

COPY

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: A43-10591

Date Received: 8/8/89

Receipt No: C009042

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY 208-336-2110
Address: P.O. BOX 27
BOISE, ID 83707

2. Date of Priority: JAN 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	11	SE	SE			CASSIA

5. Description of diverting works:

GROUNDWATER COLLECTS IN A BURIED TILE PIPE AND FLOWS INTO A DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.120		
IRRIGATION	03/15	11/15	0.500		

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

A.F.A.

8. Total consumptive use is 111.0 Acre Feet Per Annum.

9. Non-irrigation uses:
450 HEAD COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	NW	SW		IRR	37.0
			NW	SW		STOCK	

Section Acres 37.0

A43-10591

Page 1

Date: 08/01/89

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Total Acres 37.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-0099 THRU 43-0104 INCLUSIVE

14. Remarks:

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.

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

8-2-89

Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 89

Vicki A. Lowe
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

S R 26 E

Lot 4 40.5 Lot 3 40.42 Lot 2 40.34 Lot 1 40.26 Lot 4 40.18 Lot 3 40.09 Lot 2 40.04

Sections
2
Malta
Landing
Field

Seperate
Sheets

Malta

P 3289

P 3288-B

P 3295

P 3297

3296

P 3303-2
P 3303-1

P 3304

P 3303

P 3302

P 3308

P 3307-W

ON Seperate Sheet

P 3305

P 3307

P 3306

Beacon O

MICROFILMED

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

A43-10591
J. R. SIMPLOT COMPANY
P.O. BOX 27

ROISE

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

MICROFILMED
MAR 05 1993

INPUT: AJ_SELECTION:FRAZEE-NAME-SIMPLOT.SEL

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 04/02/93
TIME: 23:15:56.0
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 STE 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
- Jf*

Defendants.)

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

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

Counterplaintiff,)
_____))

vs.)
_____))

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

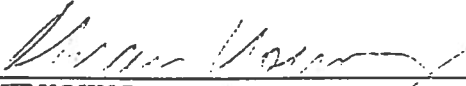
Counterdefendants.)
_____))

TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By 
GRAY YOUNG
Assistant General Counsel

4507vrl-20-92/1:42

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 & Manni
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

IDAHO DEPARTMENT OF WATER RESOURCES 09/25/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SOURCE: UNNAMED DRAIN TRIBUTARY: CASSIA CREEK
QUANTITY: 0.62 CFS

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

PRIORITY DATE: 11/09/1945

POINT OF DIVERSION:
T13S R26E S11 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	03/15 11/15	0.500 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T13S R26E S12	NWSW	T13S R26E S12	SWSW
---------------	------	---------------	------

IRRIGATION Within CASSIA County

T13S R26E S12	NWSW	30.0	T13S R26E S12	SWSW	3.0
---------------	------	------	---------------	------	-----

33 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

01/08/2001

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

RIGHT NUMBER: 43-10591

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.62 CFS

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

PRIORITY DATE: 11/09/1945

POINT OF DIVERSION: T13S R26E S11

SESESE

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	0.50 CFS
STOCKWATER	01-01 12-31	0.12 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T13S R26E S12	NWSW	30	T13S R26E S12	SWSW 3
STOCKWATER Within CASSIA County				
T13S R26E S12	NWSW		T13S R26E S12	SWSW

33 ACRES TOTAL

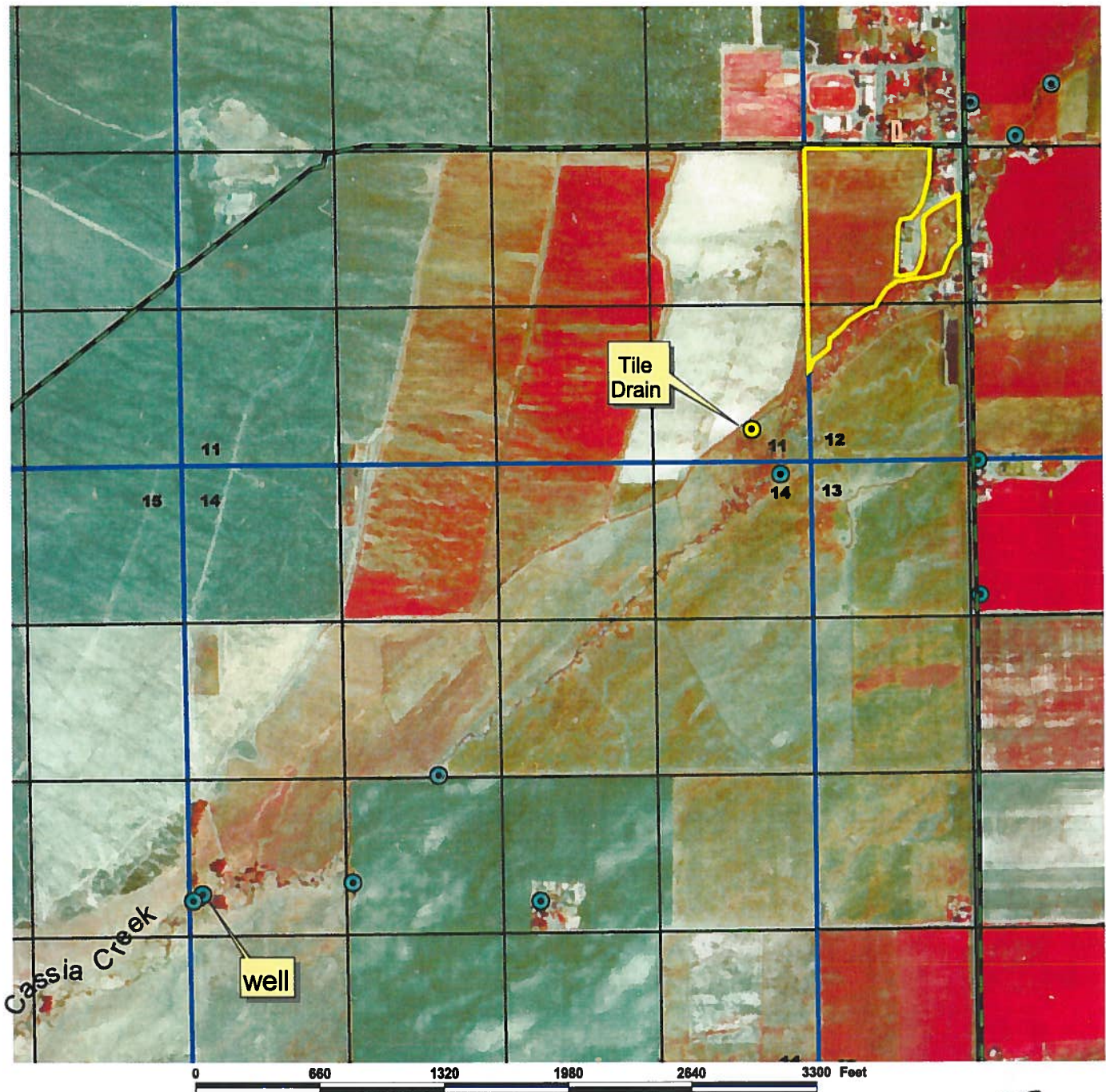
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2536,
43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275,
43-276, 43-277, 43-10591, AND 43-10592

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 - Beneficial Use

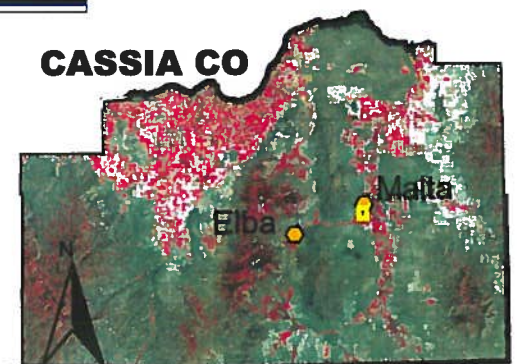
RECOMMENDED PLACE OF USE FOR 43-10591



PLACE OF USE
TWP 13S, RNG 27E, SEC 12
Data entry on January 8, 2001

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



Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, May 27, 1999 4:13 PM
To: Vic Conrad (E-mail)
Subject: A43-10591 request for Evidence of priority

This claim does not have any evidence either. The diverting works description matches the description given in A43-10592. The sketches show the diversion points close but in different sections. I am assuming that they are different tile pipe drain systems.

Kelly K Christensen
736-3033

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

Date: 1-5-2001

File: 43-99c 2536 simplot deardorf place

Prepared by Kelly K Christensen

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

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

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

Preliminary Analysis:

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

RECOMMENDATION FOR GROUND WATER SYSTEM

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

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

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

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

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

43-2536 616 acres at 2.40 cfs

43-4197 DISALLOWED – P01 NO LAWFUL APPROPRIATION

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

RECOMMENDATION FOR SURFACE WATER SYSTEMS

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

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

DECREED SURFACE WATER RIGHTS

Parcel 1					
	Decreed or proportional rate	Decreed acres at 40 acres per quarter	Claimed acres	Found acres within decreed place of use	Combined right rate limitation
43-275	0.80	160 ac	95 ac	70.5 ac	1.41 cfs
43-276	0.40				
43-277	1.20				
	2.40 cfs				
Parcel 2					
43-105	0.80	160 ac	140 ac	133 ac	2.66
43-106	0.80				
43-107	1.60				
	3.20 cfs				
Parcel 3					
43-99C	1.72	440	636	416 ac	8.32
43-100C	1.65		636		
43-101C	0.83		576		
43-102C	0.55		477		
43-103C	3.51 (1.10 cfs)		437		
43-104B	0.55		476		
	8.80 cfs				
Parcel 4					
43-251 (part)	0.266	40	Not claimed	37 ac	
System totals					
	14.66			737.5 ac	

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

RECOMMENDATION FOR TILE DRAIN SYSTEMS

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

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

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

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

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