

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 63-5172
Date Received: 5/7/1990
Receipt No: C016711
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID USA 83607

Phone: (208)459-4821

2. Date of Priority: 01/01/1933

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	04W	16	SW SE	CANYON	
03N	04W	23	NW NW	CANYON	
03N	04W	14	SW NW	CANYON	
03N	04W	26	NW NW	CANYON	
03N	04W	16	SE SE	CANYON	

5. Description of diverting works:

WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.26	
DOMESTIC	1/01	12/31	0.26	

7. Total Quantity Appropriated is:
0.26 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
03N	04W	14	SW	NW	DOMESTIC	
03N	04W	16	SW	NE	DOMESTIC	
			SE	NE	DOMESTIC	
03N	04W	23	NW	NW	DOMESTIC	
03N	04W	26	NW	NW	DOMESTIC	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership change completed this day. kw 10/23/2006

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

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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 (under the "split" heading), 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
63-5172					

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

JUN 06 2006

- 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**.
- 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).

WATER RESOURCES
WESTERN REGION

OR

If your water right(s) and/or adjudication claim(s) is 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)

SUNNY SLOPE ORCHARDS PARTNERSHIP

4. New Owner/Claimant(s)

SYMMS FRUIT RANCH INC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

14068 SUNNY SLOPE RD

City, State and ZIP Code

CALDWELL IDAHO 83607

New Telephone Number

208 459-4821

5. Date you acquired the property

1998

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DEPARTMENT OF
WATER RESOURCES

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) SYMMES FRUIT RANCH INC
(include title if applicable) RD Symmes 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 lg Date 6-2-06 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by KW AJ Date 10/23/06 WR _____ Date _____

ALLIANCE TITLE & ESCROW CORP.

December 29, 1998

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DEC 17 2006

DEPARTMENT OF WATER RESOURCES

SYMMS FRUIT RANCH, INC.
14068 SUNNYSLOPE ROAD
CALDWELL, ID 83605

Order No.: 98019812 PW
Subject: J.R. SIMPLOT/SYMMS FRUIT RANCH

In connection with the above referenced transaction, we have enclosed Policy No. 13 0051 106 1527.

"THANK YOU" for the privilege of serving you. Please remember to designate ALLIANCE TITLE & ESCROW CORP. in your next title or escrow closing transaction.

Sincerely,

Kelly N. Sato for Pat Williams
PAT WILLIAMS,
Title Officer

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

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OCT 17 2006

13 0051 106 00001527

DEPARTMENT OF WATER RESOURCES

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND ESCROW
CORPORATION
924 3RD ST. SOUTH
NAMPA, ID 83651
(208) 465-6600

CHICAGO TITLE INSURANCE COMPANY
By:

Richard L. Polla
President

CHICAGO TITLE INSURANCE COMPANY

BY: *Kelly Sato*
Authorized Signatory



By:

Thomas J. Adams
Secretary

trn

Premium Amount: \$ 3,030.00

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SCHEDULE - A

DEPARTMENT OF WATER RESOURCES

Order No.: 98019812 PW

Policy No.: 13 0051-106 1527

Date of Policy: DECEMBER 23, 1998 at 1:51 P.M.

Amount of Insurance: \$ 1,150,000.00

1. Name of Insured:

SYMMS FRUIT RANCH, INC.

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

SYMMS FRUIT RANCH, INC., an Idaho corporation

4. The land referred to in this Policy is described as follows: situate in State of IDAHO, County of CANYON:

PARCEL A

A part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL POINT; thence continuing South 195 feet along said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

PARCEL B

A part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise

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Order No.: 98019812 PW

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Meridian, more particularly described to-wit: DEPARTMENT OF WATER RESOURCES

BEGINNING at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West, of the Boise Meridian, thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

PARCEL C

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 3 North, Range 4 West, of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northeast corner of Section 27, Township 3 North, Range 4 West of the Boise Meridian, running thence South 660 feet along the East line of said Section 27 to the INITIAL POINT; thence continuing South 195 feet along the said East line; thence West 300 feet at right angles to the said East line; thence North 195 feet parallel to the said East line; thence East 300 feet to the INITIAL POINT.

PARCEL D

The Northeast Quarter of the Southeast quarter; the Southeast Quarter of the Southeast Quarter; and all that part of the Southwest Quarter of the Southeast Quarter lying East of the Mora Canal as now located and constructed; all being in Section 4, Township 3 North, Range 4 West of the Boise Meridian in Canyon County, Idaho.

PARCEL E

The Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian.

EXCEPTING therefrom a part of the Northwest Quarter of the

Order No.: 98019812 PW

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Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL PINT; thence continuing South 195 feet along the said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

ALSO EXCEPTING therefrom a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, particularly described as follows:

BEGINNING at the point which constitutes the corner of Sections 22, 23, 26 and 27 of said Township and Range, running thence South 25 feet; thence East 25 feet to the TRUE POINT OF BEGINNING; thence continuing East a distance of 75 feet; thence Southwesterly to a point 75 feet South of the TRUE POINT OF BEGINNING; thence North 75 feet to the POINT OF BEGINNING.

PARCEL F

The South Half of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian.

EXCEPTING a part of the Southeast Quarter of the Northeast quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian; thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

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Order No.: 98019812 PW

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DEPARTMENT OF WATER RESOURCES

PARCEL G

The Northeast Quarter of the Northeast Quarter of Section 27, Township 3 North, Range 4 West of the Boise Meridian.

EXCEPTING therefrom a part of the Northeast Quarter of the Northeast Quarter of Section 27. Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northeast corner of Section 27, Township 3 North, Range 4 West of the Boise Meridian; running thence South 660 feet along the East line of said Section 27 to the INITIAL POINT; thence continuing South 195 feet along the said East line; thence West 300 feet at right angles to the said East line; thence North 195 feet parallel to the said East line; thence East 300 feet to the INITIAL POINT.

PARCEL H

COMMENCING at the West Quarter corner of Section 14, Township 3 North, Range 4 West of the Boise Meridian; thence East 492 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 14 to the REAL POINT OF BEGINNING; thence North on a line parallel with the West boundary line of said Section 14, a distance of 920 feet; thence East 828 feet, more or less, to a point in the East boundary line of said Southwest Quarter of the Northwest quarter 400 feet South of the Northeast corner thereof; thence South 920 feet, more or less, to the Southeast corner of said Southwest Quarter of the Northwest quarter; thence West 828 feet, more or less, to the REAL POINT OF BEGINNING.

PARCEL I

The Northwest Quarter of the Northwest Quarter of Section 23, Township 3 North, Range 4 West of the Boise Meridian.

END OF SCHEDULE A

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WATER RESOURCES
WESTERN REGION

SPECIAL WARRANTY DEED

SUNNY SLOPE ORCHARDS PARTNERSHIP, an Idaho general partnership with its principal office at P.O. Box 27, Boise, Idaho 83707, of the County of Ada, State of Idaho ("Grantor"), hereby CONVEYS and WARRANTS to SYMMS FRUIT RANCH, INC., an Idaho corporation whose address is 14068 Sunnyslope Road, Caldwell, Idaho 83605 ("Grantee"), for the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the real property described in the attached Exhibit A located in Canyon County, Idaho.

Subject to all covenants, restrictions, rights of way and easements of record or based upon the premises, and subject the taxes for the current year and thereafter.

With respect to the condition of any improvements on the property, this conveyance is made and accepted AS IS, WHERE IS, AND GRANTOR SPECIFICALLY DISCLAIMS ALL WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY OF THE IMPROVEMENTS.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 2nd day of December, 1998.

**SUNNY SLOPE ORCHARDS
PARTNERSHIP**

By: SRS Properties LP
Its: General Partner

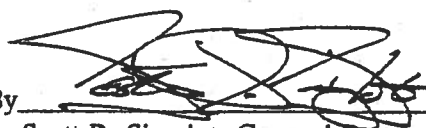
By 
Scott R. Simplot, General Partner

EXHIBIT "A"

PARCEL A:

The Northeast Quarter of the Northwest Quarter; All of the Northeast Quarter; the North Half of the Southeast Quarter; all in Section 7 Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Subject to easements, reservations, restrictions and encumbrances of record.

PARCEL B:

A part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL POINT; thence continuing South 195 feet along said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

EXCEPTING right of way for a State Highway on the West 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record and a life estate in Ernest and Irene Falen.

PARCEL C:

A part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

BEGINNING at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian; thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

EXCEPTING right of way for roads on the South 25 feet and the East 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record and a life estate in Gertrude Falen.

PARCEL D:

A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northeast corner of Section 27, Township 3 North, Range 4 West of the Boise Meridian, running thence South 660 feet along the East line of said Section 27 to the INITIAL POINT; thence continuing South 195 feet along the said East line; thence West 300 feet at right angles to the said East line; thence North 195 feet parallel to the said East line; thence East 300 feet to the INITIAL POINT.

EXCEPTING right of way for a State Highway on the East 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record.

PARCEL E:

The Northeast Quarter of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter; and all that part of the Southwest Quarter of the Southeast Quarter lying East of the Mora canal as now located and constructed; all being in Section 4, Township 3 North, Range 4 West of the Boise Meridian in Canyon County, Idaho.

EXCEPTING THEREFROM public road right of way as described in a Right-of-way Deed recorded June 17, 1920, Document No. 107256 in Book 85 Deeds, page 549; and

SUBJECT to easements, reservations, restrictions and encumbrances of record.

PARCEL F:

The Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian.

EXCEPTING THEREFROM a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL POINT; thence continuing South 195 feet along the said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

ALSO EXCEPTING THEREFROM a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, particularly described as follows:

BEGINNING at the point which constitutes the corner of Sections 22, 23, 26 and 27 of said Township and Range, running thence South 25 feet; thence East 25 feet to the true point of beginning; thence continuing East a distance of 75 feet; thence Southwesterly to a point 75 feet South of the True Point of Beginning; thence North 75 feet to the Point of Beginning;

ALSO EXCEPTING THEREFROM right of way for a State Highway on the West 25 feet.

The South Half of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian:

EXCEPTING a part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian; thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

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: A63-05172
Date Received: 5/7/90
Receipt No: C016711
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNNY SLOPE ORCHARDS PARTNERSHIP 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: JAN 01, 1933

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	14		SW	NW		CANYON
		16		SW	SE		CANYON
				SE	SE		CANYON
		23		NW	NW		CANYON
		26		NW	NW		CANYON

5. Description of diverting works:
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.260		
COMMERCIAL	01/01	12/31	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/10 HOMES, SHOP, COMMERCIAL FOR COMMODITY PACKING PLANT.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	14	SW	NW		DOMEST	
		16	SW	NE		DOMEST	
			SE	NE		DOMEST	
		23	NW	NW		DOMEST	
		26	NW	NW		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
N/A

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

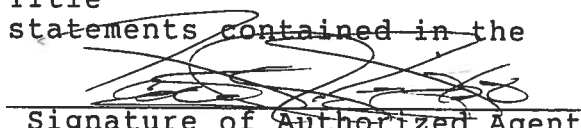
16. Signature(s)

(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 a Partner of
Title
Sunny Slope Orchards Partnership, that I have signed the foregoing
Organization
document in the space below as a Partner of
Title
Sunny Slope Orchards Partnership and that the statements contained in the
Organization
foregoing document are true and correct.


Signature of Authorized Agent

Partner, Sunny Slope Orchards Partnership
Title and Organization

05-04-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day

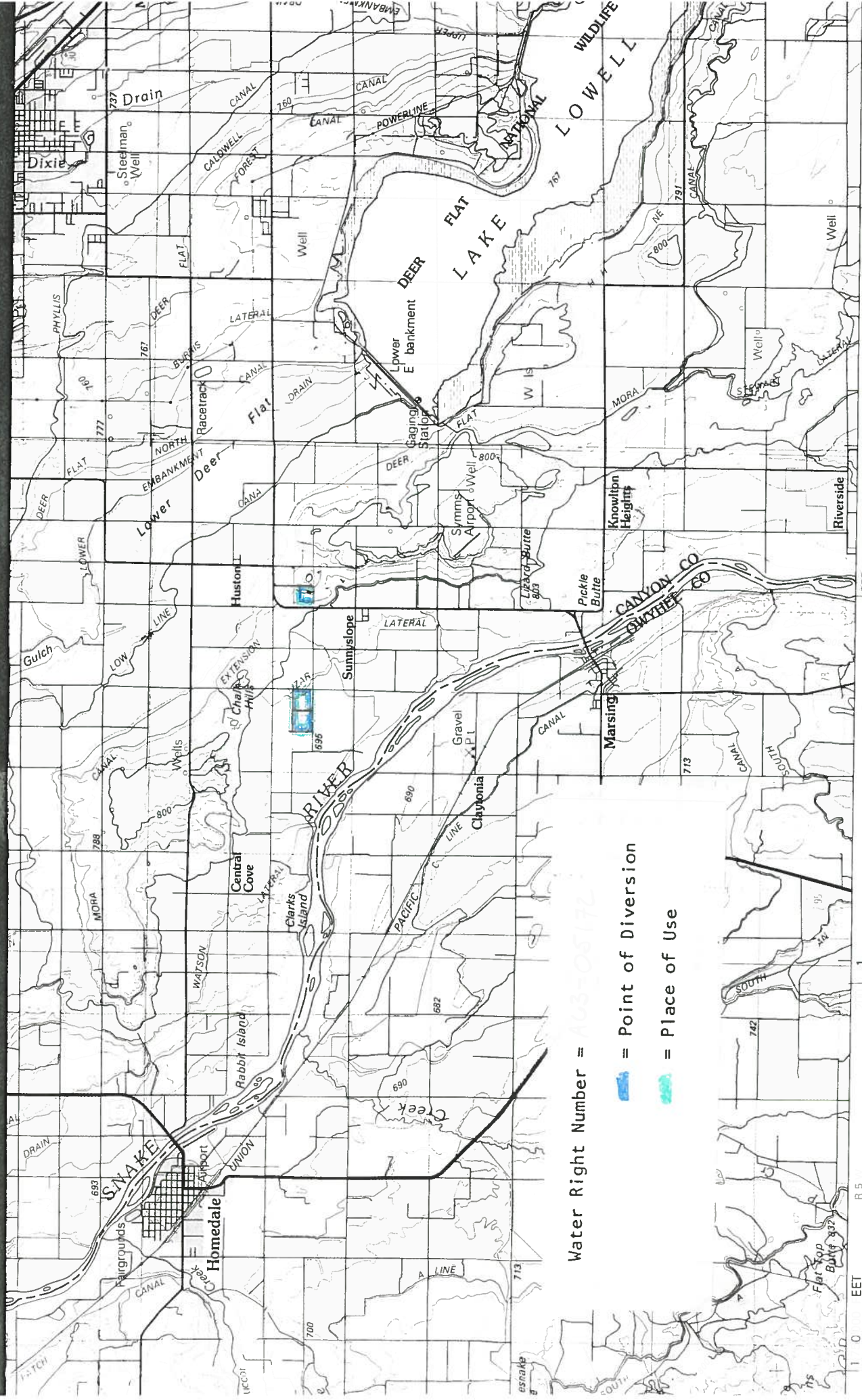
of May 19 90

Vicki A. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91



Water Right Number = [Blue Box] = Point of Diversion
[Green Box] = Place of Use

MICROFILMED

AUG 21 1992

KILOMETERS 1 0 1 2 3 4 5 6 7 8 9 10 11 12 13 1
MILES 1 0 1 2 3 4 5 6 7 8

Date Received _____

OK-file

Approved

RECEIVED
MARCH 22 1990

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Sunny Slope Orchards Partnership (208) 336-2110
Name of Claimant Phone Number

P.O. Box 27 Boise Idaho 83707
Mailing Address City State Zip

Canyon County March 22, 1990
County(s) where place of use is located Date claim originally due

See Exhibit A incorporated herein.
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

See Exhibit B incorporated herein.

Claimant requests an extension to (45 Days) May 7, 19 90
SUNNY SLOPE ORCHARDS PARTNERSHIP
Signature SCOTT R. SIMPLOT March 20, 19 90
Date of request

Partner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to May 7, 19 90
Signed this 22 day of March, 19 90

Director or his designated agent

DAVID B. SHAW MICROFILMED

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

AUG 21 1992

10/26/2006

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: October 31, 2006

Water right number: 63-5172

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607
Telephone Number: (208)459-4821

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WATER RESOURCES
WESTERN REGION

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

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DEPARTMENT OF WATER RESOURCES

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

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

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

DATE: 30 Oct 2006

SIGNATURE:

Please print your name:

R.A. Symms

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

rkw

10/26/2006

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

RIGHT NUMBER: 63-5172

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.250 CFS
22.300 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day per home.

PRIORITY DATE: 01/01/1945

POINT OF DIVERSION:

T03N R04W S14 SWNW Within CANYON County
T03N R04W S16 SENE Within CANYON County
T03N R04W S23 NWNW Within CANYON County
T03N R04W S26 NWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.130 CFS 12.70 AFY
DOMESTIC	01/01 12/31	0.200 CFS 9.60 AFY

Commercial use is for a fruit packing plant, warehouse, shop and office.

Domestic use is for 8 homes.

PLACE OF USE: COMMERCIAL Within CANYON County

T03N R04W S26 NWNW

DOMESTIC Within CANYON County

T03N R04W S14 SWNW T03N R04W S16 SWNE

T03N R04W S16 SENE T03N R04W S23 NWNW

T03N R04W S26 NWNW

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 for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5172

WATER RIGHT NUMBER: 63-5172

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	~~PAYETTE FARMS CO FALEN FRUIT RANCH PO BOX 27 BOISE, ID 83701~~
Original Owner	~~SUNNY SLOPE ORCHARDS PARTNERSHIP PO BOX 27 BOISE, ID 83707 (208)336-2110~~
Current Owner	SYMMS FRUIT RANCH INC 14068 SUNNY SLOPE RD CALDWELL, ID 83607 (208)459-4821

Priority Date: 01/01/1933

Basis: ~~Statutory Claim~~

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

COMMERCIAL ✓

DOMESTIC ✓

From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate~~0.260 CFS~~~~0.260 CFS~~Total Diversion:~~0.260 CFS~~Annual Volume

12.7

9.6

22.3

Location of Point(s) of Diversion~~GROUND WATER~~~~SW1/4SE1/4~~~~Sec. 16, Twp 03N, Rge 04W, B.M.~~~~CANYON County~~

GROUND WATER

NW1/4NW1/4 ✓

Sec. 23, ✓ Twp 03N, Rge 04W, B.M.

CANYON County

GROUND WATER

SW1/4NW1/4 ✓

Sec. 14, ✓ Twp 03N, Rge 04W, B.M.

CANYON County

GROUND WATER

NW1/4NW1/4 ✓

Sec. 26, ✓ Twp 03N, Rge 04W, B.M.

CANYON County

GROUND WATER

~~SE1/4SE1/4~~

Sec. 16, ✓ Twp 03N, Rge 04W, B.M.

CANYON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

C = fruit packing plant, warehouse, shop & office
D = 8 homes

theoretical mmmt.

gayswell 0.04
Hellenbeck 0.04
Main Ranch 0.13
Rays 0.04

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5172

03N 04W 14			X			
03N 04W 16	X	X				
03N 04W 23			X			
03N 04W 26			X			

COMMERCIAL same as DOMESTIC*House & commercial*Conditions of Approval:

1. Ownership change completed this day kw 10/23/2006

Remarks:Comments:Dates and Other Information:

Claim Received Date: 5/7/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Adjudication Recommendation Report 63-5172 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAYETTE FARMS CO FALEN FRUIT RANCH PO BOX 27 BOISE, ID 83701
Original Owner	SUNNY SLOPE ORCHARDS PARTNERSHIP PO BOX 27 BOISE, ID 83707 (208)336-2110
Current Owner	SYMMS FRUIT RANCH INC 14068 SUNNY SLOPE RD CALDWELL, ID 83607 (208)459-4821

Status: Active

GROUND WATER

Location of Point(s) of Diversion

COMMERCIAL[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5172 V1

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 14							X										
03N 04W 16			X	X													
03N 04W 23						X											
03N 04W 26						X											

Conditions of Approval:

- Commercial use is for a fruit packing plant, warehouse, shop and office.
- 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.
- N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day per home.
- N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
- X01 Domestic use is for 8 homes.

Remarks:Comments:

1. kwalker 10/25/2006 Ownership Change
 Comment: Ownership change processed 10/23/2006.

2. kwalker 10/25/2006 Evidence of Priority
 Comment: Evidence submitted states affiant was born in 1935 and he could attest to use of this water. Recommend using 1945 as priority since person under 10 years old would probably not care or wonder exactly where water was coming from.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607
Telephone: (208) 459-4821 • LD: (208) 459-8064
Fax: (208) 459-6932 • e-mail: SFR@SymmsFruit.com

RECEIVED

OCT 17 2006

**DEPARTMENT OF
WATER RESOURCES**

14 October 2006

Kay Walker
Dept. of Water Resources
322 East Front St.
P. O. Box 83720
Boise, ID 83720

Re: Water right #63-5172

Dear Ms. Walker,

Enclosed is the title policy documenting transfer of title to the property in question in your 12 October 2006, letter. Page 4 describes the two properties in question. If you need anything else, please call.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. A. Symms', written in a cursive style.

R. A. Symms

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

October 12, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SYMMS FRUIT RANCH INC
ATTN: R A SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83607

Re: Snake River Basin Adjudication Claim to a Water Right No. 63-5172

Dear Mr. Symms:

In order to process the Notice of Change in Water Ownership form that you submitted on June 6, 2006, for the above referenced claim, we find that we need additional deeds. The deed that was submitted does not cover all the lands under this claim. Enclosed you will find a copy of the deed you submitted for your convenience. This deed does not cover the property referred to by our field examiner as Hollenbeck well and Jay's well. The Hollenbeck well is located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T3N, R4W and Jay's well is located in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T3N, R4W, as shown on the enclosed claim report.

Please submit the additional deed or deeds on or before October 20th so we can complete our recommendation of this water right. We cannot recommend these properties to you without deeds showing your ownership. If we don't receive the additional deed by the above date this claim will be split between Symms Fruit Ranch and Sunny Slope Orchards Partnership.

If you have any questions in regard to this matter, please do not hesitate to call me at 287-4953.

Sincerely,

A handwritten signature in black ink that reads 'Kay Walker'. The signature is fluid and cursive, with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent

Enclosures

MEMORANDUM

TO: ADJUDICATION FILES 63-5172

FROM: DANIEL A. NELSON

DATE: 10/5/06

SUBJECT: FIELD EXAM

On 10/4/2006 I visited the place of use for the above claim. This claim was filed on 4 separate systems, and should basically be 4 separate water rights to allow for proper regulation of this system. There are 4 wells and none of the wells are piped or connected together in any way. In order to describe this right properly, I will need to discuss each system separately. I will discuss each system separately using the name of the well to keep separate.

Main Ranch Well:

The Main Ranch Well is located in the NWNW S26. This well has a 3 Hp pump and supplies an old fruit packing plant and two homes in the NWNW S26. Originally, this well did supply three homes, but a new well was drilled for the third home and it is no longer part of the system. I performed a theoretical calculation on this well and found a diversion rate of 0.13 cfs. The two homes currently using this well both have in-house use and yards. I limited the domestic use from this well for domestic purposes to 0.08 cfs and 2.4 afa per department standards (0.04 cfs and 1.2 afa per home).

The commercial use for this claim is only diverted from this well. Therefore, I would limit the commercial use to 0.13 cfs, the amount calculated as being diverted from the well. The commercial use is for a fruit packing plant, but the fruit packing operation was moved to a new facility just to the north of this facility in 1993. The original packing plant is now used as an onion packing shed, warehouse, shop, and office. This claim was filed in 1990, so I feel we needed to give this claim the amount of water that it used before the fruit operation was moved.

The owner walked me through the current fruit packing plant to give me an idea of the amount of water that would have been needed in the old plant. The old plant used the same type of equipment, just on a much smaller scale. During this tour, I found that water is constantly being run through several process of washing the fruit. Whereas there was only one well for this system, the well would have had to run continuously for the entire 10 hours a day while the fruit was being packed. The fruit is run through several bathes and showers/sprays to clean the fruit before it is ready to ship. The owner only packed fruit for 4 months or approximately 17 weeks, so the water use for the remainder of the year was pretty minimal, and more representative of current operations. Please see my rate and volume calculation sheet to see the flow rates and volumes I calculated for the commercial operation.

Jay's Well:

Jay's well is located in the NWNW S23. This well originally supplied a single trailer house and yard. The trailer and well pump were removed 3 or 4 years ago, and the well was capped. The owner plans to place a new trailer on this site when time and money allow, so I decided it needed to be included in this claim. The casing for this well was only 4 inches so a fairly small submersible pump would have been needed for this small well. The owner told me that they had a 1 Hp pump in the well. This is consistent with the other two wells only used for domestic purposes. I came up with a pump capacity of 0.04 cfs for this well, which would be consistent for this type of use. Therefore, I would suggest that this system be recommended for 0.04 cfs and 1.2 afa.

Hollenbeck Well:

The Hollenbeck well is located in the SWNW S14. This well supplies a home and a trailer. The trailer and the home kind of share the same yard. This well has a 1 Hp pump and diverts 0.04 cfs. I suggest that this system be recommended for 0.04 cfs and 2.4 afa (1.2 afa X 2 homes = 2.4 afa).

Roy's Well:

Roy's well is located in the SENE S16 and supplies two houses in the SENE and one house in the SWNE. The claim lists this well as being located in the SWSE and SESE, but this legal description is under completely different ownership. The original statutory claim submitted by the original owner lists the well in the SENE, but it was data entered incorrectly. The adjudication claim was filed based on the information in our database not on the original statutory claim. There are several electrical hookups for temporary homes for migrant workers in the SWNE, but I couldn't include these, since there were no water hookups in these spots. All three homes have a yard, but all three yards combined are under $\frac{1}{2}$ acre. This well also has a 1 Hp pump, and diverts 0.04 cfs. I suggest that this system be recommended for 0.04 cfs and 3.6 afa (1.2 afa X 3 homes = 3.6 afa).

Due to the complexity of this claim, I calculated all of the water uses on a separate sheet. Please refer to that sheet for rates and volumes. The biggest question on this claim has to do with the four separate systems. In essence, there should be 4 separate rights for these uses, and irrigation for the yard use should be included on the Main Well and Roy's Well portions of this claim. However, there was no claim for irrigation use, so I included the full domestic volume for each domestic home of 1.2 afa for in-house use and yard irrigation. I did limit the diversion rates to the pump capacities on all the domestic uses except for the two domestic uses on the Main Ranch Well. I limited these two homes to 0.04 cfs apiece or 0.08 cfs total.

I would suggest that this claim be recommended as follows:

Commercial – 0.13 cfs and 12.7 afa from 1/1 to 12/31

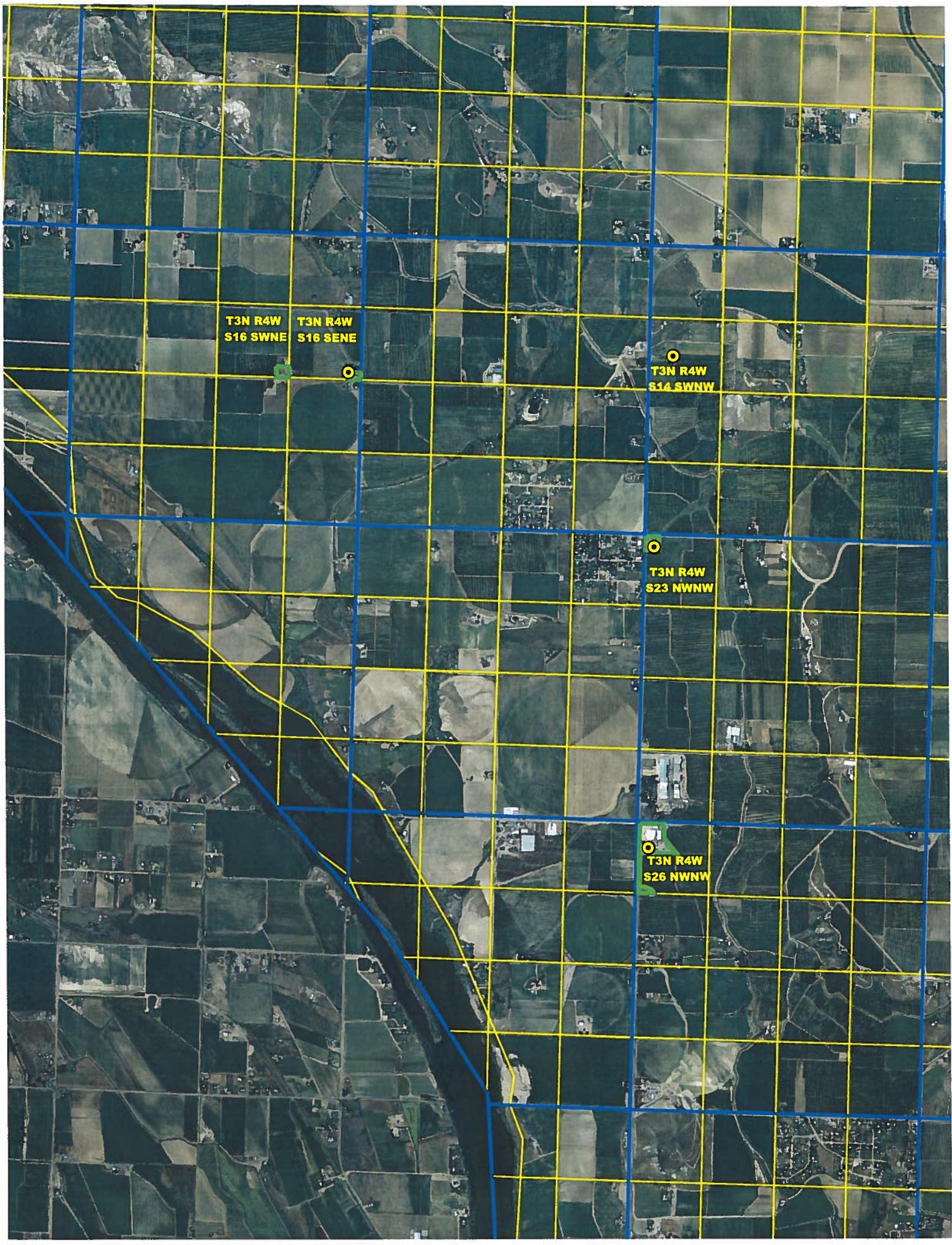
Domestic – 0.20 cfs and 9.6 afa from 1/1 to 12/31

TOTAL 0.25 cfs and 22.3 afa

Conditions:

Commercial use is for fruit packing plant, warehouse, shop, and office.

Domestic use is for 8 homes and yards.



T3N R4W
S16 SWNE

T3N R4W
S16 SENE

T3N R4W
S14 SWNW

T3N R4W
S23 NWNW

T3N R4W
S26 NWNW

FLOW RATE AND VOLUME CALCULATION SHEET

RATE OF DIVERSION:

There are actually 4 separate systems on this claim with 4 separate wells. The diversion rate is a combination of all 4 wells. I could not measure any of these wells, so theoretical calculations were done on each well. The calculations showed a combined diversion rate of 0.25 cfs, which is 0.01 cfs less than what was claimed. Therefore, I feel these calculations are adequate for this review. Please see the theoretical sheets for the 4 wells and the diversion rate calculations shown below:

Main Ranch Well	= 0.13 cfs
Roy's Well	= 0.04 cfs
Hollenbeck Well	= 0.04 cfs
Jay's Well	= 0.04 cfs

Total Measured = 0.25 cfs (amount claimed was 0.26 cfs, so use amount measured)

Only the Main Ranch Well has commercial use so I suggest recommending this claim as 0.13 cfs for commercial use. The Ranch Well only supplies two homes, so the domestic use from this well should be limited to 0.08 cfs for two homes. The other wells only supply domestic uses, so the full diversion rate calculation should be used.

Commercial Use	= 0.13 cfs	(total rate calculated from Ranch Well)
Domestic Use	= 0.20 cfs	(Roy's Well + Hollenbeck Well + Jay's Well + 0.08 cfs from Ranch Well.)

Total Diversion rate = 0.25 cfs

VOLUME:

The volume for this claim was for domestic and commercial uses. The claim does not specify the volume for this system, but it is a ground water right and a volume is required. Below are calculations for the volumes for this claim:

Domestic Use:

There are a total of 8 houses and yards on these wells (2 houses on Ranch Well, 1 house on Jay's Well, 2 houses on Hollenbeck Well, and 3 houses on Roy's Well). I used the standard 1.2 afa per home for each of these houses.

8 homes and yards X 1.2 afa per home = 9.6 afa for the domestic portion of this water right.

Commercial Use:

The commercial use was a little more difficult to determine. Originally, the commercial was a fruit packing plant. They current owners built a new fruit packing plant across the road and stopped using this facility in 1993. This facility is now used as a warehouse for storing onions and other commodities. The claim was filed in 1990, so I believe that we should allow the full use of this facility of a fruit packing plant.

The owner showed me his current fruit packing facility, which is much larger than the one associated with this facility. However, they still use many of the same type of equipment that they used in 1993. The apples, peaches, or pears are run into the plant on a conveyor belt. Water is sprayed on the conveyor belt to do the initial cleaning of the fruit. The conveyor belt then drops the fruit into a large tank that basically soaks the dirt and leaves not washed off earlier. The fruit is then sorted and graded and sent to a final washing system. Water is constantly running during this process.

Since there was only one well used in the old packing shed, it is safe to assume that they used the full flow of water out of the well during the packing period. The owner told me that they generally packed fruit for 4 months or approximately 17 weeks. The packing operation was run for 10 hours a day, 6-days a week. Any water used by employees or other uses would have taken water away from the washing system, so employees don't need to be accounted for during the packing period. During the non-packing time, the facility was used for a warehouse and shop. The warehouse and shop used an estimated 2500 gallons per day and employed 7 employees. The employees and the warehouse and shop use and the employee use will need to both be calculated during the non-packing season, because neither of these uses would require the full use of the well. Therefore, each of these sessions will need to be calculated separately. Please see below for the water use:

Packing Season:

$(0.13 \text{ cfs} \times 1.9835 \text{ af per day per cfs}) / 24 \text{ hours per day} \times 10 \text{ hours per day plant in operation} \times 6 \text{ days per week} \times 17 \text{ weeks that packing shed operated}$

$= 11 \text{ afa used during the packing season}$

Page 3
Use Calculation Sheet 5172

Non-Packing Season :

$[2500 \text{ gpd for shop and warehouse uses} + (7 \text{ employees} \times 15 \text{ gpd per employee})] /$
 $325850 \text{ gallons per af} \times 6 \text{ days per week} \times 35 \text{ weeks that packing shed was not in}$
 operation

= 1.7 afa used during the non-packing season.

TOTAL COMMERCIAL USE = 12.7 afa

I would suggest that this claim be recommended as follows:

Commercial – 0.13 cfs and 12.7 afa from 1/1 to 12/31

Domestic – 0.20 cfs and 9.6 afa from 1/1 to 12/31

TOTAL 0.25 cfs and 22.3 afa

GROUNDWATER THEORETICAL ANNALYSIS

Main Ranch
Well

FILE: 63-5172

DATE: 10-4-06

BY: DAN Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (\text{HP}) \times (\text{EFF.}))}{\text{TDH}}$

O = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

$$\text{TDH} = \text{Total dynamic head} = [(\text{LIFT}) + (\text{PSI} \times 2.31)]$$

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$Q = \frac{(8.8) \times (3) \times (0.70) = 18.48}{[(50) + (42 \times 2.31)] = 147.02} = \frac{0.13 \text{ CFS}}{56 \text{ gpm.}}$$

LIFT FROM:

PSI FROM:

NOTES ON PUMP:

Measurement ()

Measurement ()

Motor Make, Serial or ID

Owner ()

Owner ()

Pump Make, Serial or ID, rating

Area estimate ()

Estimate ()

Pump Make, Serial or ID, rating

Well Logs (✓)

Owner Gage (✓)

Booster (Y) (N)

REMARKS: The owner informed me the static water level of this well was 47 feet, but the well log says the well has static water level of 50 ft. Either of these numbers give the same diversion rate when rounded. The owner's gage showed 42. psi. which seems reasonable. I am satisfied with this estimation of the diversion rate.

GROUNDWATER THEORETICAL ANNALYSIS

Roy's
Well.

FILE: 63-5172

DATE: 10-4-06

BY: DAN Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$(8.8) \times (1.40) \times (0.70) = 6.16$$

Q = _____ = 0.04 CFS.

$$[(53 \text{ FT.}) + (45 \text{ psi.} \times 2.31)] = 156.95$$

LIFT FROM:

PSI FROM:

NOTES ON PUMP:

Measurement ()

Measurement ()

Motor Make, Serial or ID

Owner (✓)

Owner ()

Area estimate ()

Estimate ()

Pump Make, Serial or ID, rating

Well Logs ()

Owner Gage (✓)

Booster (Y) (N)

REMARKS: The owner stated that this well had a static water level of 53 FT. This is very close to the other wells, so I used this lift.

This rate seems reasonable.

GROUNDWATER THEORETICAL ANNALYSIS

Hollenbeck
Well

FILE: 63-5172

DATE: 10-4-06

BY: DAN NELSON

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

(8.8) X (1) X (0.70) = 6.16

Q = _____ = 0.04 cfs.

[(39) + (45 X 2.31)] = 142.95

LIFT FROM:

PSI FROM:

NOTES ON PUMP:

Measurement (x)

Measurement ()

Motor Make, Serial or ID

Owner ()

Owner ()

Area estimate ()

Estimate ()

Pump Make, Serial or ID, rating

Well Logs ()

Owner Gage (x)

Booster (Y) (N)

REMARKS:

This seems reasonable for this well.

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-5172

Jays well.

DATE: 10-4-06

BY: DAN Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$(8.8) \times (1 \text{ HP}) \times (0.70) = 6.16$$

$$Q = \frac{6.16}{149.95} = 0.04 \text{ CFS}$$

$$[(45) + (45 \times 2.31)] = 149.95$$

LIFT FROM:

PSI FROM:

NOTES ON PUMP:

Measurement ()

Measurement ()

Motor Make, Serial or ID

Owner ()

Owner ()

Area estimate ()

Estimate ()

Pump Make, Serial or ID, rating

Well Logs ()

Owner Gage ()

Booster (Y) (N)

REMARKS: There was no pump in this well during my field exam. The owner stated that there was a 1 HP pump in the well. This seems reasonable, since all the other domestic wells have 1 HP pumps. All of the other pumps had a PSI of 42-45 PSI. I used 45 PSI. The well log shows the static water level at 45 FT. 0.04 CFS seems reasonable since it is the standard for a domestic use.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/4/2006

FILE NUMBER 63-5172



The picture above left is of the Main Ranch Well. It is located in some trees, so it is difficult to see, but it is a 3 Hp submersible pump with an 8-inch casing. It serves the commercial use and two homes. It originally served three homes, but the third home is now on its own well.

The photo above right is of Jay's Well, and has a 4 inch casing. The pump in this well has been pulled and the trailer house connected to it was removed 3 or 4 years ago. The owner thought well had 1 Hp submersible pump. This sounds reasonable since all the other domestic wells had 1 Hp pumps also. I used the same pressure and pump size as the other domestic wells to calculate this pump's flow rate. This pump only served one trailer.



The photo above left is of the Hollenbeck well. This well uses a 1 Hp jet pump to divert the water. It is in a 4-foot deep pit with a 4-inch casing, and serves a trailer and house.

The photo above right is of the Roy's well. This well is in a 6-foot deep pit and also has a 1 Hp jet pump and a 4-inch casing. It is currently only serving 3 homes, but there is a hookup for a third home.

FIELD NOTES

Main Ranch well 5-26

2 - Homes - 46 1.2 AFA / home in house & yard.
1 - Ware House

Office - 2 - Bathrooms - All year

Ware House - 50 - 3 months -

15 gpm Ware House - 5 - All year.

Shop & Ware house use - 2500 / day) Now
De Frost RR

30
750
75

855
25
3355 gpd
750
2605

3 mos

240

335,850 gal/cr.

3355
90 day

750
x 90
+ 2605
x 345

Moved Packing operation in
1993, During Packing.

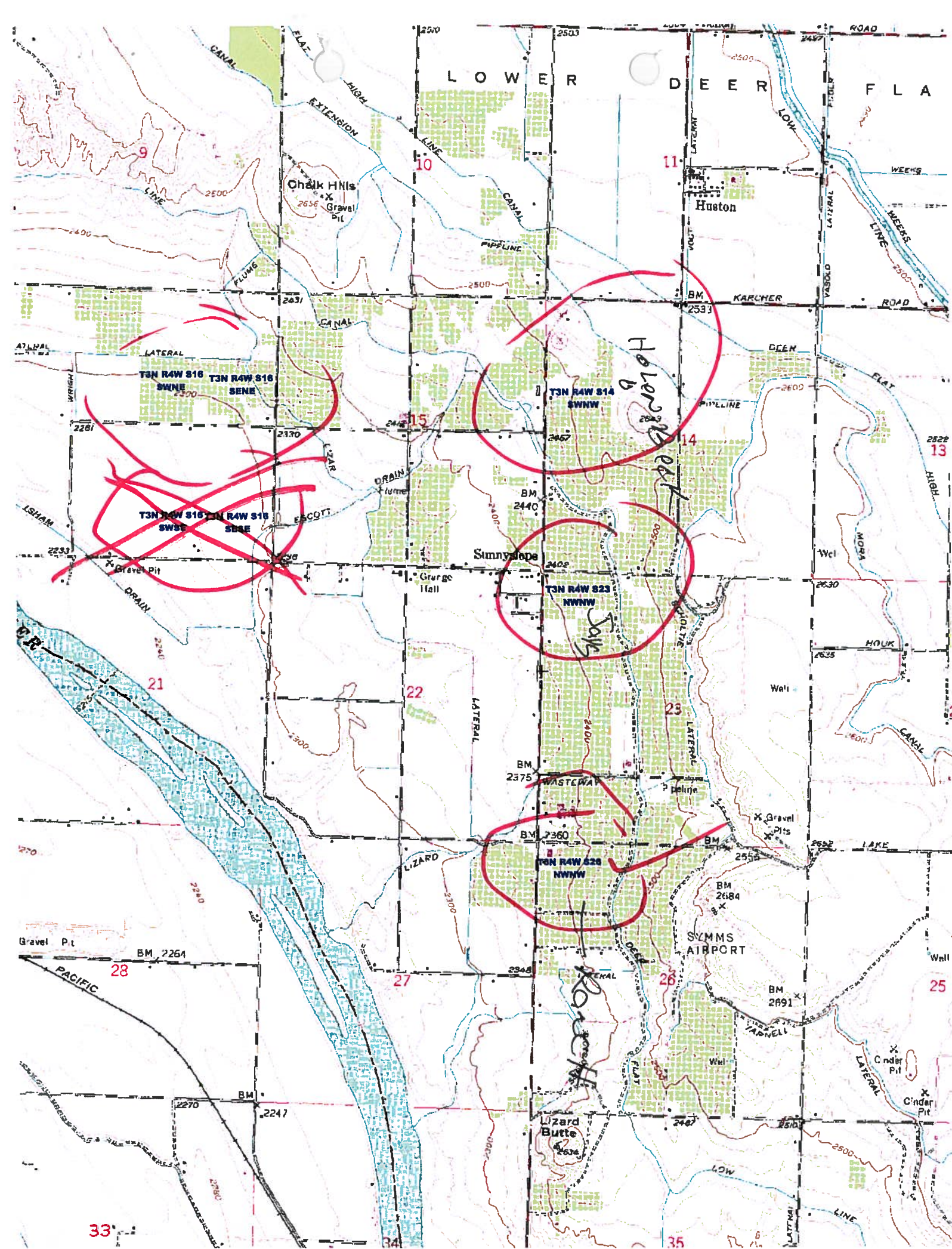
30 gpm - 10 hrs / day 4 mos. 6 days /
washed apples

AK

Well or Division Identification No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size	USED FOR
Ma'ro RANDE well	Franklin Elect	3HP	2823028 110	Franklin	Same as Pump	42 PSI 47 FT static
JAN'S well	AD	0	Pump		1 HP 50 GPM	1 1/2" 045" 4 inch 2 year casing
~~Hollen Beck~~						~~1 House only~~
Hollen Beck	AC Smith CO.	1HP	M00-248 K2A104 A-3	Sta-Rite	A1C 301L	430 PSI 39 FT 2 homes
Rey's	AC Smith CO	1HP	MED 248K2A 105	Sta-Rite	A1C 301L	53 FT. static. 215 PSI 3 homes

45 static well 201

5





T3N R4W S14 SWNW

**T3N R4W S16
SWNE**

**T3N R4W S16
SENE**

Well

House
now
gone
but will be replaced

T3N R4W S23
NWNW



Warehouse

No use

well

T3N R4W S26
NWNW



No use

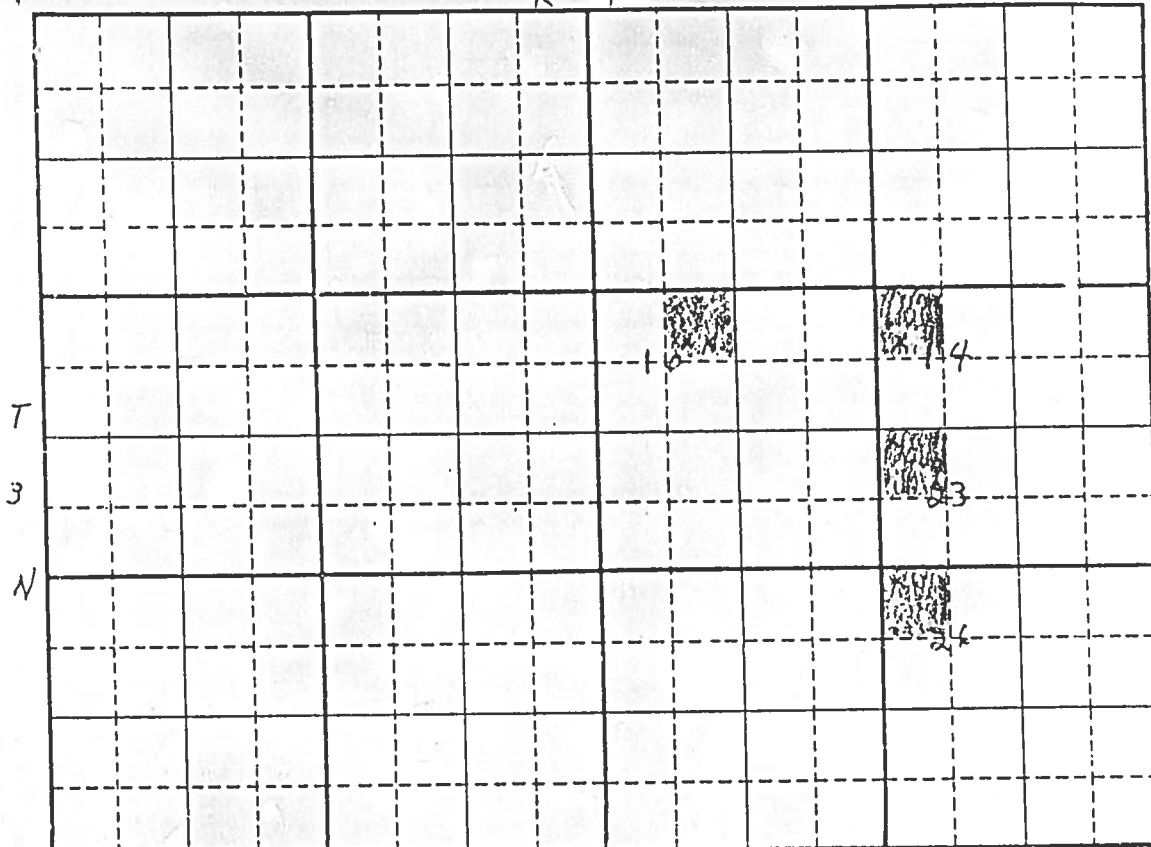
CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

171 If you are claiming water as a member of a organization, list name of organization:

(8) Remarks _____

R 4W



Scale: 1/4 inch equal 1 mile. X - well location

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Russell L. Young Secretary
(Claimant)

Sworn to before me this 30th day of June, 1983.

Valerie J. Walker
Notary Public
Residing at Boise, Idaho

My commission expires Lifetime

7-5-8 FOR DEPARTMENT USE ONLY

Received by SKC

Date 6/2/83

Exception filed by:

Forwarded to

Date

Prelim. check by CHS

Date 11/17/83

claimant by:

\$30.00 fee received by DR

Date 7/6/83

Published in Boise Tribune

Date 3/29 & 4/5/84

Dates 1/24 & 12/1/82

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5172

03/28/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
11678	Water Right	03N	04W	14	SW	NW		IRRIGATION	23/77	SYMMS FRUIT RANCH INC
5172	Claim	03N	04W	14	SW	NW		DOMESTIC		SUNNY SLOPE ORCHARDS PARTNERSI
5172	Water Right	03N	04W	14	SW	NW		DOMESTIC		PAYETTE FARMS CO
5172	Claim	03N	04W	16	SW	NE		DOMESTIC		SUNNY SLOPE ORCHARDS PARTNERSI
5172	Water Right	03N	04W	16	SW	NE		DOMESTIC		PAYETTE FARMS CO
5172	Claim	03N	04W	16	SE	NE		DOMESTIC		SUNNY SLOPE ORCHARDS PARTNERSI
5172	Water Right	03N	04W	16	SE	NE		DOMESTIC		PAYETTE FARMS CO
11462	Water Right	03N	04W	23	NW	NW		IRRIGATION	34/78	SYMMS FRUIT RANCH INC
5172	Claim	03N	04W	23	NW	NW		DOMESTIC		SUNNY SLOPE ORCHARDS PARTNERSI
5172	Water Right	03N	04W	23	NW	NW		DOMESTIC		PAYETTE FARMS CO
11679	Water Right	03N	04W	26	NW	NW		IRRIGATION	33/94.1	SYMMS FRUIT RANCH INC
5172	Claim	03N	04W	26	NW	NW		DOMESTIC		SUNNY SLOPE ORCHARDS PARTNERSI
5172	Water Right	03N	04W	26	NW	NW		DOMESTIC		PAYETTE FARMS CO

REAL PROPERTY INQUIRY

```

+++++
01 7R33374-000- -0 183-00 SCH139+ 01 9,300 17.00
+++++
PAYETTE FARMS CO + 10 20,000 1.00
% SUNNY SLOPE ORCHARDS PTNRSH + 31 7,500
+
+
+
+
PO BOX 27 +
BOISE ID 83707 +
+++++
14-3N-4W NW + TOTAL 36,800 18.00
TX 11 IN SWNW,, S 20' OF +
TX 1-C LS HWY + SURVEY INST 9004300
+ DRAIN DR VALUE APPR KGE
+ CLASS R1 REAP 97 MAN 96 UNIT 1
+ PARCEL 7R03N04W143700 H/O N C/B N
+ PRIOR ACCOUNT 6R33374-000- -0
+ 02 MH on Property NO

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33374000 0 UNIT 001 TOTAL UNITS

```

SITE 15584 PEAR LN CA SEC/TWN/RNG 14-3N-4W
ASSESSED VALUE 34,200 ACREAGE 17.49
SUB/PARK NAME YEAR/MAKE
CLASS BF FARM OUTBUILDINGS WITH NO RESIDEN SPACE LOT BLOCK
+++++
YR BUILT 0 AIR COND AIR - NONE CARPORT N
STORY NO BLDG HEATING CARPORT SQ FT
FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 0 BSMT SQ FT SPA? N
BATHS .00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT
+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/28/2006 Time 10:36

REAL PROPERTY INQUIRY

```

+++++
01 7R33412-000- -0 184-00 SCH139+ 01 33,400 72.68
+++++
PAYETTE FARMS CO + 10 20,000 1.00
% FALEN FRUIT RANCH + 19 5.00
% SUNNY SLOPE ORCHARDS PTNRSH + 31 18,650
+ 32 150
+
+
+
PO BOX 27 +
BOISE ID 83707 +
+++++
16-3N-4W NE + TOTAL 72,200 78.68
S 1/2 NE 1/4 LESS TX 6 IN SENE +
+ SURVEY INST 9004300
+ DRAIN DR VALUE APPR KGE
+ CLASS R1 REAP 97 MAN 96 UNIT 1
+ PARCEL 7R03N04W161200 H/O N C/B N
+ PRIOR ACCOUNT 6R33412-000- -0
+ 02 MH on Property YES

```

21040 PEAR LN, CA

SEE R33413-000--0

ACCOUNT NUMBER R33412000 0 UNIT 001 TOTAL UNITS 1

SITE 21040 PEAR LN CA SEC/TWN/RNG 16-3N-4W
ASSESSED VALUE 57,300 ACREAGE 78.68
SUB/PARK NAME YEAR/MAKE

CLASS DR DRC DEPRECIATED REPLACEMENT COST SPACE LOT BLOCK

YR BUILT 1910 AIR COND AIR - NONE CARPORT D2
STORY NO BLDG HEATING UNKNOWN CARPORT SQ FT 400
FIRST SQ FT 800 EXTERIOR WOOD SIDING DECK/PATIO? N
SECOND SQ FT ROOF WOOD SHINGLES POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 1.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/28/2006 Time 10:37

REAL PROPERTY INQUIRY

01 7R33563-000- -0 182-00 SCH139+ 01 18,000 34.16
***** 10 16,000 1.00
PAYETTE FARMS CO + 13 20,000 2.00
% FALEN FRUIT RANCH + 19 1.50
% SUNNY SLOPE ORCHARDS PTNRSH + 31 23,500
+ 35 537,075
+
PO BOX 27 +
BOISE ID 83707 +

26-3N-4W NW + TOTAL 614,575 38.66
NWNW LESS TX 13 & LESS *****
HWY + SURVEY INST 9004300
+ DRAIN DR VALUE APPR TLH
+ CLASS CR REAP 97 MAN 96 UNIT 1
+ PARCEL 7R03N04W263000 H/O N C/B N
+ PRIOR ACCOUNT 6R33563-000- -0
+ 02 MH on Property NO

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33563000 0 UNIT 001 TOTAL UNITS 1

SITE 13748 SUNNY SLOPE RD CA SEC/TWN/RNG 26-3N-4W
ASSESSED VALUE 697,325 ACREAGE 38.66
SUB/PARK NAME YEAR/MAKE

CLASS CM COMMERCIAL SPACE LOT BLOCK

YR BUILT 9999 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING CARPORT SQ FT
FIRST SQ FT 100 EXTERIOR DECK/PATIO? N
SECOND SQ FT ROOF POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 1.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TROK101

REAL PROPERTY INQUIRY

```

+++++
01 7R33485-000- -0 182-00 SCH139+ 01 20,300 38.00
+++++
SUNNY SLOPE ORCHARDS PTNRSHP + 19 1.00
+ 31 71,100
+ 32 2,500
+
+
PO BOX 27 +
BOISE ID 83707 +
+++++
23-3N-4W NW + TOTAL 113,900 40.00
NWNW +
+ SURVEY INST 9004300
+ DRAIN DR VALUE APPR KGE
+ CLASS R2 REAP 97 MAN 96 UNIT 1
+ PARCEL 7R03N04W233000 H/O N C/B N
+ PRIOR ACCOUNT 6R33485-000- -0
+ 02 MH on Property NO
MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R33485000 0 UNIT 001 TOTAL UNITS

SITE 14962 SUNNY SLOPE RD CA SEC/TWN/RNG 23-3N-4W
ASSESSED VALUE 18,400 ACREAGE 36.36
SUB/PARK NAME YEAR/MAKE
CLASS NO BUILDING CLASS SPACE LOT BLOCK
+++++
YR BUILT 1940 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT
FIRST SQ FT 1860 EXTERIOR STUCCO DECK/PATIO? N
SECOND SQ FT ROOF UNKNOWN POOL? N
BEDS 3 BSMT SQ FT 720 SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 1 GARAGE D1 NEIGHBORHOOD 0
GARAGE SQ FT 240
+++++
COMMENTS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO

```



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED
JUN 28 2006 WA

JUNE 2, 2006

Symms Fruit Ranch, Inc
14068 Sunny Slope Rd.
Caldwell, ID 83705

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RE: Water Right No. 63-5172

Dear Claimant(s):

This office has received your Notice of Change of Water Right Ownership recently submitted. We also received check number 8369 in the amount of \$25; however, we are returning it to you, as the ownership change fee is not required for this particular water right claim. Also, we cannot continue to process this ownership change without sufficient proof of ownership. This proof should be a copy of a **WARRANTY DEED** in your name, which includes a description of this property by 1/4 1/4, Section, Township and Range.

Please return the Change of ownership with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190

Sincerely,

Liberty Gagnon
Office Specialist I
Adjudication Section
Western Region

LG: lg

Enclosures

WA



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607
Telephone: (208) 459-4821 • LD: (208) 459-8064
Fax: (208) 459-6932 • e-mail: SFR@SymmsFruit.com

RECEIVED

JUN 16 2006

**DEPARTMENT OF
WATER RESOURCES**

June 13, 2006

Kay Walker
Sr. Water Agent
Dept. of Water Resources
322 East Front St. P.O. Box 83720
Boise, ID 83720

Re: Snake River Basin Adj. Claim #63-5172

Dear Ms. Walker,

This letter is in response to your request of 9 June, 2006.

I was born in 1935, and have lived or worked all of my life in the Sunny Slope area except for a brief time when I was either at school or serving in the military. I can affirm that the above water claim is valid, and that water has been available and used on these properties during this time.

