

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: A43-10592

Date Received: 8/8/89

Receipt No: C009042

Received By: JP

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	13	NW	NW	NW		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 480.0 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	14	NE	NE		IRR	40.0
			NE	NE		STOCK	

A43-10592

Page 1

Date: 08/01/89

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	14	NW		NE		IRR	40.0
			NW		NE		STOCK	
			SW		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
							Section Acres	160.0
							Total Acres	160.0

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:
SEE ATTACHED DEEDS #159895 AND 152869 FOR EXPLANATION OF SHARED
USE OF THE STOCKWATER PORTION OF THIS CLAIM

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: 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)
County of Ada) SS.

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

[Signature]
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

S R 26 E

40.5 40.42 40.34 40.25 40.18 40.09 40.04

Sections

2
Malta
Landing
Field

Separate
Sheets

77

Malta

P 3289

POB

P 3288-B

P 3295

3296

P 3297

P 3303-2

P 3303-1

P 3304

P 3303

P 3302

P 3308

P 3307-N

P 3305

P 3307

P 3306

MICROFILMED
MAR 05 1993

159815 53/44

DEED RECORD No. 22, CASSIA COUNTY, IDAHO

WARRANTY DEED

THIS INDENTURE, Made this 1st day of March, 1940, between L. F. Leonardoff and his wife, of the County of Cassia, State of Idaho, the part 1st of the first part, and S. Cross Benfer and Maurine Benfer, n's wife, of the County of Cassia, State of Idaho, the part 1st of the second part, WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of Eighty-five hundred and no/100 (\$8500.00) lawful money of the United States of America, to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said part 1st of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Cassia County, State of Idaho, to-wit:

The Northeast quarter of the Southwest quarter (NE1/4SW1/4) and the Southeast quarter of the Southwest quarter (SE1/4SW1/4) of Section Twelve (12), Township Thirteen (13) South, Range Twenty-six (26) East of the Boise Meridian, together with eighty (80) inches of the decreed water of Cassia Creek beginning date of priority 1894 and all ditches and ditch rights pertaining to the land herein described; together with all water developed from that certain well located in the Northwest (NW) corner of the Northeast quarter of the Northwest quarter (NE1/4NW1/4) of Section Thirteen (13), Township Thirteen (13) South, Range Twenty-six (26) East of the Boise Meridian and more particularly described as beginning at the intersection of the East boundary line of U. S. Highway No. 30 South and the North boundary line of the Northeast quarter of the Northwest quarter (NE1/4NW1/4) of said Section Thirteen (13), Township Thirteen (13) South, Range Twenty-six (26) East of the Boise Meridian, thence East three (3) rods, thence South three (3) rods, thence West three (3) rods, thence North three (3) rods to the place of beginning; also a continuous easement and perpetual right to use the land last described above and the irrigation well thereon.

Also the use of one half (1/2) of the water developed from that tile drain located in the Northwest quarter of the Northwest quarter (NW1/4NW1/4) of said Section Thirteen (13) each year from November 1st to April 1st of each succeeding year. Said water to be used for stock watering purposes on the property herein conveyed and not diverted to other lands.

TOGETHER with all and singular the tenements, hereditaments and appurtenances hereto belonging or in anywise appertaining, excepting the following excepts, to-wit:

Beginning at a point 746 feet West of the Northeast corner of the Northwest quarter of the Southwest quarter (NE1/4SW1/4) of said Section 12, Township 13 South, Range 26 E.B.M., thence South 209 feet; thence East 209 feet; thence North 77 feet; thence West 365 feet to the West boundary line of said subdivision; thence North 132 feet, thence East 574 feet to the point of beginning.

Beginning at a point 150 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter (NE1/4SW1/4) of said Section 12, Township 13 South, Range 26 East, Boise Meridian, thence East 125 feet; thence South 90 feet; thence West 125 feet, to the West boundary line of said subdivision, thence North 90 feet, to the point of beginning.

