

45-02746

36-2001 ✓ ✓ G-32872  
D

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41043  
Permit No. G- 32872  
District No.

1. Name of Applicant: **Simplot Industries, Inc dba Burley Processing Co.**  
Postoffice address: **Box 2777 Boise** County: **Ada** State: **Idaho**
2. Quantity of water claimed:
  - (a) Rate of withdrawal in cubic feet per second **4.0** or Idaho  
Miners' inches or gallons per minute **2,000**
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean well**
4. Location of point of diversion or well is in the **City of Burley**  
**NW 1/4 of the SW 1/4 of Section 20**  
Twp. **10S** , Rge. **23 E** , B.M., County of **Cassia**
5. Water is to be used for: **Industrial Purposes**
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the **City of Burley**  
**NW 1/4 of the SW 1/4 of Section 20** , Twp. **10S**  
Rge. **23 E** , B.M.
  - (b) Waste water or sewage effluent is to be returned to **Snake River**  
at a point in the **SW 1/4 of the SW 1/4 of Section 17** , Twp. **10S** , Rge. **23 E.** , B.M.
7. Kind of works: **Electric Pump - 200 HP**
8. Estimated cost of works: **\$ 15,000.00**
9. (a) Is reservoir to be used? **no**  
(b) Capacity of reservoir: **- -**
10. The time required for the completion of such work and complete application of the water to the proposed use is  
years. **one**
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation: **3/2/46 - Utah**  
(b) Amount of capital stock: \$ **120,000.00** (c) Amount paid in: \$ **76,000.00**  
(d) Names and addresses of directors: **J. R. Simplot, Boise, Idaho; C. L. Miller, Caldwell, Idaho;**  
**John M. Dahl, Boise, Idaho**
  - II. The financial resources of the applicant are (a) Cash onhand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
  - (a) **2,000** (~~cubic feet per second inches~~ gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Water to be used for washing potatoes before they go into the Processing Plant. Water then goes to settling pond where dirt and grit settles out and clear water returns to the Snake River north of the plant site.

Remarks:

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.

/s/ Simplot Industries, Inc. Applicant.  
dba Burley Processing Plant  
By/s/ L. E. HAIGHT, Vice President Agent.

Date of first receipt at Department of Reclamation: May 9, 1966 8:00 A.M.

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G— 32872

Recorded in Book 115 Page 32872 Approved May 12, 1966

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

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

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 12, 1966

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before May 12, 1967

Witness my hand this 12th day of May, 1966 /s/ CARL E. TAPPAN  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 12th day of May, 1966.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ LOUIS E. CLAPP  
Secretary of State.

By /s/ ROBERT E. SMYLLIE  
Governor

12.

| 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 |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |      | INDUSTRIAL PURPOSES                  |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |      | PERMIT NO. G-32872                   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |      | CERTIFICATE OF COMPLETION OF WORKS ✓ |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| This is to certify that Simplot Industries, Inc. dba Burley Processing Co. of Boise, County of Ada, and State of Idaho, the holder of Permit No. G-32872, issued upon application no. G-41043 bearing date of priority of May 9, 1966, authorizing the diversion of 4.0 second feet of waters of a well County of Cassia, State of Idaho, for industrial purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the Proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the NW 1/4 SW 1/4 Section 20, Township 10 South, Range 23 East, Boise Meridian (City of Burley) and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| NW 1/4 SW 1/4 Section 20, Township 10 South, Range 23 East, Boise Meridian (Lots 1 thru 17, Block 99, Burley Townsite)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Proof of completion of works made: April 12, 1967                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| Witness my hand this 24 day of April, A. D. 1968                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| /S/ Jack A. Barnett<br>Deputy State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
| LICENSE ISSUED FOR 2.0 SEC. FT.<br>LICENSE PAGE NO. 32872                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |      |                                      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 3960  
WATER RIGHT NO(S). 45-02746/45-04167

This is to certify that: JR 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> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 45-02746 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 2.00 CFS              | 798.5 AF             |
| Priority: 05/09/1966  |                      |                       |                      |
| Right No. 45-04167 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 1.60 CFS              | 638.0 AF             |
| Priority: 01/01/1947  |                      |                       |                      |
| TOTAL:                |                      | 3.60 CFS              | 1436.5 AF            |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Injection  
Rediversion

Lot 2( NWSW , Sec. 20, Township 10S, Range 23E  
SNNW), Sec. 19, Township 10S, Range 23E  
SESE , Sec. 29, Township 10S, Range 21E  
CASSIA County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 11S 20E 13         | SWNE 15      | SENE 10      | SNNW 35      |              |
|                    | SENE 30      | NESW 40      | NWSW 40      |              |
|                    | SWSW 33      | SESE 33      | NESE 33      |              |
|                    | NWSE 40      | SWSE 33      | SESE 33      | 375          |
| 14                 | SWNE 10      | SENE 30      | NESW 33      |              |
|                    | NWSW 33      | SWSW 33      | SESE 33      |              |
|                    | NESE 40      | NWSE 33      | SWSE 33      |              |
|                    | SESE 33      |              |              | 311          |
| 23                 | NENE 33      | NWNE 33      | SWNE 33      |              |
|                    | SENE 33      | NENW 33      | NWNW 33      |              |
|                    | SNNW 33      | SENE 33      | NESW 33      |              |
|                    | NWSW 33      | SWSW 33      | SESE 33      |              |
|                    | NESE 33      | NWSE 33      | SWSE 33      |              |

AUG 09 1996

**TRANSFER NO. 3960**  
**WATER RIGHT NO(8). 45-02746/45-04167**

**PLACE OF USE: IRRIGATION**

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
|                                  |            | SESE       | 33           |              |              | 528          |
| 24                               |            | NENE       | 33           | NWNE         | 33           |              |
|                                  |            | SENE       | 33           | NENW         | 33           |              |
|                                  |            | SWNW       | 33           | SENE         | 33           |              |
|                                  |            | NWSW       | 33           | SWSW         | 33           |              |
|                                  |            | NESE       | 33           | NWSE         | 33           |              |
|                                  |            | SESE       | 33           |              |              | 528          |
| 25                               |            | NENE       | 33           | NWNE         | 33           |              |
|                                  |            | SENE       | 33           |              |              | 132          |
| Total number of acres irrigated: |            |            |              |              |              | * 1874       |

**CONDITIONS OF APPROVAL AND REMARKS**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Water is injected into the Snake River and delivered through the Milner Low Lift Canal delivery system.
3. Rediversion of water via the Milner Low Lift Canal is subject to a 5.5% conveyance loss or as may be determined by the watermaster.
4. A totalizing measuring device of a type acceptable to the Department shall be maintained at both points of diversion as well as the point of re-diversion from Milner Low Lift Canal.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. Approval of this transfer in no way confirms use of water under claim No. 45-04167.
8. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
9. 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.
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- \* 11. Right Nos. 45-02746 and 45-04167 when combined shall not exceed the irrigation of 385.6 acres within the place of use described above in a single irrigation season.

**RECEIVED**

AUG 09 1996

TRANSFER NO. 3960  
WATER RIGHT NO(S). 45-02746/45-04167

CONDITIONS OF APPROVAL AND REMARKS

12. Two points of diversion are located within the NWSW, S20, T10S,  
R23E.

Dated this 28<sup>th</sup> day of June, 1996

J. Glen Saylor  
Chief, Water Alloc. Bureau

MAILED 117

AUG 09 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3960APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name 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 Applicant will irrigate farmland with water  
formerly used at Simplot's discontinued industrial potato processing facility  
located in Burley, Idaho.

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

- | 1. Right Number  | Priority         | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use              |
|------------------|------------------|-----------------------|-------------------|----------------------------|
| <u>45-02746</u>  | <u>5/9/1966</u>  | <u>2.0</u>            | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| <u>A45-04167</u> | <u>1/01/1947</u> | <u>1.6</u>            | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| _____            | _____            | _____                 | _____             | _____ to _____             |
| _____            | _____            | _____                 | _____             | _____ to _____             |
2. Total amount of water being transferred 3.6 cubic feet per second and/or 1,526 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               |
|-----|-----|-----|-----|------|------|------|--------|----------------------------------------|
|     |     | NW  | SW  | 20   | 10S  | 23E  | CASSIA | 2 existing wells & pumps               |
| 2   |     | SW  | NW  | 19   | "    | "    | "      | Point of Injection Into Snake River    |
|     | SE  | SE  | SE  | 29   | "    | 21E  | "      | Re-diversion via Milner Low Lift Canal |

## 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 |        |
| 11S  | 20E  | 13   |        |        | 15     | 10     |        |        | 35     | 30     | 40     | 40     | 33     | 33     | 33     | 40     | 33     | 33     | 375    |
|      |      | 14   |        |        | 10     | 30     |        |        |        |        | 33     | 33     | 33     | 33     | 40     | 33     | 33     | 33     | 311    |
|      |      | 23   | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 528    |
|      |      | 24   | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 33     | 528    |
|      |      | 25   | 33     | 33     | 33     | 33     |        |        |        |        |        |        |        |        |        |        |        |        | 132    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 1,874.00

**PART 1**

6. General Information:

a. Description of diversion system See Attachment A

\_\_\_\_\_  
\_\_\_\_\_

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X 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:

NA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**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 \_\_\_\_\_.