Affidavit by,

R.A. Symms
R.A. Symms

Notorized by,

State of Idaho
County of Canyon
June 14, 2006

Eileen Berkenbile

Eileen M. Berkenbile
Comm. Expires: 7-14-06





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

June 9, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SYMMS FRUIT RANCH INC
ATTN: R A SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83607

Re: Snake River Basin Adjudication Claim to a Water Right No. 63-5172

Dear Mr. Symms:

We are in receipt of the Notice of Change in Water Ownership form that you submitted for the above referenced claim to a water right. In review of the deed you submitted to document your ownership, we find that the deed does not cover all the lands under this claim. You have submitted documentation for ownership of property in the S½NE¼, S16, and the NW¼NW¼, S26, Twp. 3N, Rge. 4W. Enclosed is a computer-generated printout of the claim that we have highlighted your documented portion of land ownership in yellow. Please review the printout and provide copies of any other deeds that may be applicable.

We will change the ownership of your portion of the claim upon receipt of additional information and/or the entire claim if you submit additional deeds. The claim was submitted for domestic use for 10 homes, a shop and a commercial use for a commodity packing plant. We need to know what portions of the uses are yours if you didn't purchase all the lands under the claim. We also need to know if you purchased the wells claimed and will need documentation of the ownership of the well locations if you did purchase them.

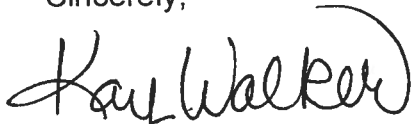
Sunny Slope Orchards Partnership indicated, when this claim was filed, that the water right was based on a "Statutory Claim" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. This right claims a priority date of January 1, 1933 as the date of first use of water from these wells. This claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

We have again enclosed a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible.

We are preparing to submit our proposed determination of water rights for Canyon County before the end of this summer. The above requested information and the required evidence supporting the priority date must be submitted by **June 26, 2006**. We have a contractor hired to conduct field examinations of claims that have not previously been verified working in your area at this time. A field examination must be conducted on the uses claimed once the evidence of priority date requirement is satisfied.

If you have any questions in regard to this matter, please feel free to call me at 287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

Enclosures



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607

Telephone: (208) 459-4821 • LD: (208) 459-8064

Fax: (208) 459-6932 • e-mail: SFR@SymmsFruit.com

RECEIVED

JUN 06 2006

WATER RESOURCES
WESTERN REGION

June 5, 2006

Liberty Gagnon
Specialist #1-Adjudication
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Sir:

Enclosed is a special warranty deed for property in question.

If you need additional information, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R.A. Symms', written over the word 'Sincerely,'.

R.A. Symms

ENCLOSURES



Adjudication Claim Report 63-5172

Owner Type

Name and Address

SUNNY SLOPE ORCHARDS PARTNERSHIP

PO BOX 27

BOISE, ID 83707

~~(208)336-2410~~

Priority Date: 01/01/1933

Basis: Statutory Claim

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

COMMERCIAL

1/01 to 12/31

0.260 CFS

DOMESTIC

1/01 to 12/31

0.260 CFS

Total Diversion:

0.260 CFS

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4

Sec. 16, Twp 03N, Rge 04W, B.M., CANYON County

GROUND WATER NW1/4NW1/4

Sec. 23, Twp 03N, Rge 04W, B.M., CANYON County

GROUND WATER SW1/4NW1/4

Sec. 14, Twp 03N, Rge 04W, B.M., CANYON County

GROUND WATER NW1/4NW1/4

Sec. 26, Twp 03N, Rge 04W, B.M., CANYON County

GROUND WATER SE1/4SE1/4

Sec. 16, Twp 03N, Rge 04W, B.M., CANYON County

Place of Use

DOMESTIC and COMMERCIAL

[illegible]

EXHIBIT "A"

PARCEL A:

ok *this claim*
The Northeast Quarter of the Northwest Quarter; All of the Northeast Quarter; the North Half of the Southeast Quarter; all in Section 7 Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Subject to easements, reservations, restrictions and encumbrances of record.

PARCEL B:

ok → A part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL POINT; thence continuing South 195 feet along said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

EXCEPTING right of way for a State Highway on the West 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record and a life estate in Ernest and Irene Falen.

PARCEL C:

ok → A part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

BEGINNING at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian; thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

EXCEPTING right of way for roads on the South 25 feet and the East 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record and a life estate in Geraldine Falen.

PARCEL D:

ok *this claim*
A part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

COMMENCING at the Northeast corner of Section 27, Township 3 North, Range 4 West of the Boise Meridian, running thence South 660 feet along the East line of said Section 27 to the INITIAL POINT; thence continuing South 195 feet along the said East line; thence West 300 feet at right angles to the said East line; thence North 195 feet parallel to the said East line; thence East 300 feet to the INITIAL POINT.

EXCEPTING right of way for a State Highway on the East 25 feet.

SUBJECT to easements, reservations, restrictions and encumbrances of record.

PARCEL E:

this claim
The Northeast Quarter of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter; and all that part of the Southwest Quarter of the Southeast Quarter lying East of the Mora canal as now located and constructed; all being in Section 4, Township 3 North, Range 4 West of the Boise Meridian in Canyon County, Idaho.

EXCEPTING THEREFROM public road right of way as described in a Right-of-way Deed recorded June 17, 1920, Document No. 107256 in Book 85 Deeds, page 549; and

SUBJECT to easements, reservations, restrictions and encumbrances of record.

PARCEL F:

this claim
The Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian.

EXCEPTING THEREFROM a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, more particularly described to-wit:

"Parcel B"
COMMENCING at the Northwest corner of Section 26, Township 3 North, Range 4 West of the Boise Meridian, running thence South 310 feet on the West line of said Section 26 to the INITIAL POINT; thence continuing South 195 feet along the said West line; thence East 300 feet at right angles to the said West line; thence North 195 feet parallel to the said West line; thence West 300 feet to the INITIAL POINT.

ALSO EXCEPTING THEREFROM a part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 3 North, Range 4 West of the Boise Meridian, particularly described as follows:

BEGINNING at the point which constitutes the corner of Sections 22, 23, 26 and 27 of said Township and Range, running thence South 25 feet; thence East 25 feet to the true point of beginning; thence continuing East a distance of 75 feet; thence Southwesterly to a point 75 feet South of the True Point of Beginning; thence North 75 feet to the Point of Beginning;

ALSO EXCEPTING THEREFROM right of way for a State Highway on the West 25 feet.

OK
The South Half of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian:

"Parcel C"
EXCEPTING a part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 4 West of the Boise Meridian; thence North 310 feet along the East line of the said Southeast Quarter of the Northeast Quarter; thence West 185 feet parallel to the South line of the said Southeast Quarter of the Northeast Quarter; thence South 310 feet parallel to the said East line to a point in the South line of the said Southeast Quarter of the Northeast Quarter; thence East 185 feet along the said South line to the POINT OF BEGINNING.

63-2388
for irrig.
Bur. of Rec.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2006

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

Re: Claim to a Water Right No. 63-5172

Dear Claimants:

In the past, Sunny Slope Orchards Partnership submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference only; this print-out is **NOT** to be returned or re-filed. According to Canyon County tax lot information you may be the current owner of the property for this claim. Sunny Slope Orchards Partnership indicated, when this claim was filed, that the water right was based on a "Statutory Claim" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. This claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible.

If you are currently the owner of the property under this claim, please submit the enclosed "Notice of Change in Water Right Ownership" form along with the evidence supporting the priority date claimed. The required evidence supporting the priority date must be submitted by **May 26, 2006**, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 287-4953.

Sincerely,

Kay Walker
Sr. Water Resource Agent

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-05172
SUNNY SLOPE ORCHARDS PARTNERSH
PO BOX 27

BOISE

ID 83707

Re: Claim No(s) A63-05172

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures

ADJUDICATION CLAIM CHECKLIST

ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	NOTICE OF CLAIM NO.	A63-05172	"R" RECORD
PRIORITY*									
I. OF DIV.									
SOURCE									
L. OF USE									
IV. AMOUNT CFS/AF									
CONSUMPTIVE USE									
NATURE OF USE									
PERIOD OF USE									
ASIS OF CLAIM									
REMARKS									

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6

IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO

IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: S.16 P.D.'s are claimed differently in S.R.B.A. 10/7 homes on stat., 10 on S.R.B.A.
 as follows: Based on conversation w/ another claimant, this will not have been previously

Receipt Details for ID C016711

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/7/1990 4:23:26 PM	5/7/1990	State	\$359.00	Check
Payer		SUNNY SLOPE ORCHARDS PTSP		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1002			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$359.00	ADJUDICATION FEE	410162	9337	00	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5172		\$76.00	Claim
63	5252		\$25.00	Claim
63	8515		\$233.00	Claim
63	5171		\$25.00	Claim

ok

Print Report