

Idaho Department of Water Resources

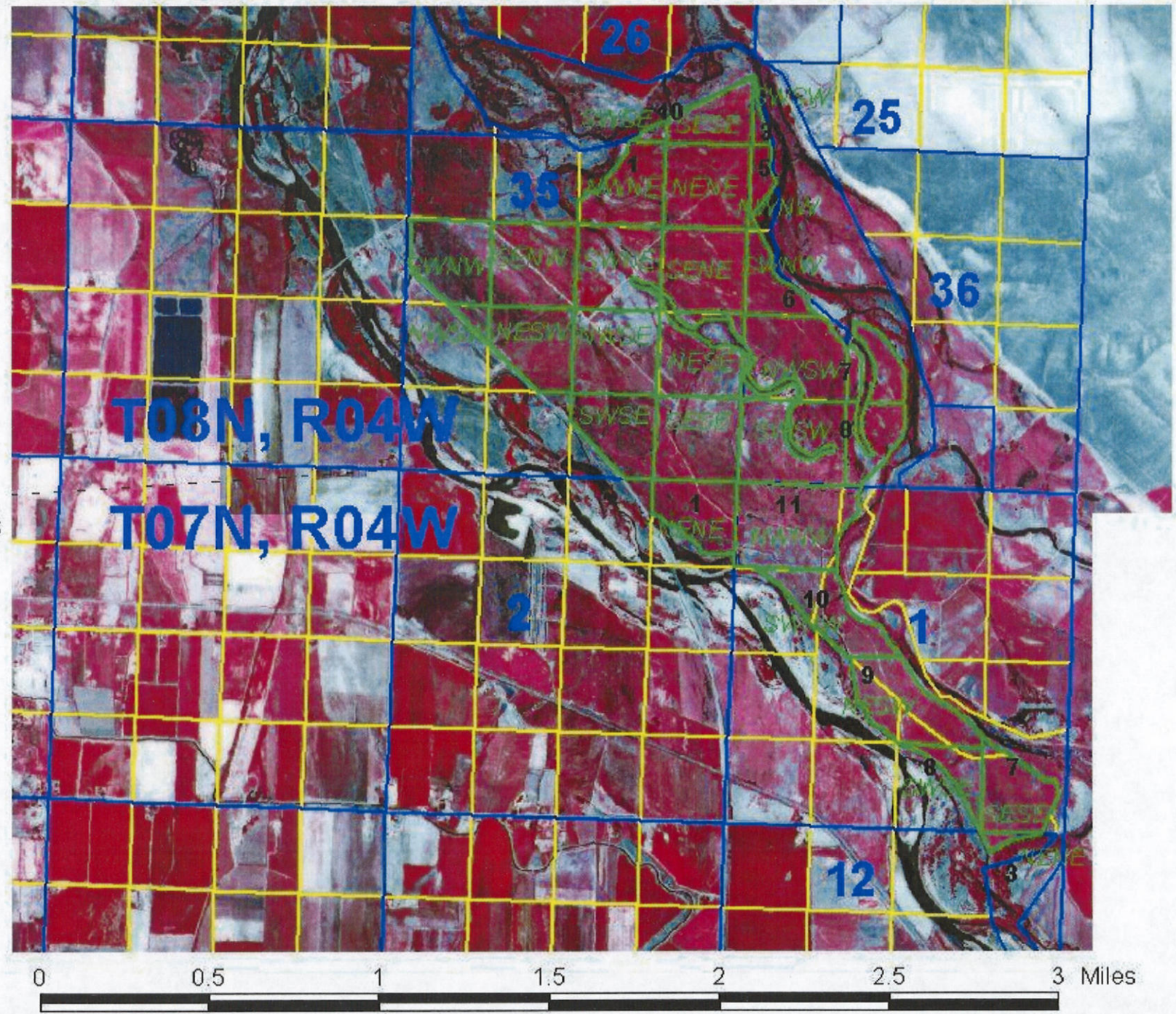
Claim(s) 65-05459A
Owner(s) JR Simplot
Prepared by:
Ron Howerton
Date: 02/28/00

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4

3 Lot #



1987 NAPP



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 65-22512
Date Received: 5/25/01
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

J R SIMPLOT CO Phone: (208)336-2110

PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 11/04/1881

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
07N	04W	12	NE NE	PAYETTE	

5. Description of diverting works:

Diversion works are the same as those identified under decreed water right no. 65-2805.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 1,000 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	04W	1	NW NW 11	STOCKWATER	

