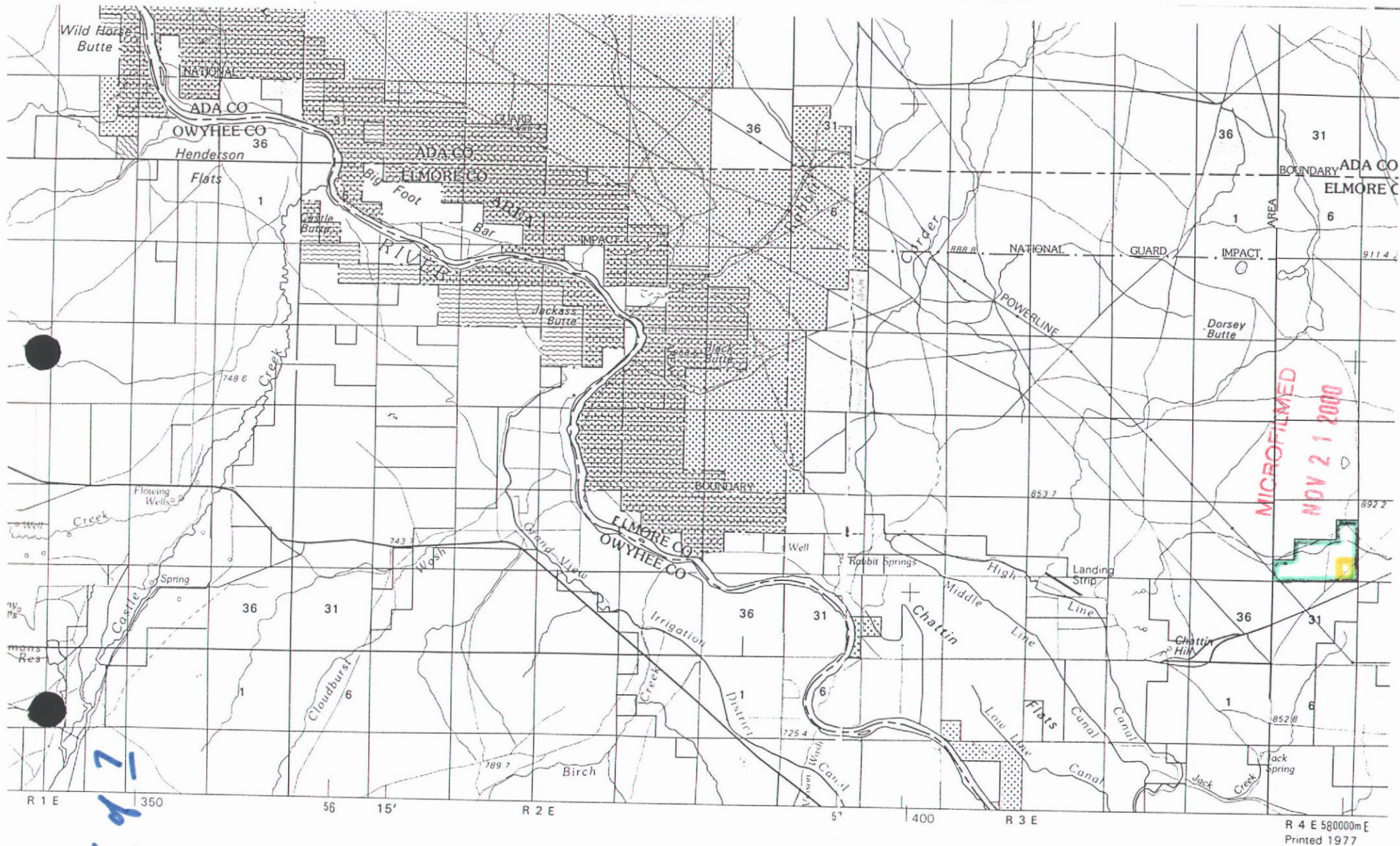




MICROFILMED
NOV 21 2000

= point of diversion
 = place of use

WR# AGI-07096

LEGEND

- Village or locality
- Landmark building
- Perennial stream, lake
- Intermittent stream, lake

ROAD CLASSIFICATION

- Primary highway, hard surface
 - Secondary highway, hard surface
 - Light-duty road, hard or improved surface
 - Unimproved road, or street
 - Trail
- Interstate Route U.S. Route State R

16976

LOCATION

**NOTICE OF APPLICATION FOR
EXTENSION OF TIME TO AVOID
FORFEITURE OF A PORTION OF
WATER RIGHT NO. 61-7096**

Notice is hereby given that O.M. Cox of Ontario, Oregon has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a water right. This water right is evidenced by Water Right No. 61-7096.

This License was issued for 3.9 cubic feet per second of water from the Snake River with a priority date of June 22, 1971 with a point of diversion within the SESE, Sec. 30, Twp. 4S., Rge. 4E., Elmore County, for irrigation purposes from 4/10 to 10/15 within the SENE, NESW, Lot (SWSW), SESW, NESE, NWSE, SWS SESE, Sec. 30, Twp. 4S., Rge. 4E., B.M.

Section 42-222, Idaho Code provides that a water right shall be lost and forfeited, and the water will revert to the state upon failure to apply water to a beneficial use for a period of five consecutive years. This Section further provides that the State may allow an additional five year period of non-use without forfeiture upon showing of reasonable cause. O.M. Cox has applied for this extension because this water right has been placed in the U.S. Department of Agriculture Conservation Reserve Program for a period of up to 10 years. The applicant requests this extension until January 1, 1997.

Any protest against the granting of this extension may be filed with the Idaho Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before February 8, 1988.

R. Keith Higginson, Director
Published in the Mountain Home News on 1/20 & 1/27/1988.

MICROFILMED

SEP 30 1988

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 20 day
of January, 1988, and
the last publication having been made on the
27 day of January,
1988; every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

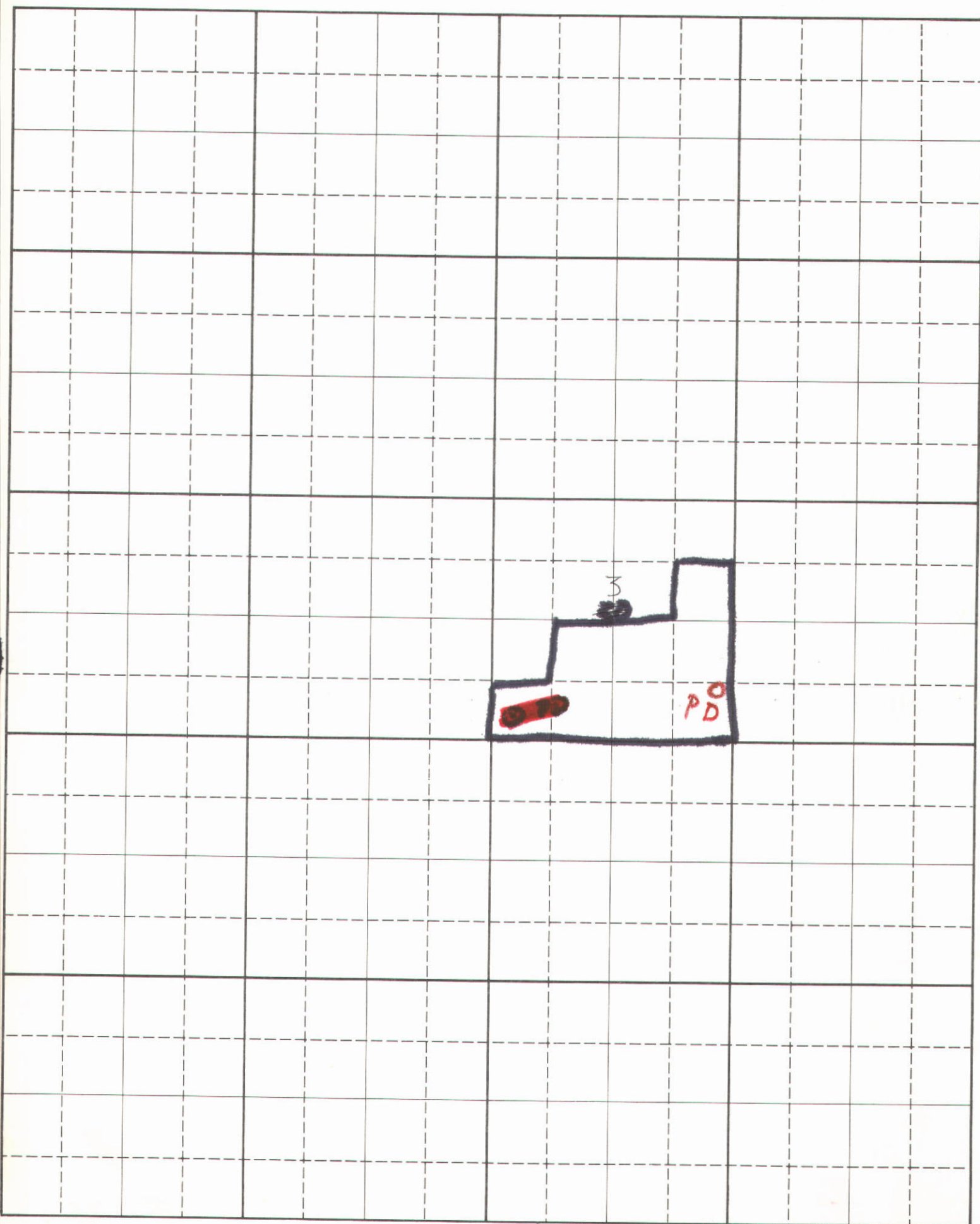
Subscribed and sworn to me this 27th
day of January, 1988

Mike Thornberry
Robert W. Fine
Notary Public

RECEIVED
FEB 2 1988

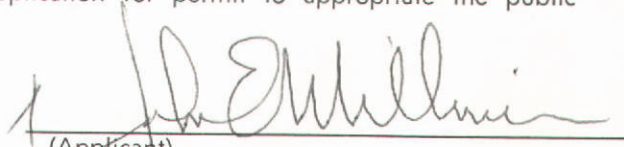
Department of Water Resources
Western Regional Office

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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


(Applicant)

61 7096

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that John E. Milliner, 211 Hilview Drive, Boise, Idaho has on June 22, 1971 submitted Application No. 63-7453 for a permit to appropriate 6.45 cubic feet per second of water from a ground water source by means of well and pump within the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 4S, R. 4E, B. M., Elmore County to be used from April 15 to Oct. 15 for the irrigation of 323.41 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3, T. 4S, R. 4E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before July 26, 1971.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, Idaho on July 8 and July 15, 1971.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....2..... consecutive weeks, the first publica-
tion having been made on the ..8..... day
of July....., 1971., and
the last publication having been made on the
.....15..... day of July.....
19..71...; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this ..15.....
day of July....., 1971

Vernon M. Waters
Notary Public

61 7096

**NOTICE OF AMENDED
PROPOSED CHANGE OF
WATER RIGHT NO. 61-07**

Notice is hereby given that J.R. Simplot Co., P.O. Box 27, Boise, ID 83707, has applied to the Department of Water Resources to add a point of diversion to the following water right pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS LICENSED

No. 61-07096.

Basis: License.

Date of Priority: 06/22/1971.

Source: Ground Water.

Amount: 3.90 cfs.

Use: Irrigation.

Point of Div.: SESE, T04S, R04E, Sec. 30.

Place of Use: SENE, NESW, S1/2SW, SE, 04S, R04E, Sec. 30.

**THE FOLLOWING PORTION OF
THE ABOVE WATER RIGHT
TO BE CHANGED AS**

**FOLLOWS PURSUANT TO
TRANSFER NO. 3793**

No.: 61-07096.

Point of Div.: SESE, T04S, R04E, Sec. 30, Existing; SWSE, T04S, R04E, Sec. 30, Proposed (proposed p/d previously advertised 11/21/90 & 11/28/90 in the SESE).

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the Mountain Home News
on June 5 and 12, 1996.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 5th day of

June, 1996, and the last publi-

cation having been made on the 12th day of

June, 1996; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 13th day of

June, 1996

Brenda M. Jacoby
Notary Public

RECEIVED

JUN 17 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

NOV 21 2000

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 61-07096**

Notice is hereby given that the J.R. Simplot Company has applied to the Department of Water Resources for an additional point of diversion from a groundwater source. The right sought to be changed is evidenced by License 61-07096 and is recorded as follows:

Amount 3.90 cfs Priority: 6/22/1971

Point(s) of Diversion: T4S R4E S30 SESE

The water is used for Irrigation purposes from 4/15 to 10/15 each year.

TO BE CHANGED AS FOLLOWS

Amount 3.90 Cfs

Point(s) of Diversion: Two points of diversion within SESE S30 T4S R4E. The water will be used for Irrigation purposes from 4/15 to 10/15 each year.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 10, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 11/21 & 11/28/1990.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of

November, 1990, and the last publi-

cation having been made on the 28th day of

November, 1990; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 28th day of

November, 1990

Ann W. See
Notary Public

RECEIVED
NOV 29 1990

Department of Water Resources
Western Regional Office

MICROFILMED

NOV 21 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
61-07096	OSTLING, MICHAEL P.	C	06/22/1971	L/	GROUNDWATER	IRR	WR
X61-07096	J R SIMPLOT CO	C	06/22/1971	L/	GROUNDWATER	IRR	WR

61-07096	J R SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ
A61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ

MICROFILMED

NOV 21 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 3793
WATER RIGHT NO. 61-07096

This is to certify that: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 3.90 CFS	1120.0 AF *

SOURCE

GROUNDWATER

Priority: 06/22/1971

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 04S, Range 04E
SESE , Sec. 30, Township 04S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S 04E 30	SENE 40	NESW 40	Lot 4 (SWSW) 40	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		320
		Total number of acres irrigated:		320

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

NOV 21 2000

TRANSFER NO. 3793
WATER RIGHT NO. 61-07096

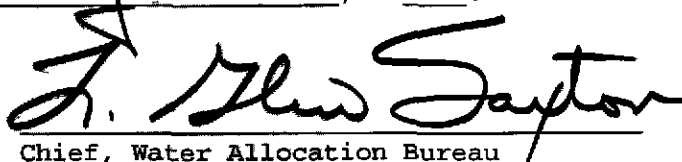
CONDITIONS OF APPROVAL AND REMARKS

5. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 3793 shall not exceed 3.90 cfs, nor a total combined annual volume of 1120.0 af.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 18th day of

July

, 2000.


Chief, Water Allocation Bureau

MICROFILMED

NOV 21 2000

RECEIVED
APR 17 1996
AMENDED
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 18 1996

0035444
5-2-96
3793
Transfer No.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1
AMENDED

Conrad, Vic
Whipkey, Bob
467-4886

Name of applicant J. R. Simplot Company Phone (208) 336-2110
Post Office address P.O. Box 27 Boise, ID 83707 MAY 22 2000 RECEIVED

A. PURPOSE OF TRANSFER

Department of Water Resources

MAY 21 1996

WATER RESOURCES
WESTERN REGION

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes The current well does not produce sufficient water to irrigate the 323 acres appropriated under water right license 61-7096.
Additional point of diversion is sought to effectively irrigate the 323 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
61-7096	6/22/71	3.90	irrigation	4/15 to 10/15
				to
				to
				to
				to

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	30	4S	4E	Elmore	Cox well #1
		SE	SE	30	4S	4E	Elmore	Cox well #2

5. Lands irrigated or place 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	
4S	4E	30				40					40		40	40	40	40	40	40	320

RECEIVED
MAY 02 1996

MICROFILMED
MAY 21 2000

Department of Water Resources

T3793

Total acres 320

RECEIVED
APR 17 1990

RECEIVED
Notice
Enclosed

APR 18 1990

Transfer No. 3793

STATE OF IDAHO APR 1
DEPARTMENT OF WATER RESOURCES

APR 17 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
OFFICE OF WATER RIGHTS
Water Rights Division

Conrad, Vic
WhipKey, Bob

PART 1

Department of Water Resources

467-4886

Name of applicant J. R. Simplot Company Phone (208) 336-2110

Post Office address P.O. Box 27 Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2 Describe the reason for the proposed changes The current well does not produce sufficient water to irrigate the 323 acres appropriated under water right license 61-7096.

Additional point of diversion is sought to effectively irrigate the 323 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|-----------------|----------|-----------------------|------------------|---------------|-------|
| 61-7096 | 6/22/71 | 3.90 | irrigation | 4/15 | 10/15 |
| | | | | to | |
| | | | | to | |
| | | | | to | |
| | | | | to | |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 323

PART 1

6 General Information:

a. Description of diversion system Well, pump, pipeline, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks

Applicant requests an additional point of diversion only.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED
NOV 21 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by:

- a Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 61-7096 issued by the Idaho Department of Water Resources.
- c Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6/22/71

5 Water is used for the following purpose

3.9 c.f.s irrigation 4/15 10/15
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.9 cubic feet per second and/or 1,414 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	30	4S	4E	Elmore	Cox Well

8. Lands irrigated or place 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	
4S	4E	30				40					40		43	40	40	40	40	40	323

MICROFILMED

NOV 21 2000

Total acres 323
None

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

MICROFILMED

NOV 21 2000

Total acres _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07096

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.90 CFS	1414.0 AF

SOURCE

GROUNDWATER

Priority: 06/22/1971

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 30, Township 04S, Range 04E
ELMORE CountyPLACE OF USE: IRRIGATION

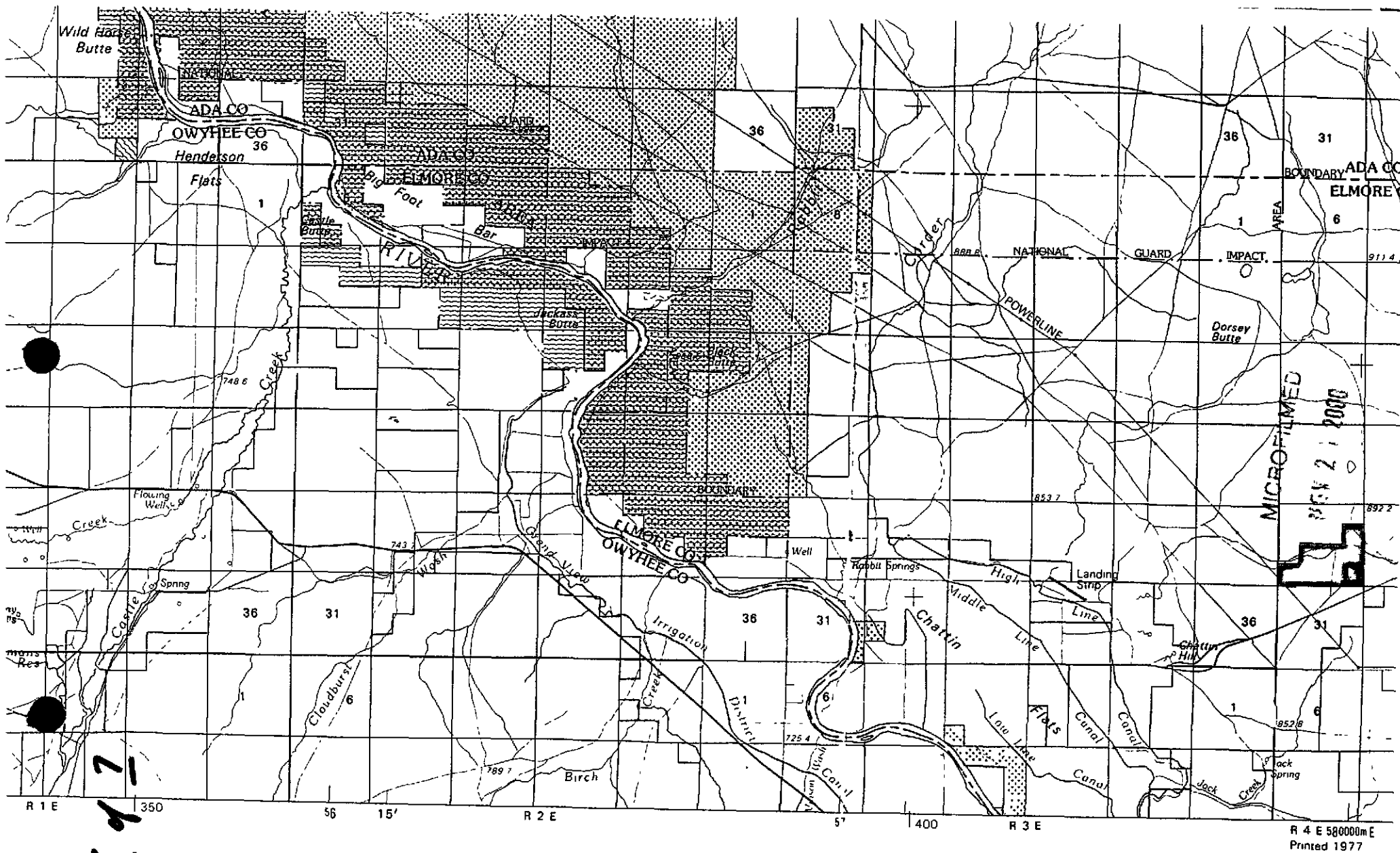
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S 04E 30	SENE 40	NESW 40	Lot 4(SWSW) 43	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		323
		Total number of acres irrigated:		323

CONDITIONS/REMARKS:

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

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NOV 21 2006



● = point of diversion

● = place of use

VLR# A61-C7076

LEGEND

Village or locality

Landmark building

Perennial stream, lake

Intermittent stream, lake

ROAD CLASSIFICATION

Primary highway, hard surface

Secondary highway, hard surface

Light-duty road, hard or improved surface

Unimproved road, or street

Trail

Interstate Route

U.S. Route

State R

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid of dashed lines for drawing a map, with a diagonal line from the bottom left to the top right.

MICROFILMED
NOV 21 2003

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ronald L. Grouse-Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of October, 19 90.

Vicki A. Lauer
(Notary Public)

My commission expires December 6, 1991

FOR DEPARTMENT USE ONLY

Transfer contains 67 pages and 2 attachments

Received by RW Date 10/16/90 Protest filed by _____

Prelim. check by ly Fee 50.00 W012785

Receipted by J. Schultz Date 4/17/90

Published in 11/21 & 11/28/90 Mountain Home News Copies of protest forwarded by _____

Pub dates ↑ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. by DR

Copy of transfer sent to lien holder _____

AMGNO 5/2/96 \$50 paid see top of pg 1 - JZ 7/17/96

FILMED

2000

WARRANTY DEED

COPY

For Value Received

OLIVER M. COX AND DONNA COX, husband and wife

The grantors, do hereby grant, bargain, sell and convey unto

J.R. SIMPLOT COMPANY, a corporation

the grantee, whose current address is P.O. Box 27 Boise, ID 83707

the following described premises, in ELMORE

County Idaho, to-wit:

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 30: Lot 4
SE $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$

TOGETHER WITH ALL IMPROVEMENTS INCLUDING FENCES AND THE RESERVOIR, AND ALL WATER RIGHTS COVERED OR EVIDENCED BY WATER LICENSE NO. 61-7096

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee : heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances EXCEPT THOSE OF RECORD.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 20, 1989

Oliver M Cox
OLIVER M. COX

Donna Cox
DONNA COX

STATE OF IDAHO, COUNTY OF Elmore
On this 20th day of January, 1989.
before me, a notary public in and for the said State, personally appeared

OLIVER M. COX
AND
DONNA COX

known or identified to me to be the persons whose names
subscribed to the within instrument, and acknowledged to me
that they executed the same.

William H. Wetherell

Notary Public

Residing at Mountain Home
Comm. Expires 5-15-92

STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of

GUARANTY TITLE, INC.

at 37 minutes past 3:00 o'clock P.M.,
this 20 day of January, 1989, in my office, and duly recorded in Book
of Deeds at Page

RAMONA YRAZABAL

Ex-Officio Recorder

By *Mark A. Becker* Deputy.

Fees \$ 3.00
Mail to:

MICROFILMED

NOV 21 2000

Attachment A

RECEIVED
MAR 24 1987

Water Right No. 61-7096

RECEIVED
DEC 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder O. M. Cox (copy of deed attached)
Post office address 863 Morgan Avenue, Ontario, Oregon 97914
2. The right was obtained or is evidenced by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
- b. License No. 61-7096 issued by the Department of Water Resources.
c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water ground water tributary to _____
(Name of stream or source)
4. Date of priority of right June 22, 1971
5. Amount of water a. 3.90 c.f.s. and/or
b. 1,414 acre feet/annum
6. Water is used for irrigation from April 15 to October 15
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 SE 1/4 of Section 30
Township 4 South, Range 4 East, B.M., in Elmore County;
Additional points of diversion, if any _____

8. Lands irrigated or place 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	
4S	4E	30				40					40		L.4 43	40	40	40	40	40	323

Total number of acres irrigated 323

9. Give last date when water was applied to beneficial use ✓ 1986
Length of extension of time requested 10 years, or until ✓ 1997
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Property placed in Conservation Reserve Program

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 4th day of Sept, 19 87.
D.M. Cox
(Signature of Applicant)

My commission expires 11-6-91 Residing at Ontario, OR
Sherry K. Caldwell
(Notary Public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Beneficial use of water under this right shall resume on or before
July 1, 1997.

Witness my hand this 29th day of September, 19 88.

J. Glen Saxton
Chief, Operations Bureau

MAILED
SEP 30 1988

For Department Use Only

Received by SP Date 12-16-87 Time — Preliminary check by SP
Fee \$ 50.00 Receipted by SP Date 12-16-87 Publication prepared by SP
Published in Mountain Home News Dates 11/20 & 11/27/88
Publication approved by SP Date 2/2/88 Protests filed by: —

Copies of protests forwarded by — Hearing held by — Date —
Recommended for ☒ Approval ☐ Denial by Jan Thunte for David Withill Western Region Mgr.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2... consecutive weeks, the first publica-
tion having been made on the 20... day
of January..., 1988, and
the last publication having been made on the
27... day of January
19 88...; every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this

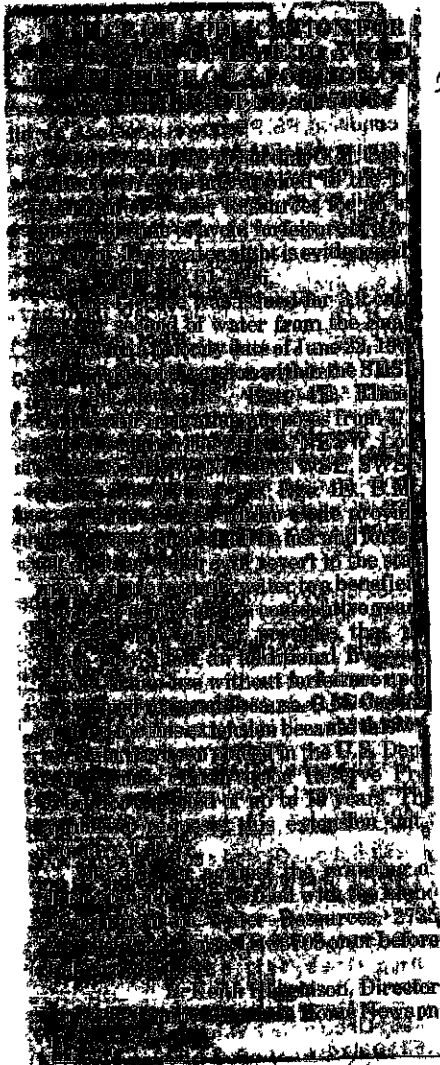
day of January..., 1988

Robert W. Fine
Notary Public

RECEIVED

FEB 2 1988

Department of Water Resources
Western Regional Office



MICROFILMED

SEP 30 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 61-7096 Priority June 22, 1971 Amount 3.90 cfs

THIS IS TO CERTIFY, that MICHAEL P. OSTLING
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 61-7096 issued pursuant to Application for Permit dated June 22, 1971,
and has submitted proof to the Department of Water Resources on May 21, 1976,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 3.90 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u> at <u>3.90</u> cfs and	<u>1,414 acre feet or</u>	
	from _____ to _____ at _____ cfs and	<u>4.5 af per acre</u>	
	from _____ to _____ at _____ cfs and		
	(both dates inclusive)		

Subject, however, to the condition that no more than 3.90 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,414 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 30,
Twp. 4 S, Rge. 4 E, B.M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 S	4 E	30				40					40		40	40	40	40	40	40	323

Total number of acres irrigated 323

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of
October, 19 76.

Director

ASSIGNED TO: MICHAEL P. OSTLING
116 Coston St.
Boise, ID 83706
5-21-1976
J

61-7096
Identification No. 61-7096
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant John E. Milliner
post office address 211 Hilview Drive Boise, Idaho 83702
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE 1/4 of SE 1/4 of Section 30 Township 4S
Range 4E B.M. Elmore County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 6.45 for irrigation purpose from April 15 to Oct. 15 (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:
a. 6.45 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works.
a. Description of ditches, flumes, pumps, headgates, etc. _____
well, pump and motor

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 16 inches; proposed depth of well is 300 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 \$ 22,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water _____ 1/4 of _____ 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. _____

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	4E	3				40					40	Lot 4 43.41	40	40	40	40	40	40	323.41

Total number of acres to be irrigated 323.41

c. Describe any other water rights used for the same purposes as described above
NONE

9. a. Who owns the property at the point of diversion Bureau of Land Management I-3564

b. Who owns the land to be irrigated or place of use " "

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 _____

L:VSS
I-3564

Idaho State Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

MAY 17 1971

John E. Milliner
211 Hillview Drive
Boise, Idaho 83702

Dear Mr. Milliner:

The land included in your desert land petition-application I-3564 was previously classified as suitable for entry under the desert land act. Our Boise District Manager has determined that this classification is still proper.

According to your plan of development irrigation water is to be obtained from a proposed well. You must now submit evidence of your right to appropriate and use the water. The evidence should consist of a copy of a State water permit approved by the State Reclamation Director. The attached extra copy of this letter should be submitted to the Idaho Department of Water Administration at the time you apply for a permit. Unless they have knowledge that the land has been classified as suitable for desert land entry, they may decline to issue the water permit. You should make arrangements with the State Reclamation Director to have a copy of the permit sent to this office. Please advise us when you apply for a permit.

Until a Notice of Allowance is issued, you do not have any right to undertake development of the land. We would appreciate receiving a copy of the permit as soon as possible.

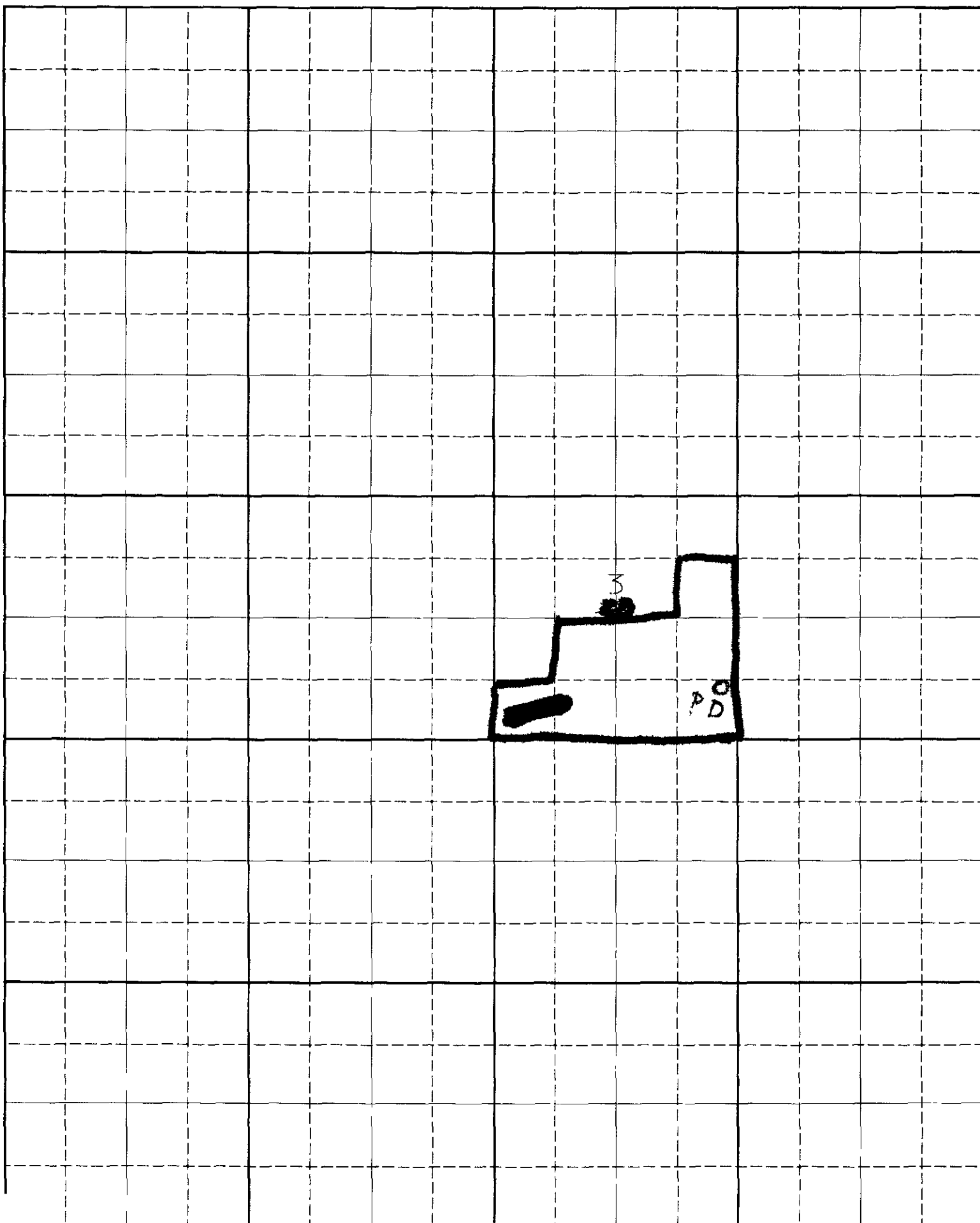
Sincerely yours,

ISI CURTIS R. TAYLOR

Curtis R. Taylor
Acting Chief,
Division of Technical Services

Attachment

11. Map of proposed project. show clearly the proposed point of diversion. place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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

J. E. Williams
(Applicant) 6/17/41

Received by Date Time
Preliminary check by Fee \$
Receipted by Date
Publication prepared by cr Date 7-1-71
Published in Mtn. Home News
Publication dates 7-8 & 7-15-71
Publication approved Date
Priority reduced to Reason

Protests filed by

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 61-7096, 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 August 1, 1976.
- c. Other The permit holder shall permanently install and maintain as part of the diverting works a measuring device at the point of diversion of a type approved by this Department.

2. Denial of said application is for the following reasons

Witness my hand this 19th day of August, 1971.

R. Keith Higin
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7096)
in the name of MICHAEL P. OSTLING)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on June 22, 1971, John E. Milliner filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 6.45 cubic feet per second of groundwater to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 4S, Rge. 4E, B.M., Elmore County, to be used for irrigation purposes; and,

WHEREAS, on August 18, 1971, the Department approved said application and issued Permit No. 61-7096 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1976; and,

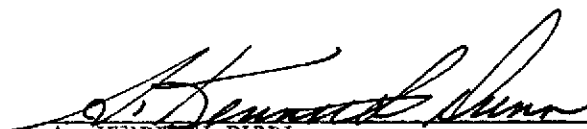
WHEREAS, on May 21, 1976, the permit holder assigned Permit No. 61-7096 to Michael P. Ostling; and,

WHEREAS, on May 21, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, on August 6, 1976, the Department inadvertently lapsed said permit; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7096 be REINSTATED without a loss of priority.

Dated this 16 day of August, 1976.


A. KENNETH DUNN
Administrator, Operations Division

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED
MAY 21 1976

ASSIGNMENT OF PERMIT

Department of Water Resources

I, JOHN MILLINER, hereby assign to MICHAEL P. OSTLING
of 116 COSTON DR., POISE, IDAHO
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 617096
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 7th day of August, 1976.

[Signature]
Permit Holder

Katherine P. Miller
Spouse of Permit Holder

State of Idaho Shoshone)
County of Blaine) ss.

On this 7th day of August, 1976, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Mildred G. Hren
Notary Public residing at

My commission expires:

October 4, 1979

[Signature]
Mildred G. Hren
My Commission Expires
October 4, 1979

APPLICATION FOR AMENDMENT APPROVED

Comes now John E. Milliner of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-7096, and requests that the permit and permit map be changed as follows:

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

mo. - day mo. - day

For irrigation purposes from April 15 to Oct. 15 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

61 7095

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

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 Meridian, Idaho, this 27 day of October, 19 71

[Signature]
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, Director of the Dept. of Water Administration, State Reclamation Engineer of the State of Idaho, hereby APPROVE application for amendment for Permit No. 61-7096.

Witness my hand this 18th day of November, 19 71

[Signature]
State Reclamation Engineer

Basin 61

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 63-7453 Name John E. MillinerSource Ground waterPoint of Diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 4S, R. 4E, B.M., Elmore CountyQuantity 6.45 Use Irrigation Period April 15 - Oct. 15Quantity Use Period Quantity Use Period Well Size Diameter 16" Proposed Depth 300 FeetUse 323.41 acresDate Forwarded 7-1-71 Date Returned 7-23-71 Received by J.L.

COMMENTS: Water levels generally show declines during past 3 years (W.I.B.'s 5, 11, & 18). Static w/l is approx. 400+ ft. Primary aquifer is most likely cinder beds, interflow zones, and fractures in the basalt. No data available on specific capacities in the area. Since well development is very light, probably no problems will be encountered.

RECOMMENDED:

Applied: Qty. 6.45 Use IRR. Period 4/15-10/15¹⁸³ AF/A 4.5 AF 1086Qty. Use Period AF/A AF Qty. Use Period AF/A AF Maximum: Qty. 6.45 Use IRR. Period 3/15-11/15²¹⁵ AF/A 4.5 AF 1455Qty. Use Period AF/A AF Qty. Use Period AF/A AF ACTION: Approved ☒ Denied ☐Conditions of approval or reason for denial:

INVESTIGATION

By

Paul M. Castelin

Title

W.R.I. - I

Date

July 23, 1971

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

....7.... consecutive weeks, the first publica-
tion having been made on the 8..... day
of July....., 1971, and
the last publication having been made on the
...15..... day of July....
19..71..; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 15.....

day of July....., 1971.

Vernon M. Waters
Notary Public



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

July 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: Water Right 61-07096 (Transfer 3793)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 3793). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samuel S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

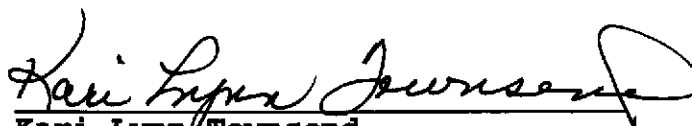
MICROFILMED
NOV 21 2000

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of July, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 61-07096 (Transfer 3793)

**J R SIMPLOT CO
PO BOX 27
BOISE ID 83707**


Kari Lynn Townsend
Secretary

MICROFILMED

NOV 21 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01 01303 (Rules of Procedure 302 and 303).

MICROFILMED
NOV 21 2000

FINAL ORDER

The Director 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 Director 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.

(10-99)

Date Reviewed 07-17-2000

No Change

J: Add P/D & Change P/U

Resulting Split(s) NONE

Standard Volume 3.5 / 2.5

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
w/limits

7 Add P/D

Conditions 046, R63, T07, T08 01Q-61M/T17

Non-Standard ✓

Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

67-18-2500
28

SRBA

SUBCASE SUMMARY REPORT 61-07096

[Return to SRBA Home Page](#)

SRBA
07-17-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 61-07096 FILE#: 00150
CLAIMANT: J R SIMPLOT COMPANY
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

J R SIMPLOT COMPANY C PRO SE

**** ROA ENTRIES ****

06-21-1999 NOTICE OF ADMINISTRATIVE PROCEEDING AZ 06-08-2000
42-222 TRANSFER -- POINT OF DIVERSION

[Return to SRBA Home Page](#)

MICROFILMED

NOV 24 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
61-07096	OSTLING, MICHAEL P.	C	06/22/1971	L/	GROUNDWATER	IRR	WR
T61-07096	J. R. SIMPLOT CO.	C	06/22/1971	L/	GROUNDWATER	IRR	WR

61-07096	J R SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ
A61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ

RECEIVED

MAY 22 2000

Department of Water Resources
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amendment
TRANSFER ANALYSIS SHEET

APPLICANT

Simplot

TRANSFER NO.

3793

INITIAL ALLOCATION REVIEW BY

SRBA SUPERVISOR REVIEW BY

Jo

DATE

5/15/96

DATE

5-15-96

1. Right number(s)

61-07096

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☐ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

a. *N/A*

All of right

b. *N/A*

Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)

c. ☒

Description of point(s) of diversion

d. ☒

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. *N/A*

Expansion in use of right - Comments: _____

*updated by Applicant's Amendment
pg. 1 (re: new pld)
-JR 7/17/96*

T 3793

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒ SRBA claim(s) - Comments (**NOTE!** Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) SRBA review found + verified (Napp)
40 ac in SWSW, sec 30. see below

k. ☒ Use within a Water District? ☐ Yes ☐ No
☐ If Yes, District # _____

l. ☒ Other comment letters? If yes, list name and address below in item #2 for publication review.

PUBLICATION REVIEW BY _____

1. Legal Notice electronically sent to DWR03::VAULT ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) standard x-fer conditions

4. By Camp

Date 5/17/00

MEMORANDUM

DATE: 4/19/00

FROM: Lori Graves ☺

TO: Transfer File No. 3793 (61-07096)

RE: Processing Delay

Pam Skaggs returned this transfer to Western for re-advertising due to a p/d discrepancy (see Pam's memo dated 5/3/1996). During the re-processing period, the SRBA recommended A61-07096 for 320 acres rather than 323 as licensed. For consistency, I asked Vic Conrad to change original transfer to reflect the SRBA acre findings. He did not want to give up the three acres and said that he would provide proof that the acres were developed. I've been holding the transfer application since then...waiting for proof.

On 4/14/2000, Vic agreed to the SRBA findings and reduced the acres listed on the transfer to 320 acres, consistent with the SRBA recommendation. The transfer has already been re-advertised for the amended p/d and 323 acres. The 3 acre reduction will not require re-advertising.

MICROFILMED
APR 21 2000

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

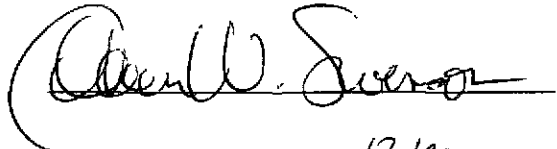
I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 5th day of June, 1996, and the last publication having been made on the 12th day of June, 1996; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

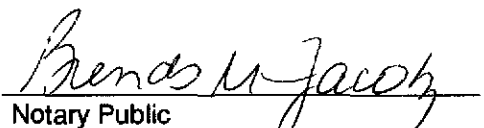


Subscribed and sworn to me this 13th day of

June, 1996

MICROFILMED

JUN 21 1996



Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

RECEIVED

JUN 17 1996

WATER RESOURCES
WESTERN REGION

NOTICE OF AMENDED PROPOSED CHANGE OF
WATER RIGHT NO. 61-07096

Notice is hereby given that J. R. Simplot Co., PO Box 27, Boise ID 83707, has applied to the Department of Water Resources to add a point of diversion to the following water right pursuant to section 42-222 of Idaho Code.

WATER RIGHT AS LICENSED

No.	61-07096
Basis	License
Date of Priority	06/22/1971
Source	Ground Water
Amount	3.90 cfs
Use	Irrigation
Point of Div	SESE, T04S, R04E, Sec 30
Place of Use	SENE, NESW, S1/2SW, SE, 04S, R04E, Sec 30

THE FOLLOWING PORTION OF THE ABOVE WATER RIGHT TO BE CHANGED AS FOLLOWS PURSUANT TO TRANSFER NO. 3793

No.	61-07096
Point of Div	SESE, T04S, R04E, Sec 30, Existing SWSE, T04S, R04E, Sec 30, Proposed (proposed p/d previously advertised 11/21/90 & 11/28/90 in the SESE)

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before June 24, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Published in the Mountain Home News on June 5 and 12, 1996.

MICROFILMED

NOV 21 1999

CORPORATE HEADQUARTERS

RECEIVED

APR 14 2000

WATER RESOURCES
WESTERN REGION

April 14, 2000

Delivery

Lori Graves
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: IDWR License No. 61-07096.

Dear Lori:

Attached is the amended transfer application containing the changes that have been initialed by Ronald N. Graves, Secretary, Vice President and General Counsel for the J. R. Simplot Company.

Please contact me if you need additional information to approve this transfer.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosure

MICROFILMED

APR 14 2000

FROM

Steve

DATE

7/17/96

TO

Lori / Then Sue

SUBJECT

T. 3793 Singlot (AMG160)

Lori 1) Item 10 on pg. 5 (note new pg. #'s assigned) was never
Needs to be completed by applicant.

2) Need to Reconcile R file (320 Accs) with Vic's 5/20/96 note.
States more Accs (323 Accs). No point in processing
xten processing until R file resolved. Looks like will be
Accs unless Singlot can show otherwise.

3) When resolved, Route file to Sue & include note for her & what
to copy for Region file (see file on shelf for CC to date).

SIGNATURE

Sue Complete your area on 5/15 stg. only. pg 2, then can give
file to me.

Let me know if questions. - SL

RECEIVED

MAY 21 1996

WATER RESOURCES
WESTERN REGION

Conrad, Vic (Corp)

From: Conrad, Vic (Corp)
To: Graves, Lori - IDWR Western
Subject: Application for Transfer No. 3793 Water Right No. 61-07096.
Date: Monday, May 20, 1996 8:50AM

I received the front page of the original transfer this morning. This change may affect more of the transfer than we originally discussed. In affect the change you propose reduces the total number of acres irrigated under license no. 61-07096.

We have been under the impression that we were irrigating the total number of acres licensed under this water right (323 acres). The change you propose suggests we are only irrigating 320 acres. Since we were licensed for 323, which was presumably confirmed during a licensing exam, I want to be able to irrigate 323.

So we won't lose the front page of this transfer I am going to return it to you without approving the recommended change. While it is being returned to you I suggest the following:

Take a look at the licensing exam and determine whether or not there is any change in the number of acres irrigated. If there aren't any changes since licensing, I want to review Roxanne's analysis with you. We will then make a decision on how to proceed from that point.

Let me know what you think after looking at the licensing exam.

Vic Conrad
389-7359

a change from 43 acres to 40 acres, as reflected in SRBA recommendations, pending proof supplied by applicant. Change does not affect transfer, processing can proceed.

MICROFILMED

NOV 21 2000

MEMORANDUM

TO: STEVE LESTER/WESTERN REGION
FROM: PAM SKAGGS/STATE OFFICE
SUBJECT: AMENDED TRANSFER NO. 3793
DATE: May 3, 1996

=====

This old transfer application turned up recently during a review of transfer records. Upon review there appeared to be a conflict in information about the correct location of the proposed additional well. I wrote to the applicant to verify the facts & provide information regarding possible actions (see letter dated 03-20-96).

Vic Conrad has supplied the correct information, amended the transfer application and provided the \$50.00 fee for readvertisement. It is being returned to you to process again from the beginning. I have included copies of pertinent information to help in your review. Thanks for your assistance.

MICROFILMED
NOV 21 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0035449

Date: 5/ 2/1996
Time: 14:46:50

Received
From: J.R. SIMPLOT COMPANY

Type of Payment	Program A cct	Amount
AMENDMENT #61-07096	56105 229 21 1155	50.00
CHECK 124665		
	Total	\$ 50.00

Region: STATE

Signature: J. Wyatt

MICROFILMED

NOV 21 2000

CORPORATE HEADQUARTERS

RECEIVED

MAY 2 - 1996

Department of Water Resources

May 1, 1996

Pamela Skaggs
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

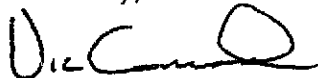
Re: Transfer No. 3793, IDWR Water Right No. 61-07096.

Dear Pam:

Enclosed is the amended front page of the transfer application. Ronald N. Graves, Secretary of the J. R. Simplot Company, acknowledged the amended application by initialing the proposed change. A \$50.00 check to cover your readvertising fee is also enclosed.

Please let me know if you need any additional information to continue processing this transfer.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosures

MICROFILMED

NOV 21 2000

From: DWR06::"<@charon.splot.com:vconrad@IDAHO-W.splot.com>" 30-APR-1996 0
To: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
CC:
Subj: Amendment to Transfer No. 3793, Right No. 61-07096.

Thanks for mailing the amended transfer. I already have the initial we need to acknowledge the change. I should have the check tomorrow. I'll mail both to your attention as soon as I have the check.

Vic Conrad
389-7359

MICROFILMED

NOV 21 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 29, 1996

Vic Conrad
Simplot
P.O. Box 27
Boise, ID 83707

RE: Amended Transfer No. 3793
Water Right No. 61-07096

Dear Vic:

As you requested, I am enclosing a copy of the front page of the transfer application with the modification made in blue ink. If this appears to be the correct description of the two wells, please initial and return this sheet to me.

Upon receipt of the amended page and the \$50.00 readvertisement fee, the transfer application will be returned to our Western Region office for processing. I appreciate your prompt response in this matter and hopefully we will be able to complete the transfer within a reasonable time.

I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Sr. Water Resource Agent

Enclosure

MICROFILMED

NOV 21 2006

Form 222 - 1 OF 6
-87
RECEIVED

STATE OF IDAHO APR 1
DEPARTMENT OF WATER RESOURCES

APR 1990

Transfer No. 3793

APR 17 1991

RECOMMENDED
Department of Water Resources

PART 1

Department of Water Resources

AMENDED

Conrad, Vic
WhipKey, Bob

447-4886

Name of applicant J. R. Simplot Company Phone (208) 336-2110

Post Office address P.O. Box 27 Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
 ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The current well does not produce sufficient water to irrigate the 323 acres appropriated under water right license 61-7096.
Additional point of diversion is sought to effectively irrigate the 323 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------|-----------------------|------------------|---------------|
| 61-7096 | 6/22/71 | 3.90 | irrigation | 4/15 to 10/15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		~~SW~~ SE	SE	30	4S	4E	Elmore	Cox well #1
		SE	SE	30	4S	4E	Elmore	Cox well #2
	-	-	-	-	-	-		
	--	-	-	--	---	-		

5. Lands irrigated or place of use:

[illegible]

323

Total acres _____

From: DWR06::"<@charon.simplot.com:vconrad@IDAHO-W.Simplot.com>" 29-APR-1996 1
To: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
CC:
Subj: IDWR Water Right 61-07096.

The check will be cut on Wednesday, May 1. Go ahead and mail the transfer to my attention at P. O. Box 27, Boise, Idaho 83707 and I will arrange for the changes to be initialed here by an authorized Simplot representative.

I will return the amended application for transfer to your attention with the \$50.00 to cover the amendment fee.

Thanks for all your help Pam.

Vic Conrad
389-7359

MICROFILMED

NOV 21 1999

From: DWR06::"<@charon. plot.com:vconrad@IDAHO-W plot.com>" 29-APR-1996 0
To: "Johnson, Jim" <JJohnson@idwr.state.id.us>
CC: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
Subj: IDWR Permit No. 61-07096.

There are two irrigation wells used to irrigate the "Cox Place". One is located in the southwest quarter of the southeast quarter of Section 30 T.4S R.4E("Well #1"); the other is located in the southeast quarter of the southeast quarter of Section 30 T. 4S R.4E ("Well #2). The two wells are very close together, however in our best estimate the wells do appear to be in different quarter quarters.

In following the recommendation Pam provided in her March 20, 1996 letter we request an amendment to the transfer filed in December 1990 to add a point of diversion in the southeast quarter of the southeast quarter of Section 30 T.4S R. 4E. I will arrange for a \$50.00 check to be mailed to you to cover the fee associated with amending the transfer.

If you need something more formal than this e-mail requesting the amendment, please let me know. Otherwise I will assume we can proceed on the basis of the request made in this message.

Thank you
Vic Conrad
389-7359

MICROFILMED

NOV 2 1 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 1996

VIC CONRAD
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: APPLICATION FOR TRANSFER NO. 3793
WATER RIGHT NO. 61-07096

NOTICE OF PENDING ORDER TO REJECT APPLICATION FOR TRANSFER

Dear Vic:

On April 17, 1990, you submitted Application for Transfer No. 3793 to the Department. In December of 1990 you were contacted by Department staff who requested needed additional information in order to process the transfer of water right 61-07096. No response was received.

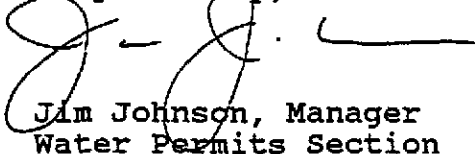
On March 20, 1996, you were sent correspondence also requesting additional information. There has been no response from you. I have enclosed a copy of the 3/20 letter in case your's has been misplaced.

The purpose of this letter is to inform you that I will take action to void your application thirty (30) days from the date of this letter and pursuant Section 42-204, Idaho Code, unless you furnish the information needed or provide an explanation why the application for transfer should not be denied.

If you are no longer interested in this transfer of water right, you can shorten the process by signing and returning the enclosed withdrawal form.

If you have any questions, you may contact me directly at
(208) 327-7947.

Respectfully,



Jim Johnson, Manager
Water Permits Section

JJ:rl

enc.

MICROFILMED

NOV 21 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 1996

Vic Conrad
J.R. Simplot Co.
P.O. Box 27
Boise, ID 83707

RE: Application for Transfer No. 3793
Water Right No. 61-07096

Dear Applicant:

Review of transfer records found that the above referenced transfer application has had no final resolution. The file had been held for a final piece of correspondence that was requested back in December of 1990 and no further action occurred.

I have reviewed the transfer application as submitted and found no reason it should not be forwarded for approval if the requested change is still desired. However, I also found a well log for Drilling Permit 61-90-C-0008-000 for a new well that apparently was drilled for this right and completed on 01-22-1991. The well log identifies a different QQ than both the original drilling permit or transfer application.

If the well log is correct, the transfer application does not accomplish the addition of the second well in a different QQ, and would need to be amended and readvertised. If the well log is incorrect and the well was actually drilled in the same QQ as described on the transfer application, a simple correction to the well log can be made and the transfer processed to reflect two wells in the SESE, S30, T04S, R04E serving the 323 acres irrigated under Right No. 61-07096.

I have included copies of the relevant records for your convenience. Please review all the information and your records to confirm the location of the second well. When you provide confirmation of the well location, I will then be able to proceed with the transfer approval reflecting the actual current use. If the transfer application needs amending, a \$50.00 fee must accompany your request.

MICROFILMED

APR 21 2000

I hope I have answered all your questions regarding this matter.
If you require any further assistance, please contact me directly
at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS

Sr. Water Resource Agent

MICROFILMED

NOV 21 2000

WR5809NP
No. T61-07096

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/20/96
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J. R. SIMPLOT CO. P.O. BOX 27 BOISE ID 83707	06/22/1971	IRRIGATION	04/15 10/15	3.900 CFS	1414.00 AFA
TOTAL DIVERSION:					3.900 CFS	1414.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T04S R04E S30

SESE

ELMORE 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	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM				
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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JR SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	06/22/1971	IRRIGATION	04-01 10-31	3.90 CFS	1280.00 AFA
TOTAL DIVERSION:					3.90 CFS	1280.00 AFA
CONSUMPTIVE USE:						960.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T04S R04E S30 SESE ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
04S	04E	30	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 40	: 320.0
TOTAL ACRES															320.0	

POU County: ELMORE

Conditions of Approval:
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Dates: Exam Made Date: Verified Date:

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

Audit: 04/07/93 MCCARTHY 05/19/94 CAN-SHAF 03/30/95 POST-STD

Audit: 12/06/89 PEPPERSA 02/07/91 PEPPERSA 06/11/92 MCCARTHY 04/02/93 CAN-SHAF
05/19/94 CAN-SHAF 03/30/95 POST-STD

DATE: 03/20/96
PAGE: 1

Audit: 03/12/85 05/01/88 CONVERT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM					
		NE		NW		SW		SE		NE		NW		SW		SE							
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac						
6107096	T04S R04E S30 GROUNDWATER																						
	:					40	:					:	40		04-43	40	:	40	40	40	40	:	323
A6107096	GROUNDWATER :					40	:					:	40		04-43	40	:	40	40	40	40	:	323
R6107096	GROUNDWATER :					40	:					:	40		04-40	40	:	40	40	40	40	:	320
T6107096	GROUNDWATER :					40	:					:	40		04-43	40	:	40	40	40	40	:	323
--86 MAP--	C39Q-Z 60 : 02 09 36 :											:	35			37	:	37	40	39	39	:	274
NO QTRS	MAPPING Lot03-07 Lot04-46																						

No overlaps

T#3793

SD-0611-2 Basin: 61 Starting Water Right: 07096

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
--	61-07096	OSTLING, MICHAEL P.	C	06/22/1971	L/	GROUNDWATER	IRR	WR
--	T61-07096	J. R. SIMPLOT CO.	C	06/22/1971	L/	GROUNDWATER	IRR	WR
--	A61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ
--	R61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	IRR	AJ

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)

(Enter=Continue)

(GOLD7=This Query)

(GOLD8=Cancel)

(Menu _____)

Natural 2.1/7V OVR

LIB=PRODLIBS

Last key was ENTR

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY	ACC FLG
61-90-C-0008-000	0	SIMPLOT FARMS GRAND VIEW, ID	04S	04E	30	SE SE SW SE		ELMORE ELMORE	P L
	0	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707 (208) 336-2110							

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address:
City, State:

Lot(s):
Block(s):

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Proposed Use of Well: Irrigation
Anticipated Bottom Hole Temperature: 85F or Less

Proposed Casing Diameter: 20 In.

Proposed Depth: 500 Ft.

Well Use Comments:

Driller License No: 0478
Firm Name: MARTINS WELL SERVICE
Official: MARTIN E FRANDSEN

Permit Status: Filed
Verbal Issue Date:
Date Received:
Date Approved: 04/17/1990
Proposed Start Date:
Extension Date:
Extension Expiration:

Receipt No. C016348
Receipt Date 04/17/1990
NOT ON FILE
NOT ON FILE
NOT ON FILE
NOT ON FILE

Fee \$ 100.00

Permit Remarks: REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT ATTACHED.
Permit Remarks:

Conditions of Approval:
Comments: No Comments Found

----- WELL DRILLER'S LOG REPORT -----

Drilling Permit No: 61-90-C-0008-000
Log Status:

Water Right No: 61-07096
Injection Permit No:

Nature of Work: NEW WELL
Construction Method: CABLE
Number of Monitor Wells:

Casing Diameter: 24 In.
Depth of Casing: 270 Ft.
Total Depth: 385 Ft.
Screen Installed?

Static Water Level: 266 Ft.
Temperature: 67 F.
Production Rate: 1200.00 GPM

Actual Start Date: 12/17/1990
Well Finish Date: 01/22/1991
Log Received Date: 02/01/1991
Certification Date:
Field Inspection Date:

Inspector:

Violation Flag:

WD0731NP
(00-0731)

IDA DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 03/20/96
PAGE: 2

=====

WELL DRILLER'S LOG REPORT: Permit No. 61-90-C-0008-000 (cont'd)

Well Log Remarks: COX WELL NO. 2. SCREEN INSTALLED TYPE-HEAVY WIRE. .250 24" FROM
+1 TO 50', .250 16" FROM -2 TO 270'.

AUDIT INFORMATION -----

JAN 29 1991

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.

Department of Water Resources
Water Resources Division

1. WELL OWNER

Cox Well No.2

Name Simplot Farms

Address Grand View, Idaho

Owner's Permit No. 61-90-2-008

Water Right Permit No. #61-7096

7. WATER LEVEL

Static water level 266 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature 67 °F. Quality Excellent

Describe artesian or temperature zones below _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Well diameter increase

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>1200</u>	<u>320 ft</u>	<u>10</u>

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
24"	0'	2'	Top Soil		X
	2'	6'	Brown Sand		
	6'	8'	Yellow Sandstone		
	8'	10'	Brown Clay and Pea Gravel		
	10'	20'	Brown Sand & Pea Gravel		
	20'	28'	Green Sand & Pea Gravel		
	28'	42'	White Gumbo Clay		
	42'	43'	Brown Clay		
	43'	50'	White Gumbo Clay		
	50'	70'	hard Black Basalt		
	70'	75'	Red Lava		
	75'	90'	Brown Lava		
	90'	100'	Black heavy Lava		
	100'	110'	Red & Black Broken Lava		
	110'	115'	Green Clay, Red & Black Broken Lava		
	115'	188'	Green Sandstone		
	188'	190'	Brown Lava		
	190'	220'	Gray Lava - Firm		
	220'	250'	Brown hard Lava		
	250'	288'	Green Sandstone		
	288'	290'	Black Lava		X
	290'	295'	DK Green sandstone		
	295'	312'	Black Lava & Green Clay		
	312'	319'	Black and Red Cinders		X
	319'	322'	Black Lava - hard		
	322'	340'	White silty clay & Brown sand		X
	340'	345'	Green Sandstone		
	345'	355'	Brown Silty Clay & Brown Sand		X
	355'	365'	White sticky Clay		
24"	365'	385'	Brown Clay		

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary

☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>24</u> inches	<u>1</u> feet	<u>50</u> feet
<u>.250</u> inches	<u>16</u> inches	<u>2</u> feet	<u>270</u> 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

Well screen installed? ☒ Yes ☐ No

Manufacturer's name Rosco Moss

Type heavy wire Model No. _____

Diameter 16" Slot size 3/16" Set from 270 feet to 320 feet

Diameter 16" Slot size 3/16" Set from 370 feet to 385 feet

Gravel packed? ☒ Yes ☐ No ☒ Size of gravel 1/4 inch

Placed from 270 feet to 370 feet

Surface seal depth 50 ft. Material used as 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 Pump Base

RECEIVED
FEB 1 1991

6. LOCATION OF WELL

Sketch map location must agree with written description

N

W

30

E

S

X

Subdivision Name _____

Lot No. _____ Block No. _____

County SW & SE 1/4 Sec. 30, T. 4, S. 4, R. 4, W. 1

10. Department of Water Resources

Work started Nov. 17, 1990 finished Jan. 22, 1991

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Martin's Well Service Firm No. 478

Address PO Box 923 Rexburg, Id. Date JAN 22, 1991

Signed by (Firm Official) Martin's

and (Operator) Martin's

MICROFILMED
MAY 05 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: PW

1. Right number 61-7096 Applicant J.R. Simplot Co.
2. Type of right. ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use. No change
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer). Add P/D in same QQ
 - f. ☐ Check for correct signature, notarization and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments New P/D Required to maintain Full supply of H₂O (No Expansion)
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____ Comment letter sent ☐ Yes ☒ No

FINAL PROCESSING REVIEW BY: DWR

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By DWR Date 12/14/90

RECEIVED
DEC 18 1990

Department of Water Resources

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 61-07096**

Notice is hereby given that the J.R. Simplot Company has applied to the Department of Water Resources for an additional point of diversion from a groundwater source. The right sought to be changed is evidenced by License 61-07096 and is recorded as follows:

Amount 3.90 cfs. Priority: 6/22/1971
Point(s) of Diversion: T4S R4E S30 SESE

The water is used for Irrigation purposes from 4/15 to 10/15 each year.

TO BE CHANGED AS FOLLOWS

Amount 3.90 Cfs
Point(s) of Diversion: Two points of diversion within SESE S30 T4S R4E. The water will be used for Irrigation purposes from 4/15 to 10/15 each year.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 10, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 11/21 & 11/28/1990.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of

November, 1990, and the last publication having been made on the 28th day of

November, 1990; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 28th day of November, 1990.

Donald W. See
Notary Public

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NOV 29 2000

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NOV 29 1990

Department of Water Resources
Western Regional Office

MEMORANDUM

TO: STEVE LESTER/WESTERN REGION
FROM: PAM SKAGGS²⁸/STATE OFFICE
SUBJECT: AMENDED TRANSFER NO. 3793
DATE: May 3, 1996

=====

This old transfer application turned up recently during a review of transfer records. Upon review there appeared to be a conflict in information about the correct location of the proposed additional well. I wrote to the applicant to verify the facts & provide information regarding possible actions (see letter dated 03-20-96).

Vic Conrad has supplied the correct information, amended the transfer application and provided the \$50.00 fee for readvertisement. It is being returned to you to process again from the beginning. I have included copies of pertinent information to help in your review. Thanks for your assistance.

MICROFILMED

NOV 21 2000

CORPORATE HEADQUARTERS

RECEIVED

MAY 2 - 1996

Department of Water Resources

May 1, 1996

Pamela Skaggs
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

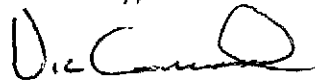
Re: Transfer No. 3793, IDWR Water Right No. 61-07096.

Dear Pam:

Enclosed is the amended front page of the transfer application. Ronald N. Graves, Secretary of the J. R. Simplot Company, acknowledged the amended application by initialing the proposed change. A \$50.00 check to cover your readvertising fee is also enclosed.

Please let me know if you need any additional information to continue processing this transfer.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosures

ENCLOSURE

MAY 2 1996

124665

00124665

J. R. SIMPLOT COMPANY P O BOX 27 BOISE, IDAHO 83707

01-901-

\$1

J. R. SIMPLOT CO.

VOUCHER NUMBER	INVOICE NUMBER	PURCHASE ORDER	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT
127936 ND. 61	050196 07096	CDX FARM	04-29-96	50.00	.00	50.00

MICROFILMED
NOV 21 2000

T O T A L S

50.00

.00

50.00

From: DWR06::"<@charon.simplot.com:vconrad@IDAHO-W.Simplot.com>" 30-APR-1996 0
To: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
CC:
Subj: Amendment to Transfer No. 3793, Right No. 61-07096.

Thanks for mailing the amended transfer. I already have the initial we need to acknowledge the change. I should have the check tomorrow. I'll mail both to your attention as soon as I have the check.

Vic Conrad
389-7359

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NOV 21 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 29, 1996

Vic Conrad
Simplot
P.O. Box 27
Boise, ID 83707

RE: Amended Transfer No. 3793
Water Right No. 61-07096

Dear Vic:

As you requested, I am enclosing a copy of the front page of the transfer application with the modification made in blue ink. If this appears to be the correct description of the two wells, please initial and return this sheet to me.

Upon receipt of the amended page and the \$50.00 readvertisement fee, the transfer application will be returned to our Western Region office for processing. I appreciate your prompt response in this matter and hopefully we will be able to complete the transfer within a reasonable time.

I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Sr. Water Resource Agent

Enclosure

MICROFILMED
NOV 21 2000

RECEIVED
Not
Enclosed

APR 18 1990

Transfer No.

3793

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

F. WATER R.

Conrad, Vic
WhipKey, Bob

467-4886

(208) 336-2110

APR 17 1994

AMENDED

Department of Water Resources

PART 1

AMENDEN

Name of applicant J. R. Simplot Company

PhonePost Office address P.O. Box 27 Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
 ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes The current well does not produce sufficient water to irrigate the 323 acres appropriated under water right license 61-7096.
Additional point of diversion is sought to effectively irrigate the 323 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|-----------------|----------|-----------------------|------------------|---------------|----------|
| 61-7096 | 6/22/71 | 3.90 | irrigation | 4/15 | to 10/15 |
| | | | | | to |
| | | | | | to |
| | | | | | to |
| | | | | | to |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		~~SW SE~~	SE	30	4S	4E	Elmore	Cox well #1
		SE	SE	30	4S	4E	Elmore	Cox well #2
	-	-	-	-	-	-		
	-	-	-	-	-	-		

- 5. Lands irrigated or place of use:**

[illegible]

323

Total acres

From: DWR06::"<@charon.simplot.com:vconrad@IDAHO-W.Simplot.com>" 29-APR-1996 1
To: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
CC:
Subj: IDWR Water Right 61-07096.

The check will be cut on Wednesday, May 1. Go ahead and mail the transfer to my attention at P. O. Box 27, Boise, Idaho 83707 and I will arrange for the changes to be initialed here by an authorized Simplot representative.

I will return the amended application for transfer to your attention with the \$50.00 to cover the amendment fee.

Thanks for all your help Pam.

Vic Conrad
389-7359

MICROFILMED

MAY 21 2005

From: DWR06::"<@charon.splot.com:vconrad@IDAHO-W.Splot.com>" 29-APR-1996 0
To: "Johnson, Jim" <JJohnson@idwr.state.id.us>
CC: "Skaggs, Pam - IDWR" <PSKAGGS@idwr.state.id.us>
Subj: IDWR Permit No. 61-07096.

There are two irrigation wells used to irrigate the "Cox Place". One is located in the southwest quarter of the southeast quarter of Section 30 T.4S R.4E("Well #1"); the other is located in the southeast quarter of the southeast quarter of Section 30 T. 4S R.4E ("Well #2). The two wells are very close together, however in our best estimate the wells do appear to be in different quarter quarters.

In following the recommendation Pam provided in her March 20, 1996 letter we request an amendment to the transfer filed in December 1990 to add a point of diversion in the southeast quarter of the southeast quarter of Section 30 T.4S R. 4E. I will arrange for a \$50.00 check to be mailed to you to cover the fee associated with amending the transfer.

