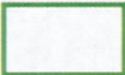
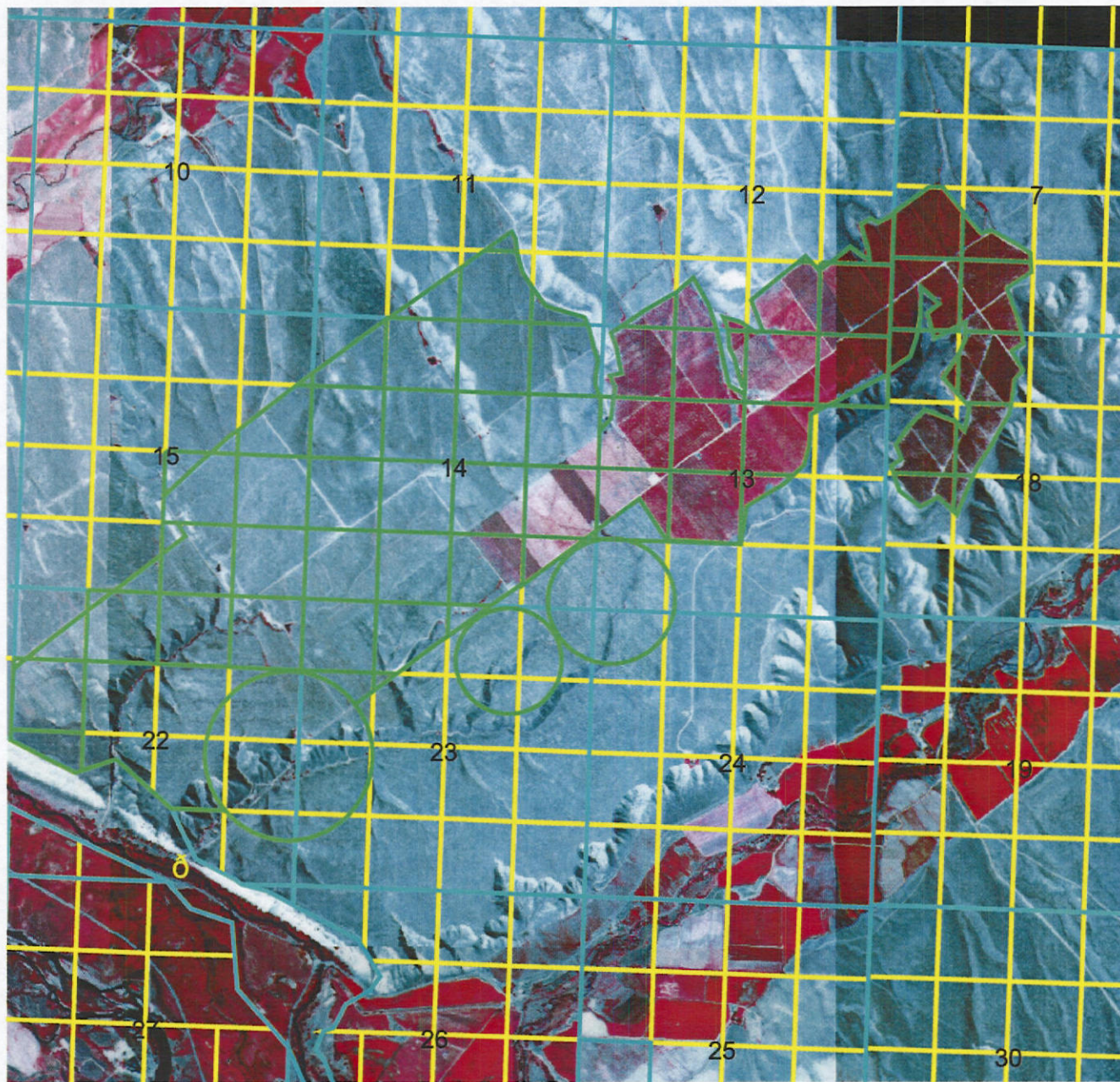


IDAHO DEPT OF WATER RESOURCES

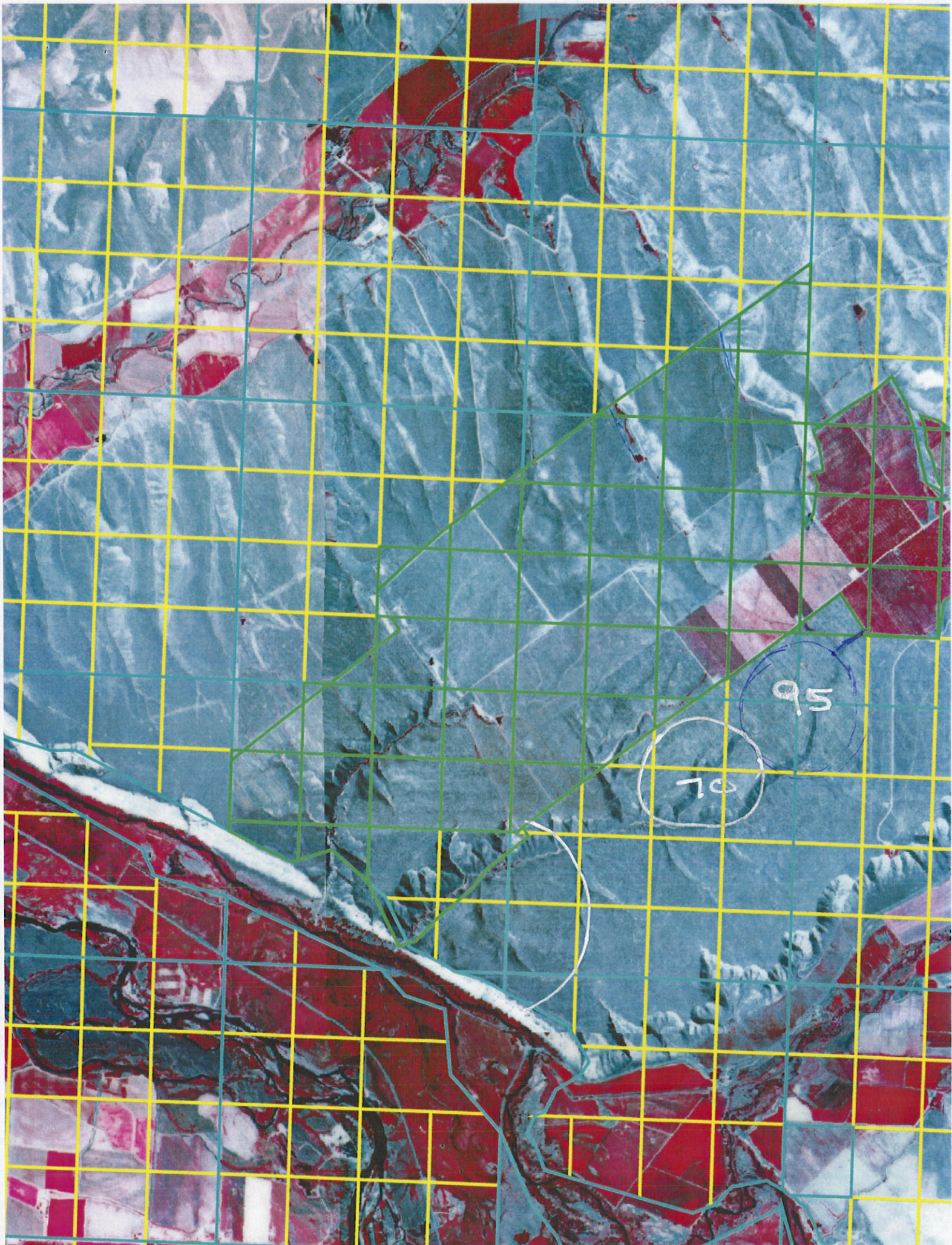
Claim No(s): 65-02809
T08N, R03W, S 7,18
T08N, R03W, S 10-15,
22-24

Prepared by: Sue Bock
Date: 02/28/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



1987 NAPP Photo



Idaho Department of Water Resources

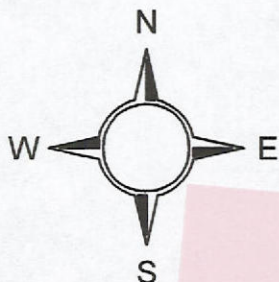
Claim Number: 65-02809

Legal: T08N, R03W, S7 & 18

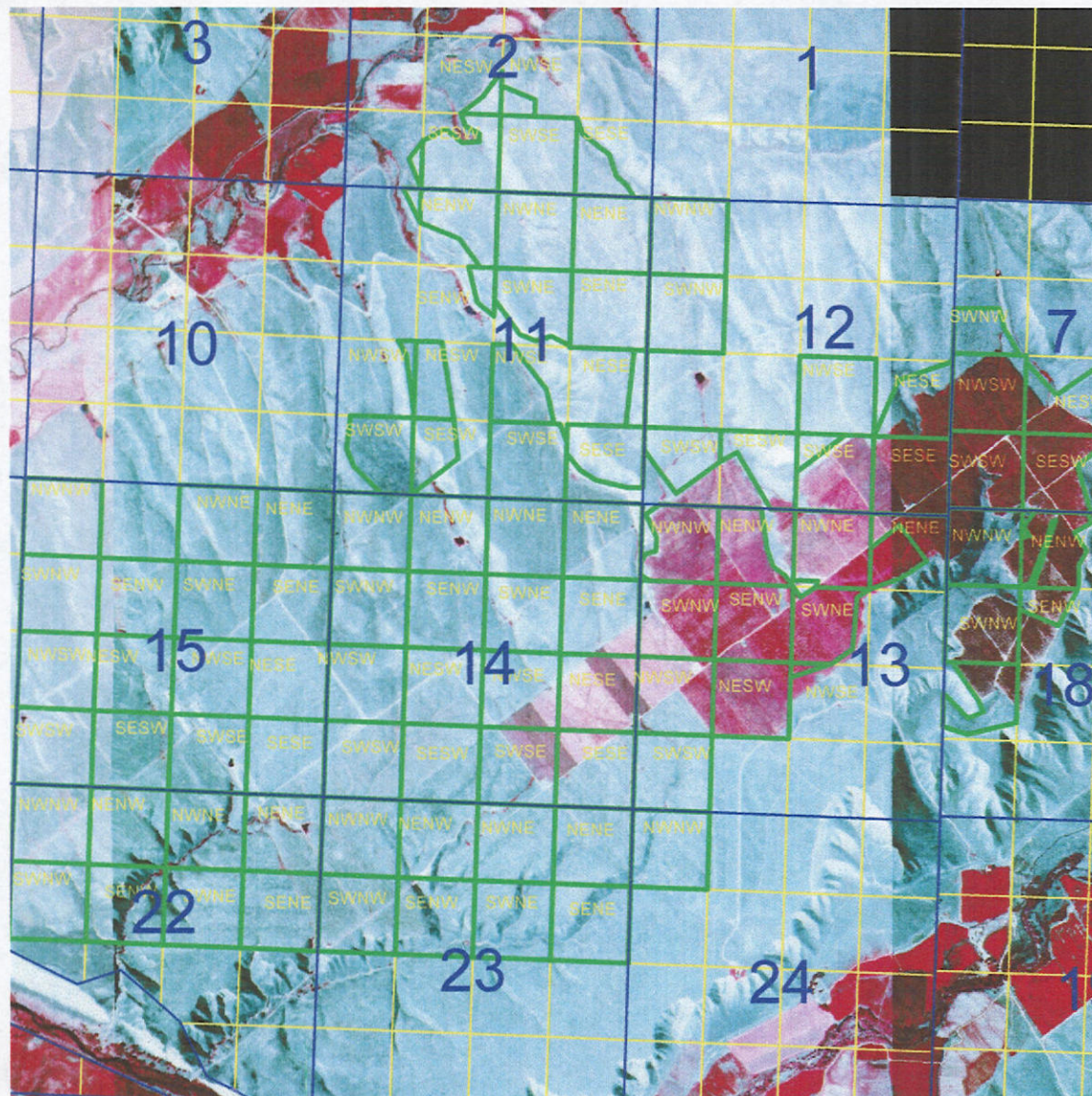
T08N, R04W, S2, 11, 12, 13, 14,
15, 22, 23 & 24

Reviewed By:

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



Handwritten notes:
65-02809
65-02809



1987 Napp Photo

0 0.25 0.5 0.75 1 Miles



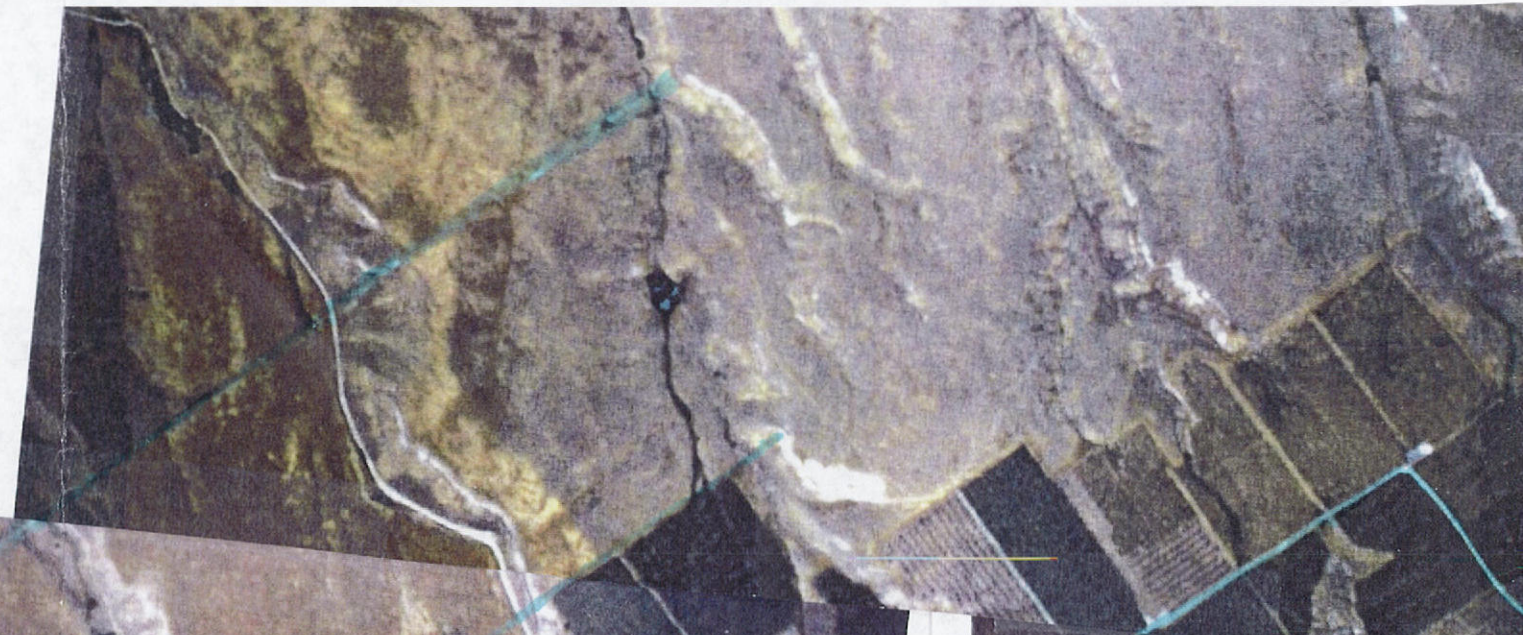
River
Pump
station

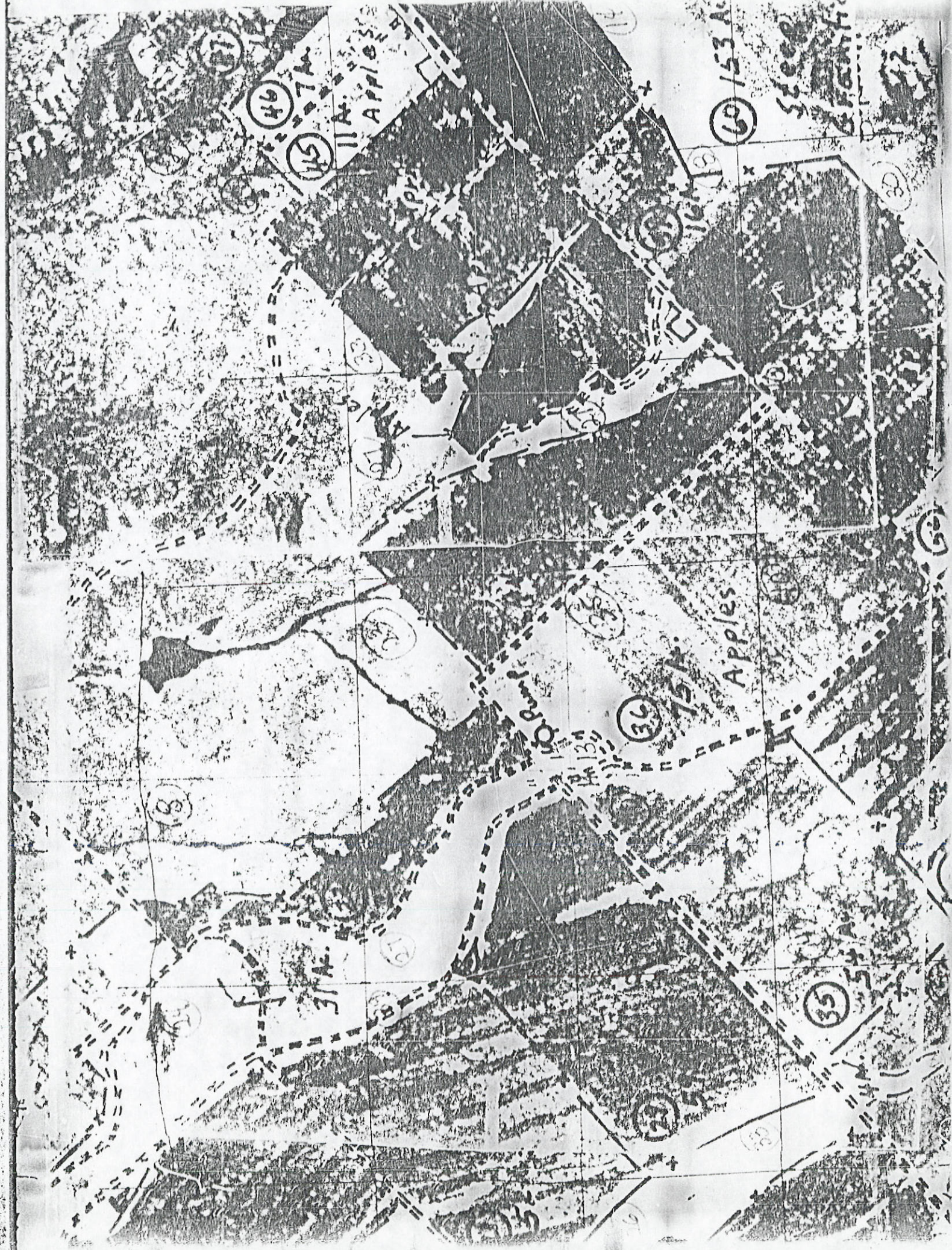


— = Laterals and

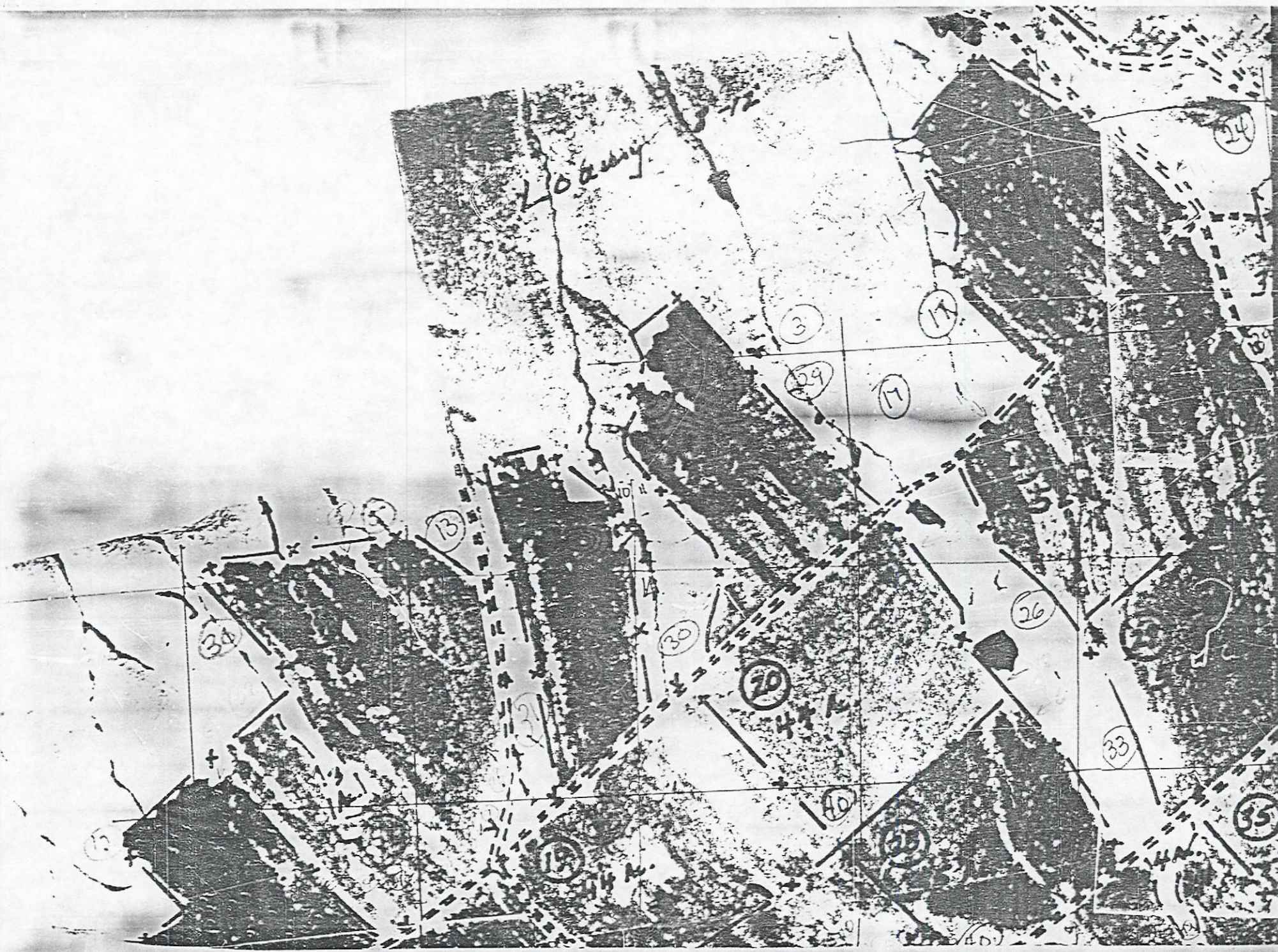
Water Supply
Pipeline from

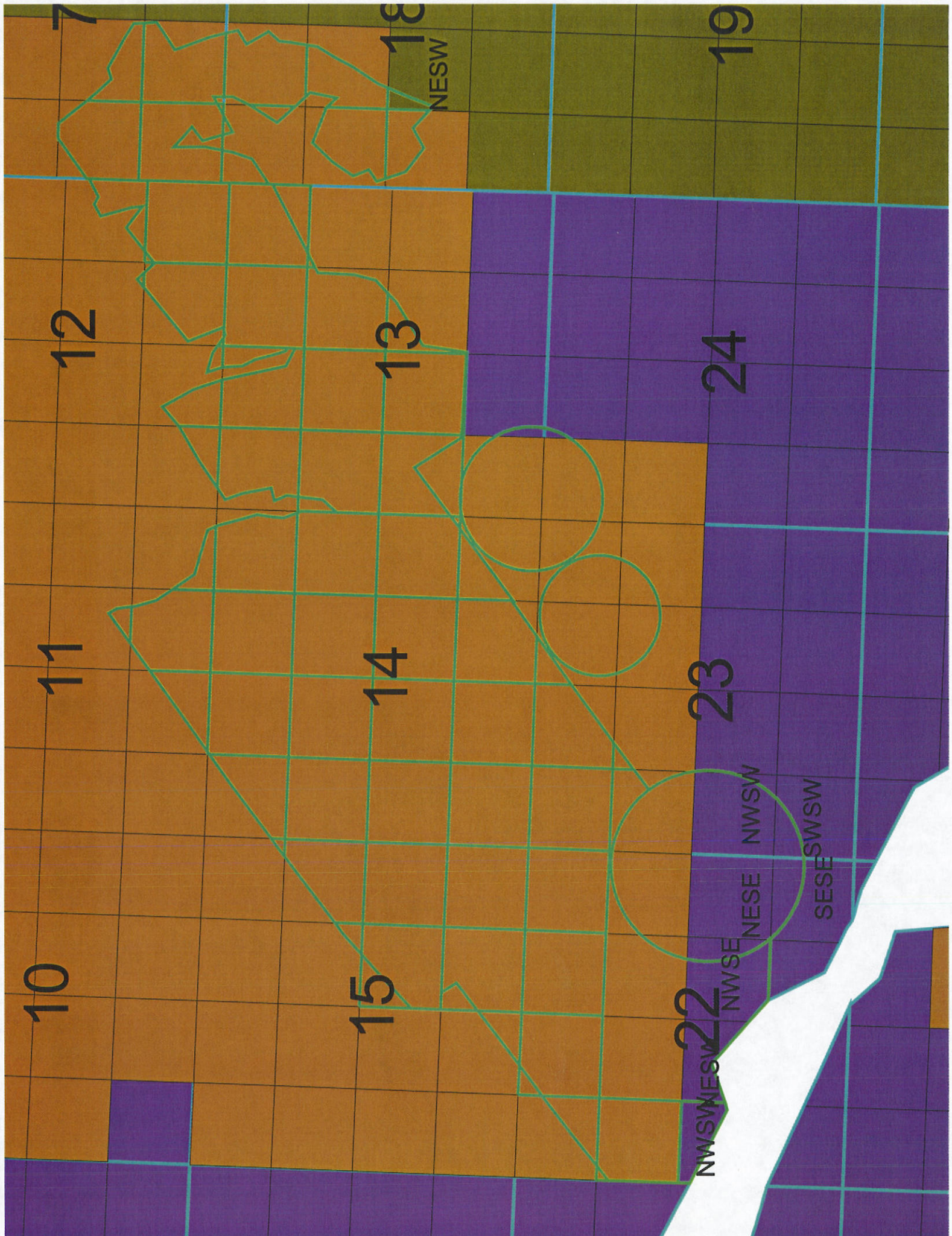
river pump station











IDAHO DEPT OF WATER RESOURCES

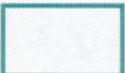
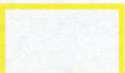
Claim No(s): 65-2809

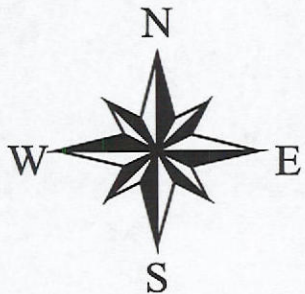
T08N, R03W, S 7 & 18

T08N, R04W, S 11-15
& S22-24

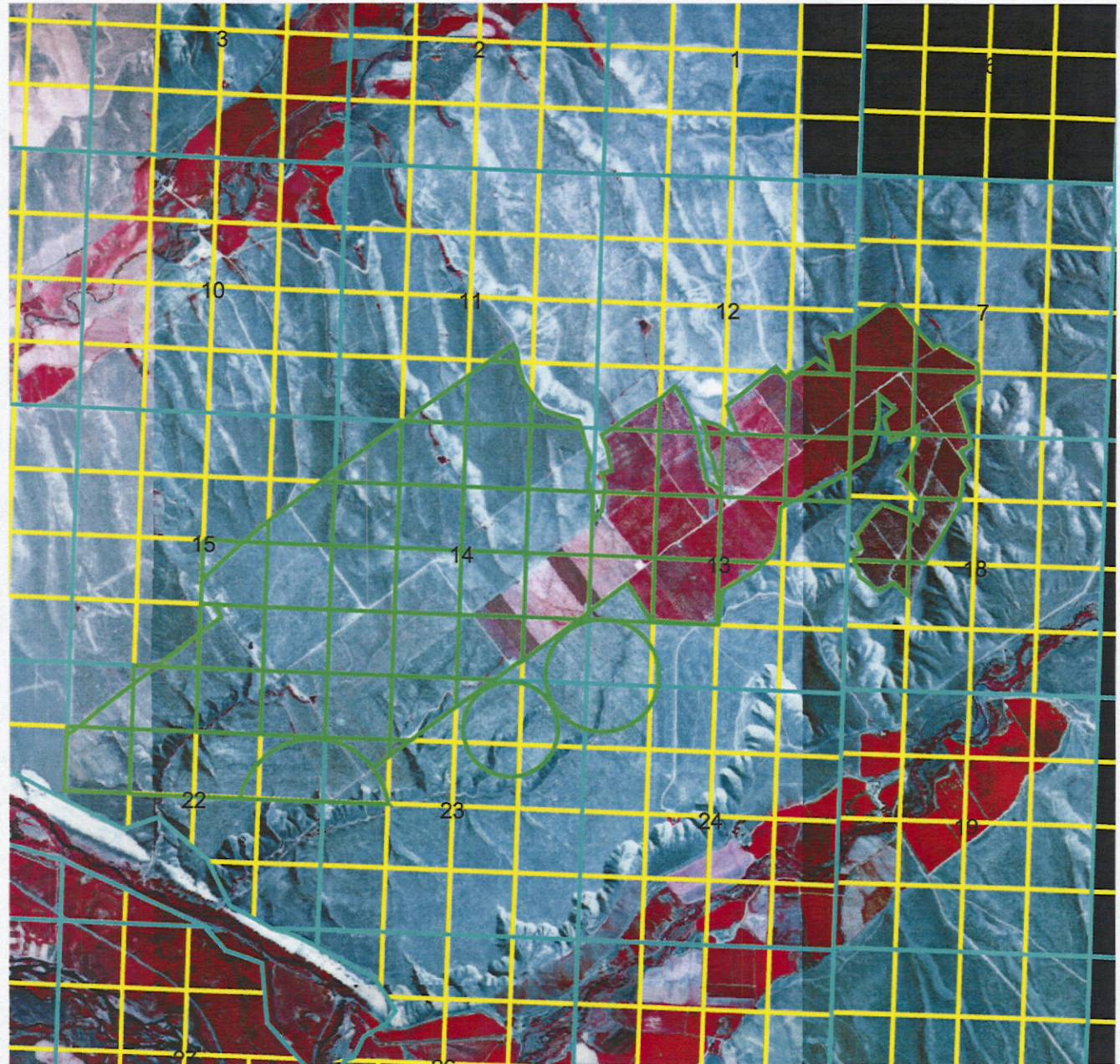
Prepared by: Sue Bock

Date: 07/13/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 3000 Feet



1987 NAPP Photo

IDAHO DEPT OF WATER RESOURCES

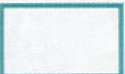
Claim No(s): 65-2809

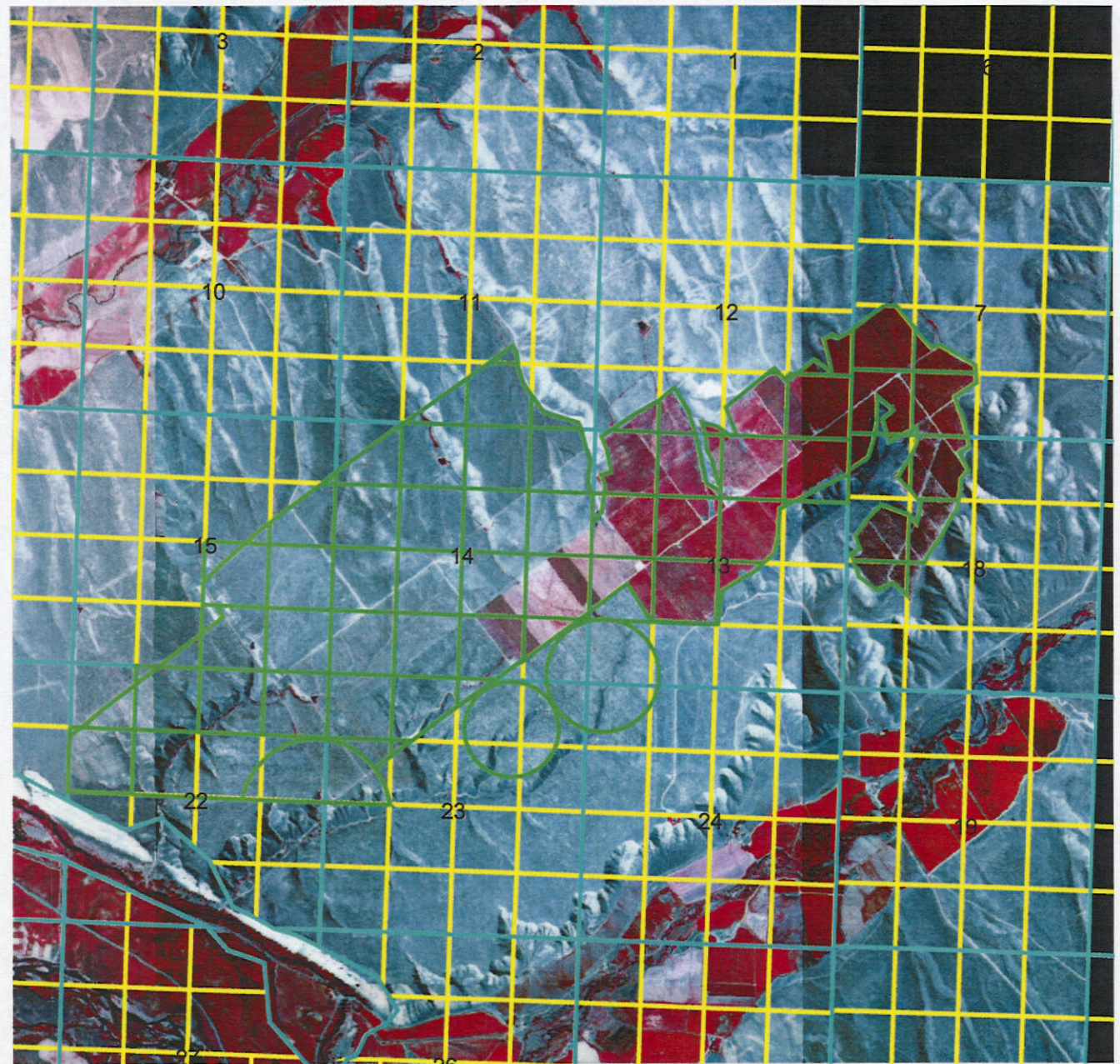
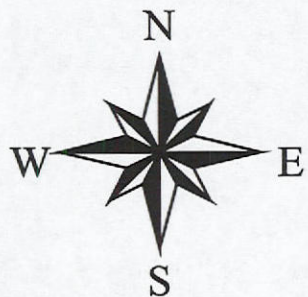
T08N, R03W, S 7 & 18

T08N, R04W, S 11-15
& S22-24

Prepared by: Sue Bock

Date: 07/13/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 3000 Feet

1987 NAPP Photo

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-2809
Date Received: 4/18/90
Receipt No: X999999
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): M L INVESTMENT COMPANY
PO BOX 27
BOISE ID USA 83707

Phone: (208) 336-2110

2. Date of Priority: 08/19/1965

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	04W	27	SW NE	PAYETTE	

5. Description of diverting works:

PUMPS & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	51.32	

7. Total Quantity Appropriated is:
51.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
08N	03W	7	SW	NW		IRRIGATION	16
			NE	SW		IRRIGATION	26
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	33
Section Acres							155
08N	03W	18	NE	NW		IRRIGATION	28
			SE	NW		IRRIGATION	10
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	25
Section Acres							143
08N	04W	2	NE	SW		IRRIGATION	5
			SW	SW		IRRIGATION	2
			SE	SW		IRRIGATION	32
			NW	SE		IRRIGATION	5
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	15
Section Acres							99
08N	04W	10	NW	NE		IRRIGATION	21
			SE	NW		IRRIGATION	19
			NE	SW		IRRIGATION	5
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	13
			SW	NE		IRRIGATION	7
			SE	SW		IRRIGATION	7
			NE	SE		IRRIGATION	7
Section Acres							84
08N	04W	11	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	32
			SE	NE		IRRIGATION	38
			NE	NW		IRRIGATION	28
			NW	NW		IRRIGATION	2
			SE	NW		IRRIGATION	6
			NE	SW		IRRIGATION	17

			NW	SW	IRRIGATION	3
			SW	SW	IRRIGATION	29
			SE	SW	IRRIGATION	17
			NE	SE	IRRIGATION	8
			NW	SE	IRRIGATION	24
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	27
					Section Acres	350
08N	04W	12	NW	NW	IRRIGATION	13
			SW	NW	IRRIGATION	33
			SW	SW	IRRIGATION	23
			SE	SW	IRRIGATION	27
			NE	SE	IRRIGATION	29
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	5
					Section Acres	203
08N	04W	13	NE	NE	IRRIGATION	14
			NW	NE	IRRIGATION	38
			SW	NE	IRRIGATION	30
			NE	NW	IRRIGATION	27
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	25
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	32
			NW	SE	IRRIGATION	2
					Section Acres	323
08N	04W	14	NW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	33
			SW	NE	IRRIGATION	35
			NE	NW	IRRIGATION	26
			SW	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			SE	NE	IRRIGATION	40

				Section Acres	604
08N	04W	15	SW NE	IRRIGATION	40
			SE NE	IRRIGATION	40
			NE NE	IRRIGATION	31
			NW NE	IRRIGATION	30
			NW NW	IRRIGATION	18
			SE NW	IRRIGATION	12
			NE SW	IRRIGATION	21
			NW SW	IRRIGATION	34
			SW SW	IRRIGATION	31
			SE SW	IRRIGATION	40
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	39
			SE SE	IRRIGATION	36
			SW NW	IRRIGATION	30
			SW SE	IRRIGATION	34
				Section Acres	476
08N	04W	22	NE NE	IRRIGATION	34
			NW NE	IRRIGATION	13
			SW NE	IRRIGATION	27
			SE NE	IRRIGATION	26
			NE NW	IRRIGATION	29
			NW NW	IRRIGATION	32
			SW NW	IRRIGATION	17
			SE NW	IRRIGATION	3
				Section Acres	181
08N	04W	23	NE NE	IRRIGATION	27
			NW NE	IRRIGATION	28
			SW NE	IRRIGATION	4
			SE NE	IRRIGATION	2
			NE NW	IRRIGATION	15
			NW NW	IRRIGATION	40
			SW NW	IRRIGATION	29
			SE NW	IRRIGATION	8
				Section Acres	153
08N	04W	24	NW NW	IRRIGATION	19
				Section Acres	19
				Total Acres	2790

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

DECREE GIVEN LIC. NUMBER
Ownership changed by DB 7/18/2001

15. Basis of Claim: Decreed



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

April 12, 2001

RECEIVED

APR 12 2001

**WATER RESOURCES
WESTERN REGION**

Delivery

Jan Shurte
Water Rights Supervisor
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

**Re: IDWR Water Right Nos. 57-11542, 65-02566, 65-02809, 65-7637A, 65-12188,
65-18543.**

Dear Ms. Shurte:

In connection with your Preliminary Recommendations for reporting Snake River Basin Adjudication Claims in Basin 65 Part III, I am enclosing Notices of Error for the following claims:

65-02566, 65-02809, 65-7637A, 65-12188, 65-18543

In connection with the Director's Report of Late Claims & Miscellaneous Claims for Domestic and Stockwater and Irrigation and other Water Rights, I am providing a Notice of Change of Water Right Ownership for the following Claim:

57-11542

All of the enclosed documents relate to updating the ownership for these claims. With respect to claim no. 65-02566, the ownership change only affects a portion of the right. Should you need additional information to complete these ownership changes, please contact me.

Sincerely,

Vic Conrad
Land and Development

Enclosure

Due *For* *For*
**Water Right Nos. 65-2809, 65-12188, 65-18543 ("Payette
Farms")**

- Notices of Error Reply to Correct Name
- Notice of Change of Water Right Ownership

03/08/2001

NOTICE OF ERROR
REPLY

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-2809

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Name

2. Describe the changes you wish to make in the proposed recommendation:

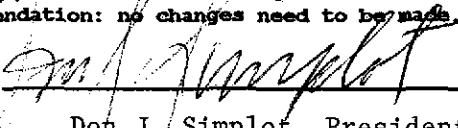
Name of water right owner should be changed from J. R. Simplot Company to ML Investment Company.

3. Give a brief explanation as to why you disagree with these portions:

Pursuant to the Bargain and Sale Deed recorded in the official real property records of Payette County in May, 1999 as instrument no. 280965 (copy attached), ML Investment Company is the owner of decreed water right no. 65-2809.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: April 9, 2001

SIGNATURE: 

Please print your name: Don J. Simplot, President
ML Investment Company

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-2809	A65-02809	___	_____	_____	___
65-18543	A65-18543	___	_____	_____	___
65-12188	A65-12188	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

See attached Bargain and Sale Deed

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) J. R. Simplot Company
PO Box 27 Boise, ID 83707
4. New Owner/Claimant(s) ML Investment Company
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address PO Box 27
- City, State and ZIP Code Boise, ID 83707
- New Telephone Number (208) 336-2110
5. Date you acquired the property May 3, 1999

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) By: ML Investment Company
(include title if applicable) Don J. Simplot, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

COPY

FA-11224

280965

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, J. R. SIMPLOT COMPANY, a Nevada corporation, successor by merger to Payette Farms Company, an Idaho corporation, as to Parcel I; J. R. SIMPLOT COMPANY, a Nevada corporation, as to Parcel II; and J. R. SIMPLOT COMPANY, a Nevada corporation, successor by merger to Simplot Industries, Inc., a Utah corporation, by merger with P & F Storage Co., an Idaho corporation, as to Parcel III, as Grantor, does hereby grant, bargain, sell and convey unto ML INVESTMENT COMPANY, a Nevada corporation, as Grantee, whose current address is P.O. Box 27, Boise, Idaho 83707, all that certain real property located in Payette County, Idaho and as more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be affixed by its Secretary, this 30th day of April, 1999.

J. R. SIMPLOT COMPANY

STATE OF IDAHO }
County of Payette } SS

By: Stephen A. Beebe
Its President

I hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO.

ATTEST:

By: Laura L. Stigle
Secretary

Time 4:00 pm
Date May 3, 1999
Instrument # 280965 Seeds

STATE OF IDAHO)
) SS.
County of Ada)

LAURA L. STIGLE
By: Laura L. Stigle Deputy
Pec \$1500

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared STEPHEN A. BEEBE and RONALD N. GRAVES, the President and Secretary, respectively, of the corporation that executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

R. Scott Farley
Notary Public for Idaho
Residing at Boise, Idaho

My Commission Expires: 5-13-2003

280965

EXHIBIT "A"

PARCEL I:

In Twp. 8 N., R. 3 W., B.M. Payette County, Idaho:

In Sec. 6: Government Lot 7;

In Sec. 7: W1/2;

In Sec. 18: NW1/4 and NW1/4SW1/4;

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 1: S1/2S1/2 and N1/2SW1/4;

In Sec. 2: The North 466.7 feet of the East 466.7 feet of the NE1/4SE1/4;

In Sec. 12: All of said Section;

In Sec. 13: N1/2; N1/2SW1/4 and SW1/4SW1/4;

AND Beginning at the East Quarter corner of Section 13, Township 8 North, Range 4 West, B.M.;

Thence North 89°34' West along the midsection line of said Section 13 a distance of 1,764 feet more or less to a fence, the true POINT OF BEGINNING;

Thence South 50°7.5' West along said fence a distance of 1,107.5 feet to a point on the West boundary of the NW1/4SE1/4;

Thence North along the West boundary of the NW1/4SE1/4 a distance of 710 feet more or less to the North boundary of the NW1/4SE1/4;

Thence South 89°34' East along the North boundary of the NW1/4SE1/4 850 feet to the TRUE POINT OF BEGINNING.

In Sec. 14: S1/2SE1/4;

✕ In Sec. 23: N1/2 SAVE AND EXCEPTING the N1/2N1/2NW1/4 and

In Sec. 24: W1/2NW1/4.

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 2: The SE1/4 SAVE AND EXCEPT the North 466.7 feet of the East 466.7 feet thereof;

the E1/2SW1/4;

the SW1/4SW1/4;

and that portion of Government Lot 4 lying North and West of the County Road crossing said legal subdivision SAVE AND EXCEPT the following portion thereof:

Beginning at a point 70 feet, more or less, West of the NE corner of said Lot 4, which point is

CONTINUED

EXHIBIT "A" CONTINUED

identical with that point where the North line of said Lot 4 intersects the West side line of the right-of-way of the county road as now located; run thence West following the said North side line of said Lot 4 a distance of 625 feet; thence South at right angles to said North line of said Lot 4 to the right-of-way of the aforesaid county road; thence following the said right-of-way of said county road in a Northeasterly direction to the point of beginning;

In Sec. 3: Government Lots 2, 3, and 4;
The S1/2NW1/4 and the SW1/4;

In Sec. 10: The SE1/4NE1/4; W1/2NE1/4; SE1/4; E1/2SW1/4;
N1/2NW1/4SW1/4; E1/2SE1/4NW1/4SW1/4; NW1/4 SAVE AND
EXCEPT THE S1/2NE1/4SE1/4NW1/4 and the
N1/2SE1/4SE1/4NW1/4;

In Sec. 11: All of said Section;

In Sec. 14: The N1/2; N1/2S1/2; and S1/2SW1/4;

In Sec. 15: All of said Section;

In Sec. 22: The N1/2;

In Sec. 23: The N1/2N1/2NW1/4;

In Sec. 27: A parcel of land in the SW1/4NE1/4 more particularly described as follows:
Beginning at the North quarter corner of said Section 27;

run thence S. 0°13' W. on the midsection line of said Sec. 27 a distance of 1589.8 feet to a point on the Southerly right-of-way of State Highway #52; said point being the REAL POINT OF BEGINNING;

thence continuing S. 0°13' W. along said midsection line a distance of 898.4 feet to a point on the Northerly bank of the main channel of the Payette River;

thence S. 40°58.5' E. along the Northerly bank of said Payette River a distance of 200.0 feet to a point;

thence N. 0°13' E. a distance of 200.0 feet to a point;

thence N. 40°58.5' W. a distance of 169.6 feet to a point;

thence N. 0°13' E. a distance of 700.0 feet to a point on the Southerly right-of-way of State Highway #52;

CONTINUED

280965

Page 3

EXHIBIT "A" CONTINUED

thence Westerly on the arc of a circle 2825.0 feet in radius curving to the left an arc distance of 29.1 feet, along the Southerly right-of-way line of said Highway, the chord of said arc running N. 42° 51.3' W. a distance of 29.1 feet to the real point of beginning.

AND

A parcel of land in the SW1/4NE1/4 of Section 27, Township 8 North, Range 4 West, B.M. more particularly described as follows:

Beginning at the north quarter corner of said Section 27, Township 8 North, Range 4 West, B.M.;

Thence South 0°13' West along the midsection line of said Section 27 a distance of 2,488.2 feet to a point on the northerly bank of the main channel of the Payette River;

Thence South 40°58.5' East a distance of 200 feet to the true point of beginning;

Thence South 40°58.5' East along the northerly bank of the main channel of the Payette River a distance of 200 feet to a point;

Thence North 14°02' East a distance of 240 feet to a point;

Thence North 70°20' West a distance of 200 feet to the easterly line of the parcel of land on which the Payette Farms Company's pumping plant is situated;

Thence South 0°13' West a distance of 150 feet to the northerly bank of the main channel of the Payette River to the point of beginning.

In Twp. 9 N., R. 4 W., B.M., Payette County, Idaho:
In Sec. 34: The SW1/4NW1/4; and the S1/2.

PARCEL II:

In Twp. 7 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 9: NE1/4NE1/4 and W1/2SE1/4NE1/4.

AMM

280965

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Page 4

EXHIBIT "A" CONTINUED

A parcel of land situated in the W1/2NE1/4 of said Sec. 9, being more particularly described as follows:

Beginning at the Southwest corner of said W1/2NE1/4; thence North 0°09'00" West along the West boundary line of said W1/2NE1/4 2667.25 feet to the Northwest corner of said W1/2NE1/4; thence North 89°54'45" East along the North boundary line of said W1/2NE1/4 651.99 feet to the REAL POINT OF BEGINNING;

thence continuing North 89°54'45" East 673.3 feet to the Northeast corner of said W1/2NE1/4;

thence South 0°07'17" East along the East boundary line of said W1/2NE1/4 2078.46 feet;

thence North 89°33'48" West 417.55 feet;

thence South 33°18'24" West 461.89 feet;

thence North 0°09'00" West 2448.37 feet more or less to a point on the North boundary line of said W1/2NE1/4 and the POINT OF BEGINNING.

PARCEL III:

The South Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (S1/2NE1/4SE1/4NW1/4) and the North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (N1/2SE1/4SE1/4NW1/4) of Section Ten (10), Township Eight (8) North, Range Four (4) West, Boise Meridian, Payette County, Idaho.

