

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: A43-02485
Date Received: 6-08-89
Receipt No: 0907327
Received By: JK

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: DEC 23, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	7	SW	SW		4	CASSIA

5. Description of diverting works:
WELL, PUMP AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.300		

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

8. Total consumptive use is 630.0 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	27E	7	NW	NE		IRR	20.0
			SW	NW	2	IRR	50.0
			SE	NW		IRR	40.0

A43-02485

Page 1

Date: 06/02/89

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	7	NW	SW	3	IRR	50.0
			SW	SW	4	IRR	50.0
Section Acres							210.0
Total Acres							210.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28354

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.

[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

U



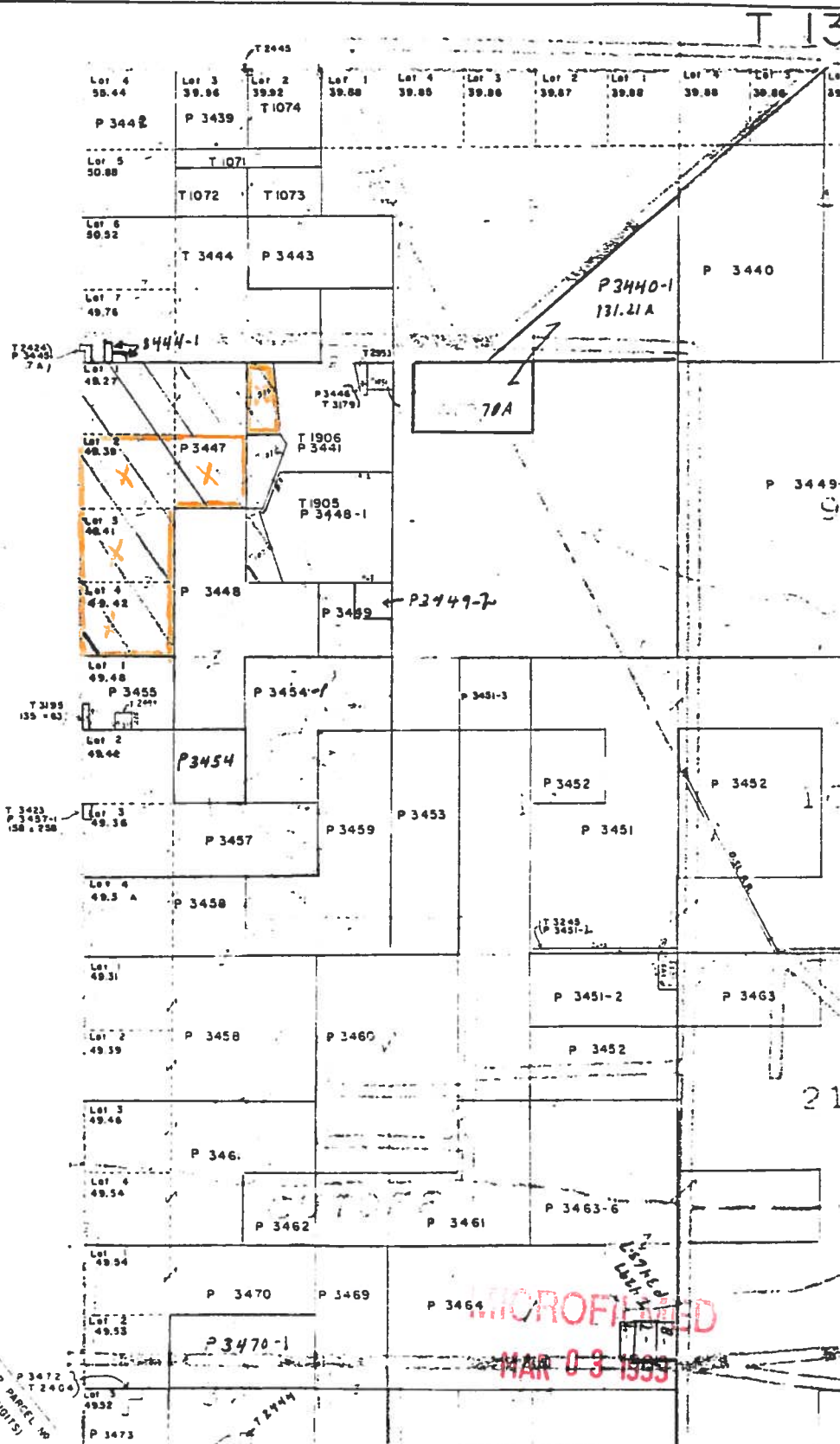
TOWNSHIP					
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
24	23	22	21	20	19
25	26	27	28	29	30
36	35	34	33	32	31

CASSIA COUNTY, IDAHO

LEGEND

- TOWNSHIP LINES
- SECTION LINES
- SECTION CORNER
- QUARTER CORNER
- ADJACENT BOUNDARY
- SUBDIVISION BOUNDARY
- ARBITRARY SUBDIVISION
- ARBITRARY BLOCK
- ARBITRARY PARCEL
- ARBITRARY PARCEL LINE
- RAILROADS
- U.S. HIGHWAYS
- STATE HIGHWAYS
- INTERSTATE HIGHWAYS
- COUNTRY ROADS

TOWNSHIP NO. (3RD & 4TH DIGITS)
SECTION NO. (1ST & 2ND DIGITS)
SUBDIVISION NO. (3RD & 4TH DIGITS)
BLOCK NO. (5TH & 6TH DIGITS)
OWNER'S PARCEL NO. (LAST THREE DIGITS)



MICROFILMED
MAR 03 1993

INPUT: A3_SELECTION:FRANZEE-NAME-SIMPLOT_SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:LAST NAME: YOUNG, GRAY OR BRUCE DELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

STATE: ID ZIP: 837070027

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

A43-02485	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02488	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02489	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02504	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02505	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02516	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02517	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02519	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02522	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02536	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02547	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02548	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02569	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-02575	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04021A	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04021B	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04194	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04195	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04197	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04199	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-04202	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-07056	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-07068	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-07145	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10397	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10398	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10399	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10400	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10401	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10402	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10403	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10404	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10405	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10406	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10407	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10408	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10426	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10578	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10579	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10590	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10591	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10592	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A45-02179	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A45-02719	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A45-02746	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A45-11847	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A47-04312	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A51-02140	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A57-02202	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
- J*

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.)

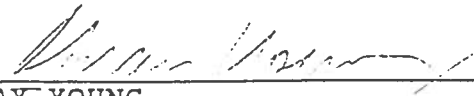
TO ALL PARTIES:

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-20-92/1:42

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

01/09/2001

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

RIGHT NUMBER: 43-2485

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

VERIFIED BY *KKC*

SOURCE: GROUND WATER

QUANTITY: 4.3 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.61 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1120 AF. COMBINED RIGHT NOS.: 43-2329 AND 43-2485.

PRIORITY DATE: 12/23/1959

POINT OF DIVERSION: T13S R27E S7 LOT 4 SWSWSW 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	4.30 CFS 840.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S7	NWNE	16	T13S R27E S7 SWNE 11
T13S R27E S7	NENW	33	T13S R27E S7 LOT 1 NWNW 39
T13S R27E S7 LOT 2	SWNW	49	T13S R27E S7 SENW 34
T13S R27E S7 LOT 3	NWSW	49	T13S R27E S7 LOT 4 SWSW 49

280 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2329 and 43-2485.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 210 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - License

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

Date: 1-9-2001

File: 43-317 2329 simplot taylor place

Prepared by Kelly K Christensen

**SYSTEM ANALYSIS
GROUND WATER RIGHTS 43-2329 AND 43-2485**

The two rights were licensed from different groundwater sources, however all of the licensed wells have been replaced with one 'deep' well. The current system is a 75-hp motor on the well with a 100-hp booster in series. Water level in this well is not known but the static level generally is around 50 ft with a significant draw down for the dynamic level. Based upon a 100-ft dynamic level the theoretical calculation is 5.61 cfs. The irrigator thought that the output was around 3.30 to 3.60 cfs. Based upon the currently available information I am recommending the two rights when combined be limited to the 5.61 cfs.

43-2329 was licensed for 260 acres and 43-2485 was licensed for 210 acres, all within the same tracts. The ASCS aerial photography identifies 219.7 acres irrigated within the same field boundary. Using arcview, I found 280 acres, which is my recommendation. Each licensed right is to be limited to the licensed number of acres within the recommended PP/U. There are a number of areas within the PP/U that the use has changed on over the years.

**SYSTEM ANALYSIS
SURFACE WATER RIGHTS 43-317 AND 43-318**

While conducting a field examination for Art Whitaker, I asked about Simplot's use of the point of diversion in 13S, 26E, SEC 14 NENENE as Art was using this point of diversion. He indicated that his father-in-law filled in the ditch that crossed a portion of section 12 many many years ago. He thought that it was at least 30 years ago. In visiting with the irrigator, Rick Garrett, he indicated that the only surface water used on the property was water coming off Park's property to the south. He stated that the only time that he can use it is when Park is not using the water. He did not know where the water originated. This would be consistent with a wastewater use.

Based upon the above information, I am recommending the two decreed rights for disallowal. The basis is P04 Forfeited/abandoned due to non-use from 1970 to 1987.

A43-0001
A43-0036
A43-0232
A43-0248

State of Idaho

License and Certificate of Water Right

43-2485

Water License No. 0-28354

Amount 4.3 c.f.s.

Water District No. _____

Priority December 23, 1959

THIS IS TO CERTIFY, that RAFT RIVER CATTLE COMPANY
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 23, 19 59; that Permit No. 0-28354
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.3 second feet, was issued thereunder on November 14, 19 61, showing that said works
were completed on the 16th day of June, 19 61; and that on the 16th
day of June, 1961, RAFT RIVER CATTLE COMPANY

of Declo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. 0-28354 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7208, on the 14 day of November, 19 61;

The right hereby confirmed dates from December 23, 19 59;

The Point of Diversion is located

In the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Tp. 13 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	27 E.	7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5	20
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5	6
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	18
			NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	49.27	23
			SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)	49.34	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	30
			NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3)	49.41	39
			SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4)	49.48	39
			Total number of acres to be irrigated:		215

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of November, 19 61.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

43-2485

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28354

This proof is for Completion of Works of Beneficial Use In Water District No.

1. Name of applicant Don Schwaegler, Mgr. Raft River Cattle Company

2. Source of water supply: a well

3. Location of point of diversion: Is in the SW 1/4 of Section 7

T. 13 S R. 27 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 7.5 HP US 1/2 shaft
Motor # 1254255, Logans-Bowler Pump # 26503 (11467791302 1761255)

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

WNE 1/4, WSW 1/4, Sec. 7, T. 13 S., R. 27 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Bob Staker and Dave Byers along.

Measured by sparkling meter 5 Rev in 1 minute, 40 Sec. = 50 x 95.4845.

This examination was made on the 26th day of October, 1961

(Signed) [Signature] Examiner

28354

