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CORPORATE HEADQUARTERS

RECEIVED

JUN 08 2011

DEPARTMENT OF
WATER RESOURCES

June 7, 2011

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Re: Motion to File Late Claim No. 63-33515.

Enclosed for filing is a motion by the J. R. Simplot Company ("Simplot") to file a late claim to a portion of water right no. 63-304, which was decreed pursuant to a judgment, issued by the Canyon County District Court in 1962. A copy of the judgment is included with the enclosed motion.

As described in the judgment, water right no. 63-304 was appurtenant to a parcel of land that was owned by Lawson and Edith McManus husband and wife ("McManus") and to a parcel of land owned by Alice Teater, a widow ("Teater"). Simplot is the successor to the McManus parcel together with the appurtenant rights which are described in the late claim no. 63-33515 attached to the enclosed motion.

Vale Island Farms is the successor to the Teater land parcel and the appurtenant water rights described in judgment. In May, 2011, Vale Island Farms filed a motion with the SRBA court to file a late claim for Vale's portion of water right 63-304. Vale's portion of the water right is identified under late claim no. 63-33516.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

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	)	SUBCASE NO: <u>63-33515</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
_____	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: J. R. Simplot Company

My address is: P.O. Box 27, Boise, Idaho 83707

My phone number is: Work: 208-336-2110 Home:

I am an attorney representing:

My name is:

My address is:

My phone number is:
Fax

MOTION TO FILE A LATE NOTICE OF CLAIM

☒ I did not file a Notice of Claim to the use of water in the SRBA because:

J. R. Simplot Company ("Simplot") acquired approximately 85.25 acres of irrigated real property (the "Roeser Property") pursuant the Warranty Deed attached hereto as Exhibit A, which Deed was recorded in the official real property records of Canyon County Idaho on September 3, 1986 as instrument no. 8622015. Simplot owns and irrigates more than one thousand acres adjacent to and southerly of the Roeser Property. This adjacent Simplot-owned land is irrigated with a combination of sources which include effluent from Simplot's industrial food processing operations and water supplied by local canal companies in which Simplot holds an ownership interest. Because water used to irrigate the Roeser Property is diverted from a canal like most of Simplot's adjacent similarly situated land, when Simplot acquired the Roeser Property Simplot understood that its water source was also provided through a canal company. Because Simplot believed a canal company would be the appropriate water right holder to file a claim in the Snake River Basin Adjudication, Simplot did not file its own claim for the water used on the Roeser Property.

However, in May of 2011, Simplot was contacted by the Idaho Department of Water Resources ("IDWR") which was following up on an inventory of points of diversion collected by the Boise River Water Master, Rex Barrie. Through this contact, Simplot discovered that its water use on

the Roeser Property was not claimed in the Snake River Basin Adjudication.

After IDWR informed Simplot about this unclaimed water use, Simplot discovered the attached Civil Judgment No. 15390 of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon recorded January 12, 1962 in the official real property records of Canyon County, Idaho as instrument no. 511655 (the "Judgment"). The Judgment decreed a water right appurtenant to certain land, including approximately 85 acres of land matching the legal description of the Roeser Property and described in the Judgment as owned by Lawson L. McManus and Edith L. McManus, husband and wife, Simplot's predecessors. Although the water right was decreed in the Judgment, for unknown reasons, the title policy issued in connection with Simplot's acquisition of the Roeser Property did not contain a reference to this recorded instrument. Furthermore, IDWR did not maintain a water right file for this water right, nor was it indexed in IDWR's record keeping system so it could be located by conducting a search by point of diversion or by place of use. IDWR has identified the water right decreed in the Judgment as water right no. 63-304 and has identified Simplot's portion of this water right as water right no. 63-33515 in the Snake River Basin Adjudication.

In summary, at the time the Roeser Property was acquired, Simplot understood that the water used to irrigate this land was managed by a local canal company. However, due to the recent inquiry resulting from the Water Master's diversion inventory, Simplot discovered new information confirming that it is the current holder of a portion of the water right described in the Judgment.

Simplot has continuously put water to beneficial use on the Roeser Property consistent with the Judgment since it acquired the Roeser Property in 1986. (See also the affidavit of Rex Barrie, Watermaster for Water District 63, attached hereto.) Furthermore, upon information and belief, water has been beneficially used on the Roeser Property by virtue of the appropriation since April 1, 1910 (see Judgment). For this reason, Simplot is requesting that the Court grant this Motion to allow Simplot to file a claim to its portion of water right no. 63-304, which portion has been identified by IDWR as water right no. 63-33515 in the Snake River Basin Adjudication.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stockwatering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

1) See attached Civil No. 15390 Judgment in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon. This Judgment was recorded in the official real property records of Canyon County, Idaho on January 12, 1962 as instrument no. 511655.

2) See Exhibit A, a Warranty Deed recorded in the official real property records of Canyon County Idaho on September 3, 1986 as instrument no. 8622015.

3) See attached Affidavit of Rex Barrie.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ ____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a Notice of Claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources (IDWR) in the amount of \$128.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on September 26, 2011 at 1:30pm.
(Insert Date and Time)

at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the Court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:
- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR.

VERIFICATION (Must be completed)

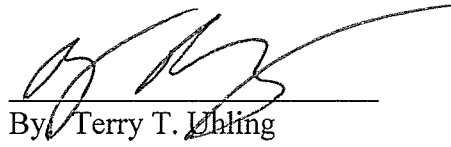
State of Idaho

County of Ada

Terry T. Uhling, Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

J. R. Simplot Company

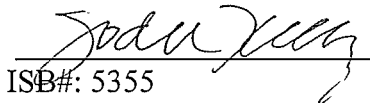


By: Terry T. Uhling

Its: Senior Vice President, Secretary and General Counsel

Attorney signing in representative capacity

Jodee Kelly, Attorney for J. R. Simplot Company

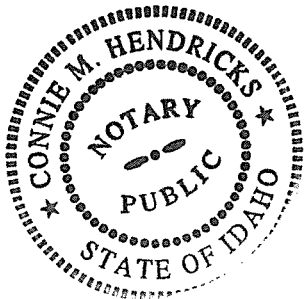


ISB#: 5355

999 Main Street, Suite 1300

Boise, Idaho 83702

Subscribed and sworn to before me on June 7, 2011
(Insert Date)



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 8/22/2014

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 7, 2011 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:

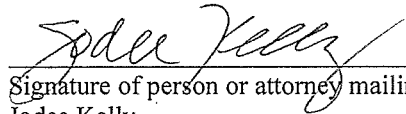
1. Original to:

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:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form
Jodee Kelly

8622015

WARRANTY DEED

For Value Received

JAMES E. ROESER and CARLENE ROESER, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

J. R. SIMPLOT COMPANY, a corporation,

the grantee, whose current address is 999 Main, Boise, ID 83702

the following described premises, in

Canyon

County Idaho, to-wit:

COMMENCING at the South Section corner common to Section 7, Twp. 4 N., R. 3 W., B.M., Canyon County, Idaho, and Section 12, Twp. 4 N., R 4 W., B.M., Canyon County, Idaho; run thence North along the Section line, 880 feet to the REAL POINT OF BEGINNING; thence S. 46°0' E. 335 feet; thence S. 48°15' E. 405 feet; thence S. 70°30' E. 230 feet; thence S. 79°50' E. 415 feet; thence N. 78°10' E. 110 feet; thence North along the East line of Lot 3 of Section 7, Twp. 4 N., R. 3 W., B.M., a distance of 2116.41 feet; thence S. 86°45' W. 350 feet; thence West 425 feet; thence N. 75°0' W. 210 feet; thence N. 54°45' W. 375 feet, to the West line of said Section 7; thence N. 27°5' W. 605 feet; thence N. 4°10' W. 101.86 feet; thence S. 26°40' W. 1421.95 feet; thence S. 53°10' E. 53.25 feet; thence S. 45°5' E. 525 feet; thence S. 31°20' E. 465 feet; thence S. 36°0' E. 250 feet; thence S. 49°40' E. 150 feet to the real point of beginning. EXCEPTING THEREFROM the East 99 feet of Lot 3 of Section 7, Twp. 4 N., R. 3 W., B.M. ALSO EXCEPTING THEREFROM a strip of land 20 feet in width extending along the Southerly and Southwesterly boundary line of said premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances except current taxes and assessments, easements, restrictions and reservations of record,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 29th, 1986.

James E. Roeser
James E. Roeser
Carlene Roeser
Carlene Roeser

STATE OF IDAHO
COUNTY OF Ada } ss.
On this 29th day of August in the year 1986, before me, a Notary Public, personally appeared James E. Roeser and Carlene Roeser, known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at Boise Idaho

REQUEST SAEED TITLE INS CO.
TYPE Deed FEB 2000

RY *[Signature]*
BILL A. STAKER
CANYON CITY, REORDER

RECORDED

86 SEP 3 PM 3 55

8622015

INSTRUMENT NO.

INSTRUMENT NO. 541655

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON

LAWSON L. McMANUS and EDITH L.
McMANUS, husband and wife, and
ALICE TEATER, a widow,

Plaintiffs,

vs.

EDWIN B. KARN, Water Master,

Defendant.

CIVIL NO. 15390

JUDGMENT

GIGRAY & BOYD
Attorneys at Law
Canyon, Idaho

The above matter came on regularly to be heard in this Court without a jury on the 12th day of January, 1962, upon the plaintiffs' complaint, the plaintiffs appearing by their attorney, Wm. F. Gigray, Jr., of the firm of Gigray & Boyd, and the defendant, Edwin B. Karn, having been regularly served with process according to law and having appeared in person, and refusing to plead further in this cause, and waiving any further notice that may be required by law and consenting that default be entered against him, and the default of the defendant having been entered, witnesses were sworn and examined on behalf of the plaintiffs, and oral and documentary evidence having been introduced, the Court being fully advised in the premises and having duly considered the same, and the Court having arrived at his conclusions and having made and filed findings of fact and conclusions of law from which it appears that the plaintiffs are entitled to judgment as prayed for in their complaint,

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, and this does ORDER, ADJUDGE and DECREE, that the plaintiffs, Lawson L. McManus and Edith L. McManus, husband and wife, are the owners of the following described real estate situated in Canyon County, Idaho, containing approximately 65 acres of land, to-wit:

Commencing at a point on the Range line between Range 3 W. and Range 4 W.B.M. in Township 4, 880 feet North of the Section corner common to Sections 7 and 18, Township 4 North, Range 3 W. and Sections 12 and 13, Township 4 North, Range 4 W.B.M., thence North on said Range line 1721 feet; thence due West 604.39 feet to a point of beginning; thence South 26° 40' W. 705.49 feet; thence South 53° 10' East 53.25 feet; thence South 45° 05' East 525 feet; thence South 31° 20' East 465 feet; thence South 36° 00' East 250 feet; thence South 49° 40' East 150 feet; thence South 46° 00' East 335 feet; thence South 48° 15' East 405 feet; thence South 70° 30' East 230 feet; thence South 79° 50' East 415 feet; thence North 78° 10' East 110 feet to the East boundary line of Lot 3 of Section 7, Township 4 North, Range 3 W.B.M.; thence North along said boundary line 2116.4 feet; thence South 86° 45' West 350 feet; thence due West 425 feet; thence North 75° 00' West 210 feet; thence North 54° 45' West 375 feet; thence North 27° 55' West 605 feet; thence North 4° 10' West 101.35 feet; thence South 26° 40' W. 716.46 feet to the point of beginning; Excepting therefrom a strip of land 99 feet in width extending along the Easterly side thereof, comprising approximately 5 acres, and also excepting therefrom a strip of land 20 feet in width extending along the Southernly and Southwesterly boundary line of said premises.

Together with all water, water rights, and rights of way for ditches, used in connection with the irrigation of said premises.

and that the plaintiff Alice Teater, a widow, is the owner of the following described real estate situated in Canyon County, Idaho, and adjoining the above described lands of the plaintiffs, Lawson T. McManus and Edith L. McManus, husband and wife, containing approximately 83 acres of land, to-wit:

Commencing at the Southeast corner of Section 12, Township 4 North, Range 4 West of the Boise Meridian, in Canyon County, State of Idaho; thence North on the section line a distance of 880 feet to a point; thence North 49° 40' West 150 feet; thence North 36° 0' West 250 feet; thence North 31° 20' West 465 feet; thence North 45° 5' West 525 feet; thence North 53° 10' West 53.25 feet to the real point of beginning; thence North 26° 40' East 1721.95 feet; thence North 4° 10' West 323.14 feet; thence North 18° 15' West 500 feet; thence North 54° 20' West 465 feet; thence South 83° 35' West 485 feet; thence South 74° 35' West 436 feet; thence South 59° 30' West 770 feet; thence South 71° 15' West 330 feet;

thence South 40° 15' West 245 feet;
thence South 14° 20' East 125 feet;
thence South 36° 45' East 490 feet;
thence South 44° 45' East 330 feet;
thence South 69° 35' East 415 feet;
thence South 58° 55' East 575 feet;
thence South 65° 10' East 392 feet;
thence South 53° 10' East 206.75 feet to
the real point of beginning.

Together with all water, water rights, ditches and
rights of way for ditches appurtenant thereto or in
anywise appertaining.

That the plaintiffs and their predecessors in interest
have continually since the 1st day of April, 1910, diverted water
from the natural flow of the Boise River to irrigate the said land
of approximately 168 inches measured under a four inch pressure,
and that the same has been continually applied to the said land
for the beneficial purpose, that of irrigating the same, annually
thereafter during the irrigation season; and

It is further ORDERED, ADJUDGED and DECREED, and this
does ORDER, ADJUDGE and DECREE, that there shall be allowed to
flow to the said land, diverted from the Boise River and its tribu-
taries, for the use of the irrigation of the said land for the
benefit of the plaintiffs and their successors in interest lawfully
entitled thereto priority of 168 inches of water measured under a
four inch pressure, dated from the 1st day of April, 1910, provided
that this decree shall at all times be subject to the terms of the
original decrees of the Boise River, as follows:

That certain decree entered by the Judge of the District
Court of the Seventh Judicial District of the State of Idaho in and
for the County of Canyon in the case of Farmers Co-operative Ditch
Company, a corporation vs. Riverside Irrigation District Ltd.,
dated January 18, 1906, which is commonly referred to and known as
the "Stewart Decree" of the natural flow of said river or stream;
and subject also to the terms and conditions of that certain decree
made and entered in the District Court of the Seventh Judicial
District of the State of Idaho in and for the County of Canyon in

the case of the Pioneer Irrigation District vs. American Ditch Association, et al., dated February 14, 1929, commonly known as the "Bryan Decree," in which decrees were adjudicated the priorities of the natural flow of the water and of the flood waters of the Boise River; and

It is hereby further ADJUDICATED and DECREED that the above named defendant as Water Master of the Boise River and his successors in office shall allow to flow to the said lands of the plaintiffs for irrigation purposes and for the benefit of the plaintiffs herein and their successors in interest, who may be lawfully entitled thereto by virtue of the appropriation, in an amount of 168 inches of water per second measured under a four inch pressure, dated from the 1st day of April, 1910, and the said Water Master of the Boise River and his successors in interest shall distribute to them the said water in accordance therewith in the same manner and effect as thereof their said rights had been included in the said decree commonly known as the "Bryan Decree" hereinabove referred to, and with the same priority as if the same had been included.

Done in open Court this 12th day of January, 1962.

John B. Murphy
District Judge

GERALD BODD
ATTORNEY AT LAW
CALDWELL, IDAHO



541655

) SS:

COUNTY OF ADA

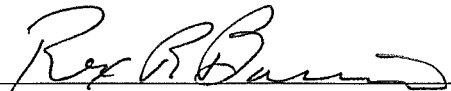
(1) I am the Watermaster for Water District No. 63, which is comprised of the Boise River basin. I have personal knowledge of the facts and matters described in this affidavit.

(3) Water right no. 63-304 was decreed for irrigation at a diversion rate of 3.36 cfs, or 168 miner's inchers, with a priority date of April 1, 1910. I understand that the lands owned by McManus and irrigated with the McManus portion of right no. 63-304 are currently owned by the J.R. Simplot Company ("Simplot"). Simplot is filing a Motion to File a Late Claim in the Snake River Basin Adjudication ("SRBA") for Simplot's portion of water right 63-304, which portion shall be identified under SRBA claim no. 63-33515. The lands owned by Teater and irrigated with the Teater portion of right no. 63-304 are now owned by Vale Island Farms

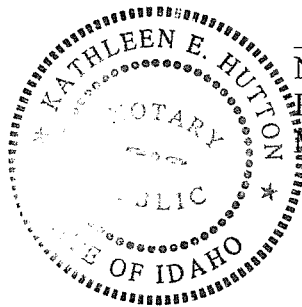
("Vale"). Vale is filing a Motion to File a Late Claim in the SRBA for Vale's portion of water right 63-304, which portion shall be identified under SRBA claim no. 63-33516.

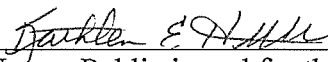
(4) The Watermaster's records show that assessments for right no. 63-304 have been paid in full for as long as the records have been kept, and that the right has been delivered each irrigation season through 2010.

DATED this 2 day of June, 2011.


Rex Barrie

SUBSCRIBED AND SWORN to before me this 2 day of June, 2011.




Notary Public in and for the State of Idaho
Residing at: Star, ID
My Commission Expires: 4-1-2014

VERIFY DOCUMENT AUTHENTICITY - THIS DOCUMENT HAS A MULTICOLORED AND VOID BACKGROUND

Simplot

WELLS FARGO BANK, N.A.

Check No.
01136507

05/25/11

92.6
1241

\$128.00

PAY One hundred twenty eight and 00/100 Dollars

TO THE ORDER OF IDAHO DEPARTMENT OF WATER RESOURCES

Annette H. Elg

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈01136507⑈ ⑆124100064⑆ 5130002990⑈

SIMPLOT SHARED SERVICES - AP
PO BOX 70003
BOISE, ID 83707-0103

L

Idaho Department of Water Resource
1301 N Orchard St
PO Box 83720
Boise, ID 83720-0098

6-8

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 _____
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) J. R. Simplot Company Phone (208) 336-2110

Mailing Address P.O. Box 27 Boise ID 83707
Street or Box City State

2. Date of Priority (Only one (1) per claim) April 1, 1910
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Boise River
which is tributary to (b) Snake River

4. a. Location of Point of Diversion is: Township 4N, Range 3W, Section 7,
_____, 1/4 of _____, 1/4 Govt. Lot 2, BM., County of Canyon

Parcel (PIN) no. Diversion dam in Boise River (no PIN available); McManus-Teater Ditch (R3459200000)

Additional points of diversion if any: Canal that feeds the Eureka & Upper Center Point (R3459300000)

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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 dam in Boise River backs water up. Backwater upstream

of Diversion dam can flow through a concrete head gate into the McManus-Teater Ditch or through

a "roll-up" gate into a canal that feeds the Eureka Ditch Company No. 2 and the Upper Center Point Ditch

Company. If water flows through the "roll-up" gate, water is then diverted from the canal that feeds the Eureka

Ditch Company No.2 and the Upper Center Point Ditch Company with a pump. The pump pressurizes a sprinkler

system that is used to irrigate the place of use. Both canal diversions occur in Lot 2, Section 7 T.4N R.3W B.M.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 11/1 amount 1.70cfs or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.70 cfs (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	3W	7						24	30										54
4N	4W	12													20			4	24

Parcel (PIN) no(s) R345940000, R3605401000

Total number of acres irrigated 78

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

11. 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.

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

or None (✓)

13. Remarks: This claim represents a portion of irrigation water right no. 63-304, which was decreed by the

Canyon County District Court on January 12, 1962, to Lawson and Edith McManus, husband and wife, and Alice

Teater, a widow. The claimant now owns the McManus land and the appurtenant water rights described in the

McManus-Teater decree.

Last Name Identification No.

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court 7th Dst. (Canyon) Decree Date Jan. 12, 1962 Plaintiff v. Defendant McManus & Teater v Wtr. Mstr.

If applicable provide IDWR Water Right Number 63-304

15. Signature(s)

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

Number of attachments: 1 Map

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

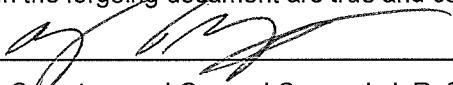
For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Senior V.P., Secretary and General Counsel of J. R. Simplot Company,
Title Organization

that I have signed the foregoing document in the space below as

Senior V.P., Secretary and General Counsel of J. R. Simplot Company,
Title Organization

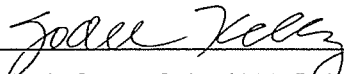
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 6-7-11

Title and Organization Senior V.P., Secretary and General Counsel, J. R. Simplot Company

16. Notice of Appearance:

Notice is hereby given that I, Jodee Kelly, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 6-7-11

Address 999 Main Street, Suite 1300, Boise, Idaho 83702

Last Name _____ Identification No. _____

SRBA Claim No. 63-33515

Simplot Pump

Place of Use:

Gov't Lot 3, Section 7
T.4N R.3W B.M.

and

Gov't Lot 1, Section 12
T.4N R.4W B.M.

Headgates splitting
The Feeder Canal into
Upper Center Point Canal
and Eureka Ditch

Point of Diversion:
Diversion Dam located
Gov't Lot 2 Section 7
T.4N R.3W B.M. Canyon
County, Idaho

"Roll-up Gate"
Water turned into
Feeder Canal here
Gov't Lot 2 Section 7
T.4N R.3W., B.M.
Canyon County, ID



013

018

0.05

0.1

0.2
Miles

Boise River

Feeder Canal

McManus-Leater Ditch

Upper Centerpoint Canal
Eureka Ditch

4N 3W

012
4N 3W