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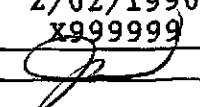
Documents

In File

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: A65-02566
Date Received: 2/02/1990
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. WINEGAR 208-452-3444
Address: 5501 FINLEY RD.
FRUITLAND, ID 83619

OR

Name: NORMA WINEGAR 208-452-3444
Address: 5501 FINLEY RD.
FRUITLAND, ID 83619

2. Date of Priority: MAY 20, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05W	9	SW	SE	NW		PAYETTE
			SW	NE	SW		PAYETTE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A65-02566

Page 1

Date: 02/02/90

~~MICROFILMED~~
SEP 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	9	NE	NW		IRR	30.0
			SW	NW		IRR	30.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
						Section Acres	140.0
						Total Acres	140.0

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:
DESC. OF DIVERTING WORKS - TWO WELLS, 1-12", APPROX. 100', 20 HP
PUMP, 1-12" WELL, APPROX. 90' DEEP, 1-15 HP PUMP W/OPEN DISCHARGE
INTO DITCHES FOR FLOOD IRRIG.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

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: 6

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles R. Penegar Date: 2/2/90

Date: _____

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of February 19 90
Seal [Signature] Notary Public

JAN SHORTE
Residing at RESIDING AT MERIDIAN, IDAHO
My Commission Expires MY COMMISSION EXPIRES SEPT. 14, 1994

05/16/2001

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

RIGHT NUMBER: 65-22428

NAME AND ADDRESS: J R SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.77 CFS

PRIORITY DATE: 05/20/1952

POINT OF DIVERSION: T07N R05W S9 SWSNW Within PAYETTE County
T07N R05W S9 SWNESW 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	0.77 CFS

PLACE OF USE:

<u>IRRIGATION Within PAYETTE County</u>			
T07N R05W S9	NENW	30	T07N R05W S9 SENW 20

50 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

This right is the result of a split due to change in ownership for a portion of 65-02566. DB 5/16/2001

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
APR 12 2001
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 65-02566
Adjudication Claim No(s).: A65-02566

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND See Attached Warranty Deeds
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

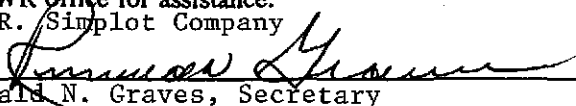
3. Name and Address of Former Owner/Claimant Charles R. Winegar & Norma Winegar
5501 Finley Rd., Fruitland, ID 83619

4. New Owner/Claimant(s) J. R. Simplot Company
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P. O. Box 27
City, State and ZIP Code Boise, ID 83707
New Telephone Number (208) 336-2110

5. Date you acquired the property June 29, 1990

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

 Number of acres you irrigate 50 Number and type of stock _____
 Diversion rate in CFS .75 Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 J. R. Simplot Company

7. Signature of New Owner or Claimant(s) By: 
Ronald N. Graves, Secretary

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

65-2346 Winger

2.16 FS

1400000

0.0134 FS

65-22427

Winger

65-22428

Sample

SE NW 20
SW NW 30
NE SW 40
90

139 FS

Sec 9 NW 30
SE NW 20
25

77 FS

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

See
Water Right No. 65-02566 ("Winegar Farm")

- Notice of Error Reply to Correct Name, Address, Place of Use (portion) and Quantity (portion of the diversion rate).
- Notice of Change of Water Right Ownership



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

03/08/2001

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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: 65-02566

Charles R. Winegar

Norma Winegar

5501 Finley Road

Fruitland, ID 83619

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

Name, Address, Place of Use, Diversion Rate

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

The right to irrigate 50 acres out of the total 140 acre place of use should be recommended in the name of the J. R. Simplot Company. To correspond with this portion of the place of use, the rights to divert .75 cfs under this water right should be recommended in the name of J. R. Simplot Company.

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

See "Explanation" below.

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

J. R. Simplot Company

DATE: April 11, 2001

SIGNATURE: By: Ronald N. Graves

Ronald N. Graves, Secretary

Please print your name: _____

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

Explanation:

A portion of the place of use was acquired by Danny M. Cafferty pursuant to the Warranty Deed recorded in the official real property records of Payette County on June 29, 1990 as instrument no. 231009. Danny M. Cafferty then conveyed this same portion of the place of use to J. R. Simplot Company in the Warranty Deed recorded in the official real property records of Payette County on June 29, 1990 as instrument no. 231011. Copies of these Warranty Deeds are attached to the enclosed Notice of Change of Water Right Ownership.

J. R. Simplot Company's portion of the place of use:

T.7N R.5W Section 9 NENW 30
 SENW 20
 Total 50 acres

J. R. Simplot Company's portion of the quantity:

.75 cfs

J. R. SIMPLOT COMPANY
List of Officers
as of
March 20, 2001

President 03-1-94	Stephen A. Beebe	999 Main Street Suite 1300 Boise, ID 83702
Sr. Vice-President 01-16-97	James R. Munyon	6360 S. Federal Way Boise, ID 83706
Sr. Vice-President 06-30-97	Dennis R. Mogensen	999 Main Street Suite 1300 Boise, ID 83702
Sr. Vice-President 09-01-98	Lawrence S. Hlobik	340 S. 8 th Street Boise, ID 83702
Vice-President and Treasurer 01-10-96	Thomas J. Sorge	999 Main Street Suite 1300 Boise, ID 83702
Vice President and Secretary 10-06-75	Ronald N. Graves	999 Main Street Suite 1300 Boise, ID 83702
Vice-President and Controller 03-20-00	Laura M. Peterson	999 Main Street Suite 1300 Boise, ID 83702

J. R. SIMPLOT COMPANY
List of Directors
as of
April 20, 2000

SCOTT R. SIMPLOT 08-25-70	999 Main Street Suite 1300 Boise, ID 83702
A. DALE DUNN 10-01-73	999 Main Street Suite 1300 Boise, ID 83702
DON J. SIMPLOT 05-15-57	999 Main Street Suite 1300 Boise, ID 83702
GAY SIMPLOT 10-23-89	999 Main Street Suite 1300 Boise, ID 83702
STEPHEN A. BEEBE 02-01-94	999 Main Street Suite 1300 Boise, ID 83702
JOHN EDWARD SIMPLOT 02-01-94	999 Main Street Suite 1300 Boise, ID 83702
JOSEPH MARSHALL 03-01-99	999 Main Street Suite 1300 Boise, ID 83702
RICHARD HORMACHEA 04-20-00	999 Main Street Suite 1300 Boise, ID 83702

231009

WARRANTY DEED

GRANTOR, DELL RAY WINEGAR, as Trustee of THE CHARLES R. WINEGAR and NORMA WINEGAR FAMILY TRUST, of the County of Payette, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto DANNY M. CAFFERTY, individually as his sole and separate property, whose address is 410 S. Orchard, Suite 176, Boise, Ada County, Idaho 83705, as GRANTEE, and to Grantee's heirs, successors and assigns forever, all of that certain real property located in Payette County, Idaho, described as follows:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:

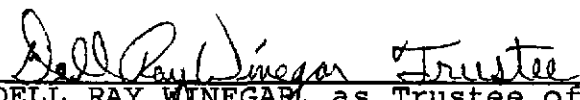
In Section 9: NE1/4NW1/4 and N1/2SE1/4NW1/4.

Together with all improvements, water rights, ditch rights, easements, hereditaments and appurtenances, and any and all additional rights, free and clear of all encumbrances, EXCEPT the lien for real property taxes for the year 1990.

Grantor, for himself, his heirs and assigns, does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee and his heirs, successors and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 28th day of June, 1990.

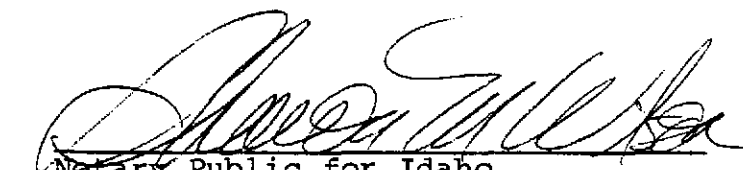

DELL RAY WINEGAR, as Trustee of
THE CHARLES R. WINEGAR and
NORMA WINEGAR FAMILY TRUST

231009

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared DELL RAY WINEGAR, as Trustee of THE CHARLES R. WINEGAR and NORMA WINEGAR FAMILY TRUST, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.


Notary Public for Idaho
Residing at: BOISE, IDAHO
My Commission Expires: 5/13/1994

3913v/06-25-90/11:28

231009

State of Idaho, County of Payette

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

FIRST AMERICAN TITLE CO.

June 29 1990 @ 11:32 A.M. in Book 48 of Deeds @ Pg. 231009.

Laura L. Stigile, Ex-Officio Recorder by Charles Pepper, Deputy

Fee: \$6.00

231011

WARRANTY DEED

GRANTOR, DANNY M. CAFFERTY, a married individual conveying his sole and separate property, of the County of Ada, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J. R. SIMPLOT COMPANY, a Nevada corporation, whose address is P.O. Box 27, Boise, Ada County, Idaho 83707, as GRANTEE, and to Grantee's successors and assigns forever, all of that certain real property located in Payette County, Idaho, described as follows:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 9: NE1/4NW1/4 and N1/2SE1/4NW1/4.

Together with all improvements, water rights, ditch rights, easements, hereditaments and appurtenances and any and all additional rights, free and clear of all encumbrances, EXCEPT the lien for real property taxes for the year 1990.

Grantor, for himself, his heirs and assigns, does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee and its successors and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 28th day of June, 1990.

Danny M. Cafferty
DANNY M. CAFFERTY

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared DANNY M. CAFFERTY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.

[Signature]
Notary Public for Idaho
Residing at: BOISE, IDAHO
My Commission Expires: 5/13/1994

231011
State of Idaho, County of Payette
I certify that this instrument was filed for record of the request of FIRST AMERICAN TITLE CO.
June 29 1990 @ 11:36 A.M. in Book 48 of Deeds @ Pg. 231011.
Laura L. Shigle, Ex-Officio Recorder by [Signature] Fee: \$3.00

copy

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

01/08/2001

RIGHT NUMBER: 65-2566

NAME AND ADDRESS: CHARLES R WINEGAR
NORMA WINEGAR
5501 FINLEY RD
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 2.16 CFS

PRIORITY DATE: 05/20/1952

POINT OF DIVERSION: T07N R05W S9 SWSNW Within PAYETTE County
T07N R05W S9 SWNESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	2.16 CFS

PLACE OF USE:

<u>IRRIGATION Within PAYETTE County</u>					
T07N R05W S9	NENW	30	T07N R05W S9	SWNW	30
T07N R05W S9	SENW	40	T07N R05W S9	NESW	40

140 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

May 16, 2001

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

Re: Original Notice of Claim to a Water Right No. 65-02566

Renumbered Notice of Claim to a Water Right No. 65-22428

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim. Also enclosed is a copy of the original claim for your reference.

Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosure