

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: A43-00103C
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, 1894

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 DAM 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	1.100		

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

8. Total consumptive use is 1311.0 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	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
Section Acres							120.0
		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
Section Acres							80.0
		14	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
Section Acres							160.0
Total Acres							437.0

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:

43-00099 -00100 -00101 -00102 -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P.D. GIVEN IN SUPERCEDED TRANSFER #225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

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: _____

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
MAR 02 1993

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: A43-00103
Date Received: 6-08-89
Receipt No: 6007327
Received By: DE

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, 1894

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 DAM 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	1.100		

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

8. Total consumptive use is 1311.0 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	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 120.0

A43-00103 C

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	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
			Section Acres				80.0
		14	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			Section Acres				160.0
			Total Acres				437.0

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:

43-00099 -00100 -00101 -00102 -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

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

I do solemnly swear or affirm that I am _____ 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.

[Signature]
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

[Signature]
Notary Public

Seal

Residing at _____ Meridian

My Commission Expires 11-06-91

S. R. 26, E

Lot 4	Lot 3	Lot 2	Lot 1	Lot 4	Lot 3	Lot 2	Lot 1
40.5	40.42	40.34	40.25	40.18	40.09	40.04	

Sections

2
Malta
Landing
Field

1

Seperate Sheers

Malta

71

10

15

P 3288-B

74

P 3295

2 3296

P 3297

P 3304

P 3303

P 3302

P 3308

P 3307-1:

ON Separate Sheet

2 3305

P 3307

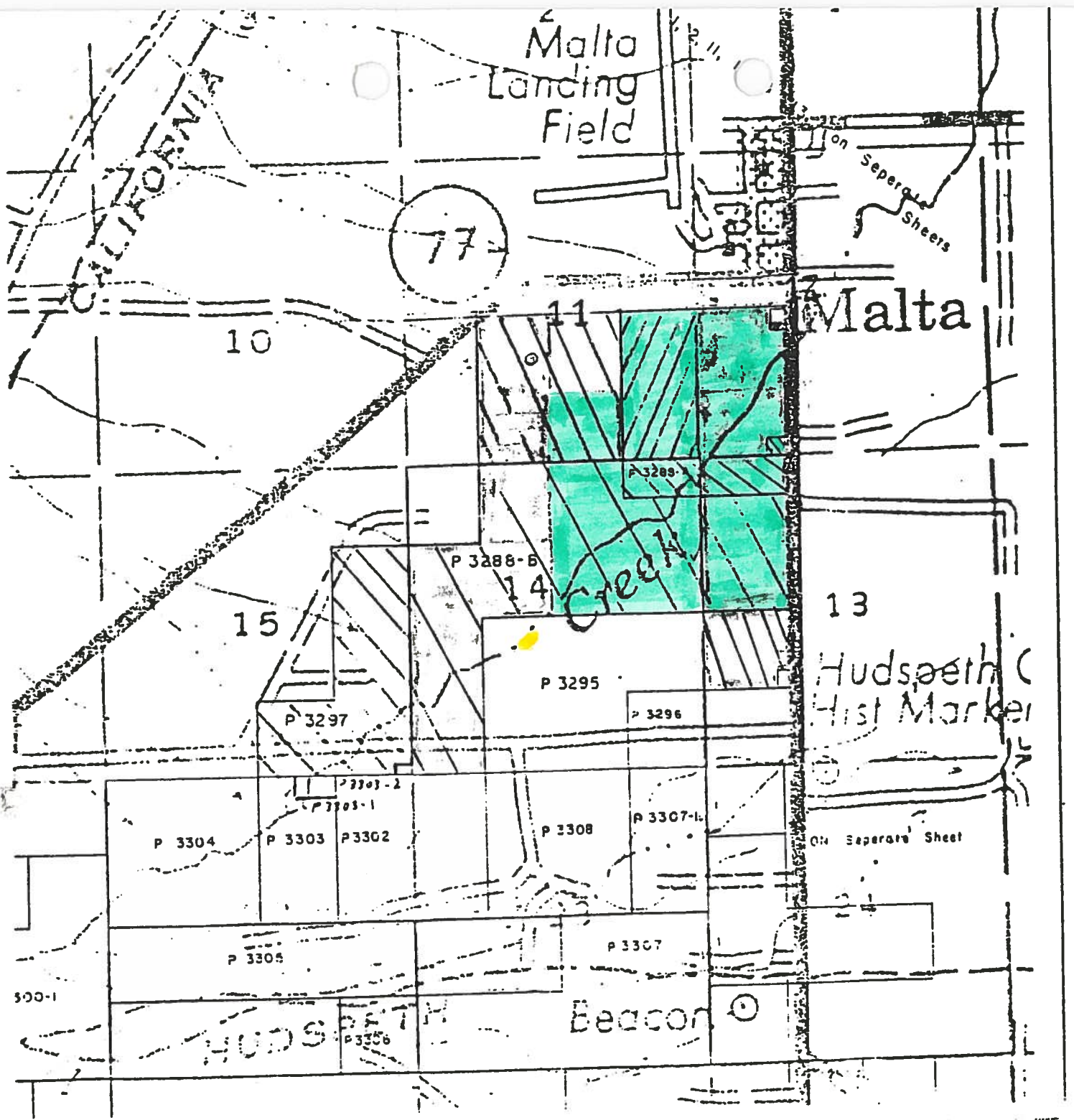
MICROFILMED

MAR 02 1993

Beacon 0

4006 P 3306

२३३८



WR # A43-00103

T. 135 R. 26E

 = Point of Diversion

 = Place of Use

MICROFILMED

MAR 02 1993



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

INPUT: AJ_SELECTION:FRAZEE-NAME-SIMPLET.SEL

ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 04/04/93
TIME: 23:15:44.0
PAGE: 3

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLET CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

STATE: ID ZIP: 837070027

FIRST NAME:
ADDRESS LINE 2: 999 MAIN ST STE 1300
PHONE NUMBER: (208) 389-7318

A36-04180 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04181 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04182 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07333 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07636 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-08154 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-13319 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-13320 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00141 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00142 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00143 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00465 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00692A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00692B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-11907 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-11908 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00099C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00100C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00101C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00102C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00103C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00104B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00105 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00106 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00107 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00256 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00257 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00258 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00275 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00276 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00277 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00317 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00318 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00481 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02010 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02045 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02115A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02115B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02313A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02329 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02378 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02382 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02471 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02472 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02473 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02475 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02483 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02484 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

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 06 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
- Jf*

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.)

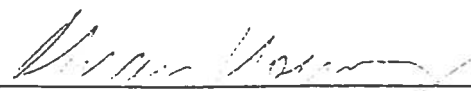
TO ALL PARTIES:

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

4507vrl-20-32.1.42

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 MAR 3 PM 4 04

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

In Re SRBA

Case No. 39576

)
)
)
)
ORDER OF PARTIAL DECREE

Water Right: 43-00103C

On January 9, 2004, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 43-00103C be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 3, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00103C

FILED
2004 MAR 3 PM 4 04

NAME AND ADDRESS: J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.10 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.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S14 NENENE Within Cassia County
SESENW
S21 SNNWSW
S22 SWSENE
NENENW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.10 CFS

PLACE OF USE: Irrigation Within Cassia County
T13S R26E S11 NESW 17.0 SESW 26.0
NESE 40.0 NWSE 40.0
SWSE 40.0 SESE 38.0
S12 NWSW 30.0 SWSW 30.0
S13 NWNW 39.0 SWNW 39.0
S14 NENE 40.0 NWNE 40.0
SWNE 40.0 SENE 40.0
NENW 35.0 SWNW 17.0
SENW 40.0 NWSW 36.0
SWSW 40.0
S15 NESE 8.5 SWSE 31.0
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, 43-103C,
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,
43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277,
43-10591, AND 43-10592.

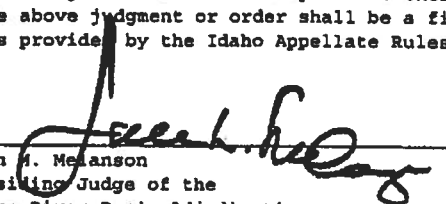
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

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


John A. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 MAR 03 PM 02:00
DISTRICT COURT - SRE
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-00103C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-00103C was mailed
on March 03, 2004, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

J R SIMPLOT COMPANY
Represented by:
ALBERT P. BARKER
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

TED HIGLEY
PO BOX 57
MALTA, ID 83342
Phone: 208-645-2444

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/03/04

49/565

152809

DEED RECORD No. 49, CASSIA COUNTY, IDAHO

#152809 COMPARED

WARRANTY DEED

(\$13.20 revenue stamps attached)

THIS INDENTURE, Made this Fifth day of November, in the year of our Lord one thousand nine hundred and forty five, between H. F. Deardorff and Rosa V. Deardorff, his wife, of the County of Cassia, State of Idaho, the part 1st of the first part, and Blaine Wight and Viola Wight, his wife, of the County of Cassia, State of Idaho, the part 1st of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five Thousand and no/100----- DOLLARS, lawful money of the United States of America, to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, 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 Northwest quarter (NE1/4NW1/4) the Northwest quarter of the Northeast quarter (NW1/4NE1/4) and the Northeast quarter of the Northeast quarter (NE1/4NE1/4) of Section 13, Twp. 13 South, Range 26 E. S.M., except therefrom all land deeded to the State of Idaho for Highway purposes therein as recorded in Book of Deeds no. 12, of Cassia County, Idaho, at page 561; together with 120 inches of the deepest 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 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 E. and the North boundary line of the NE1/4NW1/4 of said section 13, Twp. 13 South, Range 26 E.S.M. 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 thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part 1st of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said part 1st of the first part, and their heirs, the said parties of the second part, in the quiet and peaceable possession of the said part 1st of the second part, their heirs and assigns, against the said part 1st of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim, in 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 seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Charlotte Hunsinger

Wm. E. Thompson

H. F. Deardorff

Rosa V. Deardorff

(REAL)

(REAL)

(REAL)

(REAL)

STATE OF IDAHO,

County of Cassia, ss. I, Notary Public in and for said State, personally appeared Wm. E. Thompson, H. F. Deardorff and Rosa V. Deardorff, his wife, known to me (person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Wm. E. Thompson

My commission expires Feb. 1, 1946

Notary Public residing at Burley, Idaho

STATE OF IDAHO,
County of Cassia, ss.

I hereby certify that this instrument was filed for record at the request of Blaine Wight at 5:05 minutes past 3 o'clock P. M. this 9th day of November, A.D. 1945, in my office, and duly recorded in Book 49 of Deeds at page 585.

Irin Hogan,

Ex-Officio Recorder

By D. G. McClarin

Water Right Number - A43-00103

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
RENUMBERED CLAIM

SPLIT RIGHT

COMBINED RIGHT

*** 0 - ORIGINAL OWNER ***
DEARDORFF

H. F.

1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 0
1 -
2 -
3 -
City- BOISE
Phone - 208-000-0000
State- ID Zip- 0
1 -
2 -
3 -
City- M
Phone - 208-000-0000
State- ID Zip- 0
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

Priority Date - 04/01/1894
Region - 17 SOUTHERN
Stage -
Status - Z - SEE REMARKS

Source - CASSIA CREEK
SPLIT RIGHT
COMBINED RIGHT
RENUMBERED CLAIM
Tributary - RAFT RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)
13S 26E 14 NE SW (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.100

Total Div. Rate - 1.100
Total Div. Volume -
Total Div. Capacity -
Total Consumptive Use - 1311.0
KW Usage -

Twn Rng Sec Tract Lot Acres Code Description County

- - - Diversion Means - DIVERSION DAM AND DITCHES

MICROFILMED
MAR 02 1993

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

103C

(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 Idaho
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 Edw R
Residing at: Twin Falls
My Commission Expires: 3-1-04

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:

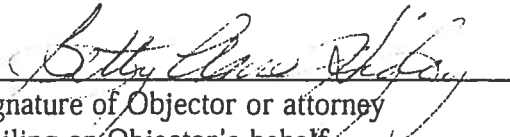
Name: UR Simplot Co
Address: PO Box 27
Boise, Id 83707

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 09/25/2001
 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: 1.10 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County
 T13S R26E S14 SESENW Within CASSIA County
 T13S R26E S14 SWNWSW Within CASSIA County
 T13S R26E S21 SWSENE Within CASSIA County
 T13S R26E S22 NENENW Within CASSIA County

DISALLOWED

PURPOSE AND
 PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.100 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	36.0
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

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

NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: Decreed

01/08/2001

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

RIGHT NUMBER: 43-103C

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

VERIFIED BY *KKC*
SARAH BOURGESS

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.1 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: 04/01/1894

POINT OF DIVERSION:	T13S R26E S14	NENENE	Within CASSIA County
	T13S R26E S14	SESENW	Within CASSIA County
	T13S R26E S14	SWNWSW	Within CASSIA County
	T13S R26E S21	SWSENE	Within CASSIA County
	T13S R26E S22	NENENW	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	1.10 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	38
T13S R26E S12	NWSW	30	T13S R26E S12	SWSW	30
T13S R26E S13	NWNW	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 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.

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 arcview 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 (1.10 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.