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SEP 27 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 26 2011	
By _____	Clerk
	Deputy Clerk

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: 63-33515

Case No. 39576

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On June 8, 2011, the J. R. Simplot Company, by and through counsel, Jodee Kelly, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 26, 2011. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated: September 26, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on September 26, 2011, with sufficient first-class postage to the following:

J R SIMPLOT COMPANY

Represented by:

JODEE K KELLY

J R SIMPLOT COMPANY

999 MAIN STREET SUITE 1300

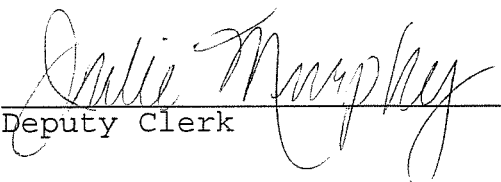
BOISE, ID 83702

Phone: 208-336-2110

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 8 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSClerk
Deputy ClerkIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 13-33515Date Received: 9/27/2011Receipt No: 0094029 \$128-Received By: SRBNOTICE 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) 336-2110Mailing Address P.O. Box 27 Boise ID ZIP 83707
Street or Box City State2. 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 River4. a. Location of Point of Diversion is: Township 4N, Range 3W, Section 7,
1/4 of, 1/4 Govt. Lot 2, BM., County of CanyonParcel (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 througha "roll-up" gate into a canal that feeds the Eureka Ditch Company No. 2 and the Upper Center Point DitchCompany. If water flows through the "roll-up" gate, water is then diverted from the canal that feeds the EurekaDitch 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 [Signature] 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 Jodee Kelly 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 0.05 0.1 0.2 Miles

007

012
4N 4W

4N 3W

Upper Centerpoint Canal
Eureka Ditch

McManus-Teater Ditch

Feeder Canal

Boise River