**AUG 09 1996**

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-02746

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| INDUSTRIAL            | to                   | 2.00 CFS                  |

SOURCE

GROUNDWATER

Priority: 05/09/1966

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 20, Township 10S, Range 23E  
CASSIA CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

10S 23E 20 NWSW

CONDITIONS/REMARKS:

1. P/U LOTS 1 THRU 17, BLK. 99, BURLEY TOWNSITE.

AUG 09 1996

**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. 45-02746 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 5/9/1966

5. Water is used for the following purpose:

amount 2.0 c.f.s. for Industrial purposes from 1/1 to 12/31  
(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 \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | NW | SW | 20   | 10S  | 23E  | Cassia |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 10S  | 23E  | 20   |      |      |      |      |      |      |      |      |      | Ind  |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres NA

9. Describe any other water rights used for the same purpose as described above A45-04167, Application

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

AUG 09 1998

Total acres \_\_\_\_\_

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-04167

STAGE: STATUTORY CLAIM

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 1.60 CFS                  |

SOURCE

GROUNDWATER

Priority: 01/01/1947

LOCATION OF POINT(S) OF DIVERSION:NWSW<sup>✓</sup>, Sec. 20, Township 10S<sup>✓</sup>, Range 23E<sup>✓</sup>  
CASSIA CountyPLACE OF USE: INDUSTRIALTWN RGE SEC10S ~~22E~~ 20 NWSW<sup>✓</sup>  
23E Per Amended ClaimCONDITIONS/REMARKS:

AUG 09 1996

**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. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. A45-04167 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 1/1/1949 7-15-92

5. Water is used for the following purpose:

amount 1.6 c.f.s for Industrial purposes from 1/1 to 12/31  
(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 \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
|     |   | NW | SW | 20   | 10S  | 23E  | Cassia |                          |
|     |   |    |    |      |      |      |        |                          |
|     |   |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 10S  | 23E  | 20   |      |      |      |      |      |      |      |      |      | Ind  |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres NA

9. Describe any other water rights used for the same purpose as described above 45-02746, Application

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

NO

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:

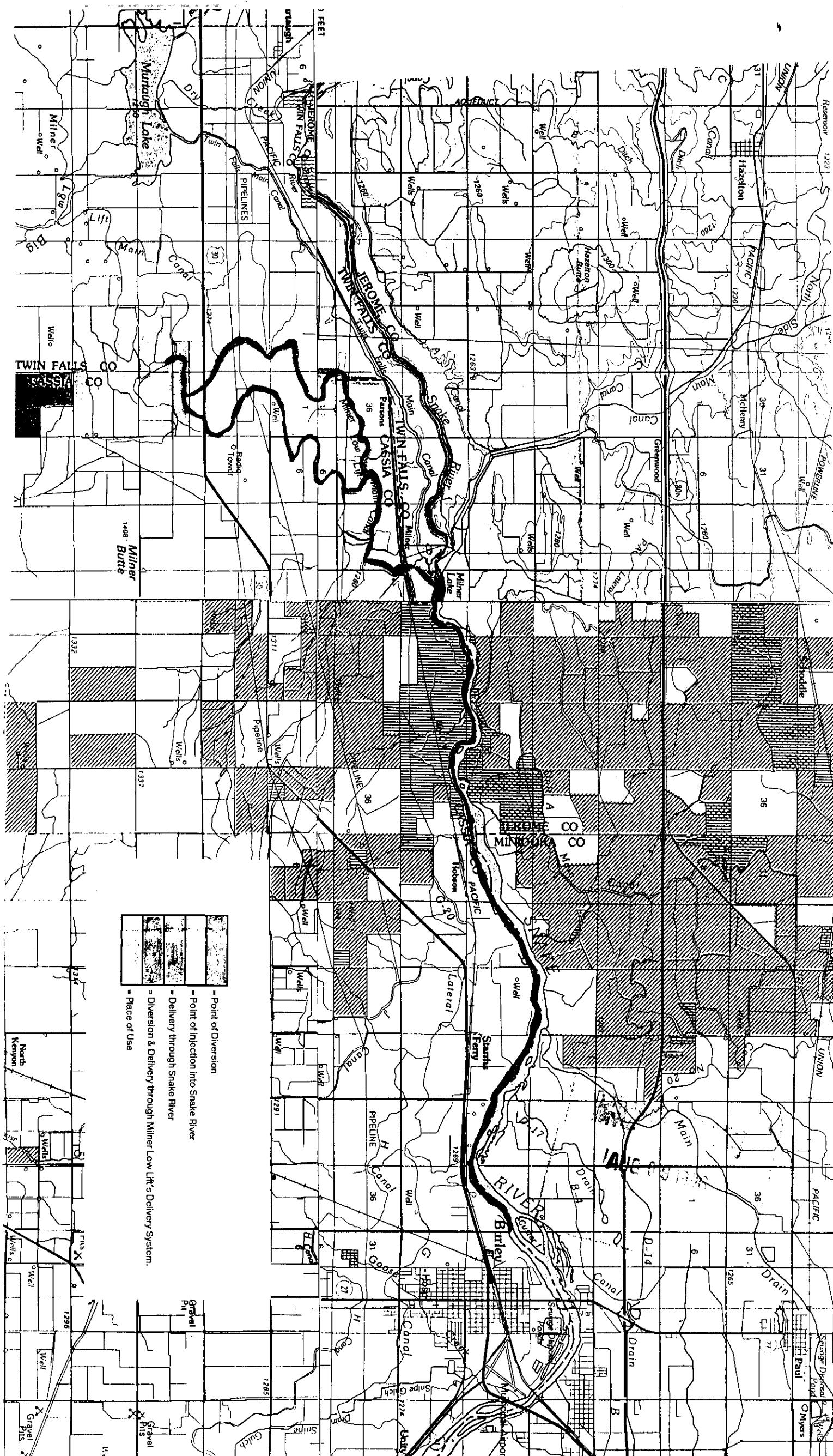
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |     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

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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**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.**



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

| 1 | <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u>  | <u>Period of Use</u>       |
|---|--------------------------|------------------------------|-------------------------|----------------------------|
|   | <u>Irrigation</u>        | <u>3.6 c.f.s</u>             | <u>24hrs/214days/yr</u> | <u>4/1</u> to <u>10/31</u> |
|   |                          |                              |                         | to                         |

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

See Attachment 'A' for point of injection into Snake River and point of re-diversion from the Snake River.

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

No effects to other water uses are anticipated following transfer.

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 N. Graves  
(Signature of Applicant)

Ronald N. Graves  
Secretary, J.R. Simplot Company

Subscribed and sworn to before me this 27th day of May, 19 92.

Kellie Easton  
(Notary Public)

My commission expires 10-13-92

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 3 attachments

Received by pt Date 6-8-92 Protest filed by \_\_\_\_\_

Prelim. check by J.F. Stanton Fee \$50.00 5014620

Receipted by JA Date 6-8-92

Published in Id. Press Copies of protest forwarded by \_\_\_\_\_

Pub. dates 7/24 + 7/31/92 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on 7/15/92 Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. 8/4/92 by YAL

Copy of transfer sent to lien holder \_\_\_\_\_

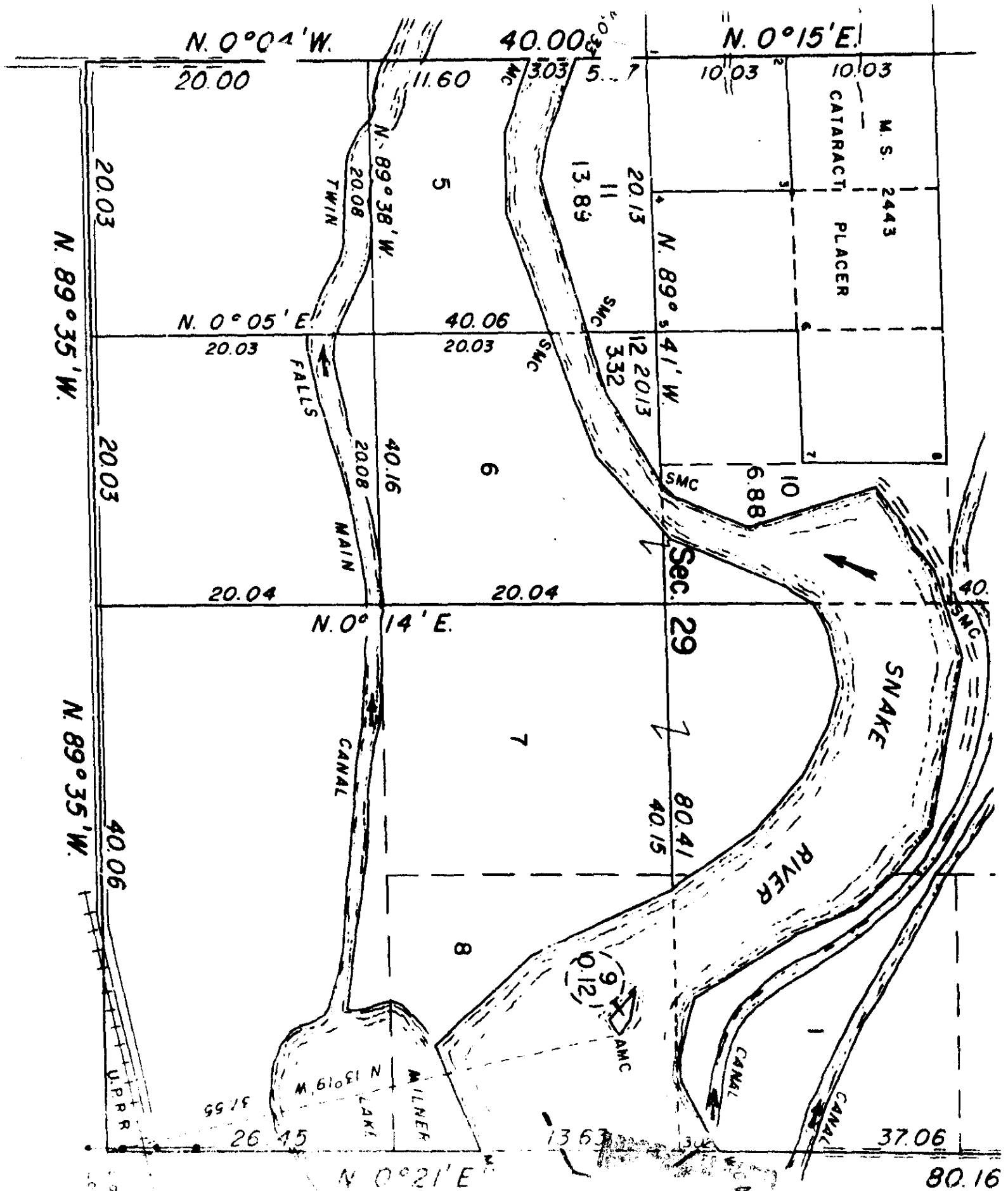
AUG 09 1996

**Attachment 'A' to Application For Transfer of Water Rights 45-02746 and 45-04167**

Water is diverted from two wells located in T.10S R.23E Boise Meridian, NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20 then discharged into the Snake River in T.10S R.23E Boise Meridian Gov't Lot 2 of Section 19 being a portion of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 19. Water is transported through the Snake River to Milner Dam, where it is diverted to the Milner Low-Lift Irrigation District diversion works located in T.10S R.21E SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29. Water is then transported by Milner Low-Lift Irrigation District to applicant's pumping station located in the T.11 South, R. 20E SE $\frac{1}{4}$  of Section 14, where it is applied to applicant's irrigated farm lands.

*[Faint, illegible stamp]*  
AUG 09 1996

45-02746  
445-04167  
T# 3960



AUG 09 1996

45-02746  
A45-04167  
T#3960

STELL C. HOLLAND  
C. COUNTY ASSESSOR  
CAS. COUNTY COURTHOUSE  
BURLEY, ID 83318

THIS IS NOT A BILL

PRESORTED  
FIRST CLASS MAIL  
U. S. POSTAGE PAID  
BURLEY, ID 83318  
PERMIT NO. 146

PARCEL NO. BP 83011099001A A

TAX CODE 1-00

LOTS / ACRES

MARKET VALUE

22 IND LOTS  
43 IND BLDG

28.000

91,500

2,004,322

23.000

2,095,922\*

1991

TAXPAYERS

VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation  
listed on this statement

IF THERE ARE ANY QUESTIONS  
REGARDING THIS STATEMENT  
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 21, 1991

See the reverse side for further references  
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

600

W MAIN ST

PREVIOUS NUMBER

8 TWST

Mail To:

SHELLEY PROCESSING CO

TAX A BLK 98; FRACTION OF LOTSP 0 BOX 27

1,2,3,4,5,12,13,14,15,16,17, BOISE, ID 83707

BLK 99

PROCESSING PLANT

ASSESSED BY STC

AUG 09 1996

45-2746.A 45-467

T#3960

## State of Idaho

## License and Certificate of Water Right

Water License No. G-32872 Priority May 9, 1966 Amount 2.0 c.f.s.

THIS IS TO CERTIFY that Simplot Industries, Inc. dba Burley Processing Co.

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 9, 1966; that Permit No. G-32872 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.0 second feet, was issued thereunder on April 24, 1968, showing that said works were completed on the 12 day of April, 1967; and that on the 12 day of April, 1967 Simplot Industries, Inc. dba Burley Processing Co. by Robert A. Carrier, Ass't. Manager of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of industrial use under Use Permit No. G-32872 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ ~~of Licenses, at Page~~, on the 24 day of April, 1968.

The right hereby confirmed dates from May 9, 1966.

The Point of Diversion is located (City of Burley) in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 20, Twp. 10 S, R. 23 E, B.M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

| Twp. | Range | Section | Forty-Acre Tract                                                                 | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|---------|----------------------------------------------------------------------------------|-------------------------------|------------------------------|
| 10 S | 23 E  | 20      | NW $\frac{1}{4}$ SW $\frac{1}{4}$<br>(Lots 1 thru 17, Block 99, Burley Townsite) | Industrial purposes           |                              |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 24 day of April, 1968.

*Jack A. Barnett*  
Deputy State Reclamation Engineer.



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

JULY 1, 1996

JR SIMPLOT CO  
PO BOX 27  
BOISE ID 83707

RE: Transfer of Water Right Nos. 45-02746 & 45-04167

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 3960). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON Manager  
Water Right Permits Section

JJ:rl

Enclosure

AUG 09 1996

**MEMORANDUM**

**TO:** FILE NOS. 45-02746 & 45-04167

**FROM:** PAM SKAGGS/STATE OFFICE

**SUBJECT:** TRANSFER NO 3960

**DATE:** June 20, 1996

=====

Transfer No. 3960 was filed to change the nature and season of use, and add points of diversion and change the place of use under Right Nos. 45-02746 and 45-04167.

These rights were originally developed for industrial use in a potato processing facility that has been discontinued. The transfer proposes to use these rights for irrigation purposes by injecting the groundwater into the Snake River and rediverting into the Milner Low Lift Canal for delivery to the 1874.0 acre place of use.

Evaluation of the industrial use was made from information provided by the applicant to our region staff. The limiting factor appears to be the consumptive use volume. The watermaster of Water District No. 01 has determined that a 5.5 % loss will occur in the delivery of these rights as proposed and this was also considered as part of the evaluation.

Change in Nature of Use Evaluation

|                | Vol. |                 |           |               |
|----------------|------|-----------------|-----------|---------------|
|                | cfs  | ---5.5% Loss--- | # Days--- | Div./C.U.     |
| Industrial Use |      |                 |           |               |
| 45-02746       | 2.0  | -----           | 270       | 1071.1/ 642.7 |
| 45-04167       | 1.6  | -----           | 270       | 856.9/ 514.1  |
|                | 3.6  | -----           | 270       | 1928.0/1156.8 |

Consumptive use Equivalent = 1156.8 afa/3.0 af = 385.6 Acres IRR  
 Maximum Diversion Volume = 4.0 afa x 385.6 Acres = 1542.4 afa

Irrigation Use

|          |                  |     |               |
|----------|------------------|-----|---------------|
| 45-02746 | 2.0 - .11 = 1.89 | 213 | 798.5/ 798.5  |
| 45-04167 | 1.6 - .09 = 1.51 | 213 | 638.0/ 638.0  |
|          | 3.6 - .20 = 3.40 | 213 | 1436.5/1156.8 |

Season of use and diversion volume were adjusted to irrigation standards and irrigated acres limited to 385.6 acres a season. Recommended conditions include watermaster control, conveyance losses, measuring and lockable devices, irrigation overlap, non-confirmation of claim, permissible place of use and standard transfer conditions.

AUG 09 1996

SD-0611-2 Basin: 45 Starting Water Right: 02746

| S<br>E<br>L | Water<br>Right No. | Name<br>Last, First  | O<br>W<br>N | Priority<br>Date | STG/<br>STS | Source      | Use<br>Desc | S<br>Y<br>S |
|-------------|--------------------|----------------------|-------------|------------------|-------------|-------------|-------------|-------------|
| -           | 45-02746           | BURLEY PROCESSING CO | C           | 05/09/1966       | L/          | GROUNDWATER | INDUST      | WR          |
| -           |                    | J.R. SIMPLOT CO.     | C           |                  |             |             |             |             |
| -           | L45-02746          | J R SIMPLOT CO       | C           | 05/09/1966       | L/          | GROUNDWATER | INDUST      | WR          |
| -           |                    | BURLEY PROCESSING CO | C           |                  |             |             |             |             |
| -           | T45-02746          | JR SIMPLOT CO        | C           | 05/09/1966       | L/          | GROUNDWATER | IRR         | WR          |
| -           |                    |                      |             |                  |             |             |             |             |
| -           | A45-02746          | J R SIMPLOT COMPANY  | C           | 05/09/1966       | L/          | GROUNDWATER | INDUST      | AJ          |

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

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu \_\_\_\_\_)  
 Natural 2.1/7V OVR Help available LIB=PRODLIBS Last key was ENTR

T#3960

SD-0611-2 Basin: 45 Starting Water Right: 04167

| S | Water     | Name                | O | Priority   | STG/ |             | Use    | S  |
|---|-----------|---------------------|---|------------|------|-------------|--------|----|
| L | Right No. | Last, First         | N | Date       | STS  | Source      | Desc   | S  |
| - | 45-04167  | J.R. SIMPLOT CO.    | C | 01/01/1947 | S/   | GROUNDWATER | INDUST | WR |
| - | T45-04167 | JR SIMPLOT CO       | C | 01/01/1947 | S/   | GROUNDWATER | IRR    | WR |
| - | A45-04167 | J R SIMPLOT COMPANY | C | 01/01/1947 | S/   | GROUNDWATER | INDUST | AJ |

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



**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

May 14, 1996

ATTN VIC CONRAD  
SIMPLOT LAND AND DEVELOPMENT  
J R SIMPLOT COMPANY  
PO BOX 27  
BOISE ID 83707

RE: Water Right No. 45-02746

Dear Vic:

As part of the review process for Application for Transfer 3960, I am reviewing the information you submitted to substantiate your position that right 45-02746 was licensed with an incorrect diversion rate. As you will recall, water right 45-02746 is for water used at the industrial potato processing facility located in Burley. The right was licensed for 2.0 cfs as measured at the treatment plant to which water was directed after being used in the processing facility. A measurement at that location would not have accounted for water that was converted to steam in the processing facility and vented into the atmosphere.

You initially indicated that you believe 60% of the water diverted into the processing facility was converted to steam. This figure would support a diversion rate of 3.2 cfs. However, you also submitted a letter from Gayle B. Pike in which he states that the boilers used to convert the water to steam had a combined capacity of 120,000 lbs. per hour, or only 0.54 cfs. Adding 0.54 cfs to the 2.0 cfs licensed would give a total diversion rate of 2.54 cfs. This appears to contradict Mr. Pike's assertion that the total water use exceeded 1600 gpm, or 3.57 cfs.

You also told IDWR Senior Agent Jim Stanton that the wastewater from the facility averaged 886,000 gallons per day, which converts to 1.37 cfs. This is substantially less than the 2.0 cfs measured by IDWR.

In short, the information you have submitted does not present a clear enough picture to support an amended license. I will hold the file for 30 days to give you time to present any other information you may have. After 30 days, we will resume processing of Application for Transfer 3960. If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen  
Water Rights Supervisor

AUG 09 1996

From: DWR06::"vconrad@idaho-w.simplot.com" 16-FEB-1996 13:31:35.34  
To: skeen <skeen@idwr.state.id.us>  
CC:  
Subj: RE: Transfer 3960

This message is in MIME format. Since your mail reader does not understand this format, some or all of this message may not be legible. Contact your mail administrator for information about upgrading your reader to a version that supports MIME.

----- = NextPart 000 01BAFC72.5CE039E0  
Content-Type: text/plain; charset="us-ascii"  
Content-Transfer-Encoding: 7bit

Yes, we want to proceed with the transfer. It is my recollection that it was advertised and we were awaiting your approval.

Thanks,  
Vic

-----  
From: skeen  
To: "vconrad@corpadmin.simplot.com"  
Cc: SKEEN  
Subject: Transfer 3960  
Date: Friday, February 16, 1996 8:11AM

Vic,

I was asked this week to look at Transfer #3960 (rights 45-02746 and A45-04167) and at Application for Permit 45-07711 to see if we can move them. To refresh your memory, the purpose of the proposed transfer is to "irrigate farmland with water formerly used at Simplot's discontinued industrial potato processing facility located in Burley, Idaho." The transfer application was filed in June of 1992. Is this a project you still wish to undertake? The application for permit appears to be a certain no-go because of the moratorium, but the transfer might be workable.

Shelley

----- =\_NextPart\_000\_01BAFC72.5CE039E0--

**MEMORANDUM**

**TO: Files 45-02746/04167**

**FROM: Sharla**

**DATE: July 8, 1994**

**RE: Transfer Review**

This transfer application was filed in 1992 for a change in the nature and place of use. The original license and statutory claim were used for industrial purposes at the Burley potato processing plant.

When the license was issued, the rate of diversion given was based on the discharge from the processing plant rather than diversion from the well(s) before it was used for potato processing. After initially reviewing this transfer for approval, I proposed approval as filed.

After Jim reviewed the transfer, he brought attention to the fact that the licensed diversion rate was erroneous and the department had erred in basing the rate upon the discharge. This being the case, we felt that if documentation could be obtained to confirm a higher diversion rate, the license could be amended and the combination of it with the statutory claim would sufficiently cover the well capacities to now be used for irrigation (4.5 cfs). This would then remove the necessity for approval of Application for Permit No. 45-7711 which was filed to pick up the remainder of the capacity. The application has been held up to this point because of the moratorium, however, Vic has provided aerial photos from the ASCS office confirming irrigation of the lands prior to 1987. The application could possibly be approved. However, if the older license can be amended for the higher rate and the transfer can be approved, the application can be withdrawn.

Obtaining information was easier said than done, simply because the processing plant has not been in operation for several years. Vic Conrad has supplied a copy of a letter from a former Burley Processing employee which confirms the water use of 1600+ gpm. He mentions a pumping test which was conducted by the fire department and Vic attempted to get a copy of the results from the fire department, but was unsuccessful.

Because a re-measurement of the system at this date is virtually impossible, there is no method of accurately confirming the rate at which water was diverted for the plant. Logic dictates that a considerable amount of water would be lost in the form of steam. It is fair to assume that a minimum of 1600 gpm was possible (3.57 cfs). The license should be amended to this rate; the transfer should be approved for the two rights with the following limitations: 1) the combined rate of diversion between the two rights is limited to 4.5 cfs - the capacity of the wells to be used under the transfer, and 2) the two rights are limited to the irrigation of 450 acres - this is

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the maximum number of acres which could be irrigated at a rate of 1/2" per acre and will not exceed the consumptive use previously licensed.

Consumptive use volume and annual volume considerations -

|                 | Rate of<br>flow | Use<br>days/year | Annual<br>volume | Consumptive<br>volume |
|-----------------|-----------------|------------------|------------------|-----------------------|
| Before Transfer | 4.5 cfs         | 270              | 2410.0 AF        | 1446.0 AF             |
| After Transfer  | 4.5 cfs         | 214              | 1800.0 AF*       | 1350.0 AF*            |

\*Based on maximum of 450 acres

The annual volume requirements for the 450 acres can easily be provided without an expansion from the volume originally used by the rights.

AUG 09 1996

**GAYLE B. PIKE CONSULTING**

P.O. Box 2438  
Twin Falls, ID 83303-2438

October 1, 1992

Mr. Bob Whipkey  
J.R. Simplot Company  
Land & Development  
One Capital Center  
Boise, ID

Dear Bob:

I was employed by the Burley Processing Plant as Plant Engineer from May, 1967 until I became Engineering Manager at the J.R. Simplot Heyburn Operation in 1982. During my tenure at Burley Processing, I was involved in a pumping test conducted by the Company fire insurance underwriters and the Burley Fire Department. Each of the two wells were pumped and the pressure and GPM were recorded and noted on a Fire Insurance Company plot plan of the facility. You have in your file a copy of that plot plan with the test results written in at each well location.

The water usage records of the plant were mostly calculations based on pipe size and pressure (no flow meters were in line). Those few records no longer exist.

I do recall, however, that during peak production the natural gas engine driven well would not produce enough flow to run the plant and the electric motor driven well was used also. Therefore, I can assure you the water use exceeded the 1,600 GPM delivered by the natural gas engine driven well. I would estimate that an additional 10%-15% of the usage was delivered by the second electric motor driven well.

The Burley Processing Boiler Room contained three boilers which were all fired continuously, running on high fire, or 90% of rated capacity. These boilers had a combined capacity of 120,000 lb/hr of steam output. This steam was all direct injection heating. Therefore, consumed and vented to atmosphere.

Other consumptive water uses were due to "carry out" of water on the surface of the potatoes as they were pumped, peeled, cut, blanched and quenched. This loss could run as high as 10% by weight of the raw product used.

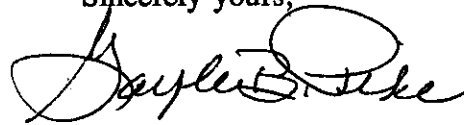
AUG 09 1996

Mr. Bob Whipkey  
J.R. Simplot Company  
Land & Development  
Page 2  
October 1, 1992

Burley Processing was a totally dehydrated product facility using poorer quality raw potatoes with high amounts of defects and dirt. Therefore, the consumptive water use was considerably higher than a typical frozen potato products facility.

If I can be of further assistance, please call me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Gayle B. Pike". The signature is fluid and somewhat stylized, with a large loop at the end.

Gayle B. Pike

cc: Vic Conrad  
File

AUG 09 1996

# MEMORANDUM

**Date:** September 13, 1992  
**From:** Jim Johnson  
**To:** Sharla Curtis  
**Subject:** Transfer Review of changes in nature of use

---

The J R Simplot Transfer of Right 45-04167 and 45-02746 proposes to change water formerly used for potato processing to irrigation.

The existing guidelines for evaluating change in nature of use require evaluation of three (3) components of a water right.

1. Rate of Diversion
2. Annual Volume
3. Consumptive Use

The rate of diversion for the license was measured at the Wastewater Treatment plant. (940 gpm - 40 gpm City of Burley) Unfortunately, the licensed rate was issued based upon discharge from the processing plant (flow into the treatment plant) rather than diversion from the source before it was used for potato processing. The amount licensed can only be correct if the discharge was equal to the diversion (no consumptive use). If Vic's estimate of 60% consumptive use is correct, then the license should have been issued for  $900 \text{ gpm} + .6(900)$  or 1440 gpm (3.21 cfs) More information is required before a proper evaluation can be completed.

Your question relates to impact to other water users caused by the lost of 2.0 cfs discharge to the Snake River. This 2.0 cfs, by the way is was collected, is not a measure of industrial use but rather wastewater from industrial use. Reduction or elimination of wastewater by a right holder is not injury to water users using the wastewater.

To properly evaluate the change in the nature of water use a comparison is needed between consumptive uses of potato processing and crop consumptive use. Which you don't have yet for potato processing. If you use Vic's number (60%) and use the consumptive rate for alfalfa  $\frac{x.xx}{y.yy} = xx\%$  you conclude that potato processing is the higher consumptive use and irrigation of acres equal to the annual consumptive use could be allowed.

AUG 09 1996

**MEMORANDUM**

**TO: Files 45-02746/04167**

**FROM: Sharla**

**DATE: September 9, 1992**

**RE: Transfer Review (No. 3960)**

The above referenced transfer proposes to change the place of use and nature of use under this right. Advertising was completed correctly.

Determination of the acceptability of the application in light of the expansion issue is documented in Jim Stanton's memo dated 6/11/92. I also spoke with Vic Conrad of J.R. Simplot Co. on 9/9/92 about this transfer. I stated my reservation about the application based on the expansion issue that arose going from a use considered non-consumptive (industrial) to a consumptive use (irrigation). Vic stated that the use of water in the potato processing plant was actually consumptive - approximately 60% was lost as steam; only 40% returned as waste water to the river. A break-out of the information gathered via Jim Stanton's memo is shown below:

|                 | Rate<br>of flow | Use<br>Days/yr. | Annual<br>Volume |
|-----------------|-----------------|-----------------|------------------|
| Before transfer | 3.6 cfs         | 270             | 1927.8 AF        |
| After transfer  | 3.6 cfs         | 214             | 1528.0 AF*       |

\*Transfer application requests 1526.0 AF

The season of use and annual volume are both less after the change in use; the rate of diversion is the same - no expansion in these components. Although the majority of the water was previously "consumptively used", there was a portion of the water that was returned to the river after going through a treatment plant. The removal of this return water could be an impact to downstream users.

The transfer can be approved with the following conditions:

- 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.

AUG 09 1996

T09        Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

R04        Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

A totalizing measuring device of a type acceptable to the Department shall be maintained at both points of diversion as well as the point of re-diversion from the Milner Low Lift Canal.

Rediversion of water via the Milner Low Lift Canal is subject to a 5.5% conveyance loss as determined by the watermaster.

AUG 09 1986

**SOUTH IDAHO PRESS**  
BURLEY, IDAHO

**AFFIDAVIT OF PUBLICATION**

County of Cassia, }  
STATE OF IDAHO } ss.

**RECEIVED**

AUG 07 1992

Department of Water Resources  
Southern Region Office

Monique Jones being first  
duly sworn, deposes and says that she  
is the Clerk of the South  
Idaho Press, a daily newspaper published  
at Burley, Idaho, in the county aforesaid  
and that the paper is of general circulation  
therein. Deponent further states that the  
printed notice attached hereto was duly  
published according to law in the regular  
editions of The South Idaho Press for two  
consecutive weeks, commencing with the  
issue dated July 24 19 92 and  
ending with the issue dated July 31,  
19 92. Monique Jones

STATE OF IDAHO }  
COUNTY OF CASSIA }

On this 6 day of August in the year of 1992, before me,  
a Notary Public, personally appeared Monique Jones,  
known or identified to me to be the person whose name subscribed to the  
within instrument, and being by me first duly sworn, declared that the  
statements therein are true, and acknowledged to me that he executed  
the same.

Kelly Solomon  
Notary Public for Idaho  
Residing at Burley, Idaho  
My commission expires: May 23, 1992

Cost of Publication: 102.60  
Notary Fee: 50  
Total Cost: 103.10

OK  
NB  
8/10/92

AUG 09 1996

SOUTH IDAHO PRESS  
BURLEY, IDAHO

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AUG 07 1992

Department of Water Resources  
Southern Region Office

Notice is hereby given that J.R. SIMPLOT COMPANY of Boise, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change place of use & change nature of use.

WATER RIGHT AS RECORDED

Water Right No. 45-02746  
Priority Date: 5/9/1966  
Basis of right: License  
Source: groundwater  
Amount: 2.0 cfs  
Use: Industrial  
Period of Use: 1/1 to 12/31  
Point(s) of diversion:  
NW1/4SW1/4, S20, T10S, R23E;  
Cassia County.  
Place of use: NW1/4SW1/4, S20, T10S, R23E; Cassia County.

WATER RIGHT CLAIMED IN SNAKE  
RIVER BASIN ADJUDICATION AND  
RECORDED AS FOLLOWS:

Water Right No. A45-04167  
Priority Date: 1/1/1947  
Name: J.R. Simplot Company  
Basis of right: Statutory  
Right No. 45-04167  
Source: groundwater  
Amount: 1.6 cfs  
Use: Industrial  
Points of Diversion:  
NW1/4SW1/4, S20, T10S, R23E;  
Cassia County.  
Place of Use: NW1/4SW1/4, S20, T10S, R22E; Cassia County.

WATER RIGHT NO. 45-02746 &  
ADJUDICATION CLAIM NO.  
A45-04167 TO BE CHANGED AS  
FOLLOWS:

Water Right No.: 45-02746  
Priority Date: 5/9/1966  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 2.0 cfs

Water Right No.: A45-04167  
Priority Date: 1/1/1947  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 1.6 cfs

Total amount being transferred:  
3.6 cfs

Source: groundwater  
Point of diversion: NW1/4SW1/4, S20, T10S, R23E (Two existing wells & pumps); Lot 2 (SW1/4NW1/4, S19, T10S, R23E (Point of injection into Snake River); SE1/4SE1/4SE1/4, S29, T10S, R21E (Re-diversion via Milner Low Lift Canal); Cassia County.  
Place of use: 1,874 acres within S1/2NE1/4, S1/2NW1/4, all 40 acre tracts of SW1/4, all 40 acre tracts of SE1/4, S13, T11S, R20E; S1/2NE1/4, all 40 acre tracts of SW1/4, all 40 acre tracts of SE1/4, S14, T11S, R20E; all quarter section tracts of Sections 23 & 24, T11S, R20E; all 40 acre tracts of NE1/4, S25, T11S, R20E; Cassia County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before August 10, 1992.

R. Keith Higginson, Director

AFFIDAVIT OF PUBLICATION

County of Cassia, }  
STATE OF IDAHO } ss.

Monique Jones being first duly sworn, deposes and says that she is the owner of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation herein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of The South Idaho Press for two consecutive weeks, commencing with the issue dated July 24 19 92, and ending with the issue dated July 31, 19 92. Monique Jones

AHO }  
CASSIA

day of August in the year of 1992, before me, c. personally appeared Monique Jones, identified to me to be the person whose name subscribed to the aent, and being by me first duly sworn, declared that the rein are true, and acknowledged to me that he executed

Kelly Solomon  
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires: May 23, 1992

ion: 16240  
50  
16310

OK  
MB  
8/10/92

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Department of Water Resources  
Southern Region Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 48-02746

RECOMMENDATION OF WATERMASTER

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JUL 16 1992

Department of Water Resources  
Eastern District Office

I, RT Carlson, watermaster of SNAKE RIVER,  
of Water District No. 1, County of BONAVILLE, State of Idaho,  
whose address is 150 SHARP SUITE 15 IF 83402  
have read the attached copy of the application for transfer of water right for J. R.  
SIMPLOT, and to the best of my knowledge believe the  
(name)  
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: If Southern Can assure

(1) ACCOUNTING FOR DAILY DISCHARGE TO THE  
RIVER (2) LOSS IN THAT REACH IS CURRENTLY 55%  
we would also need a system to advise Milner  
IRR DIST of the amount of credit each day.  
OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_

Dated at Idaho Falls ~~July 24, 1992~~ Idaho, this 29 day of JULY 19 92.

(signature)

AUG 09 1992

I would expect Loren to make a decision  
on this Pursuant to HB 4 Passed 1/28/92  
Please use reverse side if needed.

INTER-DEPARTMENT MEMO

TO: Simplot Transfer File

SUBJECT: P/U Discrepancy

FROM: Jim Stanton

DATE: 7-16-92

Statutory Claim 45-4167 was originally filed with a P/D in R. 23E & a P/U in R. 22E. An amended claim was filed to put both in R. 23E. SRBA Claim A45-04167 was filed with a P/D in R. 23E & a P/U in R. 22E; R. 23E is the correct description for this facility. The pending Simplot transfer shows the correct range for this claim, even though the claim is incorrect. Since the P/U is being changed by this transfer, and since the transfer data is correct, I signed off on the transfer so that advertising could proceed. The location of this facility is well known, so I don't see any point in holding up processing due to an easily-correctible error on the SRBA claim.

☒ For your information

AUG 09 1996

☐ Response required

signature

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT

NOS. 45-02746, A45-04167

Notice is hereby given that J.R. SIMPLOT COMPANY of Boise, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

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Use: Industrial  
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Cassia County.  
Place of use: NW1/4SW1/4, S20,  
T10S, R23E; Cassia County.

WATER RIGHT CLAIMED IN SNAKE  
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RECORDED AS FOLLOWS:

Water Right No. A45-04167  
Priority Date: 1/1/1947  
Name: J.R. Simplot Company  
Basis of right: Statutory  
Right No. 45-04167  
Source: groundwater  
Amount: 1.6 cfs  
Use: Industrial  
Points of Diversion:  
NW1/4SW1/4, S20, T10S, R23E;  
Cassia County.  
Place of Use: NW1/4SW1/4, S20,  
T10S, R22E; Cassia County.

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ADJUDICATION CLAIM NO.  
A45-04167 TO BE CHANGED AS  
FOLLOWS:

Water Right No.: 45-02746  
Priority Date: 5/9/1966  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 2.0 cfs

Water Right No.: A45-04167  
Priority Date: 1/1/1947  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 1.6 cfs

Total amount being transferred:  
3.6 cfs

Source: groundwater  
Point of diversion: NW1/4SW1/4,  
S20, T10S, R23E (Two existing  
wells & pumps); Lot 2  
(SW1/4NW1/4, S19, T10S, R23E  
(Point of injection into Snake  
River); SE1/4SE1/4SE1/4, S29,

T10S, R21E (Re-diversion via  
Inner Low Lift Canal); Cassia  
County.

Place of use: 1,874 acres  
within S1/2NE1/4, S1/2NW1/4,  
all 40 acre tracts of SW1/4,  
all 40 acre tracts of SE1/4,  
S13, T11S, R20E; S1/2NE1/4, all  
40 acre tracts of SW1/4, all 40  
acre tracts of SE1/4, S14,  
T11S, R20E; all quarter section  
tracts of Sections 23 & 24,  
T11S, R20E; all 40 acre tracts  
of NE1/4, S25, T11S, R20E;  
Cassia County.

Any protest against approval of  
the application for transfer  
must be filed with the  
Department of Water Resources,  
222 Shoshone Street East, Twin  
Falls, ID 83301 on or before  
August 10, 1992.

R. Keith Higginson, Director

Published in South Idaho Press  
on 7/24 & 7/31/92.

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 45-02746, A45-04167

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Place of use: NW1/4SW1/4, S20, T10S, R23E; Cassia County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A45-04167  
Priority Date: 1/1/1947  
Name: J.R. Simplot Company  
Basis of right: Statutory Right No. 45-04167  
Source: groundwater  
Amount: 1.6 cfs  
Use: Industrial  
Points of Diversion: NW1/4SW1/4, S20, T10S, R23E; Cassia County.  
Place of Use: NW1/4SW1/4, S20, T10S, R22E; Cassia County.

WATER RIGHT NO. 45-02746 & ADJUDICATION CLAIM NO. A45-04167 TO BE CHANGED AS FOLLOWS:

Water Right No.: 45-02746  
Priority Date: 5/9/1966  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 2.0 cfs

Water Right No.: A45-04167  
Priority Date: 1/1/1947  
Period of Use: 4/1 to 10/31  
Water Use: irrigation  
Amount: 1.6 cfs

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Simplot I

Total amount being transferred: 3.6 cfs

Source: groundwater

Point of diversion: NW1/4SW1/4, S20, T10S, R23E (Two existing wells & pumps); Lot 2 (SW1/4NW1/4, S19, T10S, R23E (Point of injection into Snake River); SE1/4SE1/4SE1/4, S29, T10S, R21E (Re-diversion via Milner Low Lift Canal); Cassia County.

Place of use: 1,874 acres within S1/2NE1/4, S1/2NW1/4, all 40 acre tracts of SW1/4, all 40 acre tracts of SE1/4, S13, T11S, R20E; S1/2NE1/4, all 40 acre tracts of SW1/4, all 40 acre tracts of SE1/4, S14, T11S, R20E; all quarter section tracts of Sections 23 & 24, T11S, R20E; all 40 acre tracts of NE1/4, S25, T11S, R20E; Cassia County.

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R. Keith Higginson, Director

Published in South Idaho Press on 7/24 & 7/31/92.

AUG 09 1996

Simplot 2



ate of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

15-Jul-1992

R. KEITH HIGGINSON  
Director

SOUTH IDAHO PRESS  
PO BOX 190  
BURLEY ID 83318

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 required publication dates. If time allows, please submit a galley proof for review before publication.

**We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.**

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

*[Handwritten signature]*  
AUG 09 1996



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

15-Jul-1992

R. KEITH HIGGINSON  
Director

ATTN VIC CONRAD  
ASSOCIATE, SIMPLOT LAND & DEVELOPMENT  
J R SIMPLOT COMPANY  
PO BOX 27  
BOISE ID 83707

Re: Application for Transfer Nos. 45-02746, A45-04167

Dear Mr. Conrad:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 7/24 and 7/31/92. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton  
Sr. Water Resource Agent

15-07-1992

AUG 09 1992



ate of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS  
Governor

15-Jul-1992

R. KEITH HIGGINSON  
Director

RON CARLSON WATERMASTER  
WATER DISTRICT #01  
150 SHOUP, SUITE 15  
IDAHO FALLS ID 83401

Re: Application for Transfer of Water Right Nos. 45-02746,  
A45-04167

Dear Mr. Carlson:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

James E. Stanton  
Sr. Water Resource Agent

JS:MB

Enclosures

AUG 09 1996

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: App./Trans., J. R. Simplot

FROM: Jim Stanton

DATE: 6-11-92

Today I discussed this transfer with Vic Conrad of J. R. Simplot Co. He stated that the  
wastewater from their Burley facility averaged 886,000 gallons per day for 270 days per  
year, giving a total annual volume of 734.1 acre feet. Old records from their treatment  
plant provided this data. A constant flow of 3.6 cfs would yield a volume of 1928 AF  
for this same period. Mr. Conrad felt that the wells were run constantly during the  
processing cycle, and that about 60% of the water was lost as steam. So a diversion volume  
of 1928 AFA appears to be reasonable. Since the transfer requests only 1526 AFA, the  
request does not appear to be an expansion.

( ) For your information

( ) Response required

AUG 09 1996

Signature



CORPORATE HEADQUARTERS

June 5, 1992

Loren Holmes  
State of Idaho  
Department of Water Resources  
Southern Regional Manager  
222 Shoshone Street East  
Twin Falls, ID 83301

RECEIVED  
JUN 10 1992  
Department of Water Resources  
Twin Falls Regional Office

**Re: 45-02746, A45-04167, Application for Permit.**

Dear Mr. Holmes:

Enclosed is an Application for Transfer and a check for your filing fee for the purpose of changing the nature of use and place of use for 45-02746 and A45-04167. Because Simplot discontinued the Industrial potato process at the Burley facility (originally the use licensed by 45-02746 and claimed under A45-04167 was to facilitate potato processing at Simplot's Burley facility), water licensed under 45-02746 and claimed under A45-04167 is now available for transfer. Simplot intends to irrigate cropland with the water formerly used in the industrial process.

In addition to the enclosed Application for Transfer I have enclosed an Application for Permit and a check for your filing fee for the additional water that can be diverted from the same wells described under 45-02746 and A45-04167. The enclosed application is filed to appropriate the additional water that can be diverted from the Burley wells over and above the amount licensed and claimed under 45-02746 and A45-04167.

The "Place of Use" described under the enclosed Transfer and Application for Permit have formerly received irrigation water from the Water District 01 water bank. Simplot does not anticipate adequate 01 bank water to supply the traditionally irrigated acreage and is therefore filing the enclosed Transfer and

Page 1 of 2  
06/05/92  
04:51 PM

RECEIVED

AUG 09 1996

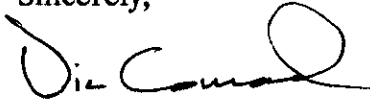
Bringing Earth's Resources to Life

45- 2746  
A45- 4167  
T #3960

Application for Permit in order to supplement the normally sufficient surface water irrigation supply.

If you have any questions please don't hesitate to call me at (208) 389-7359.

Sincerely,



Vic Conrad

Associate, Simplot

Land and Development

encl. Application for Transfer

Application for Permit

J.R. Simplot Company Check No. 51953 in the amount of \$50.00 (for the Transfer)

J.R. Simplot Company Check No. 51973 in the amount of \$125.00 (for the App. for Permit)

AUG 09 1996



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 25, 1985

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

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

Gentlemen:

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

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

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

Sincerely,

KAY WALKER  
Technical Records Specialist

KW:k

**MICROFILMED**

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

CERTIFICATE OF OWNERSHIP AND MERGER  
INCLUDING ARTICLES OF MERGER

**RECEIVED**

AUG 1 1985

Department of Water Resources

EB 27 1985

Merging

SWACINAMER - SECRETARY OF STATE

SIMPLOT INDUSTRIES, INC.

into

J. R. SIMPLOT COMPANY

45-2746

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

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

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

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

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

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

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

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

**MICROFILMED**

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

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

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

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

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

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

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

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

**MICROFILMED**

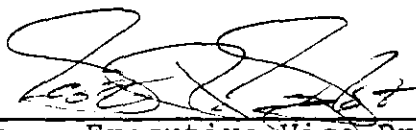
FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

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

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

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

J. R. SIMPLOT COMPANY

By   
Its Executive Vice President

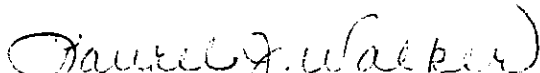
ATTEST:

  
Secretary

**MICROFILMED**

STATE OF IDAHO       )  
                          ) ss  
County of Ada        )

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

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission Expires: 5/30/87

**MICROFILMED**

# Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that ..... Simplot Industries, Inc. dba Burley Processing Co. ....  
 of ..... Boise ..... , County of ..... Ada ..... , and State of  
 ..... Idaho ..... , the holder ..... of Permit No. G-32872 ..... , issued upon  
 Application No. G-41043 bearing date of priority of ... May 9, 1966 ..... , authorizing the  
 diversion of ..... 4.0 ..... second feet of waters of .. a well .....

County of ..... Cassia ..... , State of Idaho, for ..... industrial .....  
 purposes, has ..... fully complied with the provisions of the laws of the State of Idaho  
 relating to the proof of completion of the works of diversion set out and described in said  
 Permit; that said works are adequate for diverting and conveying to the place of intended  
 use ..... 2.0 ..... second feet of the waters of a well from subterranean flow .....

that the point of diversion of said waters .. is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 20, Township .....  
 10 South, Range 23 East, Boise Meridian ( City of Burley) .....

and that the lands proposed to be irrigated by the use or place of use of said water are  
 described as follows, to-wit: ... NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 20, Township 10 South, Range 23 East,  
 ... Boise Meridian ( Lots 1 thru 17, Block 99, Burley Townsite) .....

.. Proof of completion of works made: April 12, 1967 .....

Witness my hand this ... 24 ..... day of ..... April ..... , A. D. 19 .. 68 .....

..... *Jack A. Barnett* .....  
 Deputy State Reclamation Engineer

G 32872

April 24, 1968

Re: Permit No. G-32872

Simplot Industries, Inc.  
dba Burley Processing Co.  
Box 2777  
Boise, Idaho

Gentlemen:

Enclosed are your Certificate of Completion of Works and  
License and Certificate of Water Right on the above numbered  
permit.

Also enclosed is departmental receipt No. 483 in the amount  
of \$5.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant  
State Reclamation Engineer

CSA:kd

Enclosures: Certificates  
Receipt

832872

January 30, 1968

Re: Permit No. G-32872

Simplot Industries, Inc.  
dba Furley Processing Co.  
Box 2777  
Boise, Idaho

Gentlemen:

A representative of this department has made an examination of the works covered by your permit G-32872 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used  
under Idaho Law: 2.0 c.f.s.

Purpose of use: industrial use

The priority date established is: May 9, 1966.

A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:ks

832872

January 30, 1968

Re: Permit No. C-32872

Simplot Industries, Inc.  
dba Furley Processing Co.  
Box 2777  
Boise, Idaho

32872

Gentlemen:

A representative of this department has made an examination of the works covered by your permit C-32872 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.0 c.f.s.

Purpose of use: industrial use

The priority date established is: May 9, 1966.

A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

D

Donald W. McEldowney  
Water Rights Clerk

DWEL:ks

32872

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

Permit No. G-32872

This proof is for Comp. of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Simplot Industries, Inc. dba Burley Processing Company

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 1/4 of Section 20

T. 10 S R. 23 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: \_\_\_\_\_

150 HP MARINO RIGHT ANGLE DRIVE  
UNIT, 1720 RPM, L & R VERT PUMP  
# 5363 S1, MINNEAPOLIS - MOINE NATURAL  
GAS MOTOR # 27002260, 14" DISCHARGE  
THROUGH VALVE - UNDERGROUND TO PROCESSING PLANT.

5. Water is used for: Industrial use

6. State whether or not water has been turned into works of diversion: YES

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

For industrial use in the NW 1/4, Sec. 20, T. 10 S, R. 23 E, B.M., Lots 1 thru  
17, Block 99, Burley Townsite ✓

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

8. What large stream would the water here appropriated finally reach? SNAKE RIVER

Remarks: \_\_\_\_\_

MR. POST, CARRIER CONTACTED. HE  
SUPPLIED THE FOLLOWING MEASUREMENTS.  
(TAKEN AT THE SIMPLOT TREATMENT PLANT)  
THROUGH RECT. WEIR - 940 gpm -  
INCLUDES 40 gpm from CITY OF BURLEY.

Allow 900 gpm

This examination was made on the 25th day of OCT., 19 67

(Signed) D.R. Examiner.

G32872 DW Plat ✓

# INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Simplot Industries, Inc. <sup>dba</sup>  
Box 2777  
Boise, Idaho  
Permit No. G-32872

~~David S. London, Adm. Asst., Burley Proc. Plant~~  
2038 Occidental Ave. <sup>Drilled</sup> Well and installed pump  
Burley, Idaho

Examination for Comp. of Works & Beneficial Use

County Cassia

Quantity: 4.0 c.f.s.

Source: Subterranean

P.D.: NW 1/4, Sec. 20, T. 10 S, R. 23 E, B.M.  
City of Burley

Use: Industrial purposes

Extension:

Protest:

Completion of Works:

Other Rights: Yes

Filed: May 9, 1966

Due: May 12, 1967

Made: April 12, 1967

Priority: May 9, 1966

<sup>Company</sup>  
<sup>Rect</sup> Well <sup>water</sup> <sup>mount</sup>  
24" X 347'  
H-214'  
Q-1500 GPM  
940 gpm  
40 gpm city.  
MINNEAPOLIS - MOUNT  
# 27002260  
Model # H D 800 GA  
NATURAL GAS  
American Pump Works  
Drive Unit # 58540  
150 HP 1760 RPM  
2 1/2" JET PUMP  
# 536351  
A DISCHARGE THROUGH COCKER  
UNIT - SEE VALVE (MURPHY  
SWITCH) DISCHARGE  
UNDERGROUND TO PLANT  
FOR INDUSTRIAL PURPOSES.  
NATURAL GAS METER  
# 5 5340726

832872

Rge. 23E

Twp. 10 S.

P.O.  
O

20

Burley

Q = 2.0 c.f.s.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32872

REPORT ON PROOF OF Completion of Works & Beneficial Use

G32872

REPORT OF WELL DRILLER  
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:  
Name Burley Processing Company  
Address 410 Wallace Center - Robert Center  
Box 668 - Burley, Idaho  
Owner's Permit No. G-32872

NATURE OF WORK (check): Replacement well ☐  
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Industrial use

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒  
Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒  
26 "Diam. from 1 ft. to 19 ft.  
24 "Diam. from 1 ft. to 147 ft.  
"Diam. from    ft. to    ft.  
"Diam. from    ft. to    ft.

Thickness of casing: 3/4 + 250 wall Material:  
Steel ☒ concrete ☐ wood ☐ other ☐

W/ steel / hardened drive shoe on 24"  
(explain)

PERFORATED? Yes ☐ No ☒ Type of  
perforator used:   

Size of perforations: " by "  
perforations from    ft. to    ft.  
perforations from    ft. to    ft.  
perforations from    ft. to    ft.  
perforations from    ft. to    ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒  
Manufacturer's name   

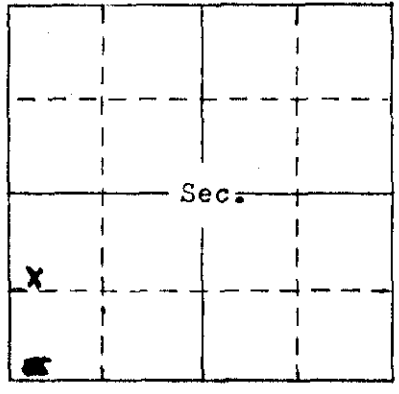
Type    Model No.     
Diam.    Slot size    Set from    ft. to    ft.  
Diam.    Slot size    Set from    ft. to    ft.

CONSTRUCTION: Well gravel packed? Yes ☐  
No. ☒ size of gravel    Gravel  
placed from    ft. to    ft. Surface seal  
provided? Yes ☒ No ☐ To what depth?  
147 ft. Material used in seal:   

Drill cuttings  
Did any strata contain unusable water? Yes ☐  
No. ☒ Type of water:     
Depth of strata    ft. Method of sealing  
strata off:   

Surface casing used? Yes ☒ No. ☐  
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Cassia  
NW 1/4 SW 1/4 Sec. 20 T. 10 N. R. 23 E.

Size of drilled hole: 24" Total  
depth of well: 346' Standing water  
level below ground: 314' Temp.     
Fahr.    Test delivery:    gpm  
or    cfs Pump? ☐ Bail ☐  
Size of pump and motor used to make test:   

Length of time of test:    Hrs.    Min.  
Drawdown:    ft. Artesian pressure:    ft.  
above land surface    Give flow    cfs  
or    gpm. Shutoff pressure:     
Controlled by: Valve ☐ Cap ☐ Plug ☐  
No control ☐ Does well leak around casing?  
Yes ☐ No ☒

| DEPTH |      | MATERIAL                            | WATER<br>YES OR NO |
|-------|------|-------------------------------------|--------------------|
| FROM  | TO   |                                     |                    |
| FEET  | FEET |                                     |                    |
| 0     | 35   | Sand & gravel                       |                    |
| 35    | 55   | Brown Sand                          |                    |
| 55    | 90   | Brown sandy clay                    |                    |
| 90    | 106  | Sand & gravel                       |                    |
| 106   | 115  | Brown clay                          |                    |
| 115   | 130  | Blue clay                           |                    |
| 130   | 147  | Brown clay - sandy                  |                    |
| 147   | 160  | Gray lava - loose                   |                    |
| 160   | 173  | Gray lava - solid                   |                    |
| 173   | 205  | Gray lava - loose                   |                    |
| 205   | 215  | Gray lava - solid                   |                    |
| 215   | 230  | Red-brown lava - loose - water      | yes                |
| 230   | 245  | Black lava - loose - water take     | yes                |
|       |      | brown cinders                       |                    |
| 245   | 250  | Gray lava - loose - last 5 cuttings | yes                |
| 250   | 265  | Gray lava - solid                   |                    |
| 265   | 275  | Gray lava & brown talc - loose      | yes                |
| 275   | 285  | Red-brown lava - loose              | yes                |
| 285   | 300  | Brown lava & talc - loose -         | yes                |
|       |      | same cinders                        |                    |
| 300   | 315  | Gray lava & red cinders - loose     | yes                |
| 315   | 335  | Gray lava - solid                   |                    |
| 335   | 346  | Black lava - cinders - last         | yes                |
|       |      | most all cuttings - water clean     |                    |

Work started: June 20 - 1966  
Work finished: July 15 - 1966  
Well Driller's Statement: This well was  
drilled under my supervision and this report  
is true to the best of my knowledge.  
Name: Commons Drilling Co.  
Address: Box 126 - Rupert, Ida.  
Signed by: Ray L Commons  
License No. 46 Date: Sept 30, 1967

Use other side for additional remarks

April 19, 1967

Re: Permit No. C-32872

Robert A. Carrier, Asst. Mgr.  
Burley Processing Co.  
P. O. Box 668  
Burley, Idaho 83318

Dear Mr. Carrier:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Burley Herald-Bulletin all submitted in proof of completion of works and beneficial use on Permit No. C-32872.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:dj

6 32872

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho  
Permit No. G-32872

RECEIVED  
APR 19 1967  
Department of Reclamation

\*\*\*\*\*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

~~and Completion of Works~~

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: \_\_\_\_\_

Robert.A. Carrier, Asst. Mgr., Burley Processing Co., P. O. Box 668  
Burley, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Simplot Industries, Inc., dba Burley Processing Co., Burley, Idaho

Ques. 3. State number, approval date of permit, and date of priority: G-32872 ✓

May 9, 1966 ✓

Ques. 4. State source of water supply: Underground ✓

Give location of point of diversion, showing subdivision, section, township and range

NW 1/4 SW 1/4 Section 20 Township 10 S.R. Range 23 E.B.M. ✓

Ques. 5. Describe your works of diversion: drilled well and installed pump

\_\_\_\_\_ ; state amount of water they are capable of conveying from point of diversion to place of use: 1500 GPM ; Give name of canal or ditch

or other works by which water is conducted to such place of use: N/A

\_\_\_\_\_ ; if a well, state depth of well 347' ; depth and size of casing 148' Depth 24" casing ; depth to water 214' ; if pump is used,

state discharge of pump: 1500 GPM ; tell how it was measured or determined Pump was purchased according to these specifications \_\_\_\_\_ ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: N/A

Ques. 6. State for what purpose water is used: Industrial

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Boise*

*32872*

State nature of all improvements which have been made as a direct result of said use:

Increased capacity of plant

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Commons Drilling Company, Box 126, Rupert, Idaho

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

NW 1/4 SW 1/4 Section 20 Township 10 S.R. Range 23 E.B.M. Lots 1 thru 17  
Block 99 Burley Townsite, Food Processing, Washing, Cooking, Cleaning  
of Plant and Fire Protection

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: October - 1966 - Time used since first use:

Six months

Ques. 10. Describe all other water rights appurtenant to same place of use: \_\_\_\_\_

Domestic Well and City Water

(sign) Robert A. Bauer

\*\*\*\*\*

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Burley, County of Cassia  
State of Idaho, on this 12th day of April, A. D. 1967.

My commission expires: July 1970

Willard Moore

32872

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Boise, Idaho  
Permit No. G-32872

**RECEIVED**  
APR 19 1967  
Department of Reclamation

\*\*\*\*\*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

**and Completion of Works**

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Frank P. Jensen, Route #1, Burley, Idaho

Age - 48

Occupation - Building Contractor

Ques. 2 Are you acquainted with Robert A. Carrier, of  
Burley Processing Company, the holder of  
Permit No. G-32872? How long have you known him and where does he reside?

20 years, resides at 2350 Conant Drive, Burley, Idaho

Ques. 3. Have you read or heard said Permit No. G-32872 read, and are you familiar  
with its provisions and conditions: Yes X No.       

Ques. 4. State source of water supply: underground

Give location of place of diversion, showing subdivision, section, township and range  
NW 1/4 SW 1/4 Section 20 Township 10 S.R. Range 23 E.B.M. (Burley townsite)

Describe works for conveying water to place of use: piped

Ques. 5. How many second feet of water do you estimate said works will safely conduct  
to place of use: 4 cubic feet per second How much water have you seen being so  
conveyed? approximately same amount

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving  
full legal description:

N/A

G 32872

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 20 Township 10 S.R. Range 23 E.B.M. Lots 1 thru 17  
Block 99 Burley Townsite - Industrial use

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

N/A

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?  
If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? October, 1966

Other times you have seen such use: various times in October, November,  
December and January

(Signed):

Frank P Jensen

\*\*\*\*\*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley

\_\_\_\_\_, County of Cassia, State of Idaho, on

this 13th day of April, A. D. 1967

Willard Moore

Notary Public for the State of Idaho

Residing at Burley, Idaho

My commission expires July 1970

§32872

M.L.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-32872

\* \* \* \* \*

RECEIVED  
APR 19 1967

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

**and Completion of Works**  
DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

David B. Landon, 2038 Occidental Ave., Burley, Idaho

Age - 26 Occupation - Adm. Asst., Burley Processing Co.

Ques. 2 Are you acquainted with Robert A. Carrier of  
Burley Processing Company, the holder of  
Permit No. G-32872? How long have you known him and where does he reside?

Known 2½ years resides at 2350 Conant Drive, Burley, Idaho

Ques. 3. Have you read or heard said Permit No. G-32872 read, and are you familiar  
with its provisions and conditions: Yes \_\_\_\_\_ No. X ←

Ques. 4. State source of water supply: Underground

Give location of place of diversion, showing subdivision, section, township and range  
NW ¼ SW ¼ Section 20 Township 10 S.R. Range 23 E.B.M. (Burley Townsite)

Describe works for conveying water to place of use: pipd

Ques. 5. How many second feet of water do you estimate said works will safely conduct  
to place of use: 4 cubic feet per second How much water have you seen being so  
conveyed? full capacity of equipment installed

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving  
full legal description:

N/A

G32872

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

NW ¼ SW ¼ Section 20 Township 10 S.R. Range 23 E.B.M. Lots 1 thru 17

Block 99 Burley Townsite - food processing industry

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

N/A

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No ✓

Ques. 10. When did you first see this water used? October - 1966

Other times you have seen such use: October 1966 thru March 1967

(Signed):

Harold B. Paulo ✓

\*\*\*\*\*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley

1, County of Cassia State of Idaho, on

this 12th day of April, A. D. 1967

Willard Moore

Notary Public for the State of Idaho

Residing at Burley, Idaho

My commission expires July 1970

532872

APR 19 1967

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Published in the New York Herald-  
Bulletin March 18, 1937, April 3,  
1937.

B 32872

Department of Reclamation

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, )

) SS:

STATE OF IDAHO )

Walter W. Schramm, being first

duly sworn, deposes and says that he is the

Editor of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

four (4) consecutive weeks, commencing with the issue dated March 13, 1967, and ending with the issue dated April 3, 1967.

Subscribed and sworn to before me this

5th day of April, 1967

Notary Public

Cost of Publication

Notary fee

Total Cost

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 12th day of April 1967, at Burley, County of Cassia, State of Idaho before William Moore, Notary Public, at 632 West Main Street, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of under ground water from a well and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. G-32872 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Simplot Industries, Inc. DBA: Burley Processing Co., P.O. Box 2777, Boise, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is industrial purposes and the amount applied to beneficial use is 4.0 cubic feet per second.

4. The point of diversion of said water is NW1/4 SW1/4, Sec. 20, T. 10 S., R. 23 E.B.M.

5. The place where said water is used is in the City of Burley, NW1/4 SW1/4, Sec. 20, T. 10 S., R. 23 E.B.M.

6. The date of priority which said user is prepared to establish is May 9, 1966.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Burley Herald-Bulletin March 15, 20, 27, April 3, 1967.

GENERAL OFFICES  
**J.R. SIMPLOT COMPANY**

805 IDAHO STREET

BOX 2777

BOISE, IDAHO

83701

April 18, 1967

**RECEIVED**  
APR 19 1967

**Department of Reclamation**

Mr. Russell Bosch, Office Manager  
State Department of Reclamation  
107 State House  
Boise, Idaho 83701

Dear Mr. Bosch:

Re: Permit G-32872  
Burley Processing Company, Burley, Idaho

Enclosed for your handling are the following:

- (1) Affidavit of Publication.
- (2) Form 17A - 4M (two copies), Proof of Application of Water to Beneficial Use and Completion of Works, Desposition of Witness.
- (3) Form 16 - 2M, Proof of Application of Water to Beneficial Use and Completion of Works, Desposition of Holder.

Yours very truly,

  
Ron M. Winans

RMW:j

Enclosure

*G 32872*

**NOTICE OF PROOF OF  
COMPLETION OF WORKS  
and  
APPLICATION OF WATER  
TO BENEFICIAL USE**

Notice is hereby given that on the 12th day of April 1967, at Burley, County of Cassia, State of Idaho, before Willard Moore, Notary Public, at 632 West Main Street, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-32872, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Simplot Industries, Inc., DBA Burley Processing Co., P.O. Box 2777, Boise, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is industrial purposes and the amount applied to beneficial use is 4.0 cubic feet per second.

4. The point of diversion of said water is NW 1/4 SW 1/4, Sec. 20, T. 10 S., R. 23 E.B.M.

5. The place where said water is used is in the City of Burley in NW 1/4 SW 1/4, Sec. 20, T. 10 S., R. 23 E.B.M.

6. The date of priority which said user is prepared to establish is May 9, 1966.

R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Burley Herald-Bulletin March 13, 20, 27, April 3, 1967.

March 8, 1967

Re: Permit No. **G-32872**

**Simplot Industries, Inc.**  
**DBA Burley Processing Co.**  
**P.O. Box 2777**  
**Boise, Idaho**

**Gentlemen:**

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-32872**. The proofs are to be made ~~at~~ ~~at~~, on the **12th** day of **April**, 19**67**, before **Willard Moore** **Burley, Idaho.** Notary Public.

As of this date, we have mailed the Notice to the **Herald-Bulletin**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the **AFFIDAVIT OF PUBLICATION**

Very truly yours,

**MRB:rw**

**M. Russell Bosch**  
**Office Manager**

Encl.

cc: Notary

*§32872*

RECEIVED  
MAR 8 1967

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 11 A M., on the 12th day of APRIL  
1967, at BURLEY, County of CASSIA, State of Idaho  
before Willard Moore, Notary Public, at (address) 632 W  
MAIN ST., BURLEY, IDAHO, proof will be submitted of the completion  
of works for the diversion of 4 cubic feet per second of underground water from a  
well, and of the application to beneficial use of said water, in accordance with the  
terms and conditions of Permit No. 32872, heretofore issued by the Department of  
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit  
is SIMPLOT INDUSTRIES, INC., dba BURLEY PROCESSING COMPANY, P.O. Box 2777, BOISE, IDAHO

2. Said works of diversion will be fully completed on the date for such completion,  
and the amount of water which said works are capable of conveying to the place of  
use is 4 cubic feet per second.

3. The use to which said water has been applied is Industrial  
Purposes, purposes and the amount applied to beneficial use is  
4 cubic feet per second.

4. The point of diversion of said water is IN the NW 1/4 of the SW 1/4 of Sec. 20  
T 10S Rge 23E, B.M., County of CASSIA, City of Burley

5. The place where said water is used is in the City of Burley in the NW 1/4  
of the SW 1/4 of Section 20, TWP. 10S, Rge. 23E, B.M. - WASTE WATER To be  
returned To The Snake River.

6. The date of priority which said user is prepared to establish is ~~8:00 AM~~  
MAY 9 - 1966.

State Reclamation Engineer

632872

RECEIVED  
MAR 8 1967

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 3-7-67

(P. O.) Box 2777- Boise, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published  
at my expense in the HERALD - BULLETIN NEWSPAPER of  
230 E. MAIN, BURLEY, CASSIA CO, IDAHO Published in  
the county in which the works are situated.

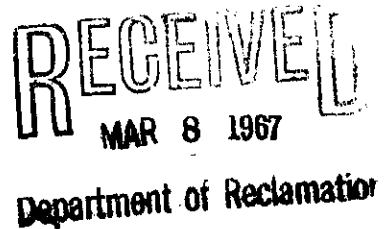
R. M. Williams

(In case of canals or other works designed to divert and  
carry more than 50 cubic feet of water per second, the following certificate  
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached  
notice are true.

\_\_\_\_\_  
Engineer

832872



NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at HA M., on the 12<sup>th</sup> day of APRIL  
19 67, at BURLEY, County of CASSIA, State of Idaho  
before Willard Moore, Notary Public, at (address) 632 W.  
MAIN ST., BURLEY, IDAHO, proof will be submitted of the completion  
of works for the diversion of 4 cubic feet per second of underground water from a  
well, and of the application to beneficial use of said water, in accordance with the  
terms and conditions of Permit No. 6-32872, heretofore issued by the Department of  
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit  
is SIMPLON INDUSTRIES, INC. DBA BURLEY PROCESSING COMPANY, P.O. Box 2777, BONE, IDAHO

2. Said works of diversion will be fully completed on the date for such completion,  
and the amount of water which said works are capable of conveying to the place of  
use is 4 cubic feet per second.

3. The use to which said water has been applied is Industrial  
\_\_\_\_\_, purposes and the amount applied to beneficial use is  
4 cubic feet per second.

4. The point of diversion of said water is in the NW 1/4 of the SW 1/4 of Sec. 20  
T 10 S Rge 23 E, B.M., County of Cassia, City of Burley

5. The place where said water is used is in the City of Burley in the NW 1/4  
of the SW 1/4 of Sec. 20, TWP 10 S Rge 23 E, B.M. - WASTE WATER  
To be returned To The Snake River

6. The date of priority which said user is prepared to establish is 8:00 AM  
MAY 9, 1966.

State Reclamation Engineer

632872 MW

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that ~~XX~~ ~~XXX~~ on the 12th day of April  
1967, at Burley, County of Cassia, State of Idaho  
before Willard Moore, Notary Public, at (address) 632 West Main  
Street, Burley, Idaho, proof will be submitted of the completion  
of works for the diversion of 4.0 cubic feet per second of underground water from a  
well, and of the application to beneficial use of said water, in accordance with the  
terms and conditions of Permit No. G-32872, heretofore issued by the Department of  
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is **Simpliot Industries, Inc., DBA Burley Processing Co., P. O. Box 2777, Boise, Idaho.**

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is industrial  
\_\_\_\_\_, purposes and the amount applied to beneficial use is  
4.0 cubic feet per second.

4. The point of diversion of said water is **NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 10 S, R. 23 E, B.M.**

5. The place where said water is used is in the city of Burley in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20,  
T. 10 S, R. 23 E, B.M.

6. The date of priority which said user is prepared to establish is **May 9, 1966**

**R. KEITH HIGGINSON**

State Reclamation Engineer

822872

March 8, 1967

Re: Permit No. G-32872

Herald-Bulletin  
230 East Main  
Burley, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to April 12, 1967. The expense of the publication is to be paid by R. M. Winans of Simplot Industries, Inc., P. O. Box 2777, Boise, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch  
Office Manager

MRB:nw

B 32872

GENERAL OFFICES  
**J.R. SIMPLOT COMPANY**

805 IDAHO STREET

BOX 2777

BOISE, IDAHO

83701

March 7, 1967

RECEIVED  
MAR 8 1967

Department of Reclamation

State Reclamation Engineer  
Department of Reclamation  
Statehouse  
Boise, Idaho

Re: Permit No. G-32872

Dear Sir:

Replying to your letter of March 1, 1967 I am enclosing in duplicate Form #36 and copy of Form #11 as you requested. Please handle accordingly.

Very truly yours,

*R. M. Winans*

R. M. WINANS

Enc.  
RMW:vs

832872

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Boise, Idaho  
March 1, 1967

Re: Permit No. G - 32872

Simplot Industries, Inc.  
dba Burley Processing Co.  
Box 2777, Boise, Idaho

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 32872 are due not later than May 12, 1967

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated - - all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc:

532872

May 16, 1966

Re: Permit No. **G-32872**

Simplot Industries, Inc.  
R. M. Winans  
P.O. Box 2777  
Boise, Idaho 83701

We enclose Permit No. **G-32872** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

We also enclose Departmental Receipt No. **G-10324** 5.75 which was issued covering payment in the amount of \$            for the filing fee of the above mentioned permit.

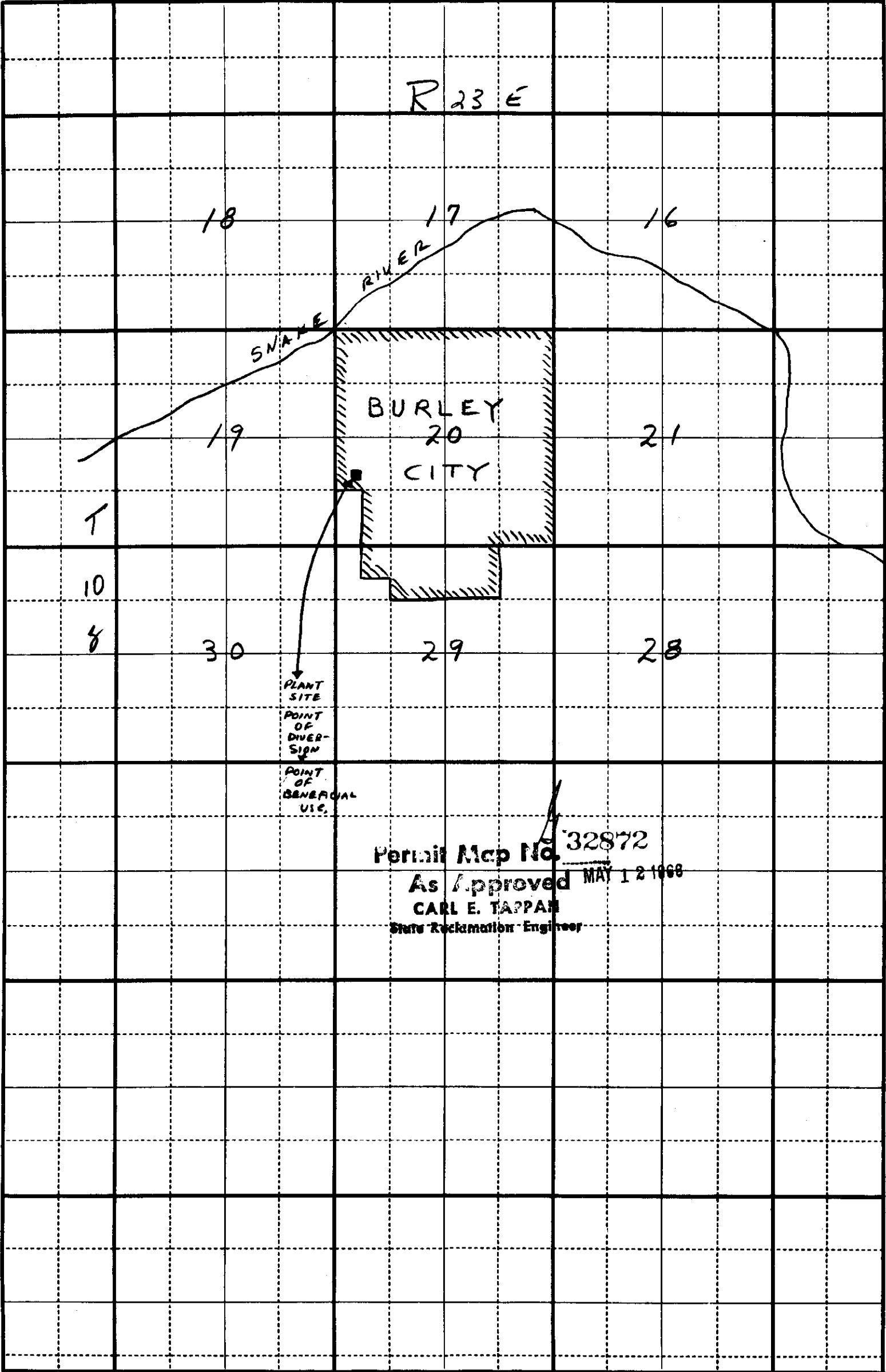
Very truly yours,

M. RUSSELL BOSCH  
Office Manager

MRB:ajw

Enc: permit  
receipt

32872



32872

SIMPLOT INDUSTRIES, INC.

808 IDAHO STREET

P. O. BOX 2777 - BOISE, IDAHO

83701

May 6, 1966

RECEIVED  
MAY 9 1966

Department of Reclamation

32872

State Reclamation Engineer  
Room 107  
State House  
Boise, Idaho

Attention: M. Russell Bosch  
Assistant, State Water Rights & Records

Gentlemen:

Enclosed is Application for Permit to appropriate subterranean water, Simplot Industries, Inc., dba Burley Processing Company, Burley, Idaho, plus our check no. 3810, dated May 6, 1966, covering permit filing.

Very truly yours,

*R M Winans*  
R. M. WINANS

Enc.  
RMW:vs

32872