If you need something more formal than this e-mail requesting the amendment, please let me know. Otherwise I will assume we can proceed on the basis of the request made in this message.

Thank you
Vic Conrad
389-7359

MICROFILMED

APR 21 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 1996

VIC CONRAD
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: APPLICATION FOR TRANSFER NO. 3793
WATER RIGHT NO. 61-07096

NOTICE OF PENDING ORDER TO REJECT APPLICATION FOR TRANSFER

Dear Vic:

On April 17, 1990, you submitted Application for Transfer No. 3793 to the Department. In December of 1990 you were contacted by Department staff who requested needed additional information in order to process the transfer of water right 61-07096. No response was received.

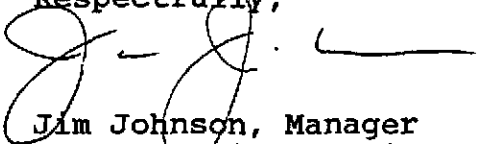
On March 20, 1996, you were sent correspondence also requesting additional information. There has been no response from you. I have enclosed a copy of the 3/20 letter in case your's has been misplaced.

The purpose of this letter is to inform you that I will take action to void your application thirty (30) days from the date of this letter and pursuant Section 42-204, Idaho Code, unless you furnish the information needed or provide an explanation why the application for transfer should not be denied.

If you are no longer interested in this transfer of water right, you can shorten the process by signing and returning the enclosed withdrawal form.

If you have any questions, you may contact me directly at (208) 327-7947.

Respectfully,


Jim Johnson, Manager
Water Permits Section

JJ:rl

enc.

MICHO...

NOV 21 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 1996

Vic Conrad
J.R. Simplot Co.
P.O. Box 27
Boise, ID 83707

RE: Application for Transfer No. 3793
Water Right No. 61-07096

Dear Applicant:

Review of transfer records found that the above referenced transfer application has had no final resolution. The file had been held for a final piece of correspondence that was requested back in December of 1990 and no further action occurred.

I have reviewed the transfer application as submitted and found no reason it should not be forwarded for approval if the requested change is still desired. However, I also found a well log for Drilling Permit 61-90-C-0008-000 for a new well that apparently was drilled for this right and completed on 01-22-1991. The well log identifies a different QQ than both the original drilling permit or transfer application.

If the well log is correct, the transfer application does not accomplish the addition of the second well in a different QQ, and would need to be amended and readvertised. If the well log is incorrect and the well was actually drilled in the same QQ as described on the transfer application, a simple correction to the well log can be made and the transfer processed to reflect two wells in the SESE, S30, T04S, R04E serving the 323 acres irrigated under Right No. 61-07096.

I have included copies of the relevant records for your convenience. Please review all the information and your records to confirm the location of the second well. When you provide confirmation of the well location, I will then be able to proceed with the transfer approval reflecting the actual current use. If the transfer application needs amending, a \$50.00 fee must accompany your request.

MICROFILMED

NOV 21 2000

I hope I have answered all your questions regarding this matter.
If you require any further assistance, please contact me directly
at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Sr. Water Resource Agent

MICROFILMED
NOV 21 2000

WR5809NP
No. T61-07096

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/20/96
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J. R. SIMPLOT CO. P.O. BOX 27 BOISE ID 83707	06/22/1971	IRRIGATION	04/15 10/15	3.900 CFS	1414.00 AFA
TOTAL DIVERSION:					3.900 CFS	1414.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04S R04E S30 SESE ELMORE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---	
04S	04E	30	:				40	:					:			40	04-43	40	:	40	40	40	40	:	323.0
TOTAL ACRES																							323.0		

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07096

Other Water Rights Listing Overlapping Place(s) of use:
61-07096

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause
- for the director to issue an order to show cause why the approval
- of the transfer should not be rescinded.

Remarks: TRANSFER 3793 ADDS A SECOND POINT OF DIVERSION TO THE SESE
SECTION 30, T4S, R4E.

Dates:	App. Received:	Priority Date:	06/22/1971
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	12/03/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 12/27/90 LUKE

AJ5809NP
No. R61-07096

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/20/96
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JR SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	06/22/1971	IRRIGATION	04-01 10-31	3.90 CFS	1280.00 AFA
TOTAL DIVERSION:					3.90 CFS	1280.00 AFA
CONSUMPTIVE USE:						960.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T04S R04E S30

SESE

ELMORE 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		
04S	04E	30	:					40	:					40		04-40	40	:	40	40	40	:	320.0
																				TOTAL ACRES	:	320.0	

POU County: ELMORE

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/07/93 MCCARTHY 05/19/94 CAN-SHAF 03/30/95 POST-STD

AJ5809NP
No. A61-07096

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/20/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JR SIMPLOT COMPANY PO BOX 27 BOISE ID 83707	06/22/1971	IRRIGATION	04-15 10-15	3.90 CFS	1414.00 AFA
					TOTAL DIVERSION:	3.90 CFS
					CONSUMPTIVE USE:	1414.00 AFA 1130.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T04S R04E S30

SESE

ELMORE 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																																																			
				NENE				NWNE				SWNE				SENE				:	NENW				NWNW				SWNW				SENW				:	NESW				NWSW				SWSW				SESW				:	NESE				NWSE				SWSE				SESE				:	
				04S				04E				30				:	40				:					:	40				04-43				40				:	40				40				40				:	323.0																			
																:					:					:									:									:									:	TOTAL ACRES				323.0														

POU County: ELMORE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 12/06/89 PEPPERSA 02/07/91 PEPPERSA 06/11/92 MCCARTHY 04/02/93 CAN-SHAF
05/19/94 CAN-SHAF 03/30/95 POST-STD

WR5809NP
No. 61-07096

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/20/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL P. OSTLING 116 COSTON ST. BOISE ID 83706	06/22/1971	IRRIGATION	04/15 10/15	3.900 CFS	1414.00 AFA
TOTAL DIVERSION:					3.900 CFS	1414.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04S R04E S30 SESE ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE															
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM			
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	---
04S	04E	30	:				40	:					:		40		04-43	40	:	40	40	40	40	:	323.0		
TOTAL ACRES																							323.0				

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
T61-07096

Other Water Rights Listing Overlapping Place(s) of use:
T61-07096

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Dates:	App. Received:	Priority Date:	06/22/1971
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	12/03/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 03/12/85 05/01/88 CONVERT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
6107096	T04S R04E S30 GROUNDWATER																				
	:					40	:					40		04-43	40	:	40	40	40	40	323
A6107096	GROUNDWATE :					40	:					40		04-43	40	:	40	40	40	40	323
R6107096	GROUNDWATE :					40	:					40		04-40	40	:	40	40	40	40	320
T6107096	GROUNDWATE :					40	:					40		04-43	40	:	40	40	40	40	323
--86 MAP--	C39Q-Z 60 :		02			09	36	:				35			37	:	37	40	39	39	274
NO QTRS	MAPPING																				
											</										

No Overlaps

SD-0611-2 Basin: 61 Starting Water Right: 07096

S	Water	Name	O	Priority	STG/	Use	S
E	Right No.	Last, First	W	Date	STS	Desc	Y
L			N				S
-	61-07096	OSTLING, MICHAEL P.	C	06/22/1971	L/	GROUNDWATER	WR
-	T61-07096	J. R. SIMPLOT CO.	C	06/22/1971	L/	GROUNDWATER	WR
-	A61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	AJ
-	R61-07096	JR SIMPLOT COMPANY	C	06/22/1971	L/	GROUNDWATER	AJ

(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)
(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY	ACC FLG
61-90-C-0008-000	0	SIMPLLOT FARMS GRAND VIEW, ID	04S	04E	30	SE SE SW SE		ELMORE ELMORE	P L
	0	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707 (208) 336-2110							

Subdivision Well Site Location and Description:

Subdivision Name:

Well Site Address:

City, State:

Lot(s):

Block(s):

Geographic Location:

GPS Site ID:

Lat: : : N

Long: : : W

Accuracy Code:

Proposed Use of Well: Irrigation Proposed Casing Diameter: 20 In.
Anticipated Bottom Hole Temperature: 85F or Less

Proposed Depth: 500 Ft.

Well Use Comments:

Driller License No: 0478

Firm Name: MARTINS WELL SERVICE

Official: MARTIN E FRANDSEN

Permit Status: Filed

Verbal Issue Date:

Date Received:

Date Approved: 04/17/1990

Proposed Start Date:

Extension Date:

Extension Expiration:

Receipt No.

C016348

Receipt Date

04/17/1990

\$ Fee

100.00

NOT ON FILE

NOT ON FILE

NOT ON FILE

NOT ON FILE

Permit Remarks: REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT ATTACHED.

Permit Remarks:

Conditions of Approval:

Comments: No Comments Found

----- WELL DRILLER'S LOG REPORT -----

Drilling Permit No: 61-90-C-0008-000

Water Right No: 61-07096

Log Status:

Injection Permit No:

Nature of Work: NEW WELL

Construction Method: CABLE

Number of Monitor Wells:

Casing Diameter: 24 In.

Static Water Level: 266 Ft.

Actual Start Date: 12/17/1990

Depth of Casing: 270 Ft.

Temperature: 67 F.

Well Finish Date: 01/22/1991

Total Depth: 385 Ft.

Production Rate: 1200.00 GPM

Log Received Date: 02/01/1991

Screen Installed?

Certification Date:

Field Inspection Date:

Inspector:

Violation Flag:

WD0731NP
(00-0731)

DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

DATE: 03/20/96
PAGE: 2

=====

WELL DRILLER'S LOG REPORT: Permit No. 61-90-C-0008-000 (cont'd)

Well Log Remarks: COX WELL NO. 2. SCREEN INSTALLED TYPE-HEAVY WIRE. .250 24" FROM
+1 TO 50', .250 16" FROM -2 TO 270'.

- - - - - AUDIT INFORMATION - - - - -

JAN 29 1991

WELL DRILLER'S REPORT

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

1. WELL OWNER

Cox Well No. 2

Name Simplot FarmsAddress Grand View, Idaho.Owner's Permit No. 61-90-2-008Water Right Permit No. 10-3-3026

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	24 inches	+ 1 feet	50 feet
.250 inches	16 inches	+ 2 feet	270 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☒ Yes ☐ NoPerforated? ☐ Yes ☒ NoHow 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 ☐ NoManufacturer's name Rosco MossType heavy wire Model No. _____Diameter 16" Slot size 60/100 Set from 270 feet to 370 feetDiameter 16" Slot size Blank Set from 370 feet to 385 feetGravel packed? ☒ Yes ☐ No ☒ Size of gravel 1/4 inchPlaced from 270 feet to 370 feetSurface seal depth 50 ft. ☐ Bentonite used ☐ seal. ☐ Cement grout☐ Bentonite ☒ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between stringsDescribe access port Pump Base

7. WATER LEVEL

Static water level 266 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ PlugTemperature 67 °F Quality Excellent

Describe artesian or temperature zones below

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.

1200

Pumping Level

320 ft

Hours Pumped

10

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
24"	0'	2'	Top Soil		X
	2'	6'	Brown Sand		
	6'	8'	Yellow Sandstone		
	8'	10'	Brown Clay and Pea Gravel		
	10'	20'	Brown sand & Pea Gravel		
	20'	28'	Green sand & Pea Gravel		
	28'	42'	White Gumbo Clay		
	42'	43'	Brown Clay		
	43'	50'	White Gumbo Clay		
	50'	70'	hard Black Basalt		
	70'	75'	Red Lava		
	75'	90'	Brown Lava		
	90'	100'	Black heavy Lava		
	100'	110'	Red & Black Broken Lava		
	110'	115'	Green Clay, Red & Black Broken Lava		
	115'	188'	Green Sandstone		
	188'	190'	Brown Lava		
	190'	220'	Gray Lava - Firm		
	220'	250'	Brown hard Lava		
	250'	285'	Green Sandstone		
	285'	290'	Black Lava		X
	290'	295'	DK Green sand stone		
	295'	312'	Black Lava & Green Clay		
	312'	319'	Black and Red Cinders		X
	319'	322'	Black Lava - hard		
	322'	340'	White silty clay & Brown sand		X
	340'	345'	Green Sand stone		
	345'	355'	Brown Silty Clay & Brown Sand		X
	355'	365'	White sticky Clay		
24"	365'	385'	Brown Clay		

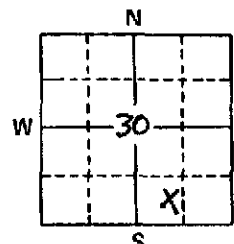
RECEIVED
FEB 1 1991

10.

Department of Water Resources
Work started Nov. 17, 1990 finished Jan. 22, 1991

6. LOCATION OF WELL

Sketch map location must agree with written location



Subdivision Name _____

Lot No. _____ Block No. _____

County SW 1/4 SE 1/4 Sec. 30, T. 4 N, R. 4 E

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Martin's Well Service Firm No. 478Address PO Box 923 Rexburg, Id. Date JAN 22, 1991Signed by (Firm Official) [Signature]

and

(Operator) [Signature]

MEMORANDUM

TO: FILE

OK Gary

FROM: TIM LUKE

DATE: December 26, 1990

RE: TRANSFER NO. 3793/LICENSE NO. 61-7096

=====

This transfer application seeks only to add a point of diversion to the above licensed right. I recommend approval of the application subject to the following conditions:

- 1) <<T07>> The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 2) <<T08>> Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Tim —

This looks OK to me. I wonder what affect this transfer has on the extension of time to avoid forfeiture. Perhaps we should condition the approval by stating that approval constitutes resumption of use & that the extension is no longer effective. What do you think?

Gary

Vic Conway will write a letter explaining extension & avoid forfeiture.

MICROFILMED

NOV 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: PW

- 1 Right number 61-7096 Applicant J.R. Simplot Co.
- 2 Type of right: ☐ Decree ☒ License ☐ Claim
- 3 Purpose of transfer ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
- 4 Check:
- a ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b ☒ Description of original point of diversion.
- c ☐ Description of original place of use. No change
- 5 Amount of land &/or water transferred.
- a ☒ All of right
- b ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c ☒ Check description of point(s) of diversion.
- d ☒ Check description of place of use
- e ☒ Check map (shows p.d. and p.u. after transfer). Add P/D in same QQ
- f ☐ Check for correct signature, notarization and fee
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h ☒ Check for expansion in use of right. Comments New P/D Required to maintain Full supply of H₂O (No Expansion)
- i. N/A Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. N/A Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____ Comment letter sent ☐ Yes ☒ No

FINAL PROCESSING REVIEW BY: DPR

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By DPR

Date

12/14/90

RECEIVED
DEC 18 1990

Department of Water Resources

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 61-87068**

Notice is hereby given that the J.R. [illegible] Company has applied to the [illegible] Department of Water Resources for an [illegible] permit of diversion from a [illegible] water source. The right sought [illegible] is [illegible] by License [illegible] No. 61-87068. The following [illegible] [illegible] 6/22/1971 [illegible] T4S R4E S30

The water is [illegible] for Irrigation purposes from 4/15 to 10/15 each year.

TO BE CHANGED AS FOLLOWS

Amount: 3.90 Cfs

(Point(s) of Diversion: Two points of diversion within SESE S30 T4S R4E.

The water will be used for Irrigation purposes from 4/15 to 10/15 each year.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 835E Airport Way, Boise, Idaho 83706 on or before December 10, 1990.

B. Keith Higginson
Director

Published in the Mountain Home News
on 11/21 & 11/28/1990.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Mike Thornberry, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 21st day of

November, 1990, and the last publication having been made on the 28th day of

November, 1990; every Wednesday

Issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

Subscribed and sworn to me this 28th day of

November, 1990

Grand W. See
Notary Public

MICROFILMED

NOV 21 1990

RECEIVED

NOV 23 1990

Per [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 61-07096

Notice is hereby given that the J.R. Simplot Company has applied to the Department of Water Resources for an additional point of diversion from a groundwater source. The right sought to be changed is evidenced by License 61-07096 and is recored as follows:

Amount 3.90 cfs

Priority: 6/22/1971

Point(s) of Diversion: T4S R4E S30 SESE

The water is used for Irrigation purposes from 4/15 to 10/15 each year.

TO BE CHANGED AS FOLLOWS

Amount 3.90 Cfs

Point(s) of Diversion: Two points of diversion within SESE S30 T4S R4E. The water will be used for Irrigation purposes from 4/15 to 10/15 each year.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before December 10, 1990.

R. Keith Higginson
Director

Published in the Mountain Home News on 11/21 & 11/28/1990.

MICROFILMED

NOV 21 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 1, 1990

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

RE: Transfer Application of Water Right #61-7096

Dear Mr. Conrad:

Enclosed please find the above referenced application for transfer of a water right. As we discussed per our telephone conversation this date, please have the application notarized and return it with the \$50.00 fee to my attention. Please excuse the delay in processing. If you have any other concerns, please feel free to contact me at 334-2190.

Sincerely,


Robert B. Whitney
Sr. Water Resource Agent

MICROFILMED

NOV 2 1990

to W.R., with Att:
W.R.
to 61-7096 Transfer
MICROFILMED

NOV 21 2000
(Jue) Please file this with
Transfer 61-07096 millner
+ nothing
THANKS, Steve

Drilling Permit No. 61-90-Z-008
Water Right Permit No. 61-7096
Injection Permit No. _____

State of Idaho
Department of Water Resources
DRILLING PERMIT

RECEIVED

APR 23 1990

Department of Water Resources
Western Regional Office

1. Applicant (Please Print) J.R. Simplot Co.

2. Mailing Address P.O. 27 Boise, ID 83707

Telephone (208) 336-2110

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location SE 1/4 SE 1/4, or Gov't lot No. _____,

Sec. 30, Twp. 48, Rge. 4E, County Elmore,

Street Address of Well Site _____,

Lot, block and subdivision _____

4. Proposed use of well:

() Single family or stockwater use (less than 13,000 gallons per day)

☒ Irrigation (more than 1/2 acre)

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

() Other (describe fully) _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9.

B. Proposed surface diameter 20" Maximum depth 500'

C. Anticipated bottom hole temperature:

- () 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

6. Construction Start Date ASAP

7. Anticipated Well Driller Martha Franzen

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature [Signature] Date 4/17/90

Title Associate Simplot Land & Development
(Owner, Firm Representative, Other)

MICROFILMED

NOV 21 2000

APPROVED

This Permit is

Date

April 17, 1990

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

Title

Receipt No. 2014348Received by gsFee \$ 100.00Date 4/17/90EXTENSION OF DRILLING PERMIT

Extension approved by _____

Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

MICROFILMED

NOV 21 2000

Drilling Permit No. _____

Water Right No. 61-7096

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

J. R. Simplot Co., Applicant, requests
issuance of Drilling Permit prior to approval of a water right.
The request is made for the following reason(s):

Need well drilled to start immediately -
waiting on transfer

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

4-2-90
Date

Frank L. Backma
Applicant's Signature

Land Manager / Grandview Farms
Applicant's Title

MICROFILMED
MAY 21 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 29, 1988

RE: Water Right No. 61-7096

O.M. Cox
863 Morgan Ave.
Ontario, OR 97914

Dear Mr. Cox:

Enclosed is a copy of the approved Application for Extension of Time to Avoid Forfeiture of the above referenced water right. Note that use of water under this right must resume on or before July 1, 1997.

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

SEP 30 1988

D E E D

FOR VALUE RECEIVED, ROBERT R. ANGELL, a married man, dealing with his sole and separate property, Grantor, does hereby grant, bargain, sell and convey to OLIVER M. COX and DONNA COX, husband and wife, Grantees, whose address is HC 88, Box 2060, Oreana, ID 83650, all that certain piece or parcel of land situate, lying and being in the County of Elmore, State of Idaho, more particularly described on Exhibit A attached hereto and made a part hereof, SUBJECT TO current taxes and assessments, easements, restrictions and reservations, and FURTHER SUBJECT TO that certain Note entered into on February 25, 1977, as Loan No. 7606000 of the Connecticut General Life Insurance Company, said Note being secured by a Mortgage of even date, wherein Connecticut General Life Insurance Company is Mortgagee and Michael P. Ostling and Laura L. Ostling, husband and wife, are Mortgagors, said Mortgage being recorded on February 25, 1977, in Book 66 of Mortgages, Page 291, records of Elmore County, Idaho, which Note and Mortgage were subsequently assumed by Grantor herein, and which Grantees hereby agree to assume and pay according to the terms thereof.

Oliver M. Cox
OLIVER M. COX

Donna Cox
DONNA COX

TO HAVE AND TO HOLD, all and singular, the said premises, together with their appurtenances, unto the said Grantees and to their heirs and assigns forever.

RECORDED

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand
and seal this 6th day of March, 1985.

GRANTOR:

Robert E. Angell
ROBERT E. ANGELL

STATE OF IDAHO)
ss.
County of Elmore)

On this 6th day of March, 1985, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared OLIVER M. COX and DONNA COX, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

William A. Wetmore
NOTARY PUBLIC, State of Idaho
Residing at: Mtn. Home, Idaho

STATE OF IDAHO)
ss.
County of Elmore)

On this 6th day of MARCH, 1985, before me, the undersigned Notary Public in and for said State, personally appeared ROBERT E. ANGELL, a married man, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

William A. Wetmore
NOTARY PUBLIC, State of Idaho
Residing at: Mtn. Home, Idaho

RECORDED

SEP 30 1988

DEED, p. 2

EXHIBIT A

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN,
ELMORE COUNTY, IDAHO:

SECTION 30: Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

227229

ELMORE COUNTY, IDAHO, ss

Request of

GUARANTY TITLE INC.

Time 2:52 P.M.

Date March 6, 1975

Book _____ of _____

Page _____

By RAMONA YRAZABAL Recorder

Deputy

Fee \$6.00

EXHIBIT A to DEED

(Angell/Cox)

RECORDED & FILMED

SEP 30 1988

CRP-1
(02-21-86)

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

1. ST. & CO. CODE & C/D

2. CONTRACT NO. 10

16 039 1

3. FARM NO.
287

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number [SSN] is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable signup period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

SHARE	SSN	
%	SIGNATURE	DATE

8. OWNER NAME AND ADDRESS

Oliver Cox
HC #9 Box 2060
Orona, Idaho 83651

SHARE	SSN	
100	587 30 1052	
%	SIGNATURE	DATE
	<i>Oliver Long</i>	7-27-8

[illegible]

Donna C. Cox
 HC #9 Box 2060
 Oreana, Idaho 83650

SHARE	SSN	
0 %	417 62 2551	
	SIGNATURE	DATE
	Sandra C. Cox	2/22/04

D.	NAME AND ADDRESS

SHARE	SEN	
%	SIGNATURE	DATE

6. ACRES FORCED

120.0

SEP 30 1988

B. RENTAL RATE PER ACRE

2

46.00

7. CONTRACT PERIOD

FROM

TO

10 2 86

9 30 96

[illegible]

Approved by phone by SAC

1000

[illegible]

1994-1995

● 國家安全

10/19/87

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit CorporationST. & CO. CODE &
C/D

16 039 1

2. CONTRACT NO.

3. FARM NO.

287

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

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4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS		SHARE	SSN	SIGNATURE	DATE
		%			
B. OWNER NAME AND ADDRESS		SHARE	SSN	SIGNATURE	DATE
Oliver Cox HC 89 Box 2060 Oreana, Idaho 83650		100 %	587 30 1052	<i>O. M. Cox</i>	2/27/87
C. NAME AND ADDRESS		SHARE	SSN	SIGNATURE	DATE
Donna C. Cox HC 89 Box 2060 Oreana, Idaho 83650		0 %	417 62 2551	<i>Donna C. Cox</i>	2/27/87
D. NAME AND ADDRESS		SHARE	SSN	SIGNATURE	DATE
		%			

5. ACRES FOR CRP					6. RENTAL RATE PER ACRE		7. CONTRACT PERIOD		
					\$		FROM	TO	
322.1 202.1						46.00	10 1 86	9 30 96	
TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
F 395	1	CP 01	40.8	50%					
F 395	4	CP 01	29.3	50%					
F 395	5	CP 01	202.1	50%					
F 395	6	CP 01	60.9	50%					

18. ANNUAL PAYMENT	19. CCC USE ONLY - Payments	20. CCC REPRESENTATIVE'S SIGNATURE	DATE
		<i>Charles Allison</i>	06-87

October 18, 1976

Re: Permit No. 61-7096

Michael P. Ostling
116 Coston Street
Boise, ID 83706

Dear Mr. Ostling:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enc.

October 1, 1976

Mr. Michael P. Ostling
116 Coston Street
Boise, Idaho 83706

Re: Permit No. 61-7096

Dear Mr. Ostling:

A representative of this Department has made an examination of the works covered by the above referenced permit and has found the following:

Quantity of water diverted: 3.90 cfs Source: ground water
Amount of water that can be recognized as beneficially used under
Idaho law: 3.90 cfs
The maximum quantity diverted shall not exceed 1,414 acre feet,
or 4.5 af per acre, per year.
Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 4 S, Rge. 4 E, B.M.
Beneficial use: Irrigation of 323 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 4,
E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, Twp. 4 S, Rge. 4 E, B.M.
Priority date established: June 22, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

FIELD REPORT

323.41

T
4
S

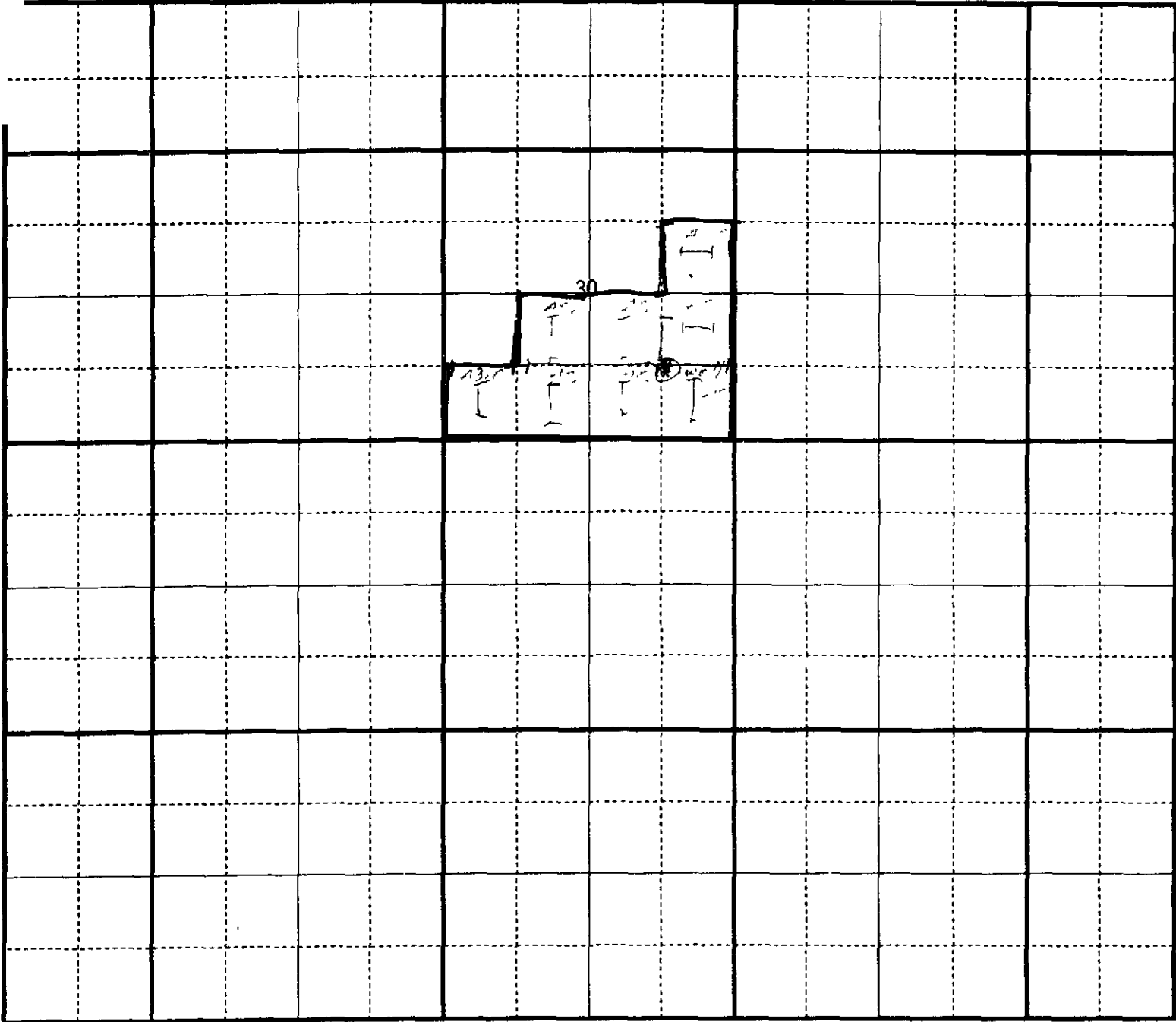


Diagram of System

DATE OF EXAM 8/12/76

ACREAGE
Found 23
Recommended 323

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 3.90 c.f.s. V = 1413 AF/Ann. from 4.5 to 10.5
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1750 gpm = 3.90 cfs Method of measurement in-line flow meter
Rate-a-Flow
Total Q recommended 3.90 cfs Meter No. 766302 Type _____ Condition operational
Total V recommended 1413 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None None

MEASUREMENT CALCULATION:
Muesco Rate-a-Flow meter in line # 766302 pumping at 1750 gpm.
 $3.9(1.98)183 = 1413 \text{ AF} \leftarrow \text{use as control}$
 $323(4.5) = 1453 \text{ AF}$

SYSTEM DESCRIPTION:
2 1/2 HP Motor 350 HP Model # 5K6317XC132A Serial # KKT1009014 on Johnston
pump no. 10 plate into 10" main line 16" well 500 ft deep. Then into
sprinkler lines

REMARKS:

Examiner's Signature CH Lugo Date 8/17/76
Checked by MS Date 8-19-76
Approved by _____ Date _____

September 10, 1976

Re: Permit No. 61-7096 -Michael P. Ostling

Thomas A. Miller
Box 1617
Boise, Idaho 83701

Dear Mr. Miller:

Enclosed are the copies you requested per our telephone conversation this date.

The fee for these copies is \$1.00, which you may remit to this office at your convenience.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

August 17, 1976

Re: Permit No. 61-7096

Michael P. Ostling
116 Goston Dr.
Boise, Idaho 83706

Dear Mr. Ostling:

Enclosed is an Order of Reinstatement reinstating the above referenced permit.
The priority on this permit will remain June 22, 1971.

We are sorry for any inconvenience we have caused you in this matter.

Sincerely,

JANICE PETER
Secretary, Water Rights

14

Enclosure: Order of Reinstatement



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

F. Keith Haganson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

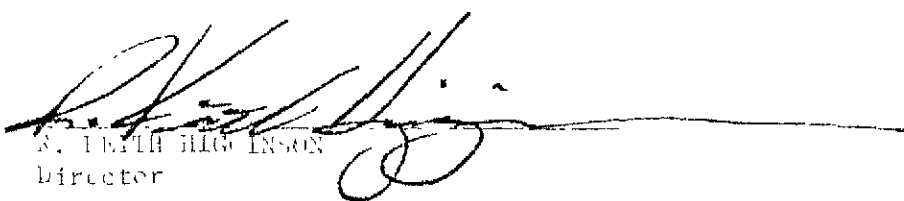
August 6, 1976

Michael P. Ostling
116 Coston St.
Boise, Idaho 83706

Dear Mr. Ostling.

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 61-7096 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


F. KEITH HAGANSON
Director

sk:jjg

WATER RESOURCE BOARD

John F. Streiff
Chairman
Donald E. Goss

Gene L. Yost
Vice Chairman
Robert E. Henson

Donald E. Kramer
Secretary
Thomas W. Reed

Edwin C. Schiender
Member
Joseph H. Nattleton

June 3, 1976

Re: Permit No. 61-7096

Michael P. Ostling
116 Coston St.
Boise, Idaho 83702

Dear Mr. Ostling:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed. We also acknowledge receipt of the affidavit submitted as proof of beneficial use for this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Boise. If possible, we would like to have the original assignment for our files and we would forward a copy of the assignment to you.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Identification No. _____

Permit No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder MICHAEL F. OSTLING
b) Post Office Address 116 CORTON, POISE, ID. 83702
2. Permit Number 617096
3. Date of Priority that you are prepared to establish JUNE 22ND, 1971
4. a) Source from which water was appropriated SUBTERRANEAN
b) Location of the point of diversion: CENTER X S.E. $\frac{1}{4}$, Section 30
Township 4S, Range 4E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 6.45 CFS for IRRIGATION purposes from APRIL 1ST to OCT. 31ST incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.45 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: FLOWMETER; WELL TEST BY LAYNE-BOWLER CO., TWIN FALLS, IDAHO
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) WELL IS 500 FT DEEP & CASSED WITH 16" STEEL PIPE; 750 HP TURBINE MOTOR & PUMP IS 8 STAGE W/ 1400 BOWLS, 20 X 10 X 10 DISCHARGE HEAD.
b) Describe the type and size of measuring device which you have installed at your point of diversion: L.P.S. 12" PROPELLER FLOW METER
c) Give well driller's name and address and the date the well was completed: GEORGE GALEY, BOX 347, KIMBERLY, IDAHO. WELL WAS COMPLETED OCT. 11TH, 1975.
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

9. Irrigation uses: describe the lands irrigated by giving the acreage irrigated within each 40 acre subdivision: _____

LOT 4: SE 1/4 NE 1/4, E 1/2 SW 1/4, SE 1/4, SEC. 30

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45	4E	30				40					40	(LOT 4) 48.6	40		40	40	40	40	328.6

Total number of acres irrigated 328.6

10. Remarks: _____

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

5-20-76

(Date)

Michael Ostling
(Signature)

State of Idaho)

County of Blaine)

On this 20th day of May, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Julius Erickson
Notary Public residing at Boise

My commission expires 7-26-76



PERMIT NO. 61-7096

IN REPLY REFER TO.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENTIdaho State Office
Boise, Idaho

RECEIVED

NOV 1 1971
I-3564
(943)NOTICE OF ALLOWANCE

Department of Water Administration

John E. Milliner
211 Hillview Drive
Boise, Idaho 83702

NOV 22 1971

Serial No. I-3564 323.41 AcresT. 4 S., R. 4 E., Boise Meridian, Idaho
Sec. 30, Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Your desert land application for the above described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon compliance with the requirements of the Desert Land Act and appropriate rules and regulations in addition to development and reclamation of the land basically in accordance with your plan of development which is on file in the Boise State Office. Any substantial change in source of water or deviation in the construction of the irrigation facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 310 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which will require the reservation of all oil and gas deposits to the United States.

Subject to the right of the United States or its permittees or licensees to enter upon, occupy, and use any or portion of lot 4 for transmission line purposes under Section 24 of the Federal Power Act for Power Project No. 2055.

31566

C1 7043
7096IN WITNESS WHEREOF, I have hereunto set
my hand and seal this 22 day
of November, 19 71

61 7096

/s/ Richard H. Petrie

Richard H. Petrie, Chief
Division of Technical Services

November 17, 1971

John E. Milliner
211 Hillview
Boise, Idaho

Dear Mr. Milliner:

Attached herewith is your receipt No. 8482 in the amount of \$ 10.00
for your application for amendment No. 61-7096
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

61 7096

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 18, 1971

Re: Permit No. 61-7096

John E. Milliner
211 Hilview Dr.
Boise, Idaho

Dear John:

Enclosed please find a copy of the approved application for amendment for the above referenced permit. We have contacted the Bureau of Land Management to verify that this is the correct legal description of your desert entry.

In answer to the other questions in your letter of November 1, 1971, perhaps you could contact the Soil Conservation Service at the time you will begin developing your lands. They could offer valuable counseling to help you prepare your lands for whatever agricultural development you may plan.

If you should have further questions, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb
Enclosure

cc: Bureau of Land Management

61 7096



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

IN REPLY REFER TO:

I-3564 (943)

AUG 26 1971

Mr. John E. Milliner
211 Hillview Drive
Boise, Idaho 83702

Dear Mr. Milliner:

The State Department of Water Administration has forwarded a copy of your permit No. 61-7096.

According to item 8 b. on the permit, the land to be irrigated is in Sec. 3, T. 4 S., R. 4 E. The land in your desert land application is in Sec. 30.

Please take appropriate action to have your permit corrected to show that the land to be irrigated is located in Sec. 30, T. 4 S., R. 4 E.

We would appreciate receiving a copy of the approved document showing the correction within the next 30 days.

Sincerely yours,

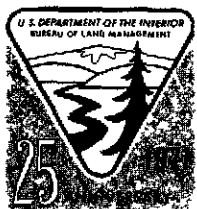
Richard H. Petrie

Richard H. Petrie, Chief
Division of Technical Services

*State water basin
384-2215
rearian clear*

2407

61 7096





DETACHMENT 1
US ARMY COMMUNICATIONS EFFECTS TEST GROUP
APO 09407



1 November 1971

State of Idaho
Department of Water Administration
ATTN: Appropriation Examiner
(Dorian Clay)

Dear Mr. Clay,

The attached letter and application was forwarded to me recently.
I am now sending you the signed application and a check for \$10.00.

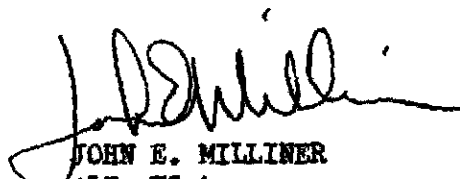
As I understand it the land is located in Section 3 and not in
Section 30. If this is correct please advise on the meaning of
paragraph 3 in the attached letter.

Thank you for your assistance and I am indeed sorry for the delay
in my correspondence.

In that I am very new to this business, I would appreciate you
sending me anything that you personally deem important or in-
teresting in helping me with the future development of my land.

Thank you.

2 Incl
as


JOHN E. MILLINER
1LT, US Army
518-50-9121

Mailing Address:

John E. Milliner
211 Hillview Drive
Boise, Idaho 83702

61 7096

September 29, 1971

Re: Permit No. 61-7096 - John E. Milliner

Mrs. Milliner
Post Office Box #2753
Boise, Idaho

Dear Mrs. Milliner:

Pursuant to your telephone request of September 28, 1971, please find enclosed the completed application for amendment form in connection with the above referenced permit.

If you should have any further questions in this matter, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Supervisor

DC:CS

Enclosure

61 7096

September 9, 1971

Mrs. Millinar
Post Office Box #2753
Boise, Idaho

Dear Mrs. Millinar:

Pursuant to your telephone request of September 9, 1971, please find enclosed one copy of this Department's application for amendment form.

If we may be of any assistance in helping you to complete this form, please do not hesitate to contact this office.

Very truly yours,

Donlan Clay
Appropriation Examiner

DC:CS

Enclosures

61 709S

Idaho State Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

AUG 26 1971

Mr. John E. Milliner
211 Hillview Drive
Boise, Idaho 83702

Dear Mr. Milliner:

The State Department of Water Administration has forwarded a copy of your permit No. 61-7096.

According to item 8 b. on the permit, the land to be irrigated is in Sec. 3, T. 4 S., R. 4 E. The land in your desert land application is in Sec. 30.

Please take appropriate action to have your permit corrected to show that the land to be irrigated is located in Sec. 30, T. 4 S., R. 4 E.

We would appreciate receiving a copy of the approved document showing the correction within the next 30 days.

Sincerely yours,

/s/ Richard H. Petrie
Richard H. Petrie, Chief
Division of Technical Services

cc: State Department of Water Administration

61 7096

August 24, 1971

Re: Permit No. 61-7096 - John E. Milliner

E. D. Barnes, Acting Chief
Division of Technical Services
BUREAU OF LAND MANAGEMENT
Room 334, Federal Bldg.
550 West Fort Street
Boise, Idaho 83702

Dear Mr. Barnes:

Please find enclosed a copy of the above referenced permit which has been approved by this office.

If you have any questions, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enc: copy

61 7096

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 19, 1971

Re: Permit No. 61-7096

John E. Milliner
211 Hilview Drive
Boise, Idaho 83702

Dear Mr. Milliner:

Enclosed is a copy of your approved Application for Permit No. 61-7096. 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 install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

61 7096

July 1, 1971

Re: Application No. 02-7083 - Harold E. Blanksma
02-7084 - John T. &/or Helen S. Bell
61-7095 - Harold E. Blanksma &/or Cold Springs Group
63-7448 - Atlanta Townsite, c/o Gordon Eichmann
63-7453 - John E. Milliner

Mountain Home News
P.O. Boxer 0
Mountain Home, Idaho 83647

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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

61 7096

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 7-28-71 By dr

DWM:cr

Enclosures

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that John E. Milner, 211 Highway Drive, Boise, Idaho has on June 23, 1971 submitted Application No. 7453 for a permit to appropriate 6.45 cubic feet per second of water from a ground water source by means of well and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 4S, R. 4E, E. M., Elmore County to be used from April 15 to Oct. 15 for the irrigation of 323.41 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3, T. 4S, R. 4E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before July 26, 1971.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, Idaho on July 8 and July 15, 1971.

②
Cm
67-6-71

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that John E. Milliner, 211 Hilview Drive,
Boise, Idaho
has on June 22, 1971 submitted Application No. 63-7453
for a permit to appropriate 6.45 cubic feet per second ~~none feet per second~~
of water from a ground water source
by means of well and pump
within the SE1/4, S c. 30, T. 4S, R. 4E, B.M., Elmore County

to be used from April 15 to Oct. 15
for the irrigation of 323.41 acres

within the SE1/4, NE1/4, S1/4, SE1/4, Sec. 3, T. 4S, R. 4E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before July 26, 1971.

R. KEITH HIGGINSON

Director

Published in the Mountain Home News, Mountain Home, Idaho
on July 8 and July 13, 1971.