State of Idaho
County of Payette ss

I hereby certify that the foregoing
instrument is a true and correct copy of the
original on file in this office.

Dated APR 09 2001
LAURA L. STIGILE

Clerk of the District Court and
Ex-Officio Auditor and Register
by [Signature] Deputy

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02809
Date Received: 4/18/90
Receipt No: X999999
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: AUG 19, 1965

3. Source: PAYETTE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	04W	27	SW	NE			PAYETTE

5. Description of diverting works:
PUMPS & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	51.320		

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

A.F.A.

8. Total consumptive use is 9765.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	03W	7	SW	NW		IRR	16.0
			NE	SW		IRR	26.0
			NW	SW		IRR	40.0

A65-02809

Page 1

Date: 04/16/90

MICROFILMED
SEP 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
08N	03W	7	SW	SW		IRR	40.0	
			SE	SW		IRR	33.0	
			Section Acres					155.0
		18	NE	NW		IRR	28.0	
			NW	NW		IRR	40.0	
			SW	NW		IRR	40.0	
			SE	NW		IRR	10.0	
			NW	SW		IRR	25.0	
		Section Acres					143.0	
		04W	2	NE	SW		IRR	5.0
				SW	SW		IRR	2.0
				SE	SW		IRR	32.0
				NW	SE		IRR	5.0
				SW	SE		IRR	40.0
				SE	SE		IRR	15.0
Section Acres					99.0			
10	NW	NE		IRR	21.0			
	SW	NE		IRR	7.0			
	SE	NW		IRR	19.0			
	NE	SW		IRR	5.0			
	SE	SW		IRR	7.0			
	NE	SE		IRR	7.0			
	SW	SE		IRR	5.0			
11		SE	SE		IRR	13.0		
		Section Acres					84.0	
		NE	NE		IRR	40.0		
		NW	NE		IRR	40.0		
		SW	NE		IRR	32.0		
		SE	NE		IRR	38.0		
		NE	NW		IRR	28.0		
		NW	NW		IRR	2.0		
		SE	NW		IRR	6.0		
		NE	SW		IRR	17.0		
		NW	SW		IRR	3.0		
		SW	SW		IRR	29.0		
		SE	SW		IRR	17.0		
		NE	SE		IRR	8.0		
		NW	SE		IRR	24.0		
SW	SE		IRR	39.0				
SE	SE		IRR	27.0				
Section Acres					350.0			
12	NW	NW		IRR	13.0			

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	12	SW	NW		IRR	33.0
			SW	SW		IRR	23.0
			SE	SW		IRR	27.0
			NE	SE		IRR	29.0
			NW	SE		IRR	5.0
			SW	SE		IRR	33.0
			SE	SE		IRR	40.0
Section Acres							203.0
		13	NE	NE		IRR	14.0
			NW	NE		IRR	38.0
			SW	NE		IRR	30.0
			NE	NW		IRR	27.0
			NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SW		IRR	40.0
			SW	SW		IRR	32.0
			NW	SE		IRR	2.0
Section Acres							323.0
		14	NE	NE		IRR	40.0
			NW	NE		IRR	33.0
			SW	NE		IRR	35.0
			SE	NE		IRR	40.0
			NE	NW		IRR	26.0
			NW	NW		IRR	30.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							604.0
		15	NE	NE		IRR	31.0
			NW	NE		IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NW	NW		IRR	18.0
			SW	NW		IRR	30.0
			SE	NW		IRR	12.0
			NE	SW		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	04W	15	NW	SW		IRR	34.0
			SW	SW		IRR	31.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	34.0
			SE	SE		IRR	36.0
						Section Acres	476.0
22			NE	NE		IRR	34.0
			NW	NE		IRR	13.0
			SW	NE		IRR	27.0
			SE	NE		IRR	26.0
			NE	NW		IRR	29.0
			NW	NW		IRR	32.0
			SW	NW		IRR	17.0
			SE	NW		IRR	3.0
						Section Acres	181.0
23			NE	NE		IRR	27.0
			NW	NE		IRR	28.0
			SW	NE		IRR	4.0
			SE	NE		IRR	2.0
			NE	NW		IRR	15.0
			NW	NW		IRR	40.0
			SW	NW		IRR	29.0
			SE	NW		IRR	8.0
						Section Acres	153.0
24			NW	NW		IRR	19.0
						Total Acres	2790.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
NONE

14. Remarks:
DECREE GIVEN LIC. NUMBER.

15. Basis of Claim: DECREED
Water Right Number: 32521
Case Number:

Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

Decree Defendant

vs

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

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

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

Title

J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

Robert W. Green
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

04-17-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of April 19 90

Vicki R. Lowe
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

WATER RIGHT LICENSE

(late proof)

THIS IS TO CERTIFY, that **PAYETTE FARMS COMPANY**

Boise, Idaho

has complied with the terms and conditions of Perm

32521/65-2809

Issued pursuant to Application for Permit dated August 3, 1965

and has submitted proof to the Department of Water Resources on October 8, 1976

that he has applied water to a beneficial use; an examination by the Department indicates that the works have capacity for the diversion of 51.32 cfs of water from Payette River

tributary to Snake River and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to November 15	at 51.32 cfs and	12,555 acre feet

from _____ to _____ at _____ of _____ and _____

from 1948 to 1950 at the end

(both dates inclusive)

Subject, however, to the condition that no more than 51.32 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 12,555 acre feet per year, said waters to be diverted within the SW 1/4, Sec. 27, Twp. 8N,

Roe, 4W, B.M.

in the County of **Payette**

Description and location of place of use: See Land List Attachment

[illegible]

Total number of acres irrigated 2790

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of March, 19 78

Director

License No. 65-2809

LAND LIST ATTACHMENT

Description and location of place of use

[illegible]

Total number of acres irrigated 2790

Receipt # 11-11-50-2 *4/10/51*

RECEIVED

MAY 8 1975

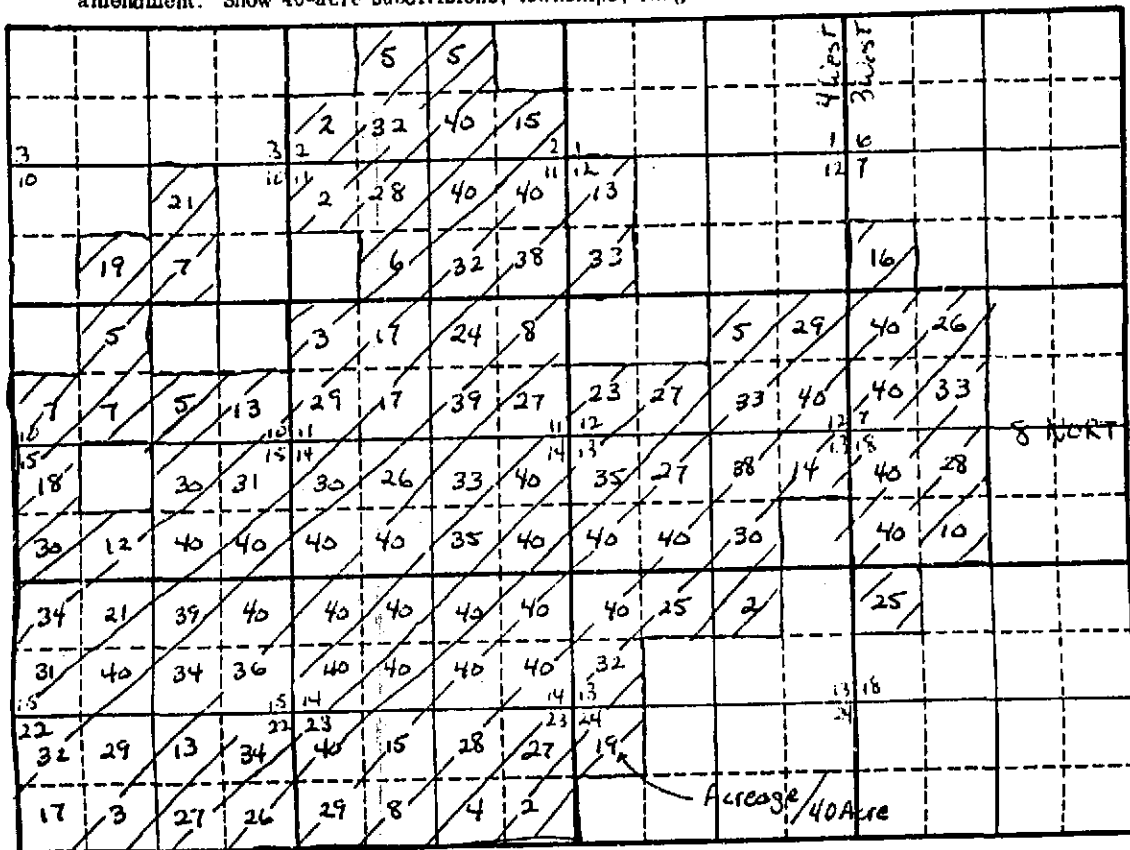
Department of Water Resources

APPLICATION FOR AMENDMENT

Permit No. 65-2809[illegible]

Total number of acres to be irrigated

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



Scale: 2 inches equal 1 mile

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

Signed at Boise, Idaho, this 3rd day of March, 1978.

PAYETTE FARMS CO.

By [Signature]
Its (signature) Secretary

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby APPROVE the above application for amendment for Permit No. 32521/65-2809.

Witness my hand this 20 day of March, 1978

[Signature]
Director

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 279

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION PLANT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
-----------------	---------------------	------------------	-----	-----------------------	------------------------	--------------------	-----------------------------	--------------------

65-2809 PAYETTE FARMS COMPANY
P.O. BOX 2777, BOISE, IDAHO
83701

8/19/1965 IRRIGATION 3/15 11/15

--- AFA SWNE S27
51.32 CFS T 8N R 4W

LICENSE

SWNW(16) NESH(126)	NNNW(113) SWNW(33)	NENE(31) ANNE(130)
NKSW(40) SWSW(40)	SWSW(23) SESH(27)	SWNE(40) SENE(140)
SESW(33)	NESE(29) NWSE(5)	NNNW(18) SWNW(30)
S 7 T 8N R 3W	SWSE(33) SESE(40)	SENW(12) NESH(21)
NENW(28) NNWW(40)	S12 T 8N R 4W	NWSW(34) SWSW(31)
SWNW(40) SENW(10)	NENE(14) NWNE(38)	SESW(40) NESE(40)
NKSW(25)	SWNE(30) NENW(27)	NWSE(39) SWSE(34)
S10 T 8N R 3W	NNNW(35) SWNW(40)	SESE(36)
NESH(5) SWSW(2)	SENW(40) NESH(25)	S15 T 8N R 4W
SESW(32) NWSE(5)	NKSW(40) SWSW(32)	NENE(34) ANNE(13)
SWSE(40) SESE(15)	NWSE(2)	SWNE(27) SENE(26)
S 2 T 8N R 4W	S13 T 8N R 4W	NENW(29) NNWW(32)
NNNE(21) SENE(7)	NENE(40) NWNE(33)	SWNW(17) SENW(3)
SENW(19) NESH(5)	SWNE(35) SENE(40)	S22 T 8N R 4W
NKSW(7) SWSW(7)	NENW(26) NNWW(30)	NENE(27) NWNE(28)
SWSE(5) SESE(13)	SWNW(40) SENW(40)	SWNE(4) SENE(2)
S10 T 8N R 4W	NESH(40) NKSW(40)	NENW(15) NNWW(40)
NENE(40) ANNE(40)	SWSW(40) SESH(40)	SWNW(29) SENW(8)
SWNE(32) SENE(38)	NESE(40) NWSE(40)	S23 T 8N R 4W
NENW(28) NNWW(2)	SWSE(40) SESE(40)	NNNW(19)
SENW(6) NESH(17)	S14 T 8N R 4W	S24 T 8N R 4W
NKSW(3) SWSW(29)		*2790*
SESW(17) NESE(8)		
NWSE(24) SWSE(39)		
SESE(27)		
S11 T 8N R 4W		

8N 4W

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
-----------------	---------------------	------------------	-----	-----------------------	------------------------	--------------------	-----------------------------	--------------------

INDICATES TOTAL

SOURCE: PAYETTE RIVER

65-2809 PAYETTE FARMERS COMPANY
P.O. BOX 2777

8/19/1965 IRRIGATION 3/15 11/15

--- AFA SWNE S27
51.32 CFS T 8N R 4W

LICENSE

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J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, IDAHO 837047
PLACE OF USE:

T 8N R 3W S 7

SWNW(16) NESW(26) NWSW(40) SWSW(40) SESW(33)

NENW(28) NWNW(40) SWNW(40) SENW(10) NWSW(25)

NESW(5) SWSW(2) SESW(32) NWSE(5) SWSE(40) SESE(15)

NWNW(21) SENE(7) SENW(19) NESW(5) NWSW(7) SWSW(7) SWSE(5)

SESE(13) SWNE(7) SESW(7) NESE(7)

NENE(40) NWNW(40) SWNE(32) SENE(38) NENW(28) NWNW(2) SENW(6) NESW(17)

NWSW(3) SWSW(29) SESW(17) NESE(8) NWSE(24) SWSE(39) SESE(27)

NWNW(13) SWNW(33) SWSW(23) SESW(27) NESE(29) NWSE(5) SWSE(33) SESE(40)

NENE(14) NWNW(38) SWNE(30) NENW(27) NWNW(35) SWNW(40) SENW(40) NESW(25)

NWSW(40) SWSW(32) NWSE(2)

NENE(40) NWNW(33) SWNE(35) SENE(40) NENW(26) NWNW(30) SWNW(40) SENW(40)

NESW(40) NWSW(40) SWSW(40) SESW(40) NESE(40) NWSE(40) SWSE(40) SESE(40)

NENE(31) NWNW(30) SWNE(40) SENE(40) NWNW(18) SWNW(40) SENW(12) NESW(21)

NWSW(34) SWSW(31) SESW(40) NESE(40) NWSE(39) SWSE(34) SESE(36)

NENE(34) NWNW(13) SWNE(27) SENE(26) NENW(29) NWNW(32) SWNW(17) SENW(3)

NENE(27) NWNW(28) SWNE(4) SENE(2) NENW(15) NWNW(40) SWNW(29) SENW(8)

NWNW(19)

2790

INDICATES TOTAL

SOURCE: BIG CREEK

TRIBUTARY TO: NORTH FORK, PAYETTE RIVER

65-6640 SIMPLOT INDUSTRIES, INC.
P.O. BOX 2777

6/ 1/1947 IRRIGATION 4/ 5 10/15

--- AFA
1.56 CFS
.44 CFS

SESE
SWSE S 3
T 3N R 4E

SENE(39)
LOT 7(14)
LOT 8(NENE)(108)
S 5 T 3N R 4E
SWNW(40)
LOT 5(NWNW)(514)
S 4 T 3N R 4E
7822

BENEFICIAL
USE

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Pg. 29

BOISE, IDAHO 837047

NOV 25 1985

Time 9:40 AM

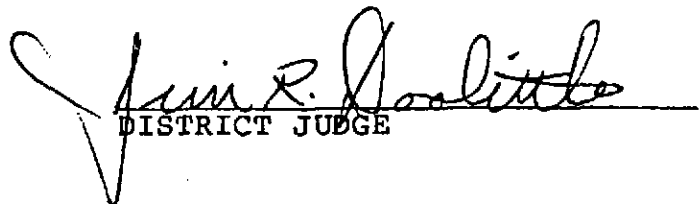
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO) Civil No. 3667
THE USE OF SURFACE AND GROUND-)
WATER OF THE PAYETTE RIVER) ORDER CORRECTING
DRAINAGE.) CLERICAL ERRORS

The motion of the Director of the Department of Water Resources having come on for hearing on the 25th day of November, 1985, and the court having considered the motion,

IT IS HEREBY ORDERED that the report of the director, entitled PROPOSED FINDINGS OF WATER RIGHTS IN THE PAYETTE RIVER DRAINAGE BASIN, be amended in conformance with Exhibit A, attached hereto and incorporated herein by reference.

DATED this 25th day of November, 1985.


DISTRICT JUDGE

07/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-2809

NAME AND ADDRESS: M L INVESTMENT COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 38.02 CFS

PRIORITY DATE: 08/19/1965

POINT OF DIVERSION: T08N R04W S27 SWNE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	38.02 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T08N R03W S18	NENW	31	T08N R03W S18	LOT 1	NWNW	9.4
T08N R03W S18	LOT 2	SWNW	24	T08N R03W S18	SENW	19
T08N R03W S18	LOT 3	NWSW	12	T08N R03W S7	NESW	14
T08N R03W S7	LOT 3	NWSW	32	T08N R03W S7	LOT 4	SWSW
T08N R03W S7	SESW	32	T08N R04W S11	SESW	14	
T08N R04W S11	NWSE	2.6	T08N R04W S11	SWSE	35	
T08N R04W S11	SESE	6.6	T08N R04W S12	SWSW	7.7	
T08N R04W S12	SESW	13	T08N R04W S12	NESE	12	
T08N R04W S12	NWSE	0.3	T08N R04W S12	SWSE	29	
T08N R04W S12	SESE	39	T08N R04W S13	NENE	39	
T08N R04W S13	NWNE	39	T08N R04W S13	SWNE	35	
T08N R04W S13	SENE	0.3	T08N R04W S13	NENW	34	
T08N R04W S13	NWNW	32	T08N R04W S13	SWNW	39	
T08N R04W S13	SENW	39	T08N R04W S13	NESW	39	
T08N R04W S13	NWSW	39	T08N R04W S13	SWSW	36	
T08N R04W S13	SESW	2.2	T08N R04W S13	NWSE	8.5	
T08N R04W S14	NENE	35	T08N R04W S14	NWNE	39	
T08N R04W S14	SWNE	39	T08N R04W S14	SENE	40	

T08N R04W S14	NENW	39	T08N R04W S14	NWNW	23
T08N R04W S14	SWNW	39	T08N R04W S14	SENW	39
T08N R04W S14	NESW	40	T08N R04W S14	NWSW	40
T08N R04W S14	SWSW	40	T08N R04W S14	SESW	40
T08N R04W S14	NESE	40	T08N R04W S14	NWSE	40
T08N R04W S14	SWSE	37	T08N R04W S14	SESE	30
T08N R04W S15	NENE	0.8	T08N R04W S15	SWNE	2.6
T08N R04W S15	SENE	29	T08N R04W S15	SESW	6.9
T08N R04W S15	NESE	40	T08N R04W S15	NWSE	40
T08N R04W S15	SWSE	40	T08N R04W S15	SESE	40
T08N R04W S22	NENE	40	T08N R04W S22	NWNE	40
T08N R04W S22	SWNE	40	T08N R04W S22	SENE	40
T08N R04W S22	NENW	40	T08N R04W S22	NWNW	12
T08N R04W S22	SWNW	40	T08N R04W S22	SENW	40
T08N R04W S23	NENE	31	T08N R04W S23	NWNE	34
T08N R04W S23	SWNE	13	T08N R04W S23	SENE	7.3
T08N R04W S23	NENW	32	T08N R04W S23	NWNW	40
T08N R04W S23	SWNW	37	T08N R04W S23	SENW	1.6
T08N R04W S23	NESW	0.3	T08N R04W S24	NENW	0.9
T08N R04W S24	NWNW	26			

2067 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2001

ML INVESTMENT COMPANY
PO BOX 27
BOISE ID 83707

Re: Notice of Claim to a Water Right No. 65-2809

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-2809

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707
Attorney	GRAY YOUNG OR TERRY UHLING ENV AND REGULATORY AFFAIRS J R SIMPLOT COMPANY PO BOX 27 BOISE, ID 837070027 (208)389-7318
Also Known As	SIMPLOT BOISE, ID 83707
Original Owner	PAYETTE FARMS CO PO BOX 27 BOISE, ID 83707

Priority Date: 08/19/1965
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	38.02 CFS		
Total Diversion			38.02 CFS		

Location of Point(s) of Diversion:

PAYETTE RIVER	SWNE	Sec. 27	Township 08N	Range 04W	PAYETTE County
---------------	------	---------	--------------	-----------	----------------

IRRIGATION Use:
Acre Limit: 2067

Place(s) of use:

Place of Use Legal Description: IRRIGATION

PAYETTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	03W	18		NENW	31	1	NWNW	9.4	2	SWNW	24		SENW	19
			3	NWSW	12									
		7		NESW	14	3	NWSW	32	4	SWSW	38		SESW	32
	04W	11		SESW	14									
				NWSE	2.6		SWSE	35		SESE	6.6			
		12		SWSW	7.7		SESW	13						
				NESE	12		NWSE	0.3		SWSE	29		SESE	39
		13		NENE	39		NWNE	39		SWNE	35		SENE	0.3
				NENW	34		NWNW	32		SWNW	39		SENW	39
				NESW	39		NWSW	39		SWSW	36		SESW	2.2
				NWSE	8.5									
		14		NENE	35		NWNE	39		SWNE	39		SENE	40

	NENW	39	NWNW	23	SWNW	39	SENW	39
	NESW	40	NWSW	40	SWSW	40	SESW	40
	NESE	40	NWSE	40	SWSE	37	SESE	30
15	NENE	0.8	SWNE	2.6	SENE	29		
	SESW	6.9						
	NESE	40	NWSE	40	SWSE	40	SESE	40
22	NENE	40	NWNE	40	SWNE	40	SENE	40
	NENW	40	NWNW	12	SWNW	40	SENW	40
23	NENE	31	NWNE	34	SWNE	13	SENE	7.3
	NENW	32	NWNW	40	SWNW	37	SENW	1.6
	NESW	0.3						
24	NENW	0.9	NWNW	26				

Total Acres: 2067

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

Author	Date	Subject	Comment
SBOCK	2/28/2001	POU	AFTER MEETING WITH VIC CONRAD, I HAVE REDUCED THE POU TO WHAT IS ACUTALLY BEING IRRIGATED AND REDUCED DIVERSION RATE ACCORDINGLY.
sbock	7/13/2001	CHANGES	I had discussed this claim at lenght with Vic Conrad. We went over the place of use and he agreed, then he submitted a change of ownership (still for Simplot), but some of the property did not fall within the legals. So, I have modified the recommendation to reflect land that could have only been irrigated by Simplot and which they own. This reduced the total acres by 172.3 and 3.17 cfs.

Dates:

Licensed Date: 03/22/1978
 Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 01/21/1986
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X999999
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 65
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-2809

Owner Type Name and Address
Current Owner J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 83707

Attorney GRAY YOUNG OR TERRY UHLING
 ENV AND REGULATORY AFFAIRS
 J R SIMPLOT COMPANY
 PO BOX 27
 BOISE, ID 837070027
 (208)389-7318

Also Known As SIMPLOT
 BOISE, ID 83707

Original Owner PAYETTE FARMS CO
 PO BOX 27
 BOISE, ID 83707

Priority Date: 08/19/1965
Basis: Decreed
Status: Active

Source Tributary to
PAYETTE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	41.19 CFS		
Total Diversion			41.19 CFS	38.02	

Location of Point(s) of Diversion:

PAYETTE RIVER SWNE Sec. 27 Township 08N Range 04W PAYETTE County

IRRIGATION Use:
Acre Limit: 2239.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION

PAYETTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	03W	18		NENW	31	1	NWNW	9.4	2	SWNW	24		SENW	19
				NESW	3.3	3	NWSW	12						
		7		NESW	14	3	NWSW	32	4	SWSW	38		SESW	32
	04W	11		SESW	14									
				NWSE	2.6		SWSE	35		SESE	6.6			
		12		SWSW	7.7		SESW	13						
				NESE	12		NWSE	0.3		SWSE	29		SESE	39
		13		NENE	39		NWNE	39		SWNE	35		SENE	0.3
				NENW	34		NWNW	32		SWNW	39		SENW	39
				NESW	39		NWSW	39		SWSW	36		SESW	2.2
				NWSE	8.5									
		14		NENE	35		NWNE	39		SWNE	39		SENE	40

	NENW	39		NWNW	23		SWNW	39		SENW	39
	NESW	40		NWSW	40		SWSW	40		SESW	40
15	NESE	40		NWSE	40		SWSE	37		SESE	30
	NENE	0.8		SWNE	2.6		SENE	29			
	SESW	6.9									
	NESE	40		NWSE	40		SWSE	40		SESE	40
22	NENE	40		NWNE	40		SWNE	40		SENE	40
	NENW	40		NWNW	12		SWNW	40		SENW	40
4	NESW	20	5	NWSW	15						
	NESE	40	3	NWSE	39	1	SESE	11			
23	NENE	31		NWNE	34		SWNE	13		SENE	7.3
	NENW	32		NWNW	40		SWNW	37		SENW	1.6
	NESW	0.3		NWSW	37		SWSW	7			
24	NENW	0.9		NWNW	26						

Total Acres: 2239.3

Conditions of Approval:

- I. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

Author	Date	Subject	Comment
SBOCK	2/28/01	POU	AFTER MEETING WITH VIC CONRAD, I HAVE REDUCED THE POU TO WHAT IS ACUTALLY BEING IRRIGATED AND REDUCED DIVERSION RATE ACCORDINGLY.

Dates:

Licensed Date: 03/22/1978
 Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 01/21/1986
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	2/28/01 9:15:05 AM	sbock			In Process
POD	2/28/01 9:15:54 AM	sbock			In Process
POU	2/28/01 9:16:28 AM	sbock			In Process
Priority Date	2/28/01 9:15:31 AM	sbock			In Process
Season	2/28/01 9:17:05 AM	sbock			In Process
Source	2/28/01 9:16:12 AM	sbock			In Process
Use	2/28/01 9:16:48 AM	sbock			In Process

Other Information:

Receipt Number(s): X999999
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 65
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:

*Reduction
172.3 Acres
3.17 GFS*

Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Contacts	2/28/01 9:15:03 AM	sbock	1. Appointment has not been scheduled.
POD	2/28/01 10:27:23 AM	jshurte	Edited point location
POD	2/28/01 9:15:52 AM	sbock	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	2/23/01 2:32:02 PM	jshurte	Edited point location
POD	2/23/01 2:31:26 PM	jshurte	Edited point location
POD	1/2/01 1:18:45 PM	sbock	Edited point location
POU	2/28/01 10:02:55 AM	jshurte	Edited PLS
POU	2/28/01 9:59:47 AM	jshurte	Edited shape boundary
POU	2/28/01 9:16:27 AM	sbock	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	2/23/01 2:39:27 PM	jshurte	Edited PLS
POU	2/23/01 2:37:21 PM	jshurte	Edited shape boundary
Priority Date	2/28/01 9:15:30 AM	sbock	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Season	2/28/01 9:17:04 AM	sbock	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	2/28/01 9:16:11 AM	sbock	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	2/28/01 9:16:44 AM	sbock	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:48:46
04/10/00
21

PAGE: 21
PROFILE REPORT

CLAIM NUMBER: A65-02809

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT COMPANY	08/19/1965	IRRIGATION	03-15 11-15	51.320 CFS	51.320 CFS

Water Source: PAYETTE RIVER *POD link made* Tributary to: SNAKE RIVER *SWNE* Stage: DECREED *9765.00 AFA*

Point(s) of Diversion: T08N R04W S27 PAYETTE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																						
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM				
08N	03W	7	:													16				26	40		40		33								155.0				
08N	03W	18	:									28	40		40		10				25			02		32			05	40		15		143.0			
08N	04W	2	:																	05										05			99.0				
08N	04W	10	:				21	07									19			05				07			07			05		13		84.0			
08N	04W	11	:		40		40		32		38		28	02			06			17	03		29		17		08		24		39		27		350.0		
08N	04W	12	:											13		33								23		27			29		05		33		40		203.0
08N	04W	13	:		14		38		30				27	35		40		40		25	40		32							02				323.0			
08N	04W	14	:		40		33		35		40		26	30		40		40		40	40		40		40		40		40		40		40		604.0		
08N	04W	15	:		31		30		40		40			18		30		12		21	34		31		40			40		39		34		36		476.0	
08N	04W	22	:		34		13		27		26		29	32		17		03																	181.0		
08N	04W	23	:		27		28		04		02		15	40		29		08																	153.0		
08N	04W	24	:											19																						19.0	
																												TOTAL ACRES				2790.0					

POU County: PAYETTE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN DECREE GIVEN LIC. NUMBER.

Dates: Exam Made Date: Verified Date: 04/10/1986 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag:

GIS → 2239.2
550.7

51.32 ÷ 2790 = 0.1839 cfs/acre
x 2239.2
41.19 cfs

IDAHO DEPT OF WATER RESOURCES

Claim No(s): 65-02809

T08N, R03W, S 7,18

T08N, R03W, S 10-15,
22-24

Prepared by: Sue Bock

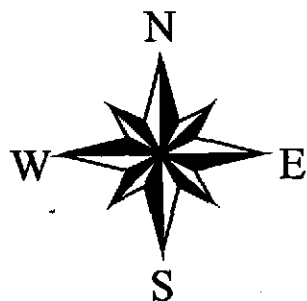
Date: 02/28/2001

 Place of Use

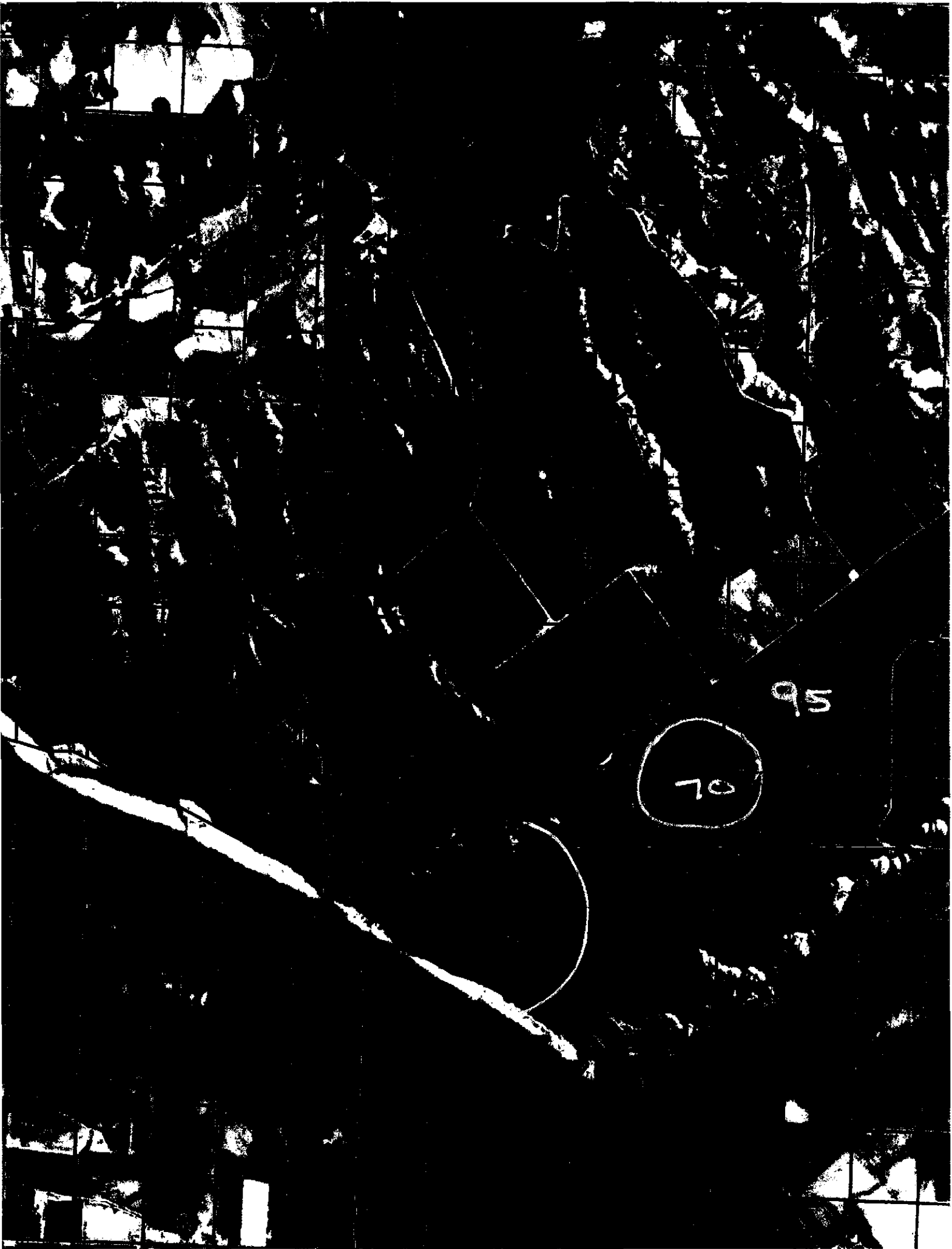
 Point of Diversion

 Section lines

 1/4 1/4 lines



1987 NAPP Photo



Idaho Department of Water Resources

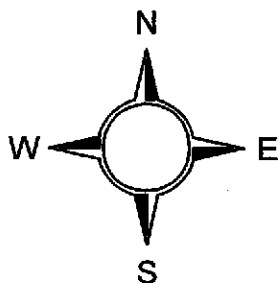
Claim Number: 65-02809

Legal: T08N, R03W, S7 & 18

T08N, R04W, S2, 11, 12, 13, 14,
15, 22, 23 & 24

Reviewed By:

- Point of Diversion
- ▭ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines



Handwritten notes:
103
map



1987 Napp Photo

0 0.25 0.5 0.75 1 Miles



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

February 23, 2001

Sue Bock
Water Right Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

FEB 26 2001

WATER RESOURCES
WESTERN REGION

Re: Water Right No. 65-02809.

Dear Sue:

As we discussed, enclosed is a copy of a mosaic of aerial photographs contracted by the USDA Payette County Farm Service Agency. These photos were flown during the summer of 2000. On the enclosed copy I indicated the approximate location of the point of diversion from the Payette River and the primary pipe line distribution system for the place of use identified under the above referenced water right.

In discussing the irrigation method used on the place of use with the manager of this farm, it is my understanding water has been applied to the place of use through 97 quarter-mile hand line sets and five center pivot overhead sprinkler systems. The pivots were designed to irrigate the following area:

Pivot A = 95 acres
Pivot B = 70 acres
Pivot C = 25 acres
Pivot D = 135 acres
Pivot E = 165 acres

In addition to irrigation, livestock water is also used for up to 4,600 sheep and 1,000 head of beef cattle.

Please contact me should you need any additional information to assist in your review of this water right.

Sincerely,

Vic Conrad
Land and Development

c: K. Cope

= Laterals AND
Water Supply
Pipeline from
river pump station



River
Pump
station



31A.

18

23

25

33

33

45

46

57

11A.

Apples

16A.

Pump

13

35

34

75A.

Apples

35

54A.

27

59

16A.

60

153 A.

Sleep

Faint

52

56

30







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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

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

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

Dear Ms. Pepe:

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

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

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

MICROFILMED

AUG 03 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached.
-Jal*

RE: Snake River Basin Adjudication
Case No. 39576 and Subcase Nos. 36-13320 & 57-02203A

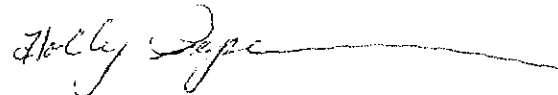
Dear Mr. Shaff:

In response to your letter of March 24, 1994, please modify your records to reflect that Terry T. Uhling and Gray Young are co-counsel of record in the above referenced matter. Mr. Uhling and Mr. Young are in-house counsel for J. R. Simplot Company, and, therefore, would be apprised of all matters relating to the claims of Simplot and its related company subsidiaries and affiliates as a matter of course. The attached Exhibit A does represent all water rights we are aware of at this time to which the Notice applies.

For your information, I have also enclosed a copy of a letter and attached Notice of Withdrawal from Diana Delaney, Chief Deputy Clerk of the Snake River Basin Adjudication Clerk's Office, which indicates that Bruce Belzer never was recorded as being counsel for J. R. Simplot Company.

If you have any questions, feel free to call me at 389-7201.

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

AUG 03 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

Gray Young
Terry Uhling
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. - Sel*

RE: Appearance of J. R. Simplot in Subcase Nos. 36-13320 and 57-02203A

Dear Mr. Young and Mr. Uhling:

Enclosed I am returning your *Notice of Withdrawal of Counsel* which was received by the court on April 5, 1994, and which stated that Bruce L. Belzer was withdrawing as counsel for J. R. Simplot Company in the above-referenced subcases.

After a search of the files for the above subcase, I am unable to locate any appearance by Bruce L. Belzer. However, on January 28, 1994, a *Notice and Entry of Appearance* was filed on behalf of J. R. Simplot in these subcases. That notice listed Gray Young and Terry Uhling as counsel for J. R. Simplot.

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Chief, Natural Resources Division
U.S. Department of Justice

MICROFILMED
AUG 03 1994

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

7 Attorneys for J. R. Simplot Company

1994 APR - 5 PM 2:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

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

Civil Case No. 39576

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

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

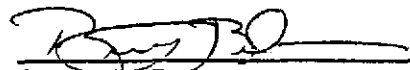
21 _____)
22 The United States; the State of)
23 Idaho; and all claimants to the)
use of water from the Snake)
River Basin Water System,)

24 Defendants.)
25 _____)

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

5 36-13320
6 57-02203A

7 DATED this 4th day of April, 1994.

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

I hereby certify that on this 4th day of April, 1994, I caused to be served a true and correct copy of the foregoing by United States mail, postage prepaid, addressed to the following:

James Annest
Law Office of James Annest
1742 Overland Avenue
Burley, Idaho 83318

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Rexburg, Idaho 83440

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ROCK & FIELDS
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Boise, Idaho 83701

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2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS

4 960 Broadway, Suite 400
5 P.O. Box 955
6 Boise, Idaho 83701

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8 HANSEN, BEARD, ST. CLAIR,
9 PETERSON & SULLIVAN,
10 CHARTERED
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12 P.O. Box 51718
13 Idaho Falls, Idaho 83402-1718

14 HEPWORTH, NUNGESTER &
15 LEZAMIZ, CHARTERED
16 133 Shoshone Street North
17 P.O. Box 389
18 Twin Falls, Idaho 83303-0389

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20 HOBDEY & HOBDEY
21 Attorneys at Law
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23 P.O. Box 176
24 Gooding, Idaho 83330

25 Dana L. Hofstetter
26 Murray D. Feldman
27 HOLLAND & HART
28 West One Plaza, Suite 1400
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Scott L. Campbell
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2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

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Ray W. Rigby
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RIGBY & KAM, CHARTERED
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6 William F. Ringert
7 Daniel V. Steenson
8 RINGERT, CLARK, CHARTERED
9 455 South Third Street
10 P.O. Box 2773
11 Boise, Idaho 83701-2773

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10 James P. Speck
11 HOGUE, SPECK & AANESTAD, P.A.
12 120 East Avenue
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Ketchum, Idaho 83340

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SCHROEDER, HUTCHENS & SULLIVAN
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Vale, Oregon 97918

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
Burley, Idaho 83318

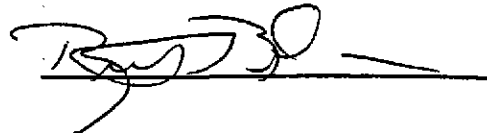
Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

18 Craig R. Zaiss
19 CRAIG R. ZAISS, P.A.
20 Attorney at Law
21 305 Grover Street
22 P.O. Box 628
23 Parma, Idaho 83660

24 **Addresses Under A.O.1., Section 7.d(2)**

25 Chief, Natural Resources Division
26 Office of the Attorney General
27 State of Idaho
28 P.O. Box 44449
Boise, Idaho 83711-4449

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Forth Street, Box 33
4 Boise, Idaho 83724

5 
6

7 5500v
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GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

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

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

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

Petitioner,

vs.

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

Respondents.

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

Plaintiffs,

vs.

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

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don Modified all thru
C.A.N. program.*

of 4-1-92

Defendants.)

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

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

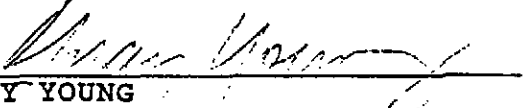
TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By


GRAY YOUNG
Assistant General Counsel

4507v/1-20-92/1:42

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

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

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

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


VICKI SPANGLER

MICROFILMED

OCT 18 1996

Pugette River Diversions were mapped for the Water District in winter 1992-1993.* For pld locations, photos, map copies, and data pages, see the water district pld notebook assembled by Tim Luke at S.O.

I mapped the following rights. Information about these is available on master maps (SL) or in notebook (Tim Luke):

65-02847

- 05755 through 05759

- 00003

- 04982

- 04615

- 11269

- 11212

- 02019

- 00165 A

- " B

- " C

- " X

- 07425

- 07428

- 07848

- 12756

- 05459

- 11258

- 05921

- 08627

- 11261

- 11255

65-03617

- 07461

- 02809

- 00486

- 10505

- 06037

- 04298

- 05817

- 06591

- 12623

- 00072

- 11061

MICROFILMED

AUG 03 1994

Steve Lester

1/21/93

* From about Gardiner to
Frontland stretch of river.

IDWR - WESTERN REGION

pg 1 of 3

CONTRACTOR: Karan Waters

CLAIM #: 65-02809 Date: 11-26-99

CLAIMANT(s): Simplot Co.

Overlapping POU Claim #'s: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	3W	7							16		26	40	40	33					155
GIS										16		26	38	38	33					151
Claim	8N	3W	18					28	40	40	10		25							143
GIS								28	38	38	10		25							139
Claim	8N	4W	2									5		2	32	5	40	15		99
GIS												5		2	32	5	39	15		98
Claim	8N	4W	11	40	40	32	38	28	2		6	17	3	29	17	8	24	39	27	350
GIS				39	39	32	~~38~~	28	2		6	17	3	29	17	8	24	39	27	349

POU_ID #(s): _____

POD_ID #(s): _____

Total Claimed Acres: _____

Total GIS Acres: _____

COMMENTS:

The PRBA Blue-line maps + SCS photos do not show boundaries for these acres. The image either does not look irrigated or the irrigated acres showing do not match the acres claimed. So these are my best Guess.

IDWR - WESTERN REGION

pg 2 of 3

CONTRACTOR: Karan Waters

CLAIM #: 65-02809 cont. Date: 11-26-99

CLAIMANT(s): Simplot Co.

Overlapping POU Claim #'s: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	4W	12						13	33				23	27	29	5	33	40	203
GIS									*	*				23	27	29	*	33	39	229
														This was the only combination of fields that equalled these areas.						
Claim	8N	4W	13	14	38	30		27	35	40	40	25	40	32			2			323
GIS				14	38	30		27	35	39	39	*	39	*			2			341
Claim	8N	4W	14	40	33	35	40	26	30	40	40	40	40	40	40	40	40	40	40	604
GIS				39	*	*	40	*	*	39	39	40	40	40	40	40	40	40	40	633
Claim	8N	4W	15	31	30	40	40		18	30	12	21	34	31	40	40	39	34	36	476
GIS				*	*	40	40		*	*	*	*	*	*	40	40	*	*	*	600

POU_ID #(s): 1

POD_ID #(s): _____

Total Claimed Acres: _____

Total GIS Acres: _____

COMMENTS:

* can't tell where the irrigated acres are within the 39-40 acres digitized. The these are pretty sketchy also but I went with them if I could find a field that matched the acres claimed.

some of the 00's seem to be 39 instead of 40 acres

IDWR - WESTERN REGION

pg 3 of 3

CONTRACTOR: Karan Waters

CLAIM #: 65-02809 cont. Date: 11-26-99CLAIMANT(s): Simplot Co.

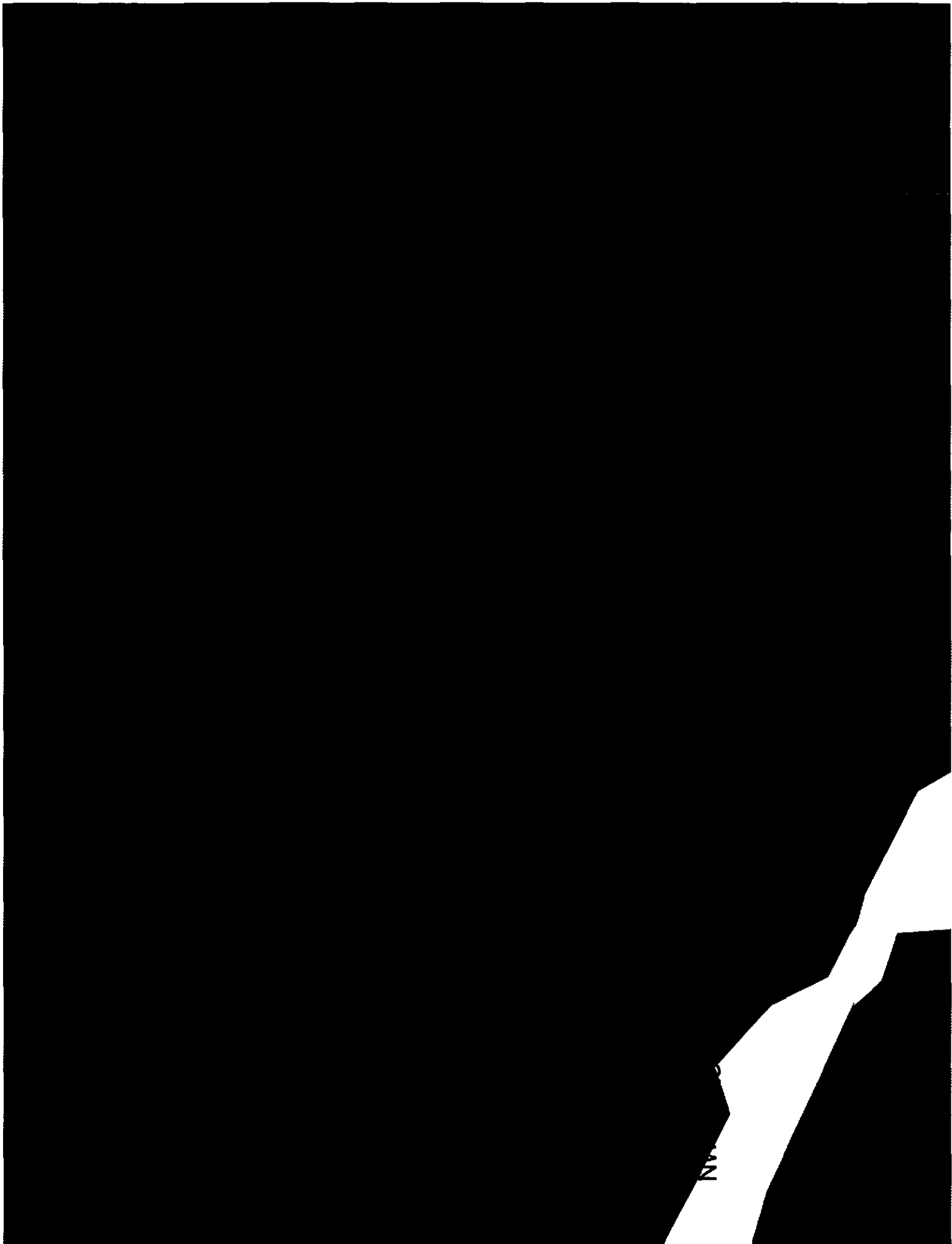
Overlapping POU Claim #'s: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	4W	22	34	13	27	26	29	32	17	3									181
GIS			40's	*	*	*	*	*	*	*	*									320
Claim	8N	4W	23	27	28	4	2	15	40	29	8									153
GIS			40's	*	*	*	*	*	*	*	*									320
Claim	8N	4W	24						19											19
GIS								*	*											39
Claim																				
GIS																				

POU_ID #(s): 84POD_ID #(s): 44Total Claimed Acres: 2790Total GIS Acres: 3250

COMMENTS:

yuk!POD - plotted within legal claimed but doesn't look right



IDAHO DEPT OF WATER RESOURCES

Claim No(s): 65-2809

T08N, R03W, S 7 & 18

**T08N, R04W, S 11-15
& S22-24**

Prepared by: Sue Bock

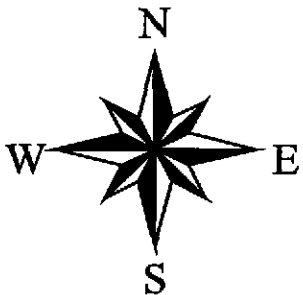
Date: 07/13/2001

 **Place of Use**

 **Point of Diversion**

 **Section lines**

 **1/4 1/4 lines**



0 3000 Feet




1987 NAPP Photo

IDAHO DEPT OF WATER RESOURCES

Claim No(s): 65-2809

T08N, R03W, S 7 & 18

T08N, R04W, S 11-15
& S22-24

Prepared by: Sue Bock

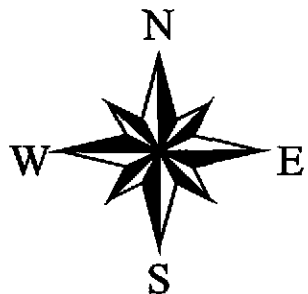
Date: 07/13/2001

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 3000 Feet




1987 NAPP Photo