

Enclosure

MICROFILMED

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

April 14, 1978

Re: Permit No. 33-7061

Attn: Ronald Graves
Simplot Industries, Inc.
P.O. Box 27
Boise, ID 83707

Dear Mr. Graves:

Your approved copy of Application for Permit No. 33-7061 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

Dear Wateruser:

Forwarded for your information in regard to your water permit is a self-explanatory letter which this office is now forwarding to holders of recently issued water right permits.

This is being mailed retroactively for informational purposes to persons who submitted applications on approximately December 30, 1977 and later.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED