

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: A43-00099C
Date Received: 6/ 8/1989
Receipt No: C007327
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE ID 83707

2. Date of Priority: APR 1, 1879

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	14	NE	SW			CASSIA

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

8. Total consumptive use is 1908.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	26E	11	NE	SW		IRR	25.0
			SE	SW		IRR	35.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	11	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				220.0
		12	NW	SW		IRR	37.0
			SW	SW		IRR	40.0
			Section Acres				77.0
		13	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	39.0
			Section Acres				119.0
		14	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			SW	NW		IRR	20.0
			Section Acres				220.0
			Total Acres				636.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

43-00100 -00101 -00102 -00103 -00104 -02536 -04197

14. Remarks:

P. D. GIVEN IN SUPERCEDED TRANSFER #225

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs Decree Defendant

MICROFILMED

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

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: A43-00099C
Date Received: 6-08-89
Receipt No: 0007327
Received By: JD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: APR 01, 1879

3. Source: CASSIA CREEK

Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	14	NE	SW			CASSIA

5. Description of diverting works:
DIVERSION DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

A.F.A.

8. Total consumptive use is 1908.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	11	NE	SW		IRR	25.0
			SE	SW		IRR	35.0
			NE	SE		IRR	40.0

A43-00099C

Page 1

Date: 06/06/89

MICROFILMED

MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
13S	26E	11	NW		SE		IRR	40.0	
			SW		SE		IRR	40.0	
			SE		SE		IRR	40.0	
					Section Acres				220.0
		12	NW		SW		IRR	37.0	
			SW		SW		IRR	40.0	
						Section Acres			
		13	NW		NW		IRR	40.0	
			SW		NW		IRR	40.0	
			NW		SW		IRR	39.0	
					Section Acres				119.0
		14	NE		NE		IRR	40.0	
NW			NE		IRR	40.0			
SW			NE		IRR	40.0			
SE			NE		IRR	40.0			
NE			NW		IRR	40.0			
SW			NW		IRR	20.0			
			Section Acres				220.0		
			Total Acres				636.0		

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

43-00100 -00101 -00102 -00103 -00104 -02536 -04197

14. Remarks:

P. D. GIVEN IN SUPERCEDED TRANSFER #225

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

A43-00099 C

Page

2

Date: 06/06/89

MICROFILMED

MAR 02 1993

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 ☒ 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 _____ Secretary _____ of _____ Title _____

J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as _____ Secretary _____ of _____ Title _____

J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

Thomas J. Lawrence
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

6-7-89

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89

Timothy A. Lawrence
Notary Public

Seal

Residing at _____ Meridian _____

My Commission Expires 11-06-91



142# A43-00099

T135 P. 26, E

S. R. 26, E

No. 48264

2007327

L. R. SIMPLOT COMPANY - Boise, Idaho 83707

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING.

UNIVERSITY MICROFILMS

DISCUSSION

ACCIDENT

CENTER

INFLUENZA

11 3530

SNASKE RIVER ADJUDICATION
FILING FEES - CASSIA COUNTY - A43

FOR:

MICROFILMED
MAR 02 1993

MICROFILMED
MAR 02 1993

Beacon ①

P 3304

P 3303

P 3302

9309

92350

15

10

3297

Sheet

Speth C
Marker

Ita

Sheets

4004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Jan-1992

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-00099, A43-00100, A43-00101,
A43-00102, A43-00103, A43-00104
Identification Number Changes

Dear Simplot Company:

The Identification Numbers of your Notice of Claim to a Water Right have been changed from A43-00099 to A43-00099C, A43-00100 to A43-00100C, A43-00101 to A43-00101C, A43-00102 to A43-00102C, A43-00103 to A43-00103C, and A43-00104 to A43-00104B. The suffix has been added in order to distinguish your claims from other claims that may claim a portion of the original water rights. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

Jeanie Robertson
Records Clerk

/jr

Enclosures:

Claim A43-00099C
A43-00100C
A43-00101C
A43-00102C
A43-00103C
A43-00104B

MICROFILMED
MAR 02 1993

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

RECEIVED

APR 01 1993

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.*

*4-1-93
-26*

Defendants.

IN THE MATTER OF THE GENERAL
DETERMINATION OF RIGHTS TO THE
USE OF GROUNDWATER DIVERTED
FROM SECTIONS 19, 20, 21, 28, 29,
30, 31, 32, AND 33, T. 11 S.,
R. 27 E., B.M.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Counterplaintiff,

vs.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Counterdefendants.

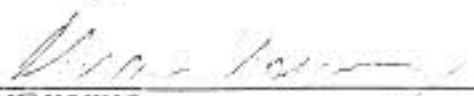
TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By


GRAY YOUNG
Assistant General Counsel

4507-0-20-92-742

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

RECEIVED

JAN 22 2002

Department of Water Resources
Southern Region

RECEIVED

JAN 15 2002

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase

99C

(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Ted Higley

Address:

PO Box 57

Malta, Id 83342

Daytime Phone:

208-645-2444

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

VR Simplot Co

Address:

PO Box 27

Boise, Id 83707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: EVEN PER ACRE

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

T135 R26E NENE NE S14
" " SE SENW S14
Should be: due to no participation in construction.

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** _____

F.

VERIFICATION (Must be Completed)

State of Id

County of Twin Falls) ss.

Ted Higley, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Ted Higley
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1-11-02

Kelly K. Christensen
Notary Public for IDWR
Residing at: Twin Falls
My Commission Expires: 3-11-04



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 1-14 2002 I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

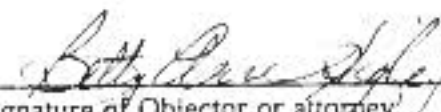
Name: U.R. Simplot Co
Address: PO Box 127
Boise, Id 83707

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES 09/26/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 2.50 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .03
CFS PER ACRE, COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C,
43-102C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591,

AND 43-10592

PRIORITY DATE: 04/01/1879

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County
T13S R26E S14 SESENE Within CASSIA County
T13S R26E S14 SWSW Within CASSIA County
T13S R26E S21 SWSENE Within CASSIA County
T13S R26E S22 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.500 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R26E S11	NESW	17.0	T13S R26E S11	SESW	26.0
T13S R26E S11	NESE	40.0	T13S R26E S11	NWSE	40.0
T13S R26E S11	SWSE	40.0	T13S R26E S11	SESE	38.0
T13S R26E S12	NWSW	30.0	T13S R26E S12	SWSW	30.0
T13S R26E S13	NWNW	39.0	T13S R26E S13	SWNW	39.0
T13S R26E S14	NENE	40.0	T13S R26E S14	NWNE	40.0
T13S R26E S14	SWNE	40.0	T13S R26E S14	SENE	40.0
T13S R26E S14	NENW	35.0	T13S R26E S14	SWNW	17.0
T13S R26E S14	SENW	40.0	T13S R26E S14	NWSW	35.0
T13S R26E S14	SWSW	40.0	T13S R26E S15	NESE	8.5
T13S R26E S15	SWSE	31.0	T13S R26E S15	SESE	31.0

737.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-99C, 43-100C, 43-101C, 43-102C, AND 43-104B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-104B, 43-105, 43-106,
43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

05/09/2001

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water Right Number: 43-99C

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

Quantity (rate of diversion)

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

The quantity described for the recommended place of use, as provided in the Jobe Adams Decree (1922) and as further confirmed and explained in the J.B. Hitt et al. Decree (1926), is 2.5 cfs. This quantity of water remains appurtenant to the recommended place of use. Therefore the quantity should be changed from 1.72 cfs, the IDWR's preliminary recommended rate of diversion, to 2.5 cfs, the quantity of this water right owned by the Claimant.

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

In the attached Warranty Deed recorded in the real property records of Cassia County on July 9, 1947, as instrument no. 159895, H.F. and Rosa Deardorff, the Grantors, conveyed a parcel of land containing approximately 80 acres to a predecessor of the current landholder, together with water rights specifically identified as "...80 inches of the decreed water of Cassia Creek bearing a priority 1894.." Similarly, in the attached Warranty Deed recorded in the real property records of Cassia County on November 9, 1945, as instrument no. 152869, the Deardorffs conveyed a parcel of land containing approximately 120 acres to a predecessor of the current landholder, together with water rights specifically identified as "...120 inches of the decreed water of Cassia Creek bearing date of priority 1894.."

In circumstances where a deed conveying real property lists specific water rights to be included in the conveyance, Idaho Law limits the water rights conveyed to only those specifically identified in the deed. The conveyance of any other right not identified in

the deed is excluded from the land transfer [*Paddock v. Clark*, 22 Idaho 498 (1912); *Harris v. Sewell*, 51 Idaho 283, (1931); *Davis v Randall*, 44 Colo. 488, (1908)].

The Claimant is the successor in interest to land and related water rights formerly owned by the Deardorffs. The water rights were reserved by the Deardorffs and were not conveyed in either of the deeds conveying adjacent parcels and specific water rights to others. The Grantees in both of the attached Warranty Deeds are entitled to only that portion of the water right particularly described in the deeds (a portion of water right no. 43-103). The Grantees in both real property transfers are entitled to only the water rights expressed, and did not take any additional rights by implication [*Kofoed v. Bray*, 69 Mont. 78 (1923)]. Deardorff reserved those rights which were not conveyed. Consequently, the Claimant is entitled to the full quantity awarded in the Jobe Adams Decree for the recommended place of use.

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

J. R. Simplot Company

DATE: 6/15/01

SIGNATURE: By: _____

Please print your name: Ronald N. Graves, Vice President, Secretary and
General Counsel

49/565

1528209

DEED RECORD No. 49, CASSIA COUNTY, IDAHO

WARRANTY DEED (\$13.20 revenue stamps attached).

This INSTRUMENT, Made this Fifth day of November, 1904, between H. F. Deardorff and Rosa V. Deardorff, his wife, of Burley, Cassia County, Idaho, his wife, the parties of the first part, and Minnie Night and Viola Night, his wife, of Malta, Cassia County, Idaho, the parties of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twelve Thousand and no/100----- Dollars, of the United States of America, to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have granted, bargained and sold, and by these presents do convey, and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Cassia County, State of Idaho, to-wit:

All of the Northeast quarter of the Northeast quarter (NE1/4NW1/4), the Northeast quarter of the Northeast quarter (NE1/4NE1/4) and the Northeast quarter of the Northeast quarter (NE1/4SE1/4) of Section 13, Twp. 13 South, Range 26 E. 3d N., except therefrom all land donated to the State of Idaho for Highway purposes therein as recorded in Book of Deeds No. 42, of Cassia County, Idaho, at page 561; together with 120 inches of the decreed water of Cassia Creek bearing date of priority 1894 and all ditches and ditch rights pertaining to the land herein described. Also all water developed from that well located in the South portion of said land;

Also the use of 1/2 of the water developed from that Tile stream located in the NW1/4NW1/4 of said section each year from Nov. 1, to April first of the succeeding year. Said water to be used for stock watering purposes on the property herein conveyed and not diverted to other lands.

Said parties of the first part hereby reserve a continuous easement, and right to use a portion of the land herein conveyed and the perpetual use of an irrigation well thereon. Said land being more particularly described as beginning at the intersection of the East boundary line of Idaho Highway No. 30 S. and the North boundary line of the NE1/4NW1/4 of said section 13, Twp. 13 South, Range 26 E. 3d N., thence East 3 rods, thence South three rods, thence West three rods, thence North three rods to the place of beginning.

TOGETHER With all and singular the tenements, hereditaments and appurtenances in anywise appertaining to the said parties of the first part, their heirs and assigns forever, in full and complete satisfaction of the debt hereinbefore mentioned and recorded, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs and assigns forever, do hereby warrant and defend unto the said parties of the second part, their heirs and assigns forever, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns forever, against the said parties of the first part, and their heirs and assigns forever, and against all and singular persons claiming or to claim at the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal on this day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Charlotte Runzinger

Wm. E. Thompson

H. F. Deardorff

Rosa V. Deardorff

Sec 13 NE 1/4 NW 1/4
120 in
2.400 cfs
1894 water

Deardorff
H. F. Deardorff
Rosa V. Deardorff

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110**RECEIVED**

JUL 17 2001

Department of Water Resources
Southern Region**FAX COVER LETTER**

Transmittal Time:

TO:	Kelly Christensen	Fax No.	208-736-3037	DATE:	July 17, 2001
COMPANY:	IDWR	No. of pages including cover sheet. 3			
FROM:	Vic Conrad	Direct Dial Number	(208)389-7359	FAX NO.	(208) 389-7333
CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.					
RE: April 22, 1926 Decree.					
Message: Attached is a copy of the Decree we discussed earlier. This Decree was related to Transfer No. 225 filed with the State Engineer. Please let me know if you would like me to forward copies of the transfer application filed by Deardorf or the decision by the State Engineer in that transfer proceeding.					
RECEIVED JUL 17 2001 Department of Water Resources Southern Region					
If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.					

01/08/2001

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

RIGHT NUMBER: 43-99C

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

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2.50 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.32 CFS. COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, AND 43-104B

PRIORITY DATE: 04/01/1879

POINT OF DIVERSION:	T13S R26E S14	NENENE	Within CASSIA County
	T13S R26E S14	SESENN	Within CASSIA County
	T13S R26E S14	SNNWSN	Within CASSIA County
	T13S R26E S21	SNEENE	Within CASSIA County
	T13S R26E S22	NENENN	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.50 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S11	NESW	17	T13S R26E S11 SESE 26
T13S R26E S11	NESE	40	T13S R26E S11 NWSE 40
T13S R26E S11	SWSE	40	T13S R26E S11 SESE 38
T13S R26E S12	NWSN	30	T13S R26E S12 SWSN 30
T13S R26E S13	NWNW	39	T13S R26E S13 SNW 39
T13S R26E S14	NENE	40	T13S R26E S14 NWNE 40
T13S R26E S14	SWNE	40	T13S R26E S14 SENE 40
T13S R26E S14	NENW	35	T13S R26E S14 SNW 17
T13S R26E S14	SENW	40	T13S R26E S14 NWSN 26
T13S R26E S14	SWSN	40	T13S R26E S15 NESE 8.5
T13S R26E S15	SWSE	31	T13S R26E S15 SESE 31

737.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, AND 43-104B.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE

ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Point of diversion located in **Twp 13S Rng 26E Sec 21 SWSENE.**
Photo date: **8-22-2000**

Site tag A0004883 (gps reading failed on this date)

Exam by: Kelly K Christensen

Rights sharing P/D

Tracy 43-11239

Carpenter 43-00113, 43-00114, 43-00115, & 43-11240

Simplot 43-00275, 43-00276, & 43-00277

You are looking northwest in this photo set. This shows the diversion structure in the foreground, the head gate structure, and the parshall flume in the background. Cassia Creek runs from the left to the right in the foreground. No water was flowing at exam time.



Kelly, Vicki

From: McHugh, Candice
Sent: Monday, October 30, 2000 2:26 PM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: RE: simplot-higley-beyler split 43-99 thru 43-104

RECEIVED
NOV 08 2000
Department of Water Resources
Southern Region

Kelly--

I'm forwarding your message to Vicki Kelly. She'll get you the documents within the next week. Thanks.

Candice

-----Original Message-----

From: Christensen, Kelly
Sent: Monday, October 30, 2000 9:20 AM
To: McHugh, Candice
Subject: simplot-higley-beyler split 43-99 thru 43-104

I e-mailed Vic Conrad going on two weeks ago indicating that I intended on recommencing the rights to all parties based upon the proportional split theory rather than the warranty deed assignment of 43-104 to the Higley-Beyler property unless he contacted me with some additional compelling information. He has not responded, therefore I am proceeding forward with my recommendations.

For narrative purposes I wanted to identify the first warranty deed and the language that assigned 43-104 to the Higley-Beyler property. You have the paper work there. Could you get that information to me so that I can document it in my analysis sheet?

Thanks -- This is one of those deals where the doc management system really would be nice.

Kelly K Christensen

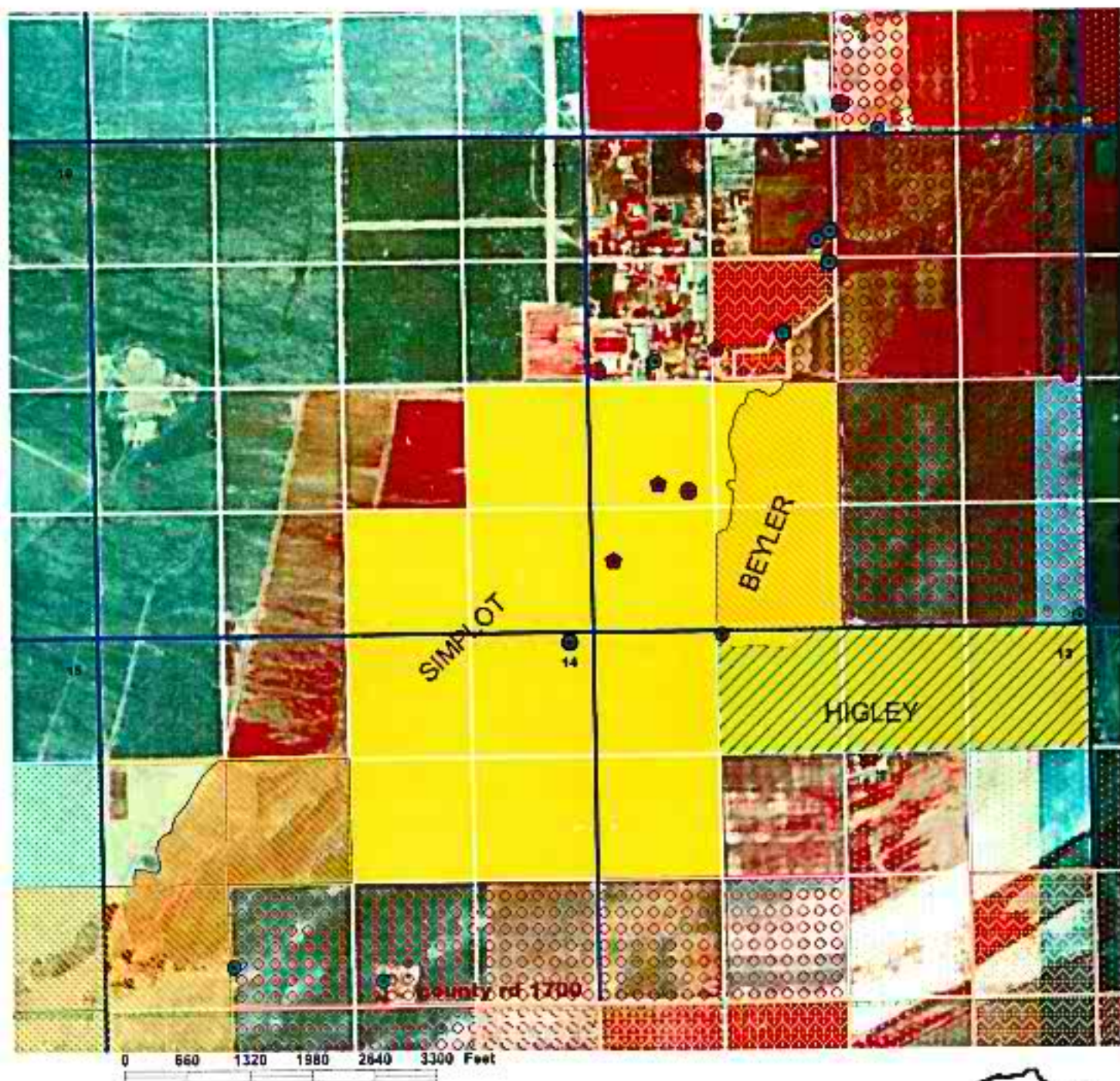
Hi Kelly--
Hopefully this is what you are looking for -- let me know if it isn't. I went with the legal on the shade file (I stuck that copy in too -- even if you don't need it) and have included Loren's memo to the file. If you can't read the deeds, let me know.

Thanks - V

*These were run on the color copier -- Loren's map didn't come out the greatest.

Utah Department of Water Resources

**DECREEED P/U 43-00099, 43-00100, 43-00101,
43-00102, 43-00103, AND 43-00104**



PLACE OF USE

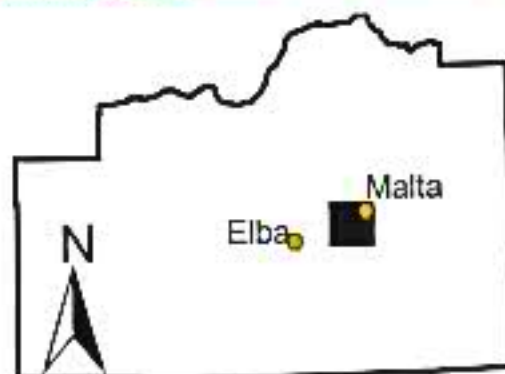
TWP 13S, RNG 26E, SEC 11, 12, 13, & 14

Data entry on JULY 27, 2000

GIS PLACE OF USE PRESENTATION

1967/1988 NAFF AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN

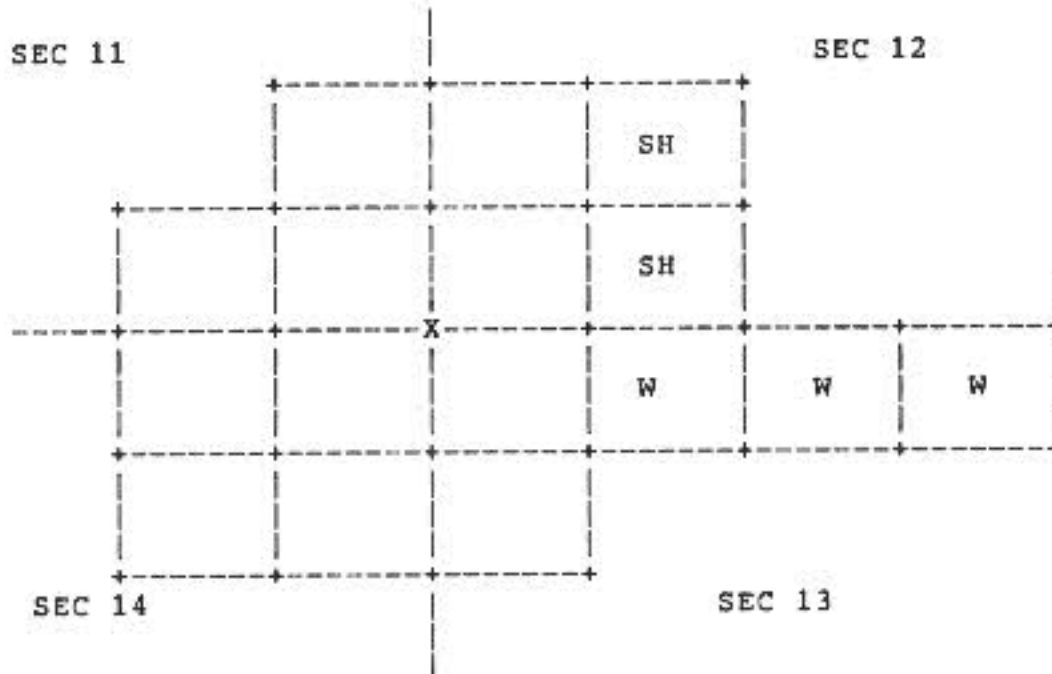


From: DWR60::HOLMES
To: HOLMES
Subj: cassia creek

1-JUN-1989 10:30

I haven't been able to locate any letter from June, 1988 to the Cassia Creek watermaster. Here is some background from our file.

The water rights in question are 43-0099 through 43-0104 decreed to H.F. Deardorff in the Jobe Adams decree. Right 43-0103, priority 4/1/1894 appears to be the right specifically conveyed by Deardorff in subsequent property sales. The right decrees 5.1 cfs for use on 16 tracts as shown in the diagram (.32 cfs per tract).

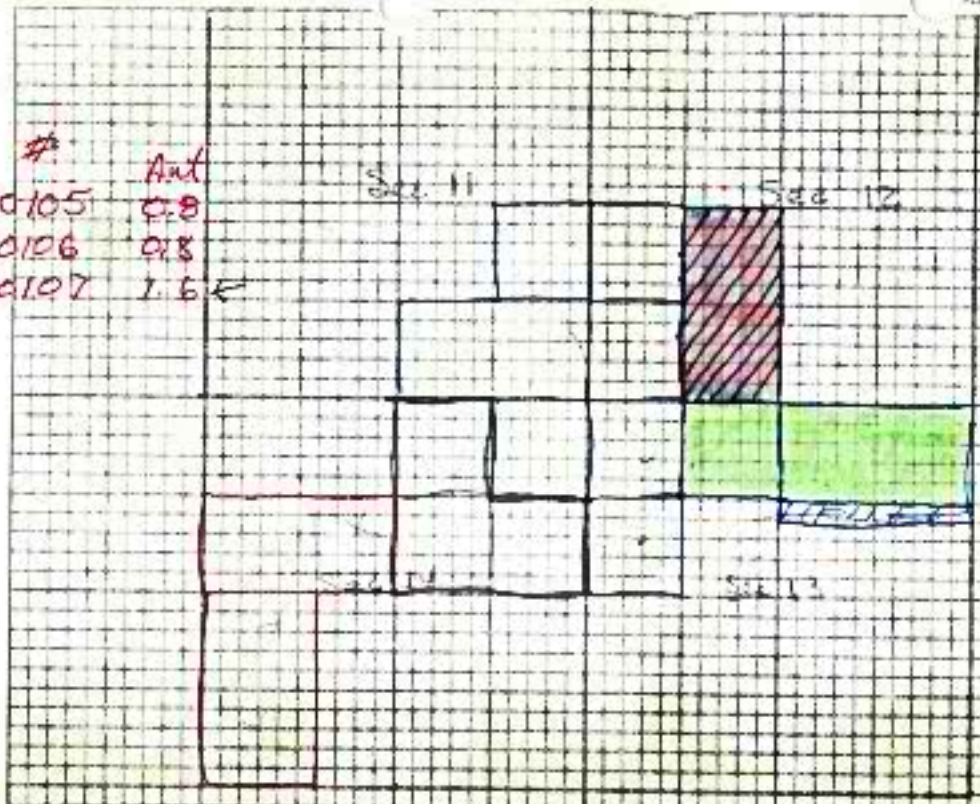


On Sept. 30, 1986 this office received copies of watermaster delivery records and deeds from Robert Whipkey of Simplot Corp. The material submitted deals only with lands conveyed to Wight and Sanders and does not what lands are owned by Simplot or what water rights were mentioned in Simplot's chain of title.

In 1945, Deardorff conveyed the tracts marked W to Wight with 2.4 cfs of 1894 water (.8 cfs per tract).

In 1946, Deardorff conveyed the tracts marked SH to Sanders with 1.6 cfs of 1894 water. In 1949, Sanders conveyed the SH tracts to Hill with 1.42 cfs of 1894 water. These tracts are now owned by Grant Beyler, who has requested delivery of the proportional share of all the rights.

The watermaster delivery record for May, 1946, after the conveyances to Wight and Sanders, shows 1879 water delivered to Deardorff and 1894 water delivered to Wight & Sanders.



T 135 R 26 E

Ant
Pri. 1885 0105 0.8
1888 0106 0.8
1894 0107 1.6

Pr.
45 0099 2.5 1879
100 2.2 1880
101 1.2 1883
102 0.8 1886
103 5.1 1894
104 0.8 1904
12.8

Deed Records

- 1 Deardorff to Blaine Wright
5/11/1945
NW 1/4 NW 1/4, NW 1/4 NE 1/4, NE 1/4 NE 1/4
Sec. 13, T 135 R 26 E
W/126" = 2.4 cfs = 1894
- 2 Deardorff to Sanders
3/25/1946
NW 1/4 SW 1/4, SE 1/4 SW 1/4, Sec 12
T 135 R 26 E
W/180" = 1.6 cfs = 1894
- 3 Spruress to Hill
12/1/1949
NW 1/4 SW 1/4, Sec 12
NW 1/4 SW 1/4, Sec 12
W/111" = 1.42 cfs = 1894

1387-1388

11-162-44-117

THIS INCIDENTS, Most of the
Last one (you are) have been, and
2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-281

The North, it quarter of the Northwest quarter (NW 1/4) and the Southeast quarter of the Northwest quarter (SE 1/4) of Section Twelve

Also the flow of one half (1/2) of the water developed from this
This stream is located in the Northwest quarter of the Northwest quarter

TOGETHER with all and stimulate the movements, hereditaments and
 hereditary behavior or 'a complex of hereditary, acquired

beginning at a point 746 feet West of the Northwest corner of the

Point of bearing.

Station is a point 120 feet South of the Northwest corner of the Northeast corner of the Northeast quarter (NE:SW: of said Section

Beginning at a point 290 feet South of the Northwest corner of

at a point 340 feet South of the Northwest corner of

That parcel of land deeded to the State of Idaho for highway right-

1919-1920, residence at Burley, Idaho

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

Canine County Abstract Co.,

Real Effects: Quantity

Figure 1

D. H. McCLURE

01/08/2001

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

RIGHT NUMBER: 43-99C

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

VERIFIED BY KKC

SOURCE: CASSIA CREEK

TRIBUTARY: RAPT RIVER

QUANTITY: 1.72 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.32 CFS. COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, AND 43-104B.

PRIORITY DATE: 04/01/1879

POINT OF DIVERSION:	T13S R26E S14	NENENE	Within CASSIA County
	T13S R26E S14	SESENE	Within CASSIA County
	T13S R26E S14	SWNSW	Within CASSIA County
	T13S R26E S21	SWSENE	Within CASSIA County
	T13S R26E S12	NENENW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
1.72 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S11	NESW	17	T13S R26E S11	SESW	26
T13S R26E S11	NESE	40	T13S R26E S11	NWSE	40
T13S R26E S11	SWSE	40	T13S R26E S11	SESE	39
T13S R26E S12	NWSW	30	T13S R26E S12	SWSW	30
T13S R26E S13	NENW	39	T13S R26E S13	SWNW	39
T13S R26E S14	NENE	40	T13S R26E S14	NWNE	40
T13S R26E S14	SWNE	40	T13S R26E S14	SENE	40
T13S R26E S14	NENW	35	T13S R26E S14	SWNW	17
T13S R26E S14	SENW	40	T13S R26E S14	NWSW	36
T13S R26E S14	SWSW	40	T13S R26E S15	NESE	8.5
T13S R26E S15	SWSE	31	T13S R26E S15	SESE	31

737.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 415 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, AND 43-104B.

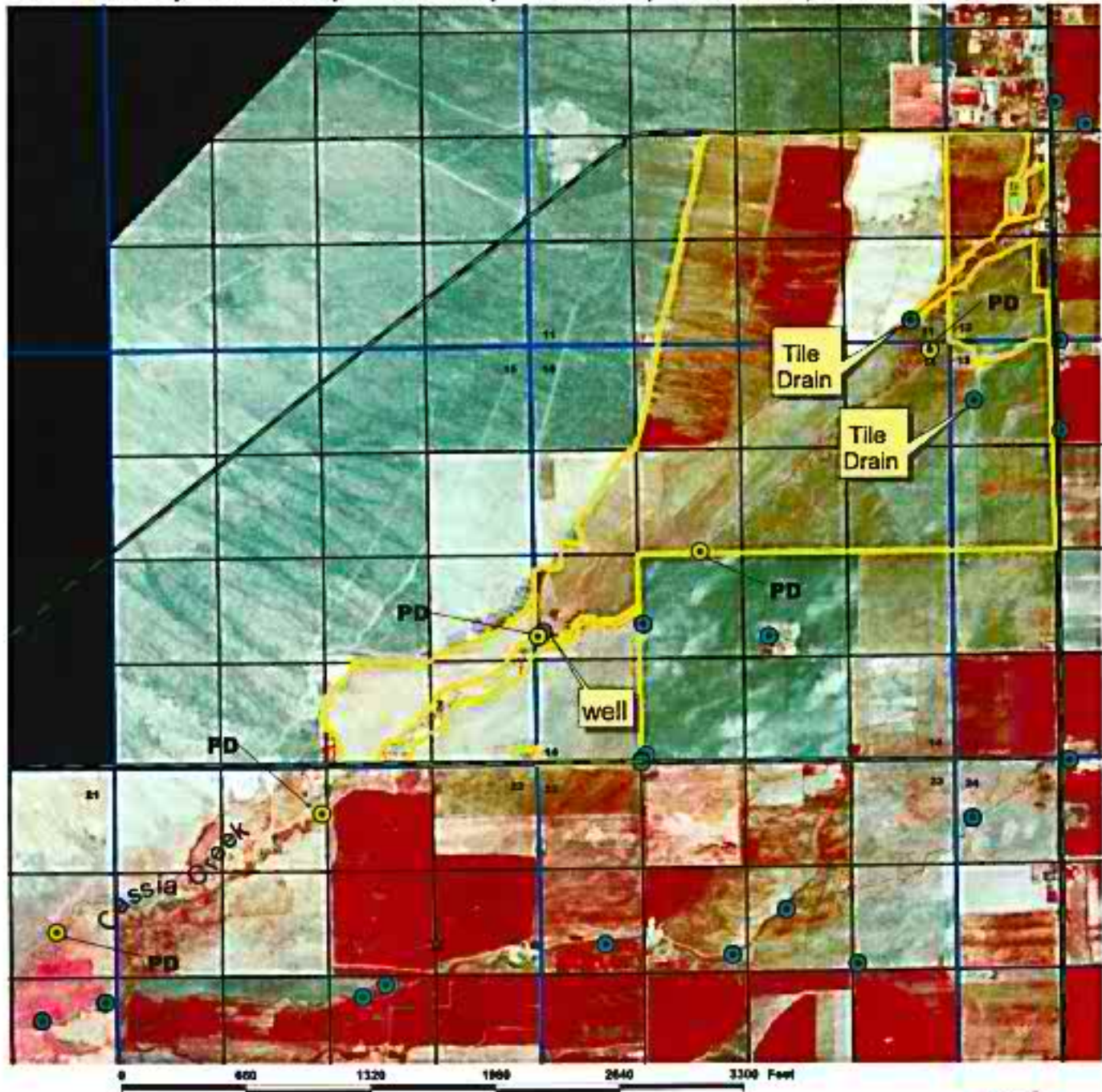
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

**RECOMMENDED PLACE OF USE FOR
43-99C, 43-100C, 43-101C, 43-102C, 43-103C,
43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277**



PLACE OF USE
TWP 13S, RMC 27E,
SEC 11, 12, 13, 14, & 15
Data entry on January 9, 2001

OIS PLACE OF USE PRESENTATION
1987/1988 NAFF AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 1-5-2001

File: 43-99c 2536 simplot deardorf place

Prepared by Kelly K Christensen

**Simplot Groundwater System
A43-02536, A43-04197, A43-10591, & A43-10592**

The general place of use is covered in its entirety by 43-02536. The statutory claim should be recognized for additional acres and diversion rate only if it can be demonstrated that the delivery system was enlarged prior to the mandatory permit statutes. The following is a timeline documenting the development of ground irrigated under the groundwater system.

43-02536	September 11, 1961	An Application for Permit is filed for 760 acres. At 8.00 cfs.
	April 29, 1966	Certificate of Completion of Works submitted. Identifies 8.00 cfs from the permit with a system capacity of 3.22 cfs and the same as shown on the permit.
	May 27, 1966	Field examination conducted by the department. Identifies a 125-hp pump discharging into a pond and then open ditch. Measurement of diversion 3.22 cfs. P/U = 616 ac
	June 29, 1966	License issued for 3.22 cfs with the capacity also identified as 3.22 cfs. P/U = the same 616 ac as shown on field exam.
43-04197	June 30, 1983	Statutory Claim submitted. The claim was for 2.40 cfs for 120 acres. (W1/2NW1/4 of sec 12, also part of 43-02536) and (NW1/4SW1/4 of sec 13, a new quarter/quarter). The claim identifies the system as a 200-hp pump to a mainline. No evidence of priority submitted at this time.

Preliminary Analysis:

Based upon the above information it appears that most if not all of the ground identified in the statutory claim was developed after 1966 and that the delivery system was enlarged after that date to deliver additional water.

RECOMMENDATION FOR GROUND WATER SYSTEM

43-2536 is still being used basically as licensed and is therefore recognized for the licensed elements. This claimed place of use overlaps with decreed surface water rights and 3 tile drain rights.

There is not enough information available to be able to recommend 43-4197 as a beneficial use right with a 1961 priority date. After calculating acres through areview I did not find any additional acres beyond the licensed acres being irrigated.

The ground in Sec 15 and the SWSW of Sec 14 were not part of the licensed place of use and I did not observe any pipeline delivering water to that ground. The highest point of those tracts is in the SWSWSE of Sec 15 with the general lay of the ground is downhill to the northeast from that point.

The NWSW of Sec 13 is irrigated with Cassia Creek water from a point of diversion in 13S, 26E, SEC 23 NWSWNE (Shared with Higley). Water enters the 40-acre tract in the southwest corner and flow is northeast across the property. I did not observe any method for groundwater to reach this tract. The decreed right appurtenant to this tract is 43-251, which has not been claimed by Simplot at this time.

My recommendation excludes the 5 tracts identified above. I am recognizing groundwater as follows;

43-2536 616 acres at 2.40 cfs

43-4197 DISALLOWED - P01 NO LAWFUL APPROPRIATION

This right could have been disallowed based upon P06 NO BENEFICIAL USE FOUND, as I did not identify any additional irrigated acres being irrigated.

RECOMMENDATION FOR SURFACE WATER SYSTEMS

The claimed place of use covers ground originally decreed in the Jobe Adams decree under 4 different systems. Three of those have been claimed. 43-251 is appurtenant to SWSW of Sec 14 (and other ground) but has not been claimed as of the date of this report. I am excluding this ground from the recommended place of use. I am recommending the decreed surface water rights as shown in the table below. All of the rights are recommended as part of a common PP/U and show all Cassia Creek points of diversion. The system combined diversion rate limits are based upon the found acres within the decreed place of use. The acre limits for the combined systems are based upon the found acres within the original decreed place of use.

The current farm consists of all or part of 4 parcels identified in the Jobe Adams Decree.

DECREED SURFACE WATER RIGHTS

Parcel 1					
	Decreed or proportional rate	Decreed acres at 40 acres per quarter	Claimed acres	Found acres within decreed place of use	Combined right rate limitation
43-275	0.80	160 ac	95 ac	70.5 ac	1.41 cfs
43-276	0.40				
43-277	1.20				
	2.40 cfs				
Parcel 2					
43-105	0.80	160 ac	140 ac	133 ac	2.66
43-106	0.80				
43-107	1.60				
	3.20 cfs				
Parcel 3					
43-99C	1.72	440	636	416 ac	8.32
43-100C	1.65		636		
43-101C	0.83		576		
43-102C	0.55		477		
43-103C	3.51 (11.10 cfs)		437		
43-104B	0.55		476		
	8.80 cfs				
Parcel 4					
43-251 (part)	0.266	40	Not claimed	37 ac	
System totals					
	14.66			737.5 ac	

Total includes acres under the groundwater right 43-2536 but excludes the 37 acres identified under 43-251 (part) which was not claimed.

RECOMMENDATION FOR TILE DRAIN SYSTEMS

I found three tile drain systems during my field verification exam on 8-22-2000. There are two claims against those systems. The only evidence of priority for the tile drain systems is a warranty deed identified as DEED RECORD No. 49 dated November 6, 1945. That instrument indicates that the tile system diverted from the NWNW of Sec 13 was to be shared for stockwater purposes on property to the east of the current Simplot property. Although the tile systems were no doubt in for a number of years prior to this date, I am recommending this right with an 11-9-1945 priority date (the date of that instrument).

Exact acres under each system are somewhat ambiguous and appear to have changed somewhat over the years. The irrigation system was developed under a gravity flood system therefore I have used ditch boundaries as far as possible to calculate the acres irrigated under each system. Each right has claimed stockwater along with the irrigation. Stock use was observed on the property during the field exam. The claimed irrigation diversion rate for each claim is less than 1 inch per acre and the discharge observed was minimal at exam time. The system has the capacity to carry in excess of the claimed rate therefore I accept the rate as claimed.

I am recognizing 43-10591 for the claimed point of diversion and for the acres northeast of that point. I found a total of 33 irrigated acres.

I am recognizing 43-10592 with one drain as the source for the irrigation of ground northeast of that point of diversion also. I found 30.3 irrigated acres under this system.

The third tile system has not been claimed as of this date.

Deardorf P/U

CLAIM NUMBER

DATE

TRANSFER NUMBER

AGENT

CLAIMED ACRE TOTAL

GIS Acres Recommendation

GIS ACRE TOTAL

773.5

737.5

TWP	RNG	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
135	26E	12						30	30			30	30					60
		13						37	37			37	37					148
		14	40	40	40	40	35		17	40		36	40					328
		15													8.5	31	31	70.5
		11									17			26	40	40	40	201

B43-DBPOU.SHP

SHAPE NOS.

RICK GARRETT

not part of the P/U 2536

645 - 2462

see B → 37

8.5

43-DBPOD.SHP

Sec 15

31

NOS. DESCRIPTION

31

Sec 14

40

147.5

1626 acres found within the

same licensed area

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

CLAIMS 43-00099C, 43-00100C, 43-00101C,
43-00102C, 43-00103C, 43-00014B, 43-02536,
and 43-04197

Photo date: July 28, 2000
Photos by: Kelly K Christensen



Photo Set 1

This photo was taken near the bend in the Malta Elba highway in Sec 11 about 1/2 mile west of the high school. You are looking south on the right to east on left. This photo set documents that the northwest corner claimed under the various rights is not irrigated. Irrigation begins east of this point by about 900 ft

RR electric
Sub station



Photo Set 2

This photo set was taken north of county road 1700 and also across the road from the turnoff going to Alvin Carpenter's farmstead. This photo shows irrigated cropland at this point. Irrigation extends westward from this point to the RR electric substation shown in the distance. (see photo set 3) You are looking west on the left to north on the right.



Photo set 3

This photo set is looking west on the left to north on the right and shows the substation and irrigation on the east side of the lot. The ground north and west of the substation is not farmed nor irrigated. County road 1700 lays on the left side of this photo set.



Photo set 4

This photo set was taken in the next forty acre tract west of the substation shown in set 3. You are still looking west along Cassia Creek crosses under the county road. This set shows that the ground east of Cassia Creek is rough and not irrigated. A

Simplot system from Cassia Creek 43-99C, 100C, 101C, 102C, 103C, 104B, 105, 106, 107, 275, 276, 277
From Ground water 43-2536, 10591, and 10592.
Photo date: 8-22-2000 Exam by: Kelly K Christensen File: x43-00275 simplot 1

Well and another Cassia Creek diversion

Raft River Rural Electric Sub Station

This photo set was taken from the NW corner of the SESE of sec 13 and shows non-irrigation in the foreground and irrigation beyond the sagebrush and before the trees in the background. You are looking south southwest on the right to east-northeast on the left. This ground is irrigated from the Cassia Creek diversion in Sec 21 SWSENE. This ground is part of the original decreed place of use for 43-00275, 43-00276 and 43-00277.

Irrigation occurs to the left or east of the ditch

Not irrigated

This photo set was taken from the SE corner of the NWNW quarter of Sec 14. You are looking east-northeast on the left to southwest on the right.

1023
T1536

5887 0004



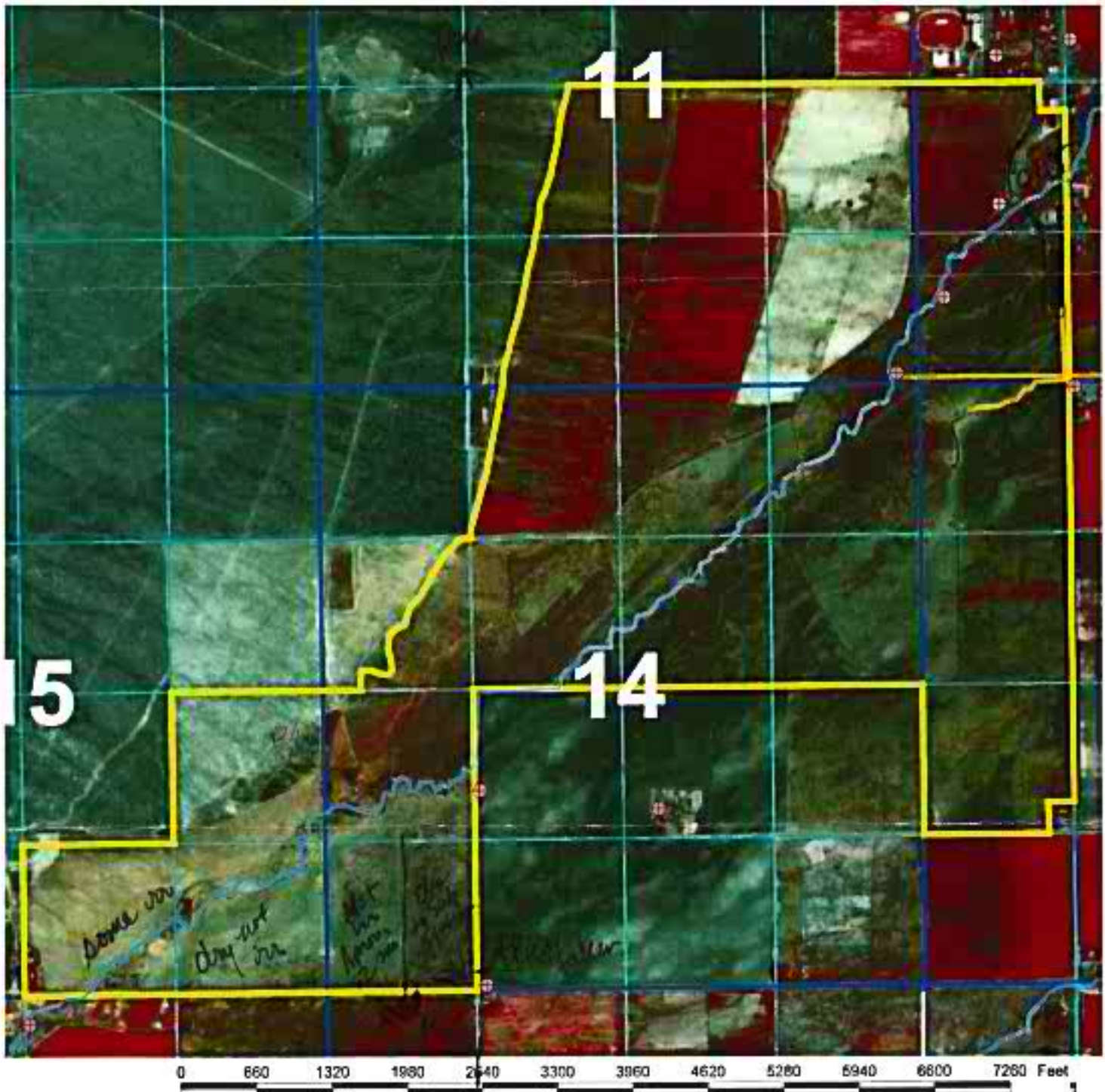
A hand-drawn map on a piece of paper, likely a field sketch. The map shows a winding path or road. Key labels include:

- Top left:** "out" (written twice), "in", "Rosa 2220 site", "Rosa 1687", "Rosa 1766", "Rosa 1767", "Rosa 1768", "Rosa 1769", "Rosa 1770", "Rosa 1771", "Rosa 1772", "Rosa 1773", "Rosa 1774", "Rosa 1775", "Rosa 1776", "Rosa 1777", "Rosa 1778", "Rosa 1779", "Rosa 1780", "Rosa 1781", "Rosa 1782", "Rosa 1783", "Rosa 1784", "Rosa 1785", "Rosa 1786", "Rosa 1787", "Rosa 1788", "Rosa 1789", "Rosa 1790", "Rosa 1791", "Rosa 1792", "Rosa 1793", "Rosa 1794", "Rosa 1795", "Rosa 1796", "Rosa 1797", "Rosa 1798", "Rosa 1799", "Rosa 1800", "Rosa 1801", "Rosa 1802", "Rosa 1803", "Rosa 1804", "Rosa 1805", "Rosa 1806", "Rosa 1807", "Rosa 1808", "Rosa 1809", "Rosa 1810", "Rosa 1811", "Rosa 1812", "Rosa 1813", "Rosa 1814", "Rosa 1815", "Rosa 1816", "Rosa 1817", "Rosa 1818", "Rosa 1819", "Rosa 1820", "Rosa 1821", "Rosa 1822", "Rosa 1823", "Rosa 1824", "Rosa 1825", "Rosa 1826", "Rosa 1827", "Rosa 1828", "Rosa 1829", "Rosa 1830", "Rosa 1831", "Rosa 1832", "Rosa 1833", "Rosa 1834", "Rosa 1835", "Rosa 1836", "Rosa 1837", "Rosa 1838", "Rosa 1839", "Rosa 1840", "Rosa 1841", "Rosa 1842", "Rosa 1843", "Rosa 1844", "Rosa 1845", "Rosa 1846", "Rosa 1847", "Rosa 1848", "Rosa 1849", "Rosa 1850", "Rosa 1851", "Rosa 1852", "Rosa 1853", "Rosa 1854", "Rosa 1855", "Rosa 1856", "Rosa 1857", "Rosa 1858", "Rosa 1859", "Rosa 1860", "Rosa 1861", "Rosa 1862", "Rosa 1863", "Rosa 1864", "Rosa 1865", "Rosa 1866", "Rosa 1867", "Rosa 1868", "Rosa 1869", "Rosa 1870", "Rosa 1871", "Rosa 1872", "Rosa 1873", "Rosa 1874", "Rosa 1875", "Rosa 1876", "Rosa 1877", "Rosa 1878", "Rosa 1879", "Rosa 1880", "Rosa 1881", "Rosa 1882", "Rosa 1883", "Rosa 1884", "Rosa 1885", "Rosa 1886", "Rosa 1887", "Rosa 1888", "Rosa 1889", "Rosa 1890", "Rosa 1891", "Rosa 1892", "Rosa 1893", "Rosa 1894", "Rosa 1895", "Rosa 1896", "Rosa 1897", "Rosa 1898", "Rosa 1899", "Rosa 1900", "Rosa 1901", "Rosa 1902", "Rosa 1903", "Rosa 1904", "Rosa 1905", "Rosa 1906", "Rosa 1907", "Rosa 1908", "Rosa 1909", "Rosa 1910", "Rosa 1911", "Rosa 1912", "Rosa 1913", 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IDAHO DEPARTMENT OF WATER RESOURCES

Simplot
Place of Use

7-25-00 fieldmap



TWP 13S; RNG 26E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

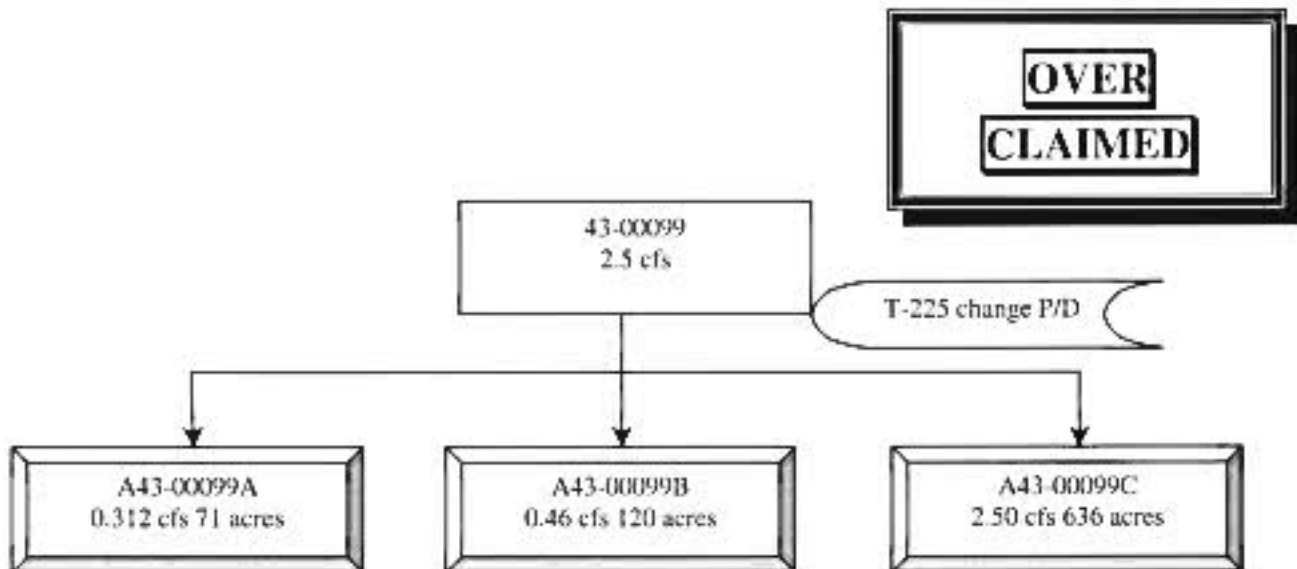
— LICENSED AND/OR DECREED P/U
— SECTION LINES
— QUARTER QUARTER LINES

CASSIA Co.

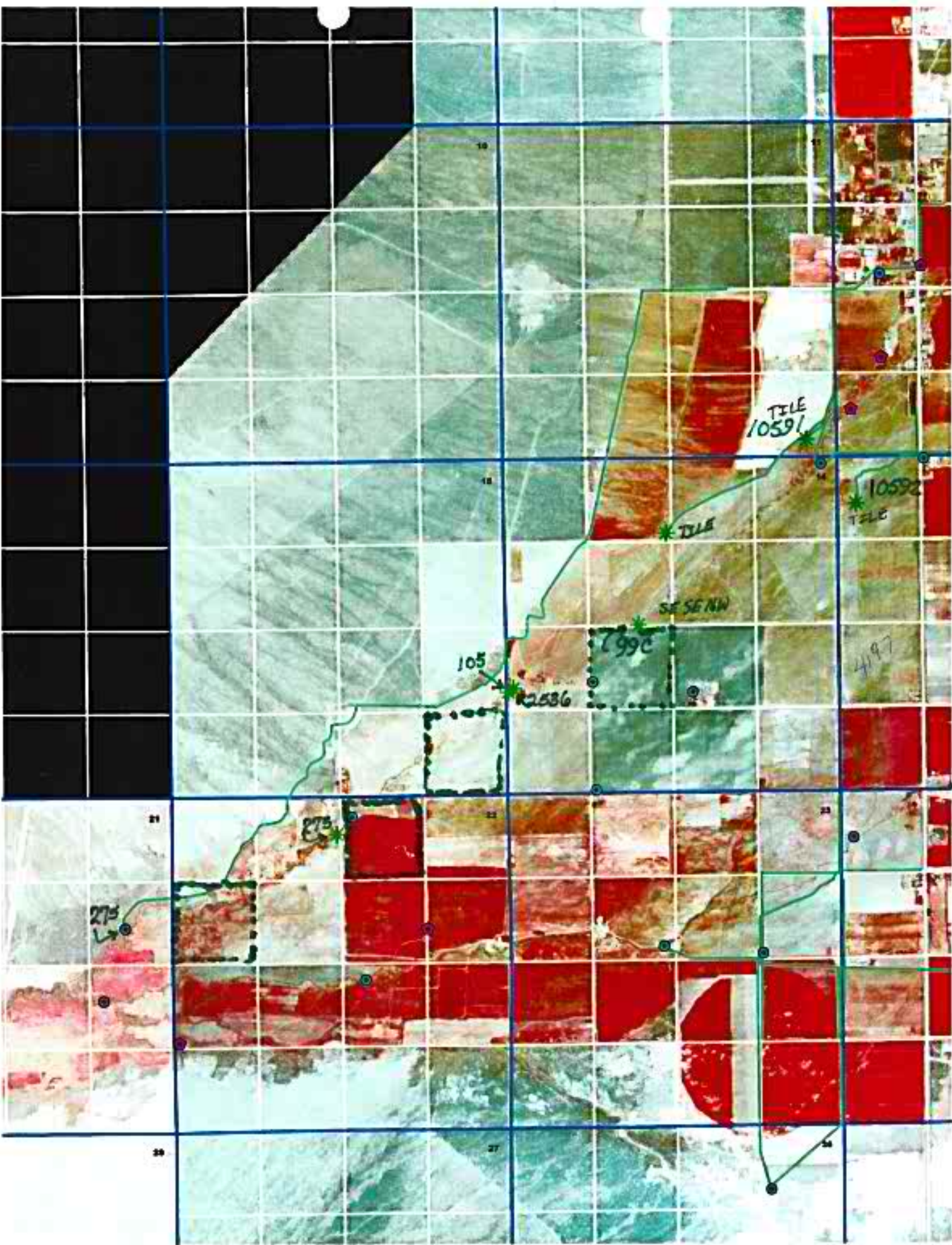


SPLIT ANALYSIS FOR 43-00099
 GENERATED Thursday, March 25, 1999
 Kelly K Christensen

2 Basin: 43 Starting Water Right: 00099								
S E L	Water Right No.	Name Last, First	D W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	43-00099	DIARDORFF, H. F.	C	04/01/1879	D/	CASSIA CREEK	IRR	WR
	A43-00099	SPLIT RIGHT RENUMBERED CLAIM	C	04/01/1879	/Z	CASSIA CREEK SPLIT RIGHT RENUMBERED CLAIM	IRR	AJ
	A43-00099A	BEYLER, CLARA W	C	4/01/1879	D/	CASSIA CREEK	IRR	AJ
		BEYLER, GRANT H	C					
	A43-00099B	HIGLEY, TED	C	04/01/1879	D/	CASSIA CREEK	IRR	AJ
		HIGLEY, BETTY ANN	C					
	A43-00099C	J R SIMPLOT COMPANY	C	04/01/1879	D/	CASSIA CREEK	IRR	AJ
	R43-00099A	BEYLER, CLARA W	C	04/01/1879	D/	CASSIA CREEK	IRR	AJ
		BEYLER, GRANT H	C					
	R43-00099B	HIGLEY, TED	C	04/01/1879	D/	CASSIA CREEK	IRR	AJ
		HIGLEY, BETTY ANN	C					
	R43-00099C	J R SIMPLOT COMPANY	C	04/01/1879	D/	CASSIA CREEK	IRR	AJ



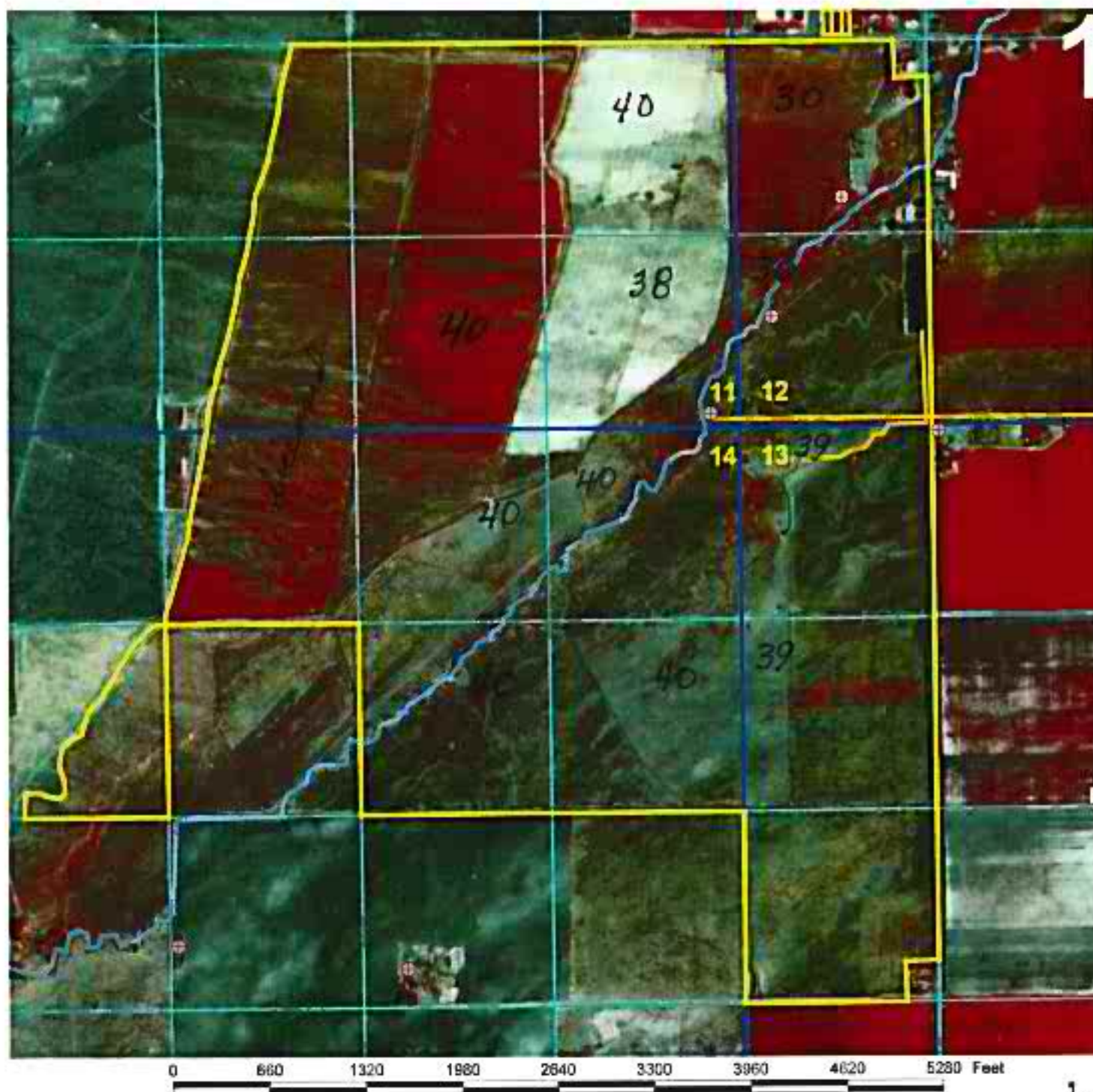
2.50
 .772
 1.728



IDAHO DEPARTMENT OF WATER RESOURCES

GIS
Acres
1-5-01

**Simplot Place of Use for
A43-00099C, A43-00100C, A43-00101C, A43-00102C,
A43-00103C, & A43-00104B**



TWP 13S; RNG 26E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

— LICENSED AND/OR DECREED P/U
— SECTION LINES
— QUARTER QUARTER LINES

CASSIA Co.



SD-0607-2 Prefix: A Basin: 43 Starting Water Right: 00251 STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Use Source	Code Desc
A43-00251	SPLIT RIGHT,	C	04/01/1894	/Z	CASSIA CREEK	01 IRR
A43-00251A	NYE, A D	C	04/01/1894	D/	CASSIA CREEK	01 IRR
A43-00252	HAWKER, RYAN	C	04/30/1881	D/	CASSIA CREEK	01 IRR

Water Right Number: A43-00251A TOTAL DIV RATE 0.533 CFS FIRST PAGE

GEN THIS CLAIM IS BASED ON 2/3 OF ORIGINAL DECREE 43-0251.
CASSIA CREEK IS SPLIT INTO TWO STREAMS WITHIN THE NENWSE S 21
T13S, R26E. THIS WATER IS DIVERTED FROM THE SOUTHERN STREAM OR
WHAT IS ALSO KNOWN AS THE MIDDLE STREAM.

SD-0604-2 Township: 13S Range: 26E Section: 13 Tract: NWSW Lot:

S L	STATE	O	S	Max # Records
E O	Water	Name	W T	Priority Use
L Tract T	Right No.	Last, First	N AC G	Date Code Desc
_ NWSW	A43-04197	J R SIMPLOT COMPANY	C 40 S	06/29/1961 01 IRR
_ NWSW	A43-00099C	DEARDORFF, H F	O 39 D	04/01/1879 01 IRR
_ NWSW	A43-00100C	YOUNG OR TERRY UHLING, A	39 D	11/30/1880 01 IRR
_ NWSW	A43-00101C	DEARDORFF, H F	O 39 D	04/30/1883 01 IRR
_ NWSW	A43-00104B	J R SIMPLOT COMPANY	C 39 D	08/30/1904 01 IRR

IDAHO DEPARTMENT OF WATER RESOURCES

- Decreed P/U for 43-00275 thru 43-00277
- Decreed P/U for 43-00105 thru 43-00107
- Decreed P/U for 43-00099 thru 43-00104
- Decreed P/U for 43-00251
- Simplot 1, P/U for A43-00099C thru A43-00104B
- Simplot 2, P/U for A43-00105 thru A43-00107
- Simplot 3, P/U for A43-00275 thru A43-00277

*T-225 identifies P/D as See 14 NESU
We claim against 43-00251
Nye has claimed 2/3 of 251*



TWP 13S; RNG 26E;
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- Byler / Higley, P/U for A43-00099A thru A43-00104A
- Higley, P/U for A43-00099B thru A43-00104B
- A D Nye, P/U for A43-00251A

CASSIA Co.



745
.02
14.90 cfs

11
40
440

Buckman. 2 layers

418
.02
8.36

275 → 277

PD Sec 22 NWNE
SWNW

218 cfs

Sec 22 NWNE NW
Sec 21 SW SE NE

105 - 107 Sec 15 SESE (no P/d found) Sec

990 → 1048 Sec 14 NESW

Sec 14 SE SE NW
Sec 14 NE NE NE

2536

P/D Sec 14 NWSW

GPS
Sec 14 SW NWSW

10591

P/D Sec 11 SESE

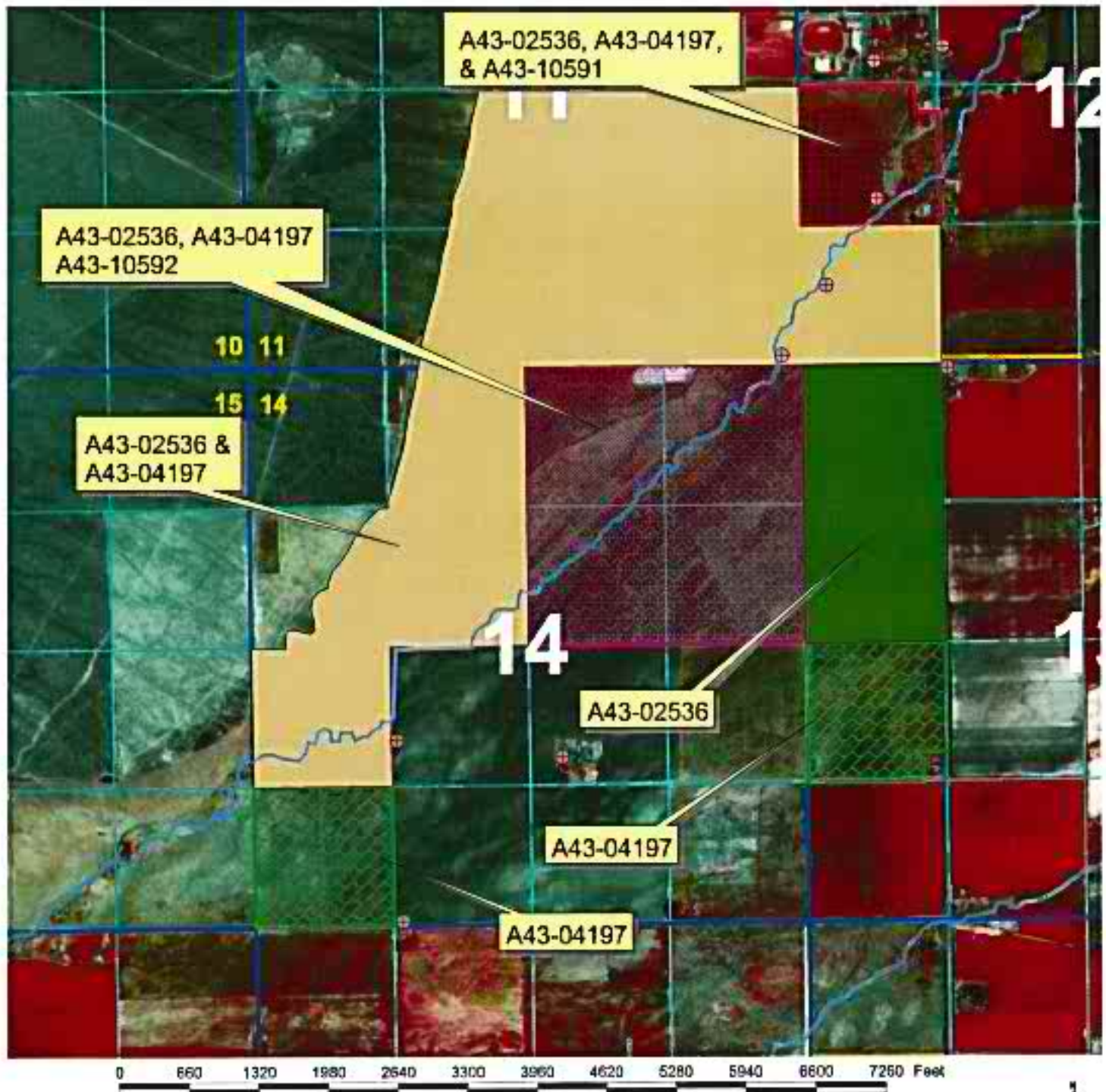
GPS
Sec 11 SESE SE

10592

SE
Sec 13 NW NW

GPS
Sec 13 SW NW NW
Sec 14 SE NW NW (mild channel)

Simplot Groundwater claims
A43-02536, A43-04197, A43-10591, & A43-10592



TWP 13S; RNG 26E
 FIELD EXAM DATE AGENT

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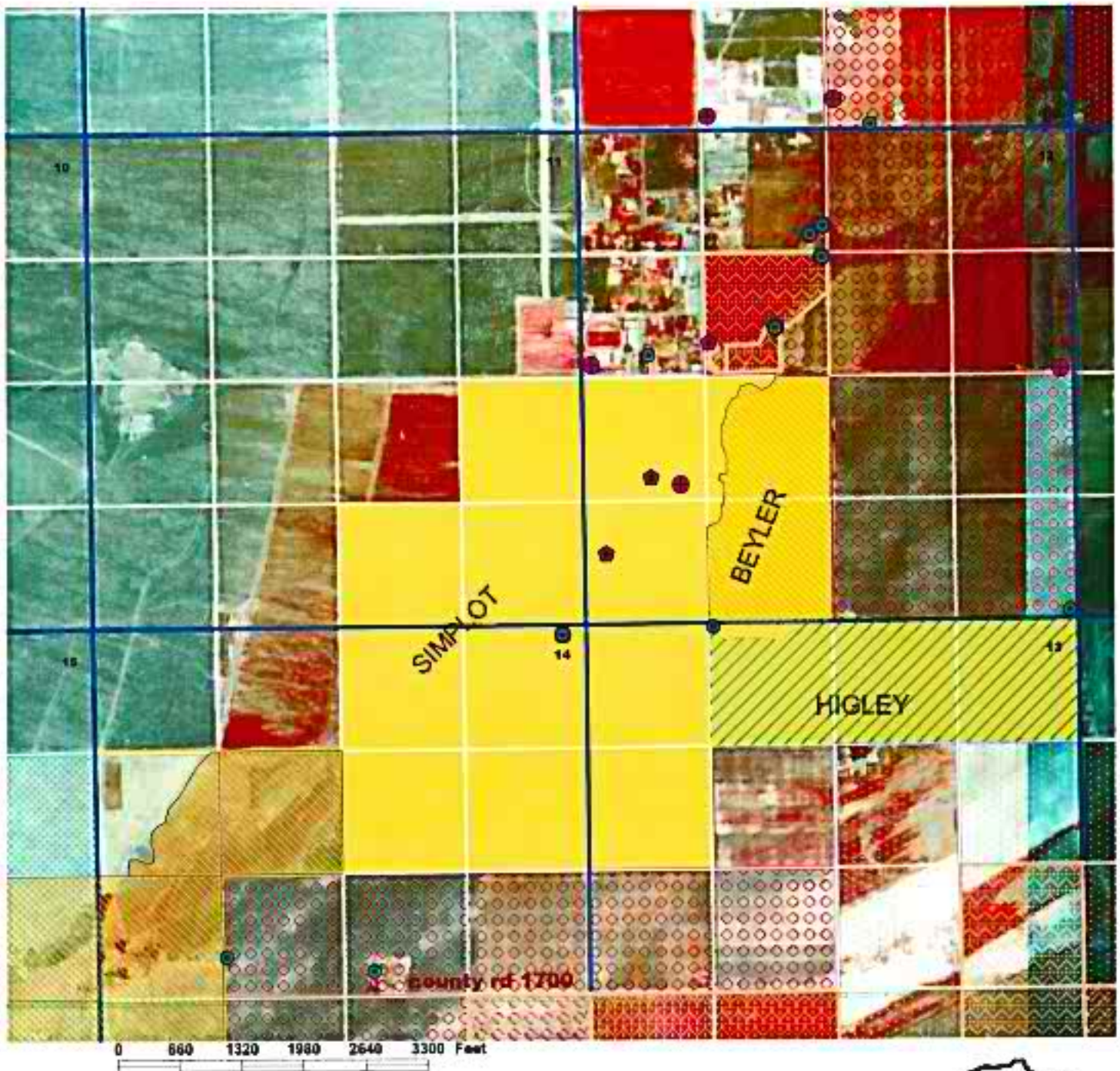
GIS PLACE OF USE PRESENTATION
 1987 AND/OR 1988 NAPP PHOTOGRAPHY
 DATA ENTRY BY KELLY K CHRISTENSEN

LICENSED AND/OR DECREED P/U
 SECTION LINES
 QUARTER QUARTER LINES



Idaho Department of Water Resources

**DECREE P/U 43-00099, 43-00100, 43-00101,
43-00102, 43-00103, AND 43-00104**



PLACE OF USE

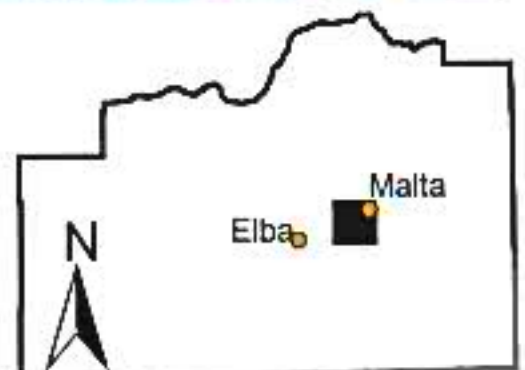
TWP 13S, RNG 26E, SEC 11, 12, 13, & 14

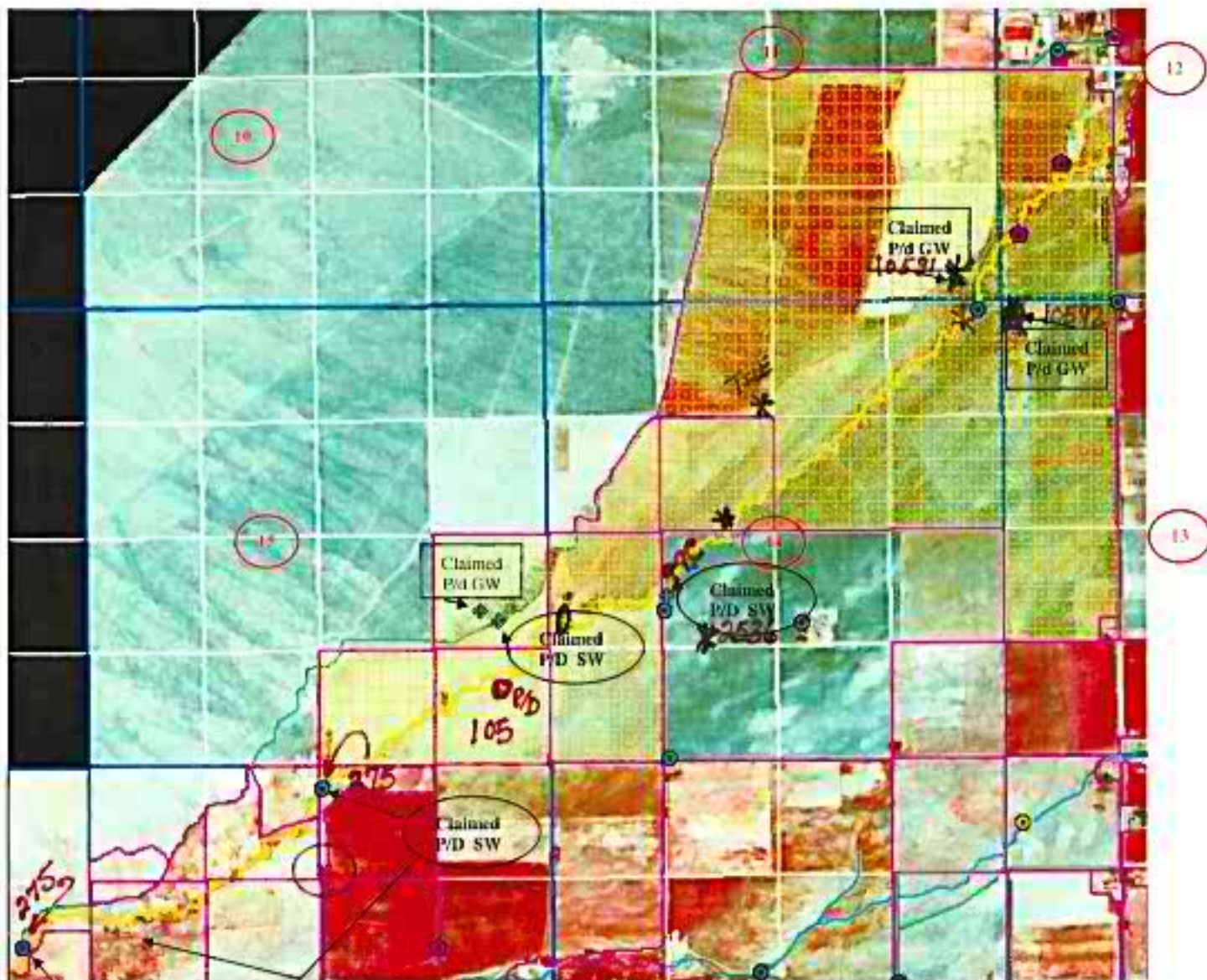
Data entry on JULY 27, 2000

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN





Found
P/d SW

in AJ-Analysis

file

Simplex P-d-maltfarm map 99C 275 105

DECREED PLACE OF USE VS CLAIMS AGAINST THE SAME PLACE OF USE

Water Right Number: 43-00099

FIRST PAGE

10. TWP RNG SEC 1/4 1/4 Lot Acres Use Use Desc. County County Name

13S	26E	11	NE SE	01	IRR	31	CASSIA
13S	26E	11	SW SE	01	IRR	31	CASSIA
13S	26E	11	SE SE	01	IRR	31	CASSIA
13S	26E	12	NE SW	01	IRR	31	CASSIA
13S	26E	12	NW SW	01	IRR	31	CASSIA
13S	26E	12	SW SW	01	IRR	31	CASSIA
13S	26E	12	SE SW	01	IRR	31	CASSIA
13S	26E	13	NE NE	01	IRR	31	CASSIA
13S	26E	13	NW NE	01	IRR	31	CASSIA
13S	26E	13	NE NW	01	IRR	31	CASSIA
13S	26E	13	NW NW	01	IRR	31	CASSIA
13S	26E	13	SW NW	01	IRR	31	CASSIA
13S	26E	14	NE NE	01	IRR	31	CASSIA
13S	26E	14	NW NE	01	IRR	31	CASSIA
13S	26E	14	SW NE	01	IRR	31	CASSIA
13S	26E	14	SE NE	01	IRR	31	CASSIA