			SW	NW	10	STOCKWATER
			NE	SW	9	STOCKWATER
			SW	SE	8	STOCKWATER
			SE	SE	7	STOCKWATER
07N	04W	2	NE	NE	1	STOCKWATER
07N	04W	12	NE	NE	3	STOCKWATER
07N	04W	25	SW	SW	3	STOCKWATER
08N	04W	26	SW	SE	10	STOCKWATER
			SE	SE	10	STOCKWATER
08N	04W	35	NE	SW		STOCKWATER
			NW	SW		STOCKWATER
			NE	SE		STOCKWATER
			NW	SE		STOCKWATER
			SW	SE		STOCKWATER
			SE	SE		STOCKWATER
			NE	NE		STOCKWATER
			NW	NE	1	STOCKWATER
			SW	NE		STOCKWATER
			SE	NE		STOCKWATER
			SW	NW		STOCKWATER
			SE	NW		STOCKWATER
08N	04W	36	NW	NW	5	STOCKWATER
			SW	NW	6	STOCKWATER
			NW	SW	7	STOCKWATER
			SW	SW	8	STOCKWATER

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:

This claim is based on right no. 65-5459A.

15. Basis of Claim: Decreed

RECEIVED

MAY 25 2001

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AP05-22512Date Received 5-25-01

Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW For Domestic and/or Stockwater Purposes Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) J.R. Simplot Company Phone (208) 336-2110Mailing Address PO Box 27 Boise, ID Zip 837072. Date of Priority (Only one per claim) November 4, 1881 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other () (a) Payette River
Name or kind of sourcewhich is tributary to (b) Snake River4. Location of point of diversion is: Township 7N Range 4WSection 12 1/4 of NE 1/4 of NE 1/4, Govt. Lot 3 BM.,County of Payette

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversion works are the same as those identified under decreed water right no. 65-2805

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>Stock</u> purposes from	<u>1/1</u> ^{Month/Day}	to	<u>12/31</u> ^{Month/Day}	amount	<u>.04</u> ^(cfs)
(Both dates are inclusive)					
For _____ purposes from	_____	to	_____	amount	_____

7. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Livestock, 1,000 hd

See Attachment A for Places of Use

10. Place of use is: Township: _____ Range _____

Section _____, _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,

County of _____ for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Payette

12. Do you own the property listed above as place of use? Yes _____ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) By: J.R. Simplot Company Date 5/25/01
Ronald N. Graves, Secretary Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary

of J.R. Simplot Company that I have signed the foregoing
document in the space below as Secretary of J.R. Simplot Company
and that the statements contained in the foregoing document are true and correct.

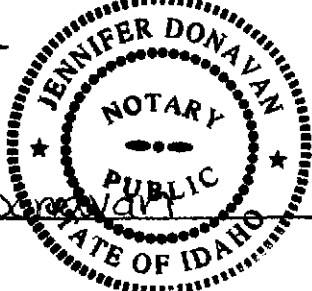
Signature of Authorized Agent [Signature] Date May 25, 2001

Title and Organization Vice President, Secretary & General Counsel - J.R. Simplot Company

State of Idaho/or Idaho }
County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 25th day of May 2001

SEAL



Notary Public Jennifer Donavan

Residing at Boise Idaho

My Commission Expires 5/31/02

Last Name Donavan Ident No. _____

ATTACHMENT A

Place of Use for Year Round Livestock Use Under System Identified Under Decreed Water Right No. 65-05459A

T.7N R.4W	Section 1	Lot 11 (NWNW)	Stock	
		Lot 10 (SWNW)	Stock	
		Lot 9 (NESW)	Stock	
		Lot 8 (SWSE)	Stock	
		Lot 7 (SESE)	Stock	
	Section 2	Lot 1 (NENE)	Stock	
	Section 12	Lot 3 (NENE)	Stock	
	Section 25	Lot 3 (SWSW)	Stock	
	T.8N R.4W	Section 26	Lot 10 (SWSE)	Stock
Lot 10 (SESE)			Stock	
Section 35		NENE	Stock	
		Lot 1(NWNE)	Stock	
		SWNE	Stock	
		SENE	Stock	
		SWNW	Stock	
		SENE	Stock	
		NESW	Stock	
		NWSW	Stock	
		NESE	Stock	
		NWSE	Stock	
		SWSE	Stock	
		SESE	Stock	
T.8N R.4W		Section 36	Lot 5 (NWNW)	Stock
			Lot 6 (SWNW)	Stock
			Lot 7 (NWSW)	Stock
			Lot 8 (SWSW)	Stock

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 MAR 6 PM 2 31

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

In Re SRBA

Case No. 39576

)
)
)
)
)

ORDER OF PARTIAL DECREE

For Water Right 65-22512

On 01-24-2003, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 65-22512 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED March 6, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22512

2003 MAR 6 PM 2 31

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 27.22 CFS.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION: T07N R04W S12 LOT 3 (NENE) Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Payette County
	T07N R04W S01 LOT 11 (NWNW)	LOT 10 (SWNW)
	LOT 9 (NESW)	LOT 8 (SWSE)
	LOT 7 (SESE)	
	S02 LOT 1 (NENE)	
	S12 LOT 3 (NENE)	
	T08N R04W S26 LOT 10 (SWSE)	LOT 10 (SESE)
	S35 NENE	LOT 1 (NWNW)
	SWNE	SENE
	SWNW	SENW
	NESW	NWSW
	NESE	NWSE
	SWSE	SESE
	S36 LOT 5 (NWNW)	LOT 6 (SWNW)
	LOT 7 (NWSW)	LOT 8 (SWSW)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

08/29/2002

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

RIGHT NUMBER: 65-22512

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

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 27.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION:

T07N R04W S12 NENE Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County

T07N R04W S01 Lot 11 NWNW
T07N R04W S01 Lot 9 NESW
T07N R04W S01 Lot 7 SESE
T07N R04W S12 Lot 3 NENE
T08N R04W S26 Lot 10 SESE
T08N R04W S35 Lot 1 NWNE
T08N R04W S35 SENE
T08N R04W S35 SENW
T08N R04W S35 NWSW
T08N R04W S35 NWSE
T08N R04W S35 SESE
T08N R04W S36 Lot 6 SWNW
T08N R04W S36 Lot 8 SWSW

T07N R04W S01 Lot 10 SWNW
T07N R04W S01 Lot 8 SWSE
T07N R04W S02 Lot 1 NENE
T08N R04W S26 Lot 10 SWSE
T08N R04W S35 NENE
T08N R04W S35 SWNE
T08N R04W S35 SWNW
T08N R04W S35 NESW
T08N R04W S35 NESE
T08N R04W S35 SWSE
T08N R04W S36 Lot 5 NWNW
T08N R04W S36 Lot 7 NWSW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 1000 RANGE CATTLE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 13728, Boise, Idaho 83720-0098

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

DIKE KEMPENBORN
GOVERNOR

KARL J. DUNN
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 24 7

Date: 8-27-02

To: Ron Howerton

Fax No.: _____

From: Bec Harvey

Fax No.: _____

Phone No.: _____

Subject: copy of SF 5 for 65254584
65-11258 & 65-22512

RECEIVED

JUN 28 2002

Department of Water Resources

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

In Re SRBA

Case No. 39576

Subcase No. 65-22512

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

JR Simplot Company

authorized agent

Terry T. Uhling
Vice President, Environmental, Health,
Safety & Regulatory Affairs and
Associate General Counsel
STANDARD FORM 5 - 65-22512

Date

6-21-02

OBJECTOR:

USDI - BLM

Larry Brown

Dept of Justice
Attorney for USDI-BLM

Date

6/28/02

65-22512

JUN 28 2002

CERTIFICATE OF MAILING

I certify that on June 24, 2002 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

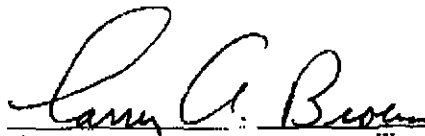
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

JR Simplot Company
P.O. Box 27
Boise, ID 83707

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

08/19/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 65-22512

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

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF ~~27.35~~ 27.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION:

T07N R04W S12 NENE Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County

T07N R04W S01 Lot 11 NWNW
T07N R04W S01 Lot 9 NESW
T07N R04W S01 Lot 7 SESE
T07N R04W S12 Lot 3 NENE
T08N R04W S26 Lot 10 SWSE
T08N R04W S35 NENE
T08N R04W S35 SWNE
T08N R04W S35 SWNW
T08N R04W S35 NESW
T08N R04W S35 NESE
T08N R04W S35 SWSE
T08N R04W S36 Lot 5 NWNW
T08N R04W S36 Lot 7 NWSW

T07N R04W S01 Lot 10 SWNW
T07N R04W S01 Lot 8 SWSE
T07N R04W S02 Lot 1 NENE
~~T07N R04W S25 Lot 3 SWSW~~
T08N R04W S26 Lot 10 SESE
T08N R04W S35 Lot 1 NWNE
T08N R04W S35 SENE
T08N R04W S35 SENW
T08N R04W S35 NWSW
T08N R04W S35 NWSE
T08N R04W S35 SESE
T08N R04W S36 Lot 6 SWNW
T08N R04W S36 Lot 8 SWSW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCKWATER, 1000 RANGE CATTLE

Water Right 65-22512

Howerton, Ron

From: Howerton, Ron
Sent: Wednesday, June 19, 2002 1:44 PM
To: Baxter, Garrick
Cc: Howerton, Ron
Subject: Simplots SF5's

Garrick,

Here are attachments of the other two rights of Simplots that required changes due to the BLM objection for 65-5459A:

65-11258:
Changed the combined quantity remark from 29.74 to 29.61 CFS

65-22512:
Changed the combined quantity remark from 27.35 to 27.22 CFS & removed stock water tract appurtenant to irrigation BLM objection, T07N, R04W, S25 Lot 3 SWSW.

Ron



6522512.doc



6511258.doc

06/19/2002

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

RIGHT NUMBER: 65-22512

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

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF ~~27.36~~ 27.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION:

T07N R04W S12 NENE Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County

T07N R04W S01 Lot 11 NWNW
T07N R04W S01 Lot 9 NESW
T07N R04W S01 Lot 7 SESE
T07N R04W S12 Lot 3 NENE
T08N R04W S26 Lot 10 SWSE
T08N R04W S35 NENE
T08N R04W S35 SWNE
T08N R04W S35 SWNW
T08N R04W S35 NESW
T08N R04W S35 NESE
T08N R04W S35 SWSE
T08N R04W S36 Lot 5 NWNW
T08N R04W S36 Lot 7 NWSW

T07N R04W S01 Lot 10 SWNW
T07N R04W S01 Lot 8 SWSE
T07N R04W S02 Lot 1 NENE
~~T07N R04W S26 Lot 3 SWSW~~
T08N R04W S26 Lot 10 SESE
T08N R04W S35 Lot 1 NWNE
T08N R04W S35 SENE
T08N R04W S35 SENW
T08N R04W S35 NWSW
T08N R04W S35 NWSE
T08N R04W S35 SESE
T08N R04W S36 Lot 6 SWNW
T08N R04W S36 Lot 8 SWSW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 1000 RANGE CATTLE

Water Right 65-22512

1

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

06/07/2001

RIGHT NUMBER: 65-22512

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 27.35 CFS.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION: T07N R04W S12 LOT 3 NENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County

T07N R04W S1	LOT 11	NWNW	T07N R04W S1	LOT 10	SWNW
T07N R04W S1	LOT 9	NESW	T07N R04W S1	LOT 8	SWSE
T07N R04W S1	LOT 7	SESE	T07N R04W S2	LOT 1	NENE
T07N R04W S12	LOT 3	NENE	T07N R04W S25	LOT 3	SWSW
T08N R04W S26	LOT 10	SWSE	T08N R04W S26	LOT 10	SESE
T08N R04W S35		NENE	T08N R04W S35	LOT 1	NWNE
T08N R04W S35		SWNE	T08N R04W S35		SENE
T08N R04W S35		SWNW	T08N R04W S35		SENW
T08N R04W S35		NESW	T08N R04W S35		NWSW
T08N R04W S35		NESE	T08N R04W S35		NWSE
T08N R04W S35		SWSE	T08N R04W S35		SESE
T08N R04W S36	LOT 5	NWNW	T08N R04W S36	LOT 6	SWNW
T08N R04W S36	LOT 7	NWSW	T08N R04W S36	LOT 8	SWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use

STOCKWATER, 1000 RANGE CATTLE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☒ Point of diversion is different than the claim (ADD Govt Lt 3)
New P/D: Twp. _____, Rge. _____, Sec. _____, 1/4 1/4 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☒ Different uses, (list uses found).
Use _____ From _____ To _____ Amount 0.02 cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

BASED UPON 65-5459A
Stockwater, 1000 RANGE CATTLE
E01, N11, N13, N15, C18

Limit CFS to 0.02 CFS PER CONDITION N15
DEMENTIMUS IS 1000 HG gals - 0.02 CFS

Pow ID # 415851

Pow ID # 159661

ATTACHMENTS:

Attached to Attachments are
This Form. in Permit File.

PHOTOS (optional) ☐
MAP ☐
SYSTEM DIAGRAM ☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: NA - IN OFFICE 6-5-01

FIELD EXAMINER: Ron Howerton

Signature Sp Water Agent
Ron Howerton

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-5459A

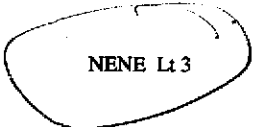
<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT COMPANY PO BOX 27 BOISE, ID 83707 (208)336-2110
Attorney	GRAY YOUNG OR TERRY UHLING ENV AND REGULATORY AFFAIRS J R SIMPLOT COMPANY PO BOX 27 BOISE, ID 837070027 (208)389-7318
Original Owner	EAGLE ISLAND RANCH GENERAL PARTNERSHIP C/O DONALD DEL GRANDE PO BOX 999 MILL BRAE, CA 940300999 (415)588-0573
Original Owner Original Owner	INTERWEST INSURANCE CO BAR N RANCH INC C/O MAUREEN DEGNON 883 SNEATH LN #121 SAN BRUNO, CA 94066
Original Owner	KEN YOUNG 203 11TH AVENUE SOUTH WAS R TO EAGLE ISLAND RANCH NAMPA, ID 83651 (208)466-7821

Priority Date: 11/04/1881 ✓
Basis: Beneficial Use ✓
Status: Active

Source PAYETTE RIVER ✓ Tributary to
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	27.35 CFS		
Total Diversion			27.35 CFS		

Location of Point(s) of Diversion:

PAYETTE RIVER  NENE Lt 3 Sec. 12 Township 07N Range 04W PAYETTE County

IRRIGATION Use:
Acre Limit: 774

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>
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07N	04W	1	11	NWNW / 52	10	SWNW / 29		
			9	NESW / 38				
			8	SWSE / 13	7	SESE / 28		
		2	1	NENE / 27				
		12	3	NENE / 3				
08N		25	3	SWSW / 3.4				
		26	10	SWSE / 2.5	10	SESE / 22		
		35		NENE / 40	1	NWNE / 29	SWNE / 39	SENE / 39.3
				SWNW / 34		SENE / 40		
				NESW / 33		NWSW / 4.7		
				NESE / 33.4		NWSE / 40		
		36	5	NWNW / 7.8	6	SWNW / 18	SWSE / 31	SESE / 40
			7	NWSW / 60.9	8	SWSW / 66		

Total Acres: 774

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.

Remarks:

1. Quantity A DIVERSION RATE OF .034 CFS PER ACRE FOR 439 ACRES, .029 CFS PER ACRE FOR 272 ACRES AND .02 CFS PER ACRE FOR 63 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.
3.28 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.74 CFS. COMBINED RIGHT NOS.: 65-05459B & 65-11258.

Comments:

Author	Date	Subject	Comment
MMINICUC	3/18/96	DIVERSION RATES	NO. OF ACRES AT EACH DIVERSION RATE WERE DETERMINED USING THE PRD FIELD MAPS AND THE SOILS MAP FROM THE FRASIER OBJECTION FILE (LOCATED AT IDWR STATE OFFICE). SEE FILE FOR CALCULATIONS. THE ORIGINAL CLAIM FILED IN THE PAYETTE ADJUDICATION APPEARS TO HAVE BEEN FILED ON THE LANDS NORTH OF THE HIGHWAY (BAR N RANCH) AS WELL AS THE ACRES REPRESENTED IN A65-05459B WHICH ARE SOUTH OF THE HIGHWAY (NESBITT). BOTH PARCELS HAD THE SAME OWNER AT THE TIME OF FILING FOR THE PRA. CLAIM AMENDED AS PER STIPULATION FROM THE PAYETTE RIVER DECREE. 03/18/1996 MM. NO ADDITIONAL FIELD EXAM OR CVR REQUIRED. 04/01/1996 MM.

Dates:

Licensed Date:
 Claim Received Date: 04/17/1990
 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: OR
 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

Claim(s) 65-05459A
Owner(s) JR Simplot
Prepared by:
Ron Howerton
Date: 02/28/00

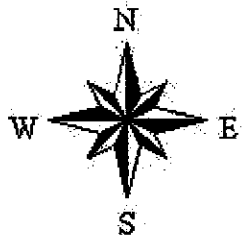
 Place of use

● POD

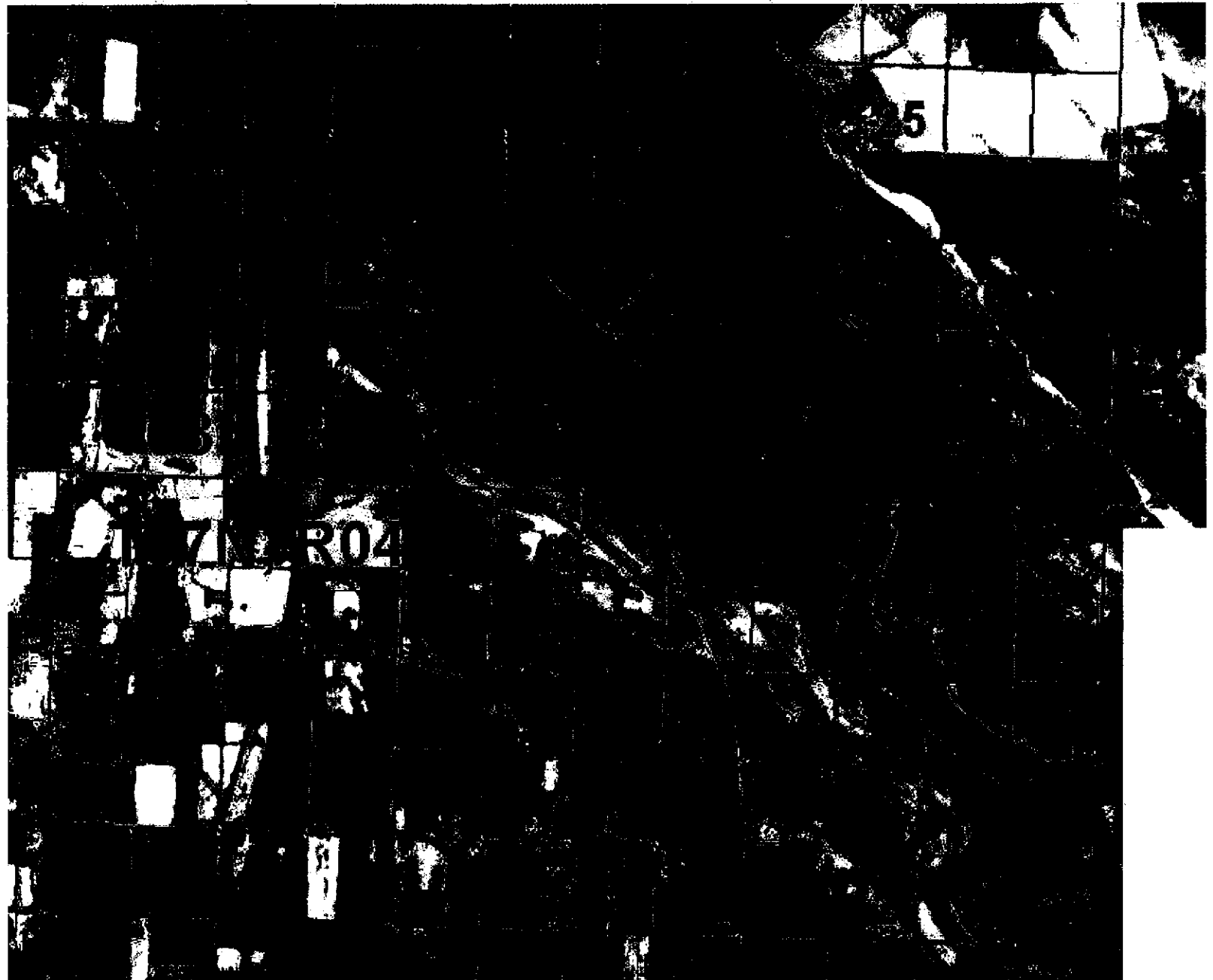
 SECTION LINES

 1/4 1/4

3 Lot #



1987 NAPP



0 0.5 1 1.5 2 2.5 3 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

RECEIVED

MAY 25 2001

WATER RESOURCES
WESTERN REGION

May 25, 2001

Delivery

Ron Howerton
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

**Re: Stockwater Claim Connected for Decreed Surface Water Irrigation Right No.
65-05459A.**

Dear Ron:

Enclosed for filing in the Snake River Basin Adjudication is a claim to the year round use of the system described under water right no. 65-05459A for livestock watering purposes. We are filing this claim in response to the letter dated May 4, 2001, from David R. Tuthill, cautioning claimants who rely on the stock water season of use provision contained in the Payette Adjudication.

Please contact me should you need any additional information to process the enclosed claim.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure