

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 43-10426
Date Received: 7/13/1989
Receipt No: C008236
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

J R SIMPLOT CO
PO BOX 27
BOISE ID USA 83707

Phone:

2. Date of Priority: 03/15/1962

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	26E	12	SE SE	CASSIA	
12S	26E	24	NE NE	CASSIA	
12S	26E	13	SW NE	CASSIA	
12S	27E	19	NE SW	CASSIA	

5. Description of diverting works:

5 WELLS, PUMPS, AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.36	472.8

7. Total Quantity Appropriated is:

2.36 C.F.S. and/or 472.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12S	26E	1	SE	SE		IRRIGATION	14
						Section Acres	14
12S	26E	12	NE	NE		IRRIGATION	11
			SE	NE		IRRIGATION	14
			NE	SE		IRRIGATION	32
			SE	SE		IRRIGATION	39
						Section Acres	96
12S	26E	13	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	27
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	184
12S	26E	24	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	39
						Section Acres	78
12S	27E	6	SW	NW	5	IRRIGATION	49
			NE	SW		IRRIGATION	30
			NW	SW	6	IRRIGATION	49
			SW	SW	7	IRRIGATION	39
			NE	NW	3	IRRIGATION	11
			NW	NW	4	IRRIGATION	21
			SE	NW		IRRIGATION	30
						Section Acres	229
12S	27E	7	NW	NW	1	IRRIGATION	45
			SE	NW		IRRIGATION	17
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	19
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	38
			SW	SW	4	IRRIGATION	51
						Section Acres	272
12S	27E	18	NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	51
			SE	NW		IRRIGATION	39
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	39
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	39
			SW	SW	4	IRRIGATION	51
						Section Acres	361
12S	27E	19	NE	NW		IRRIGATION	36
			NW	NW	1	IRRIGATION	51
			SE	NW		IRRIGATION	7
			SW	NW	2	IRRIGATION	51
						Section Acres	145
						Total Acres	1379

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:

14. Remarks:

2 WELLS IN SEC. 19, NE 1/4, SW 1/4 THIS CLAIM IS FOR THE ADDITIONAL 11 ACRES IN EACH OF THE 4 GOVERNMENT LOTS IN SECTION 7. IT APPEARS THAT THE FIELD EXAMINER FOR WATER RIGHT NO. 43-02484 DID NOT TAKE INTO ACCOUNT THAT THESE TRACTS EACH CONTAINED APPROXIMATELY 51 ACRES INSTEAD OF 40 ACRES.

CLAIM AMENDED TO INCLUDE ALL IRRIGATED ACRES IN THE SYSTEM UNDER A PERMISSABLE PLACE OF USE. THIS RIGHT IS LIMITED TO 118.2 ACRES. 6/22/01 jr

CLAIM AMENDED TO INCREASE DIVERSION RATE TO 2.36 CFS, AN AMOUNT AVAILABLE FROM SYSTEMS PREVIOUSLY LICENSED. 7/3/02 jr

15. Basis of Claim: Beneficial Use

RECEIVED

AUG 17 2001

Department of Water Resources
Southern Region

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 43-10426
Date Received: 7/13/89
Receipt No: C008236
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

J R SIMPLOT CO
PO BOX 27
BOISE ID USA 83707

Phone:

2. Date of Priority: 03/15/1962

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
12S	26E	12	SE	SE	CASSIA	
12S	26E	24	NE	NE	CASSIA	
12S	26E	13	SW	NE	CASSIA	
12S	27E	19	NE	SW	CASSIA	

5. Description of diverting works:

5 WELLS, PUMPS, AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.52	472.8

7. Total Quantity Appropriated is:

1.52 C.F.S. and/or 472.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12S	26E	1	SE	SE		IRRIGATION	14
						Section Acres	14
12S	26E	12	NE	NE		IRRIGATION	11
			SE	NE		IRRIGATION	14
			NE	SE		IRRIGATION	32
			SE	SE		IRRIGATION	39
						Section Acres	96
12S	26E	13	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	27
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	184
12S	26E	24	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	39
						Section Acres	78
12S	27E	6	NE	NW	3	IRRIGATION	11
			NW	NW	4	IRRIGATION	21
			SE	NW		IRRIGATION	30
			SW	NW	5	IRRIGATION	49
			NE	SW		IRRIGATION	30
			NW	SW	6	IRRIGATION	49
			SW	SW	7	IRRIGATION	39
						Section Acres	229
12S	27E	7	NW	NW	1	IRRIGATION	45
			SE	NW		IRRIGATION	17
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	19
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	38
			SW	SW	4	IRRIGATION	51
						Section Acres	272
12S	27E	18	SE	NW		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	51
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	39
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	39
			SW	SW	4	IRRIGATION	51
						Section Acres	361
12S	27E	19	NE	NW		IRRIGATION	36
			NW	NW	1	IRRIGATION	51
			SE	NW		IRRIGATION	7

SW	NW	2	IRRIGATION	51
			Section Acres	145
			Total Acres	1379

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:

14. Remarks:

2 WELLS IN SEC. 19, NE 1/4, SW 1/4 THIS CLAIM IS FOR THE ADDITIONAL 11 ACRES IN EACH OF THE 4 GOVERNMENT LOTS IN SECTION 7. IT APPEARS THAT THE FIELD EXAMINER FOR WATER RIGHT NO. 43-02484 DID NOT TAKE INTO ACCOUNT THAT THESE TRACTS EACH CONTAINED APPROXIMATELY 51 ACRES INSTEAD OF 40 ACRES.

CLAIM AMENDED TO INCLUDE ALL IRRIGATED ACRES IN THE SYSTEM UNDER A PERMISSABLE PLACE OF USE. THIS RIGHT IS LIMITED TO 118.2 ACRES. 6/22/01 jr

15. Basis of Claim: Beneficial Use

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: 0

For Organizations:

I do solemnly swear or affirm that I am Vice President,
J. R. Simplot Company Secretary and General Counsel of
Title
Organization that I have signed the foregoing
document in the space below as Vice President,
J. R. Simplot Company Secretary and General Counsel of
Title
Organization and that the statements contained in the
foregoing document are true and correct.

Vice President, Secretary and General Counsel, J. R. Simplot Company
Title and Organization

August 16, 2001
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th
of August 2001

Janene A. Kattner
Notary Public

Residing at Boise, ID

My commission Expires 5/31/02





J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (203) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED
AUG 17 2001
Department of Water Resources
Southern Region

August 16, 2001

Jeannie Robertson
Adjudication Agent
State of Idaho
Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: SRBA Claims Nos. 43-10426, 43-2378, 43-2484, 43-2522, 43-2548, 43-2547, 43-4202, 43-4195 (Simplot's Bar M Ranch).

Dear Jeannie:

Enclosed are amendments to the above referenced SRBA claims. Please arrange for these amended claims to be filed in the SRBA and then please send me written confirmation of that filing.

Sincerely,

Vic Conrad
Land and Development

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 2001

VIC CONRAD
LAND AND DEVELOPMENT
J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

RE: SRBA AMENDED CLAIMS: 43-2378, 43-2484, 43-2522, 43-2547, 43-2548,
43-4195, 43-4202, & 43-10426

Dear Vic,

Enclosed are your copies of the amended claims you recently submitted. I have made my recommendations accordingly, reflecting the information we agreed upon in our meetings, which precipitated these amendments. I probably should not have included 43-4195 and 43-4202 in these amendments. They were a part of our original plan, which we later ended up changing, and reflected **beneficial use claims connected to a particular license** due to the government lot issue. I have recommended these two for disallowal, recognizing that **all the beneficial acres will now be recommended in 43-10426.**

I am also including a color layout of the property as will be recommended in the upcoming Director's Report, since you didn't receive one in our preliminary mailing.

Please feel free to call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

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: A43-10426
Date Received: 7/13/89
Receipt No: C008236
Received By: JP

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 of	Lot
12S	26E	12	SE	SE		
		13	SW	NE		
		24	NE	NE		
	27E	19	NE	SW		

5. Description of diverting works:
5 WELLS, PUMPS, AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(...)	A.F.A.
IRRIGATION	03/15	11/15	0.880		

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

A.F.A.

8. Total consumptive use is 132.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-10426

Page 1

Date: 07/05/89

MICROFILM

MAR 05 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	27E	7	NW	NW	1	IRR	11.0
			SW	NW	2	IRR	11.0
			NW	SW	3	IRR	11.0
			SW	SW	4	IRR	11.0
Section Acres							44.0
Total Acres							44.0

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:

2 WELLS IN SEC. 19, NE 1/4, SW 1/4
THIS CLAIM IS FOR THE ADDITIONAL 11 ACRES IN EACH OF THE 4
GOVERNMENT LOTS IN SECTION 7. IT APPEARS THAT THE FIELD EXAMINER
FOR WATER RIGHT NO. 43-02484 DID NOT TAKE INTO ACCOUNT THAT THESE
TRACTS EACH CONTAINED APPROXIMATELY 51 ACRES INSTEAD OF 40 ACRES.

15. Basis of Claim: BENEFICIAL USE

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.

Richard L. Howe
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

July 10, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of July 19 89

Vicki A. Lower
Notary Public

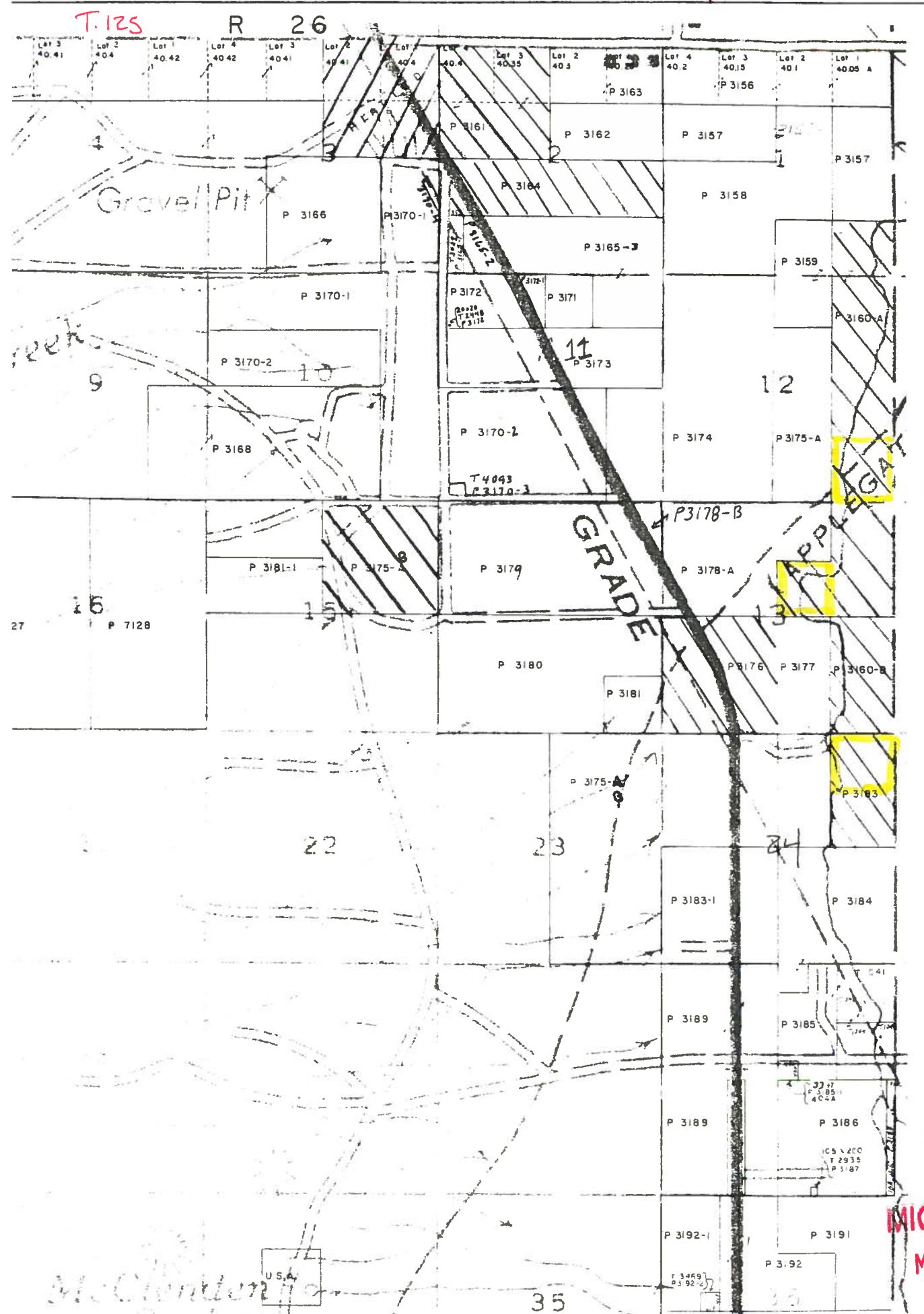
Seal

Residing at _____ Meridian _____

My Commission Expires 11-06-91

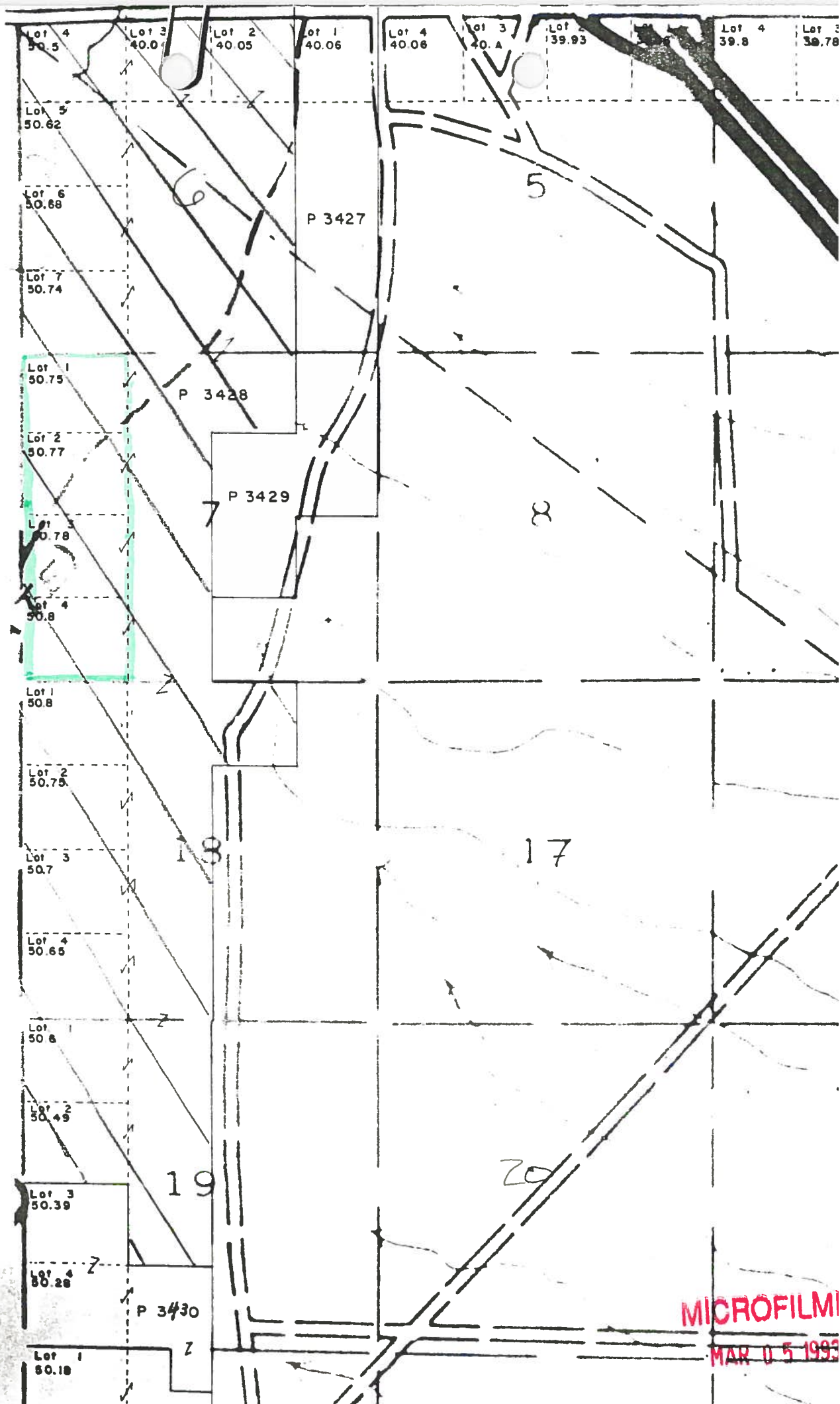
= place of V_{sc}

R 26



MICROFILME
MAR 05 1993

T.12S
R.27E



MICROFILM

MAR 05 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

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10426
J. R. SIMPLOT COMPANY
P.O. BOX 27

BOISE

ID 83707

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILME

MAR 05 1993

INPUT: AJ_SELECTION:FRAZEE-NAME-SIMPL0T.SET

ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 04/02/93
TIME: 23:15:56.9
PAGE: 4

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
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
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A43-10400	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
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A43-10402	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A43-10403	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
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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
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A43-10592	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
A45-02179	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
-Af*

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.)
_____)

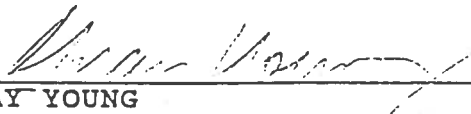
TO ALL PARTIES:

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

4507vr1-20-92/1:42

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

RECEIVED

JAN - 8 2003

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 6 AM 11 29

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

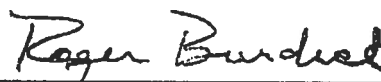
For Water Right 43-10426

On October 25, 2002, 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 43-10426 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED January 6, 2003



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

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
FILED

2003 JAN 6 AM 11 29

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10426

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

SOURCE: GROUND WATER

QUANTITY: 2.36 CFS
472.80 AFY

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWNE
S24 NWNENE
R27E S19 NENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.36 CFS 472.80 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R26E S01	SESE 14.0	
S12	NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
S13	NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
S24	NENE 39.0	SENE 39.0
R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
LOT 5	(SWNW) 49.0	SENW 30.0
	NESW 30.0	LOT 6 (NWSW) 49.0
LOT 7	(SWSW) 39.0	
S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
	SENW 17.0	NESW 19.0
LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
	SESW 38.0	
S18	NENW 40.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 39.0
	NESW 39.0	LOT 3 (NWSW) 51.0
LOT 4	(SWSW) 51.0	SESW 39.0
S19	NENW 36.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENW 7.0
1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, & 43-10426.

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

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

OTHER PROVISIONS (continued)

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).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 06 PM 02:00
DISTRICT COURT - SRBA
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): 43-10426

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 43-10426 was mailed
on January 06, 2003, with sufficient first-class postage prepaid
to the following:

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

J R SIMPLOT CO
Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/03

2002 OCT 25 PM 3 33

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	)	Subcases 43-02378, 43-02484, 43-02522,
	)	43-02547, 43-02548 and 43-10426
Case No. 39576	)	(J.R. Simplot Co.)
	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

J.R. Simplot Company, P.O. Box 27, Boise, Idaho 83707, filed a *Notice of Claim to a Water Right* in subcase 43-10426 on July 13, 1989, claiming 1.52 cfs from groundwater to irrigate 1,379 acres in Cassia County from March 15 to November 15 with a priority date of March 15, 1962, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim as filed, but with a priority date of December 23, 1959. The Director also identified subcases 43-02378, 43-02484, 43-02522, 43-02547 and 43-02548 as overlapping claims.

The claimant filed an *Objection* on February 8, 2002, objecting to quantity alleging the amount should be 2.36 cfs. No one objected to the 5 overlapping claims.

On June 27, 2002, the claimant was granted leave to file an amended notice of claim to claim the higher quantity. IDWR filed an *Amended Director's Report, Subcase No. 43-10426* recommending the amended claim for 2.36 cfs. No one objected to the amended recommendation.

Conclusions of Law

J.R. Simplot Company is entitled to partial decrees adjudicating water rights for claim 43-10426 and uncontested overlapping claims 43-02378, 43-02484, 43-02522, 43-02547 and 43-02548 as recommended by IDWR and as described in the attached *Special Master*

Recommendations for Partial Decrees for Water Rights 43-02378, 43-02484, 43-02522, 43-02547, 43-02548 and 43-10426.

DATED October 25, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
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

2002 OCT 25 PM 3 33

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10426

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

SOURCE: GROUND WATER

QUANTITY: 2.36 CFS
472.80 AFY

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWNE
S24 NWNENE
R27E S19 NENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.36 CFS 472.80 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T12S R26E S01	SESE 14.0	
	S12	NENE 11.0	SENE 14.0
		NESE 32.0	SESE 39.0
	S13	NENE 39.0	SWNE 27.0
		SENE 40.0	NESE 39.0
		SESE 39.0	
	S24	NENE 39.0	SENE 39.0
	R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
	LOT 5	(SWNW) 49.0	SENE 30.0
		NESW 30.0	LOT 6 (NWSW) 49.0
	LOT 7	(SWSW) 39.0	
	S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
		SENE 17.0	NESW 19.0
	LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
		SESE 38.0	
	S18	NENW 40.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENE 39.0
		NESW 39.0	LOT 3 (NWSW) 51.0
	LOT 4	(SWSW) 51.0	SESE 39.0
	S19	NENW 36.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENE 7.0
	1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-10426 File Number: 00160

PAGE 1
Oct-25-2002

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

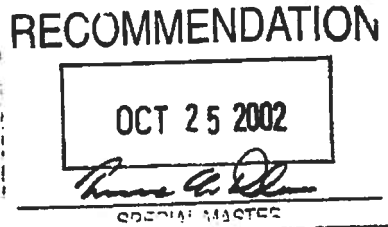
OTHER PROVISIONS (continued)

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).

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

FILED
2002 OCT 25 PM 3 33

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02547

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

SOURCE: GROUND WATER

QUANTITY: 4.00 CFS
800.00 AFY

PRIORITY DATE: 04/25/1962

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWE
S24 NWNENE
R27E S19 SWNESW
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.00 CFS 800.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T12S R26E S01	SESE 14.0	
	S12	NENE 11.0	SENE 14.0
		NESE 32.0	SESE 39.0
	S13	NENE 39.0	SWNE 27.0
		SENE 40.0	NESE 39.0
		SESE 39.0	
	S24	NENE 39.0	SENE 39.0
	R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
	LOT 5	(SWNW) 49.0	SENW 30.0
		NESW 30.0	LOT 6 (NWSW) 49.0
	LOT 7	(SWSW) 39.0	
	S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
		SENW 17.0	NESW 19.0
	LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
		SESW 38.0	
	S18	NENW 40.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENW 39.0
		NESW 39.0	LOT 3 (NWSW) 51.0
	LOT 4	(SWSW) 51.0	SESW 39.0
	S19	NENW 36.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENW 7.0
	1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

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

OTHER PROVISIONS (continued)

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).

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.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
OCT 25 2002
Russell A. Dill
SPECIAL MASTER

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *DM*

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

2002 OCT 25 PM 3 33

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-02378

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

SOURCE: GROUND WATER

QUANTITY: 2.40 CFS
640.00 AFY

PRIORITY DATE: 03/22/1952

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSNE
S24 NWNENE
R27E S19 SWNESW
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.40 CFS 640.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
T12S R26E S01	SESE 14.0		
S12	NENE 11.0		SENE 14.0
	NESE 32.0		SESE 39.0
S13	NENE 39.0		SWNE 27.0
	SENE 40.0		NESE 39.0
	SESE 39.0		
S24	NENE 39.0		SENE 39.0
R27E S06 LOT 3	(NENW) 11.0	LOT 4	(NWNW) 21.0
LOT 5	(SWNW) 49.0		SENE 30.0
	NESW 30.0	LOT 6	(NWSW) 49.0
LOT 7	(SWSW) 39.0		
S07 LOT 1	(NWNW) 45.0	LOT 2	(SWNW) 51.0
	SENE 17.0		NESW 19.0
LOT 3	(NWSW) 51.0	LOT 4	(SWSW) 51.0
	SESE 38.0		
S18	NENW 40.0	LOT 1	(NWNW) 51.0
LOT 2	(SWNW) 51.0		SENE 39.0
	NESW 39.0	LOT 3	(NWSW) 51.0
LOT 4	(SWSW) 51.0		SESE 39.0
S19	NENW 36.0	LOT 1	(NWNW) 51.0
LOT 2	(SWNW) 51.0		SENE 7.0
1379.0 Acres Total			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

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

OTHER PROVISIONS (continued)

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).

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.

RECOMMENDATION

OCT 25 2002

Thomas A. Allen

SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
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

2002 OCT 25 PM 3 33

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
) Water Right 43-02484

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

SOURCE: GROUND WATER

QUANTITY: 6.40 CFS
1468.00 AFY

PRIORITY DATE: 12/23/1959

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
 S13 SWSWNE
 S24 NWNENE
 R27E S19 SWNESW
 NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.40 CFS 1468.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R26E S01 SESE 14.0	
	S12 NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
	S13 NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
	S24 NENE 39.0	SENE 39.0
	R27E S06 LOT 3 (NENW) 11.0	LOT 4 (NWNW) 21.0
	LOT 5 (SWNW) 49.0	SENE 30.0
	NESW 30.0	LOT 6 (NWSW) 49.0
	LOT 7 (SWSW) 39.0	
	S07 LOT 1 (NWNW) 45.0	LOT 2 (SWNW) 51.0
	SENE 17.0	NESW 19.0
	LOT 3 (NWSW) 51.0	LOT 4 (SWSW) 51.0
	SESE 38.0	
	S18 NENW 40.0	LOT 1 (NWNW) 51.0
	LOT 2 (SWNW) 51.0	SENE 39.0
	NESW 39.0	LOT 3 (NWSW) 51.0
	LOT 4 (SWSW) 51.0	SESE 39.0
	S19 NENW 36.0	LOT 1 (NWNW) 51.0
	LOT 2 (SWNW) 51.0	SENE 7.0
	1379.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 367 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-02484 File Number: 00266

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Oct-25-2002

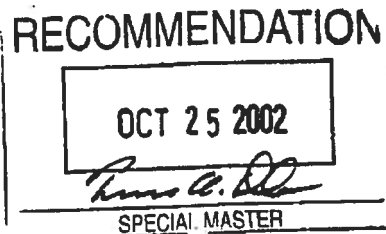
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2002 OCT 25 PM 3 33

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 43-02522

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

SOURCE: GROUND WATER

QUANTITY: 2.99 CFS
598.00 AFY

PRIORITY DATE: 05/01/1961

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
 S13 SWSWNE
 S24 NWNENE
 R27E S19 SWNESW
 NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.99 CFS 598.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T12S R26E S01	SESE 14.0	
	S12	NENE 11.0	SENE 14.0
		NESE 32.0	SESE 39.0
	S13	NENE 39.0	SWNE 27.0
		SENE 40.0	NESE 39.0
		SESE 39.0	
	S24	NENE 39.0	SENE 39.0
	R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
	LOT 5	(SWNW) 49.0	SENE 30.0
		NESW 30.0	LOT 6 (NWSW) 49.0
	LOT 7	(SWSW) 39.0	
	S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
		SENE 17.0	NESW 19.0
	LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
		SESE 38.0	
	S18	NENW 40.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENE 39.0
		NESW 39.0	LOT 3 (NWSW) 51.0
	LOT 4	(SWSW) 51.0	SESE 39.0
	S19	NENW 36.0	LOT 1 (NWNW) 51.0
	LOT 2	(SWNW) 51.0	SENE 7.0
	1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

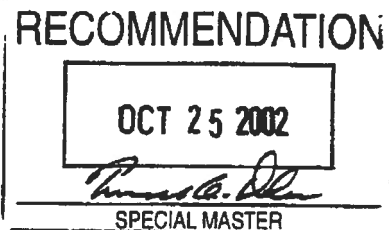
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 OCT 25 PM 3 34

In Re SRBA)
)
Case No. 39576)
)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02548

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

SOURCE: GROUND WATER

QUANTITY: 3.03 CFS
605.20 AFY

PRIORITY DATE: 04/25/1962

POINT OF DIVERSION: T12S R26E S12 NESESE Within Cassia County
S13 SWSWE
S24 NWNENE
R27E S19 NENESW
SWNESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.03 CFS 605.20 AFY

PLACE OF USE:	Irrigation	Within Cassia County
T12S R26E S01	SESE 14.0	
S12	NENE 11.0	SENE 14.0
	NESE 32.0	SESE 39.0
S13	NENE 39.0	SWNE 27.0
	SENE 40.0	NESE 39.0
	SESE 39.0	
S24	NENE 39.0	SENE 39.0
R27E S06 LOT 3	(NENW) 11.0	LOT 4 (NWNW) 21.0
LOT 5	(SWNW) 49.0	SENE 30.0
	NESW 30.0	LOT 6 (NWSW) 49.0
LOT 7	(SWSW) 39.0	
S07 LOT 1	(NWNW) 45.0	LOT 2 (SWNW) 51.0
	SENE 17.0	NESW 19.0
LOT 3	(NWSW) 51.0	LOT 4 (SWSW) 51.0
	SESE 38.0	
S18	NENW 40.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENE 39.0
	NESW 39.0	LOT 3 (NWSW) 51.0
LOT 4	(SWSW) 51.0	SESE 39.0
S19	NENW 36.0	LOT 1 (NWNW) 51.0
LOT 2	(SWNW) 51.0	SENE 7.0
1379.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 151.3 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547,
43-2548, & 43-10426.

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

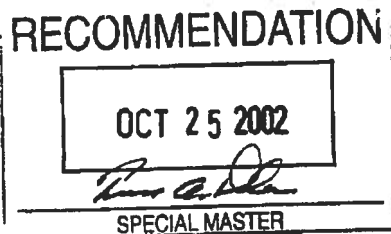
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *dv*

2002 OCT 25 PM 3 34

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

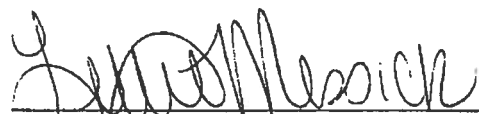
Water Right(s): 43-02378
43-02484 43-02522 43-02547
43-02548 43-10426

On October 25, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 25, 2002.



LETTIE MESSICK
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *21*

2002 OCT 25 PM 3 34

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02378
43-02484 43-02522 43-02547
43-02548 43-10426

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 25, 2002, with sufficient first-class postage prepaid to the following:

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

J R SIMPLOT CO
Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

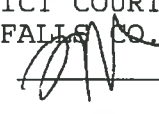
CERTIFICATE OF MAILING

Lettie Messick PAGE 1
LETITIE MESSICK 10/25/02
Deputy Clerk

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 AM 10:03
DISTRICT COURT - SRBA
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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
		SUBCASE NOS:	43-02378 43-02484
		43-02522	43-02547 43-02548
		43-10426	43-10590

Please be advised that Special Master TERRENCE A. DOLAN
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, SEPTEMBER 19, 2002 at 10:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to SEPTEMBER 18, 2002.

Dated: AUGUST 20, 2002

/S/ LETTIE MESSICK
Deputy Clerk
Snake River Basin Adjudication

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

Page 1 8/20/02

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on AUGUST 20, 2002, with sufficient first-class postage to the following:

J R SIMPLOT CO
Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707

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

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301
PHONE 736-3033
FAX 736-3037

FACSIMILE TRANSMITTAL SHEET

TO: Jeanie Robertson

FROM: Trish Fawcett

COMPANY:
IDWR

DATE:
8/14/2002

FAX NUMBER:
878-1010

TOTAL NO. OF PAGES INCLUDING COVER:
3

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: 43-2378 / Simplot

YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Hi - all five of those rights
contain the 1146 acre limiting
language -

Trish

VERIFIED BY *X* 9/6/01
 09/06/2001

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

43-2378

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

SOURCE: GROUND WATER

TRIBUTARY:

 QUANTITY: 2.40 CFS
 640.0 AFY

PRIORITY DATE: 03/22/1952

POINT OF DIVERSION:

 T12S R26E S12 NESESE Within CASSIA County
 T12S R26E S13 SWSWNE Within CASSIA County
 T12S R26E S24 NWNENE Within CASSIA County
 T12S R27E S19 NENESW Within CASSIA County
 T12S R27E S19 SWNESW Within CASSIA County

 PURPOSE AND
 PERIOD OF USE:

 PURPOSE OF USE
 IRRIGATION

 PERIOD OF USE
 03/15 11/15

 QUANTITY
 2.400 CFS
 640.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S12	NENE	11.0	T12S R26E S12	SENE	14.0
T12S R26E S01	SESE	14.0	T12S R26E S12	NESE	32.0
T12S R26E S12	SESE	39.0	T12S R26E S13	NENE	39.0
T12S R26E S13	SWNE	27.0	T12S R26E S13	SENE	40.0
T12S R26E S13	NESE	39.0	T12S R26E S13	SESE	39.0
T12S R26E S24	NENE	39.0	T12S R26E S24	SENE	39.0
T12S R27E S18	NENW	40.0	T12S R27E S18 Lot 1	NWNW	51.0
T12S R27E S18 Lot 2	SWNW	51.0	T12S R27E S18	SENW	39.0
T12S R27E S18	NESW	39.0	T12S R27E S18 Lot 3	NWSW	51.0
T12S R27E S18 Lot 4	SWSW	51.0	T12S R27E S18	SESW	39.0
T12S R27E S19	NENW	36.0	T12S R27E S19 Lot 1	NWNW	51.0
T12S R27E S19 Lot 2	SWNW	51.0	T12S R27E S19	SENW	7.0
T12S R27E S06 Lot 3	NENW	11.0	T12S R27E S06 Lot 4	NWNW	21.0
T12S R27E S06 Lot 5	SWNW	49.0	T12S R27E S06	SENW	30.0
T12S R27E S06	NESW	30.0	T12S R27E S06 Lot 6	NWSW	49.0
T12S R27E S06 Lot 7	SWSW	39.0	T12S R27E S07 Lot 1	NWNW	45.0
T12S R27E S07 Lot 2	SWNW	51.0	T12S R27E S07	SENW	17.0
T12S R27E S07	NESW	19.0	T12S R27E S07 Lot 3	NWSW	51.0
T12S R27E S07 Lot 4	SWSW	51.0	T12S R27E S07	SESW	38.0

1379 ACRES TOTAL

 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF
 USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
 TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, & 43-10426.

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

Water Right 43-2378

1

IDAHO DEPARTMENT OF WATER RESOURCES 09/06/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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: License

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

1

07/03/2002

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

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: Beneficial Use

07/03/2002

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

RIGHT NUMBER: 43-10426
NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.36 CFS
472.8 AFY

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION:

T12S R26E S12 NESESE Within CASSIA County
T12S R26E S13 SWSWNE Within CASSIA County
T12S R26E S24 NWNENE Within CASSIA County
T12S R27E S19 NENESW Within CASSIA County
T12S R27E S19 SWNESW 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	2.360 CFS 472.80 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S01	SESE	14.0	T12S R26E S12	NENE	11.0
T12S R26E S12	SENE	14.0	T12S R26E S12	NESE	32.0
T12S R26E S12	SESE	39.0	T12S R26E S13	NENE	39.0
T12S R26E S13	SWNE	27.0	T12S R26E S13	SENE	40.0
T12S R26E S13	NESE	39.0	T12S R26E S13	SESE	39.0
T12S R26E S24	NENE	39.0	T12S R26E S24	SENE	39.0
T12S R27E S06 Lot 3	NENW	11.0	T12S R27E S06 Lot 4	NWNW	21.0
T12S R27E S06 Lot 5	SWNW	49.0	T12S R27E S06	SENW	30.0
T12S R27E S06	NESW	30.0	T12S R27E S06 Lot 6	NWSW	49.0
T12S R27E S06 Lot 7	SWSW	39.0	T12S R27E S07 Lot 1	NWNW	45.0
T12S R27E S07 Lot 2	SWNW	51.0	T12S R27E S07	SENW	17.0
T12S R27E S07	NESW	19.0	T12S R27E S07 Lot 3	NWSW	51.0
T12S R27E S07 Lot 4	SWSW	51.0	T12S R27E S07	SESW	38.0
T12S R27E S18	NENW	40.0	T12S R27E S18 Lot 1	NWNW	51.0
T12S R27E S18 Lot 2	SWNW	51.0	T12S R27E S18	SENW	39.0
T12S R27E S18	NESW	39.0	T12S R27E S18 Lot 3	NWSW	51.0
T12S R27E S18 Lot 4	SWSW	51.0	T12S R27E S18	SESW	39.0
T12S R27E S19	NENW	36.0	T12S R27E S19 Lot 1	NWNW	51.0
T12S R27E S19 Lot 2	SWNW	51.0	T12S R27E S19	SENW	7.0

1379 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, & 43-10426.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Water Right 43-10426

07/03/2002

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

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: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10426 V2

WATER RIGHT NUMBER: 43-10426 V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 837070027 (208)389-7318
Current Owner	J R SIMPLOT CO PO BOX 27 BOISE, ID 83707

Priority Date: 03/15/1962

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.360 CFS	472.80 AF
	<u>Total Diversion:</u>	2.360 CFS	472.80 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 19, Twp 12S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 12, Twp 12S, Rge 26E, B.M.
CASSIA County		
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 24, Twp 12S, Rge 26E, B.M.
CASSIA County		
GROUND WATER	SW1/4SW1/4NE1/4	Sec. 13, Twp 12S, Rge 26E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SW1/4	Sec. 19, Twp 12S, Rge 27E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	1																14.0	14.0
12S	26E	12	11.0			14.0								32.0			39.0		96.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10426 V2

12S 26E 13	39.0	27.0	40.0					39.0	39.0	184.0
12S 26E 24	39.0	39.0								78.0
12S 27E 6			11.0	21.0	49.0	30.0	30.0	49.0	39.0	229.0
			L 3	L 4	L 5			L 6	L 7	
12S 27E 7				45.0	51.0	17.0	19.0	51.0	51.0	272.0
				L 1	L 2			L 3	L 4	
12S 27E 18			40.0	51.0	51.0	39.0	39.0	51.0	51.0	361.0
				L 1	L 2			L 3	L 4	
12S 27E 19			36.0	51.0	51.0	7.0				145.0
				L 1	L 2					

Total Acres: 1379

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-2378, 43-2484, 43-2522, 43-2547, 43-2548, & 43-10426.
2. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN THE PLACE OF
- Irrigation USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. jroberts 7/3/2002 New Recommendation
Comment: Court accepted motion and allowed claim to be amended to increase diversion rate to 2.36 cfs, an amount available from previously licensed systems. This claim is based on beneficial use and added acres not licensed because of government lot issues, even though they were irrigated at time of exams. This recommendation recognises the amendment.

RECEIVED

JUL - 1 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

2002 JUL 27 PM 4:26
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

In Re SRBA

Case No. 39576

) Subcase 43-10426
) (J.R. Simplot Company)
)
) ORDER GRANTING MOTION TO
) FILE AMENDED NOTICE OF CLAIM

Claimant J.R. Simplot Company filed a *Motion to File Amended Notice of Claim* on February 8, 2002. It sought to amend its claimed diversion rate from 1.52 cfs to 2.36 cfs to conform with IDWR's revised standard for the irrigation system.

A hearing on the *Motion* was held by telephone on June 27, 2002. Travis L. Thompson appeared for J.R. Simplot Company, along with Vic Conrad, and Candice M. McHugh appeared for IDWR. No one opposed the *Motion*.

THEREFORE, IT IS ORDERED that J.R. Simplot Company's *Motion to File Amended Notice of Claim* is *granted*.

DATED June 27, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM was mailed on June 27, 2002, with sufficient first-class postage to the following:

JR SIMPLOT CO
JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

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

A handwritten signature in black ink, appearing to read "J. M. Messick", is written over a horizontal line. The signature is stylized with a large, looped initial "J" and a prominent "M".

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, June 27, 2002 9:48 AM
To: McHugh, Candice
Subject: RE: priority date 43-10426

Well, that must have been kind of a typo! They originally claimed 1959 but then after several meetings with Vic, we decided how we were going to recommend this right and had them amend the claim to a ppu. At the time we also agreed to go with the first day of the irrigation season for 1962, since the aerial photos for '62 showed irrigation. That allowed some extra diversion rate and volume, instead of having to call it an expansion claim. Somehow, my recommendation didn't reflect this!?! Anyway, it should be 1962.

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

From: McHugh, Candice
Sent: Thursday, June 27, 2002 9:11 AM
To: Robertson, Jean
Subject: priority date 43-10426

Why did we recommend a 1959 priority date when the original claim was for a 1962 priority date? I understand that Simplot agrees that on the Amended Director's Report we will recommend 1962.

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

Robertson, Jean

From: Robertson, Jean
Sent: Friday, September 07, 2001 2:40 PM
To: 'vconrad@simplot.com'
Subject: I hate it when this happens...

Hi Vic,

Just today I sent out your copies of the recently amended claims for the Simplot Bar M Ranch rights. While trying to type out a memo for the files explaining what we did, I couldn't figure out where I came up with the amount of 1.52 cfs for BU right 43-10426. (This is the right which will take care of all the beneficial use acres which should have been licensed but weren't because of the government lots.) It will be for 118.2 acres and I was giving it the water from the available system capacities of the various licenses. This was water which was measured during the licensing exams but not licensed for various reasons, like acre limitations, etc. Anyway, I found that there was enough available water to claim an inch per acre for these 118.2 acres, or 2.36 cfs. I'm afraid I will need you to amend this claim again to ask for this additional water. I have enclosed a word document which you can print out, have signed and notarized. If you get it back to me ASAP, I will be able to make the correction to my recommendation and have it included in the upcoming Director's Report. Sorry for the inconvenience in having to go through this again, but I think it will be worth it! Call if you have any questions...208-736-3033.

Thanks, Jeanie



43-10426
amended.doc

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 43-10426
Date Received: 7/13/89
Receipt No: C008236
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

J R SIMPLOT CO
PO BOX 27
BOISE ID USA 83707

Phone:

2. Date of Priority: 03/15/1962

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
12S	26E	12	SE	SE		CASSIA	
12S	26E	24	NE	NE		CASSIA	
12S	26E	13	SW	NE		CASSIA	
12S	27E	19	NE	SW		CASSIA	

5. Description of diverting works:

5 WELLS, PUMPS, AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.36	472.8

7. Total Quantity Appropriated is:

2.36 C.F.S. and/or 472.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
12S	26E	1	SE	SE		IRRIGATION	14
						Section Acres	14
12S	26E	12	NE	NE		IRRIGATION	11
			SE	NE		IRRIGATION	14
			NE	SE		IRRIGATION	32
			SE	SE		IRRIGATION	39
						Section Acres	96
12S	26E	13	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	27
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	184
12S	26E	24	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	39
						Section Acres	78
12S	27E	6	NE	NW	3	IRRIGATION	11
			NW	NW	4	IRRIGATION	21
			SE	NW		IRRIGATION	30
			SW	NW	5	IRRIGATION	49
			NE	SW		IRRIGATION	30
			NW	SW	6	IRRIGATION	49
			SW	SW	7	IRRIGATION	39
						Section Acres	229
12S	27E	7	NW	NW	1	IRRIGATION	45
			SE	NW		IRRIGATION	17
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	19
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	38
			SW	SW	4	IRRIGATION	51
						Section Acres	272
12S	27E	18	SE	NW		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	51
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	39
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	39
			SW	SW	4	IRRIGATION	51
						Section Acres	361
12S	27E	19	NE	NW		IRRIGATION	36
			NW	NW	1	IRRIGATION	51
			SE	NW		IRRIGATION	7

SW	NW	2	IRRIGATION	51
			Section Acres	145
			Total Acres	1379

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:

14. Remarks:

2 WELLS IN SEC. 19, NE 1/4, SW 1/4 THIS CLAIM IS FOR THE ADDITIONAL 11 ACRES IN EACH OF THE 4 GOVERNMENT LOTS IN SECTION 7. IT APPEARS THAT THE FIELD EXAMINER FOR WATER RIGHT NO. 43-02484 DID NOT TAKE INTO ACCOUNT THAT THESE TRACTS EACH CONTAINED APPROXIMATELY 51 ACRES INSTEAD OF 40 ACRES.

CLAIM AMENDED TO INCLUDE ALL IRRIGATED ACRES IN THE SYSTEM UNDER A PERMISSABLE PLACE OF USE. THIS RIGHT IS LIMITED TO 118.2 ACRES. 6/22/01 jr

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

Subcase 43-10426
(Insert water right number)

In Re SRBA)
Case No. 39576)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

NAME AND ADDRESS OF PERSON OBJECTING

Name: J. R. Simplot Company
Address: P. O. Box 27
Boise, Idaho 83707
Daytime Phone: 208-336-2110

Name & Address of Attorney, if any:

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: J. R. Simplot Company
Address: PO Box 27
Boise, ID 83707

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: 2.36 c.f.s.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
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: _____

10. **I object because:**
☐ This water right should not exist.

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

REASONS SUPPORTING OBJECTION(S):

The flow rate recommended for this water right needs to be corrected to conform with a revision to the available diversion capacity for system used to divert and beneficially use water under this claim. The revised quantity was not included in the Director's recommendation for this claim because Simplot did not file an amended claim in time for the Director to include the revision in his report to the court.

VERIFICATION (Must be Completed)

State of Idaho)

County of Ada)ss.

Ronald N. Graves, Senior Vice President, Secretary and Chief Legal Officer of the J. R. Simplot Company, duly sworn, upon oath, deposes and says:

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.

Ronald N. Graves
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 6, 2002



Noel Janet Voegeli
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10/07/02

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.

CERTIFICATE OF MAILING

I certify that on February 7, 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: J. R. Simplot Company
Address: P. O. 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

JR SIMPLOT COMPANY

By [Signature], Assoc. Gen'l Co
Signature of Objector or attorney
mailing on Objector's behalf

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

In Re SRBA	)	SUBCASE NO: <u>43-10426</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
_____	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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

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

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

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

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

My name is: J. R. Simplot Company, a Nevada corporation

My address is: Street Address: 999 Main Street Suite 1300, Boise, Idaho 83702
Mailing Address: PO Box 27 Boise, ID 83707

My phone number is: Work: (208) 336-2100 Home: same

I am an attorney representing:

My name is:

My address is:

My phone number is: Ph. Fax

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The underlying basis for the rate of diversion identified on claim no. 43-10426 was revised by the IDWR a few weeks before the issuance of the Director's Report to conform with the capacity of the irrigation system used to divert and beneficially use water under claim no. 43-10426. Because of the proximity of the revision to the issuance of the Director's Report, Simplot had not yet filed an amended claim to incorporate the IDWR's revision. Consequently the revision was not included in the Director's recommendation. This motion seeks the court's approval to amend claim number 43-10426 to correct the rate of diversion so it will become consistent with the IDWR's revision.

☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

An amended Notice of Claim

I have attached:

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

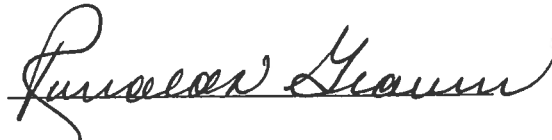
VERIFICATION (Must be completed)

State of Idaho

County of Ada

Ronald N. Graves, Senior Vice President, Secretary and Chief Legal Officer, being first duly sworn, oath, deposes and says:

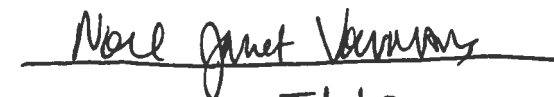
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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



Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on February 6, 2002
(Insert Date)



Notary Public for Idaho

Residing at: Boise

My Commission expires: 10/07/02

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on February 7, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/Addresses of parties)

JR SIMPSON COMPANY
By Gray Young, Assoc. Gen'l Counsel
Signature of person or attorney mailing the form

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 43-10426
Date Received: 7/13/89
Receipt No: C008236
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

J R SIMPLOT CO
PO BOX 27
BOISE ID USA 83707

Phone:

2. Date of Priority: 03/15/1962

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	26E	12	SE SE	CASSIA	
12S	26E	24	NE NE	CASSIA	
12S	26E	13	SW NE	CASSIA	
12S	27E	19	NE SW	CASSIA	

5. Description of diverting works:

5 WELLS, PUMPS, AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.36	472.8

7. Total Quantity Appropriated is:

2.36 C.F.S. and/or 472.8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
12S	26E	1	SE	SE		IRRIGATION	14
						Section Acres	14
12S	26E	12	NE	NE		IRRIGATION	11
			SE	NE		IRRIGATION	14
			NE	SE		IRRIGATION	32
			SE	SE		IRRIGATION	39
						Section Acres	96
12S	26E	13	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	27
			NE	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	184
12S	26E	24	NE	NE		IRRIGATION	39
			SE	NE		IRRIGATION	39
						Section Acres	78
12S	27E	6	NE	NW	3	IRRIGATION	11
			NW	NW	4	IRRIGATION	21
			SE	NW		IRRIGATION	30
			SW	NW	5	IRRIGATION	49
			NE	SW		IRRIGATION	30
			NW	SW	6	IRRIGATION	49
			SW	SW	7	IRRIGATION	39
						Section Acres	229
12S	27E	7	NW	NW	1	IRRIGATION	45
			SE	NW		IRRIGATION	17
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	19
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	38
			SW	SW	4	IRRIGATION	51
						Section Acres	272
12S	27E	18	SE	NW		IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	51
			SW	NW	2	IRRIGATION	51
			NE	SW		IRRIGATION	39
			NW	SW	3	IRRIGATION	51
			SE	SW		IRRIGATION	39
			SW	SW	4	IRRIGATION	51
						Section Acres	361
12S	27E	19	NE	NW		IRRIGATION	36
			NW	NW	1	IRRIGATION	51
			SE	NW		IRRIGATION	7

SW	NW	2	IRRIGATION	51
			Section Acres	145
			Total Acres	1379

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:

14. Remarks:

2 WELLS IN SEC. 19, NE 1/4, SW 1/4 THIS CLAIM IS FOR THE ADDITIONAL 11 ACRES IN EACH OF THE 4 GOVERNMENT LOTS IN SECTION 7. IT APPEARS THAT THE FIELD EXAMINER FOR WATER RIGHT NO. 43-02484 DID NOT TAKE INTO ACCOUNT THAT THESE TRACTS EACH CONTAINED APPROXIMATELY 51 ACRES INSTEAD OF 40 ACRES.

CLAIM AMENDED TO INCLUDE ALL IRRIGATED ACRES IN THE SYSTEM UNDER A PERMISSABLE PLACE OF USE. THIS RIGHT IS LIMITED TO 118.2 ACRES. 6/22/01 jr

15. Basis of Claim: Beneficial Use

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: 0

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President, Secretary and Chief Legal Officer of _____ Title

J. R. Simplot Company, that I have signed the foregoing Organization Senior Vice President, Secretary document in the space below as and Chief Legal Officer of Title

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

By: *[Signature]*

Signature of Authorized Agent
Ronald N. Graves, Senior Vice President
Secretary and Chief Legal Officer
Title and Organization

February 6, 2002

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

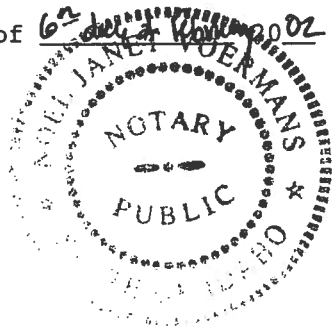
of 6th day of February 2002

Noel Janet Voermans

Notary Public

Residing at Boise

My commission Expires 12/07/02



Memorandum

To: **Simplot Bar M Ranch Rights**

CC: **43-2378, 43-2484, 43-2522, 43-2547, 43-2548, 43-4195, 43-4202, & 43-10426**

From: **Jeanie Robertson** 

Date: **9/7/2001**

Re: **Recommendations**

Kelly Christensen and myself met with Vic Conrad, representative for Simplot, several times, trying to answer questions we had about these claims. There are five licenses, two statutory claims and one beneficial use claim associated with this property. We had originally planned to recommend the two statutory claims as beneficial use rights developed at the same time as licenses but not licensed due to government lot issues. 43-4195 was to be associated with license 43-2547 for an extra 31 acres, and 43-4202 was to be associated with license 43-2522 for an extra 30.5 acres. We then opted to include all the beneficial use acres under one right, 43-10426. This amounted to 118.2 acres. There were various amounts of water measured during field exams for the licenses but were not included in the licenses because of either original permit or acre limitations. A total system capacity of 3.78 cfs was available, which allowed a claim and recommendation of 2.36 cfs, an inch per acre for the 118.2 acres. We then disallowed the two statutory claims 43-4195 and 43-4202 and recommended them as 43-10426. A total of 1379 acres appeared to be irrigated in the 1987 aerial photos. The licenses and beneficial use right (43-10426) totaled 1146 acres. Simplot declined to file an expansion claim for the extra acres and decided to just be limited to the 1146 acres within the 1379 acre ppu. The rights are all recommended to the 1379 acre ppu, with their own acre limitations and within a total of 1146 acres in any given year.

43-2378 meas. & lic. @ 2.4 cfs on (160 Ac.)

43-2484 6.8 cfs meas. (367 Ac.)

- 6.4 cfs lic. (permit app.)

.4 cfs available

43-2522 3.84 cfs meas. (149.5 Ac.)

- 2.99 cfs lic. (acre limitation)

.85 cfs available

43-2547 4.16 cfs meas. (200 Ac.)

- 4.00 cfs lic. (acre limitation)

.16 cfs available

≡

.4

.85

.16

43-2548 5.4 cfs meas.

- 3.03 cfs lic. (acre limitation)

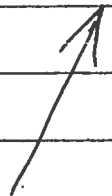
2.37 cfs available

3.78 cfs -

avail

43-10426 sec. 118.2 B.U. acres

needs 2.36 cfs @ 1" per acre - OK



VERIFIED BY *8* 9/6/01

IDAHO DEPARTMENT OF WATER RESOURCES 09/06/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

43-10426

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.52 CFS
472.8 AFY

PRIORITY DATE: 12/23/1959

POINT OF DIVERSION:

T12S R26E S12 NESESE Within CASSIA County
T12S R26E S13 SWSWNE Within CASSIA County
T12S R26E S24 NWNENE Within CASSIA County
T12S R27E S19 NENESW Within CASSIA County
T12S R27E S19 SWNESW 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	1.520 CFS 472.80 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S12	NENE	11.0	T12S R26E S12	SENE	14.0
T12S R26E S01	SESE	14.0	T12S R26E S12	NESE	32.0
T12S R26E S12	SESE	39.0	T12S R26E S13	NENE	39.0
T12S R26E S13	SWNE	27.0	T12S R26E S13	SENE	40.0
T12S R26E S13	NESE	39.0	T12S R26E S13	SESE	39.0
T12S R26E S24	NENE	39.0	T12S R26E S24	SENE	39.0
T12S R27E S18	NENW	40.0	T12S R27E S18 Lot 1	NWNW	51.0
T12S R27E S18 Lot 2	SWNW	51.0	T12S R27E S18	SENW	39.0
T12S R27E S18	NESW	39.0	T12S R27E S18 Lot 3	NWSW	51.0
T12S R27E S18 Lot 4	SWSW	51.0	T12S R27E S18	SESW	39.0
T12S R27E S19	NENW	36.0	T12S R27E S19 Lot 1	NWNW	51.0
T12S R27E S19 Lot 2	SWNW	51.0	T12S R27E S19	SENW	7.0
T12S R27E S06 Lot 3	NENW	11.0	T12S R27E S06 Lot 4	NWNW	21.0
T12S R27E S06 Lot 5	SWNW	49.0	T12S R27E S06	SENW	30.0
T12S R27E S06	NESW	30.0	T12S R27E S06 Lot 6	NWSW	49.0
T12S R27E S06 Lot 7	SWSW	39.0	T12S R27E S07 Lot 1	NWNW	45.0
T12S R27E S07 Lot 2	SWNW	51.0	T12S R27E S07	SENW	17.0
T12S R27E S07	NESW	19.0	T12S R27E S07 Lot 3	NWSW	51.0
T12S R27E S07 Lot 4	SWSW	51.0	T12S R27E S07	SESW	38.0

1379 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 118.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1146 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2378, 43-2484, 43-2522, 43-2547, 43-2548, & 43-10426.

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

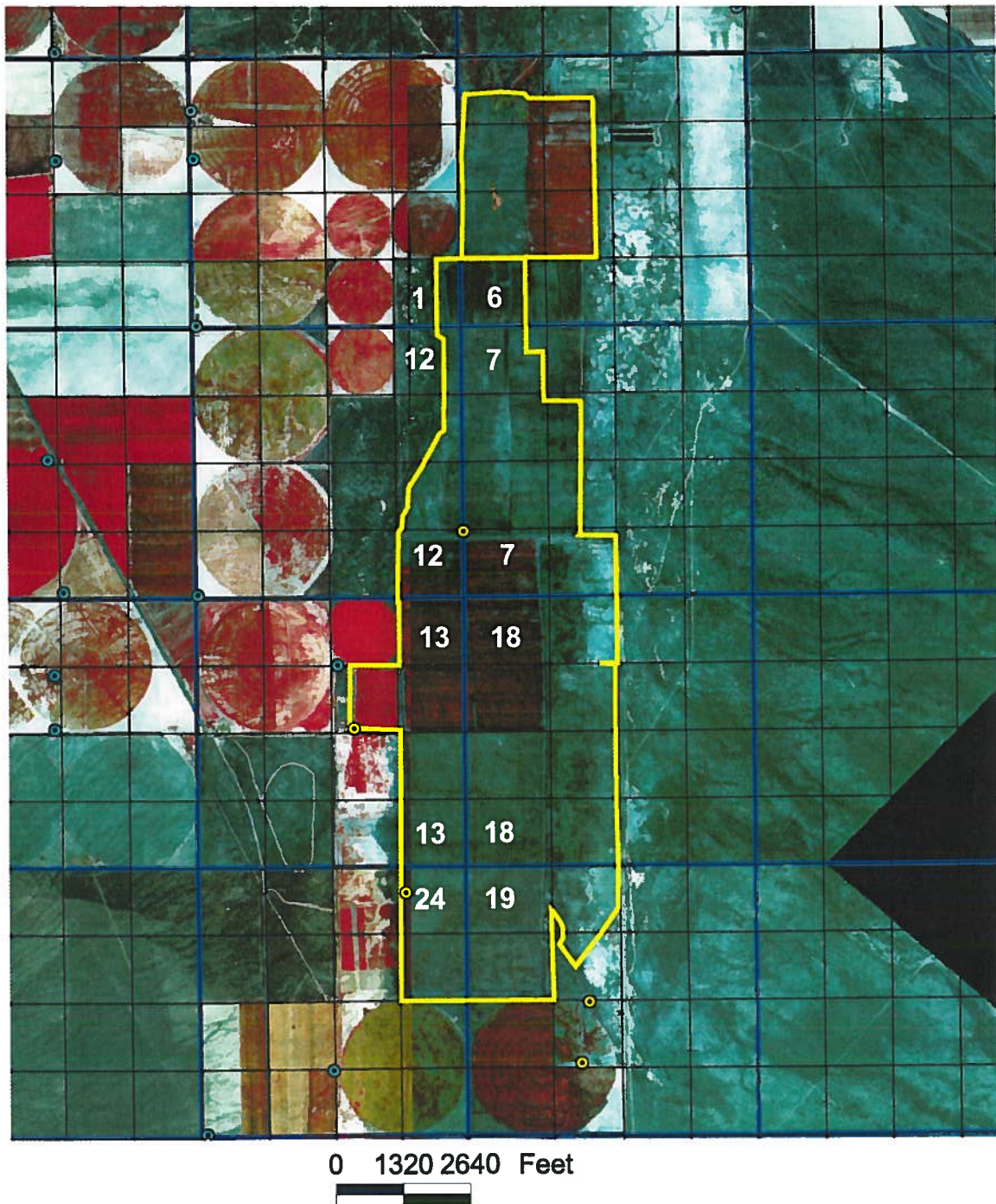
IDAHO DEPARTMENT OF WATER RESOURCES 09/06/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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: Beneficial Use

Idaho Department of Water Resources

43-2378, 43-2484, 43-2522, 43-2547, 43-2548 & 43-10426



RECOMMENDED PLACE OF USE
DATA ENTRY ON SEPT. 6, 2001
TWP 12S, RNG 26E, SEC. 1, 12, 13, & 24
TWP 12S, RNG 27E, SEC. 6, 7, 18, & 19



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

01/30/2001

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

RIGHT NUMBER: 43-10426

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

SOURCE: GROUND WATER

QUANTITY: 0.88 CFS

PRIORITY DATE: 12/23/1959

POINT OF DIVERSION:	T12S R26E S12	SESE	Within CASSIA County
	T12S R26E S13	SWNE	Within CASSIA County
	T12S R26E S24	NENE	Within CASSIA County
	T12S R27E S19	NESW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
3-15 11-15QUANTITY
0.88 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R27E S7	LOT 1	NWNW	11	T12S R27E S7	LOT 2	SWNW	11
T12S R27E S7	LOT 3	NWSW	11	T12S R27E S7	LOT 4	SWSW	11

44 ACRES TOTAL

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.

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

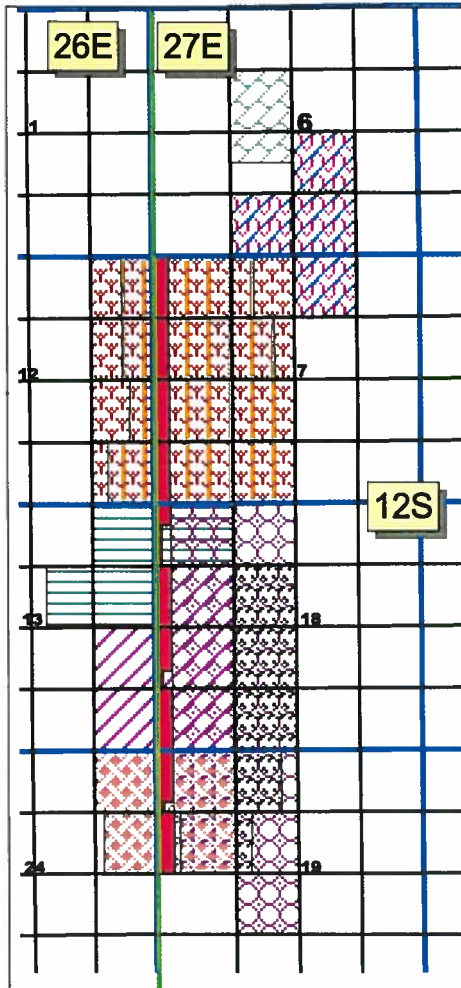
NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

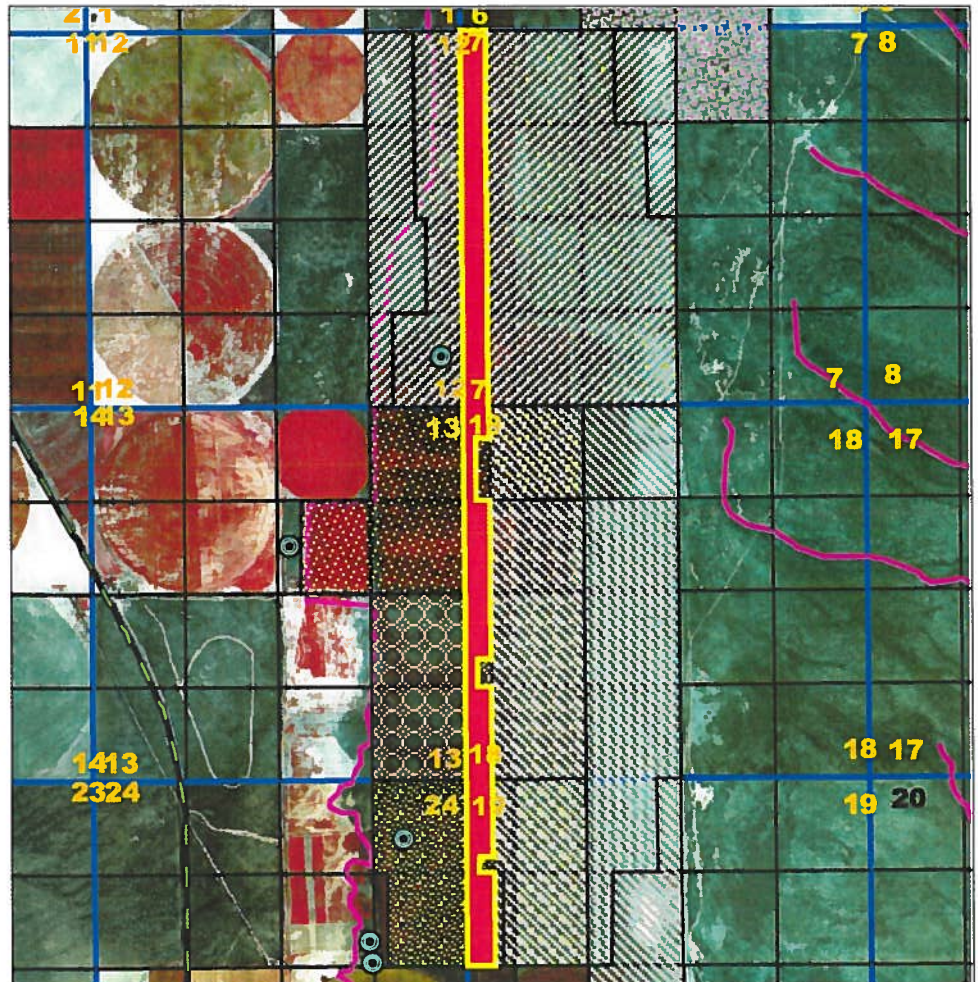
Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 43-10426



BAR C PLACE OF USE OVERVIEW

- 43-2010
- 43-2045
- 43-2378
- 43-2484
- 43-2522
- 43-2547
- 43-2548
- 43-257
- 43-4195
- 43-4202
- no license



LICENSED PLACE OF USE PRELIMINARY RECOMMENDED P/U

- 43-10426 - disallowed -



This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

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

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

PLACE OF USE
TWP 12S, RNG 27E, SEC 7, 18, & 19
Data entry on January 30, 2001

CLAIM NUMBER A43-10426 DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 44
 GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	12S	27E	07						11	11			11	11					
GIS	12S	27E	07																
RECOM	12S	27E	07																
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

Simplot
43-10426
(disallow?)

A43-10426

- claims same priority date as 43-02484, for extra acres in connection lots
- extra .4 cfs was available from well measurement
- f.e. for -02484 was done in '62
- '62 photos show whole license should have been shifted up a $\frac{1}{4}$ $\frac{1}{4}$ $\uparrow$
- connection lots were shoated, but adjoining sections were licensed at 40 Ac. when only about 20 were actually irrigated
- when same shape is outlined in G.I. only shows about 290 Ac.

(1) (6)
(12) (7)

about 290 Ac.

A43-10426

(1) (6)

(2) (7)

R26E

R27E

(12) (7)

(13) (18)