GREEN SHADING
BEYLER/HIGLEY OWNERSHIP

LIGHT BLUE SHADING
SIMPLOT OWNERSHIP

PINK SHADING
HIGLEY OWNERSHIP

Water Right Number: A43-00099A

FIRST PAGE

10. TWP RNG SEC 1/4 1/4 Lot Acres Use Use Desc. County County Name

13S	26E	12	NE SW	33.0	01	IRR	31	CASSIA
13S	26E	12	SE SW	38.0	01	IRR	31	CASSIA

Water Right Number: A43-00099B

FIRST PAGE

10. TWP RNG SEC 1/4 1/4 Lot Acres Use Use Desc. County County Name

13S	26E	13	NE NE	40.0	01	IRR	31	CASSIA
13S	26E	13	NW NE	40.0	01	IRR	31	CASSIA
13S	26E	13	NE NW	40.0	01	IRR	31	CASSIA

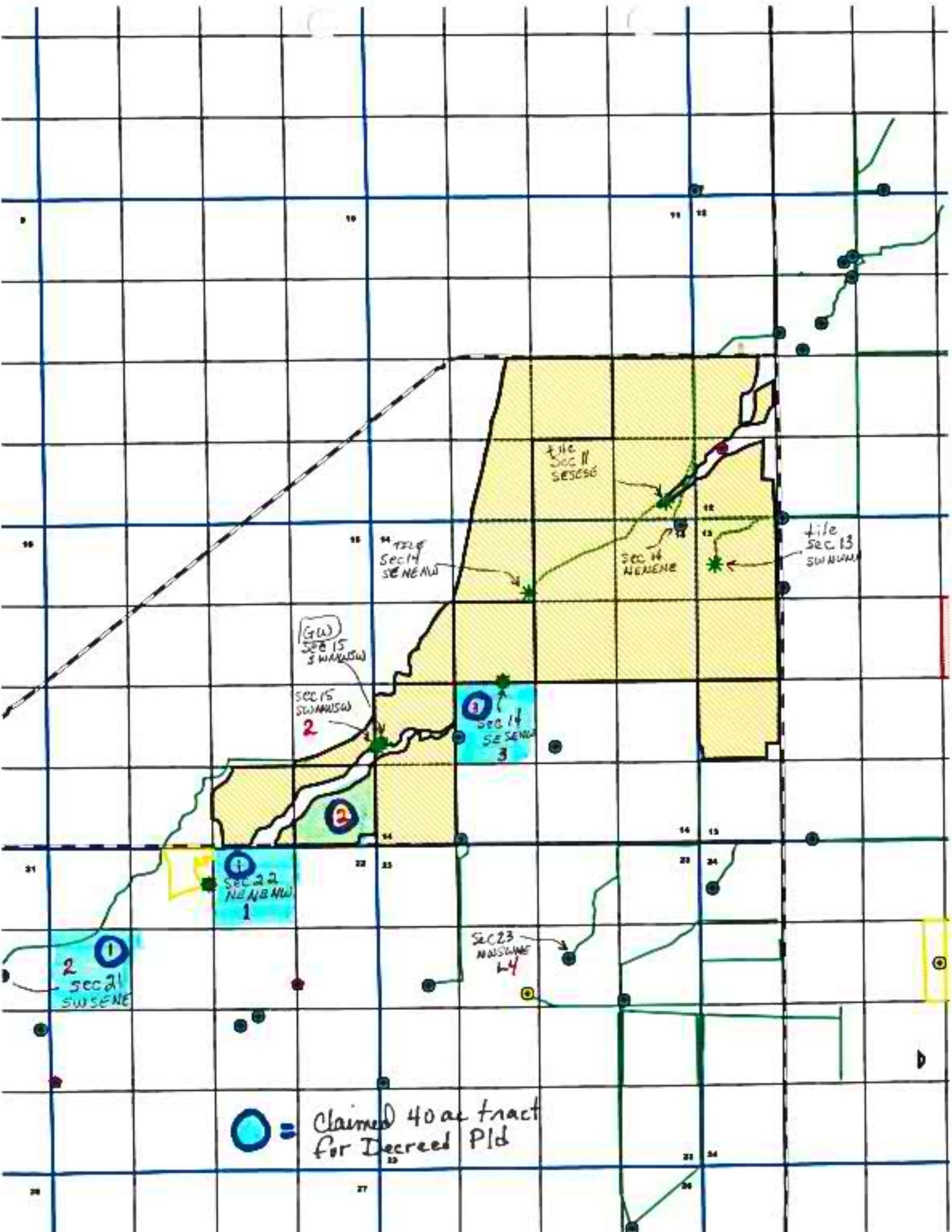
Water Right Number: A43-00099C

FIRST PAGE

10. TWP RNG SEC 1/4 1/4 Lot Acres Use Use Desc. County County Name

13S	26E	11	NE SW	25.0	01	IRR	31	CASSIA
13S	26E	11	SE SW	35.0	01	IRR	31	CASSIA
13S	26E	11	NE SE	40.0	01	IRR	31	CASSIA
13S	26E	11	NW SE	40.0	01	IRR	31	CASSIA
13S	26E	11	SW SE	40.0	01	IRR	31	CASSIA
13S	26E	11	SE SE	40.0	01	IRR	31	CASSIA
13S	26E	12	NW SW	37.0	01	IRR	31	CASSIA
13S	26E	12	SW SW	40.0	01	IRR	31	CASSIA
13S	26E	13	NW NW	40.0	01	IRR	31	CASSIA
13S	26E	13	SW NW	40.0	01	IRR	31	CASSIA
13S	26E	13	NW SW	39.0	01	IRR	31	CASSIA
13S	26E	14	NE NE	40.0	01	IRR	31	CASSIA
13S	26E	14	NW NE	40.0	01	IRR	31	CASSIA
13S	26E	14	SW NE	40.0	01	IRR	31	CASSIA
13S	26E	14	SE NE	40.0	01	IRR	31	CASSIA
13S	26E	14	NE NW	40.0	01	IRR	31	CASSIA
13S	26E	14	SW NW	20.0	01	IRR	31	CASSIA

— @ decreed at 105 → 107



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 20, 2000 10:46 AM
To: Vic Conrad (E-mail)
Subject: adjudication claim recommendations

I am finalizing my recommendations this week for the Deardorf property.

As things stand, the only major problem that I currently see with this system right now is the NWSW sec 13. That 40 acre tract was originally part of the decreed place of use for 43-251 which Simplot has not claimed. 43-251 is claimed in part (2/3rds) by Higley at 0.53 cfs. That seems to be reasonable as the right was originally decreed to 3 40 acre tracts, which he has claimed against 2 of them and Simplot currently owns 1 forty acre tract.

My assessment is that 0.266 cfs (rnded to 0.27 cfs) is appurtenant to the NWSW sec 13. The irrigator did not know where the diversion point for this ground was but I understand that the point of diversion in Sec 23 NWSWNE. I obtained that information from Charles Ward who owns the ground where the point of diversion is located.

If you want to file the claim and don't want to come down here to Twin, I believe that I could easily supply the necessary information to the state office and you could file it there.

There is a point of diversion in Sec 14 NENENE that I understand to be part of the system but is not claimed. It would seem to be part of the 43-99 through 43-104 series claims. You may wish to amend those claims to add that point of diversion also.

Kelly K Christensen

TRANSMISSION VERIFICATION REPORT

TIME : 05/20/1999 10:40
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME	05/20 10:39
FAX NO./NAME	AJ SO
DURATION	00:00:50
PAGE(S)	02
RESULT	OK
MODE	STANDARD
	ECM

 vconrad@Simplot.com

TRANSMITTAL COVER SHEET

TO: Vic CONRAD
389-7333

TOTAL PAGES SENT: 3
(including cover sheet)

DOCUMENT DESCRIPTION: WATER RIGHT PROFILE RPTS
#s 43-2250; 43-2121

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is:

Please remit to the above address.

SENDER:

Kelly L. Christensen

COMMENTS:

No A-J claims match these Rights

Additional info pending in E-Mail.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, October 20, 2000 9:24 AM
To: Vic Conrad (E-mail)
Subject: 43-89 thru 43-104 Deardorf, and 43-2329 43-2485 43-371 Taylor

I haven't heard from you for some time so I thought I'd drop you a line.

Deardorf Place of use

After visiting with the legal council in Boise and visiting with the people in the valley, it is my understanding that the historic use for the Deardorf system is that it has been delivered based upon a proportional split. This corresponds with the department communication where the watermaster was directed to deliver according to the decree unless a transfer was filed.

Taylor place of use.

I have visited with several people that own or are near property between the Deardorf property and the Taylor property. They have consistently indicated that originally Cassia Creek water was diverted from the point of diversion in TWP 13S, RNG 26E, SEC 14 NENENE and conveyed to the property via a ditch running to the property. Sometime in the 1970's the ditch was filled in and Cassia Creek water was not used on the property. The best information I have at this time is that waste water comes off the Park property and is used intermittently on the property. I am planning on recommending the Cassia Creek rights as disallowed.

As far as the ground water system goes, I found one well supplying water to all of the place of use. The 2 licensed wells under 43-2329 and the one well under 43-2485 have been consolidated into one well. I still need to obtain the information on the well capacity to complete my recommendation for those rights.

I need to move forward with these rights as they also affect the Higley and Beyler claims also. All in all there are about 32 claims I have to set on. Unless I hear otherwise from you, I plan on recommending the Deardorf system as a proportional split between the 3 claimants, Disallowing the Cassia Creek water on the Taylor place. I will be working on these in the middle of next week.

We still have the notice of error period to work on these rights before they go to the court anyway. Let me know your pleasure.

Kelly K Christensen

Christensen, Kelly

From: Tuthill, Dave
Sent: Wednesday, July 19, 2000 8:35 AM
To: Christensen, Kelly
Cc: Jones, Doug; 'vconrad@simplot.com'
Subject: RE: raft river from wells

Kelly, as usual your advice to Vic was right on. I just called Vic and left a voice mail message. I will plan to advise you if anything unexpected comes from our conversation. Otherwise, please continue on the course you are on.

Dave

-----Original Message-----

From: Christensen, Kelly
Sent: Tuesday, July 18, 2000 1:40 PM
To: Tuthill, Dave
Cc: Jones, Doug; 'vconrad@simplot.com'
Subject: raft river from wells

I just had a phone conversation with Vic Conrad and he indicated that after the Malta meeting, his impression was that Raft River rights would be recognized from a well.

I stated that the department would not recognize RR water from wells but would likely recognize RR rights even though there has not been water available for some time for use and that we would recognize the well diversion for the right as perfected (beneficial use, license, etc.)

Vic thought that that probably made more sense as he was having problems visualizing the management of RR rights from wells.

His major concern right now is protecting Simplot's future option of claiming RR water from a well. It was my understanding that he was not excited to claim RR rights from wells but would if there was a chance that inaction at this point would jeopardize future possibilities for asserting those claims. I did not express an opinion on this point. Vic would appreciate some input in this area.

Vic's phone # is: 389-7359
his e-mail address is: vconrad@simplot.com

We are planning on scheduling a meeting within the next two weeks to review Simplot's Basin 43 claims.

Kelly K Christensen

Christensen, Kelly

To: McHugh, Candice
Subject: silplot/higley/beyler split issue

I just got off the phone with Grant Beyler and he stated the following.

When Leonard Hall was first water master (apparently he was water master for a period of time and was off for a while and then came back on) he wouldn't deliver the Deardorf water to the ground east of Highway 81. He was replaced with another watermaster (I believe he said that his name was Dave Hutchison) and he, the watermaster, checked with the department and started delivering water east of the highway. He stated that when Leonard came back on as watermaster that he reviewed the dept letters and also continued to deliver water east of the highway as it is being delivered now.

I did not get specific dates but I could research watermaster employment dates and re-interview Grant to possibly get a better timeline but that would take a lot of time and I don't want to do it if it is not necessary.

Kelly K Christensen