Beginning at a point 290 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter (NE1/4SW1/4) of said Section 12, Township 13 South, Range 26 East, Boise Meridian, thence East 125 feet, thence South 150 feet, thence West 125 feet to the West boundary line of said subdivision, thence North 150 feet to the point of beginning.

Beginning at a point 540 feet South of the Northwest corner of the Northeast quarter of the Southwest quarter (NE1/4SW1/4) of said Section 12, Township 13 South, Range 26 E.B.M., thence East 125 feet, thence South 100 feet, thence West 125 feet, to the West boundary line of said subdivision, thence North 100 feet, to the point of beginning.

That portion of land deeded to the State of Idaho for highway right-of-way.

My commission expires on the first day of February, 1950

Notary Public, residing at Burley, Idaho

STATE OF IDAHO, }
County of Cassia, }

I hereby certify that this instrument was filed for record at the request of at 10 minutes past 11 o'clock A.M. this 9th

Cassia County Abstract Co., day of July, A.D. 1940

49/565

152869

DEED RECORD No. 49, CASSIA COUNTY, IDAHO

#152869 COMPARED

WARRANTY DEED

(\$13.20 revenue stamps attached)

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

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

All of the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, Twp. 13 South, Range 26 E.B.M., except therefrom all land deeded to the State of Idaho for Highway purposes therein as recorded in Book of Deeds no. 42, of Cassia County, Idaho, at page 561; together with 120 inches of the decreed water of Cassia Creek bearing date of priority 1894 and all ditches and ditch rights pertaining to the land herein described. Also all water developed from that well located in the South portion of said land.

Sec 13 NENE
NWNE
NE NE

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

Said parties of the first part hereby reserve a continuous easement and right to use a portion of the land herein conveyed and the perpetual use of an irrigation well thereon. Said land being more particularly described as beginning at the intersection of the East boundary line of Idaho highway no. 30 S. and the North boundary line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section 13, Twp. 13 South, Range 26 E.B.M., thence East 3 rods, thence South three rods, thence West three rods, thence North three rods to the place of beginning.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainders and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said parties of the second part, and their heirs and assigns of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

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

Signed, Sealed and Delivered in the Presence of:

Charlotte Runzinger	H. F. Deardorff	(SEAL)
Wm. H. Thompson	Rosa V. Deardorff	(SEAL)
		(SEAL)
		(SEAL)

STATE OF IDAHO,

COUNTY OF Cassia

On this 6th day of November

Wm. H. Thompson, Notary Public in and for said State, personally appeared

H. F. Deardorff and Rosa V. Deardorff, his wife

known to me

to be the persons whose names are subscribed to the within instrument, and acknowledged to me

that they executed the same.

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

(NOTARY SEAL)

Wm. H. Thompson

My commission expires Feb. 1, 1946

Notary Public residing at Burley, Idaho

STATE OF IDAHO
COUNTY OF CASSIA



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

A43-10592
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

MICROFILMED

MAR 05 1993

UJ551AMP
INPUT: UJ_SELECTION:FRAZEE-NAME-SIMPLOT.SEL

IDAH0 DEPARTMENT OF WATER RESOURCES
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 STE 1300
PHONE NUMBER: (208) 389-731R

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
A43-02569	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
- 26*

Defendants.)

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

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

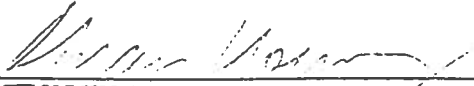
TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By


GRAY YOUNG

Assistant General Counsel

4507v/1-20-92/1:42

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

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 S13 SWNNW 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 SWSW T13S R26E S13 NWNW

IRRIGATION Within CASSIA County

T13S R26E S12 SWSW 27.0 T13S R26E S13 NWNW 3.3

30.3 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: 43-10592

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

VERIFIED 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 S13

SWNWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE
03-15 11-15
01-01 12-31

QUANTITY
0.50 CFS
0.12 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 SWSW
STOCKWATER Within CASSIA County
T13S R26E S12 SWSW

27

T13S R26E S13

NWNW

3.3

T13S R26E S13

NWNW

30.3 ACRES TOTAL

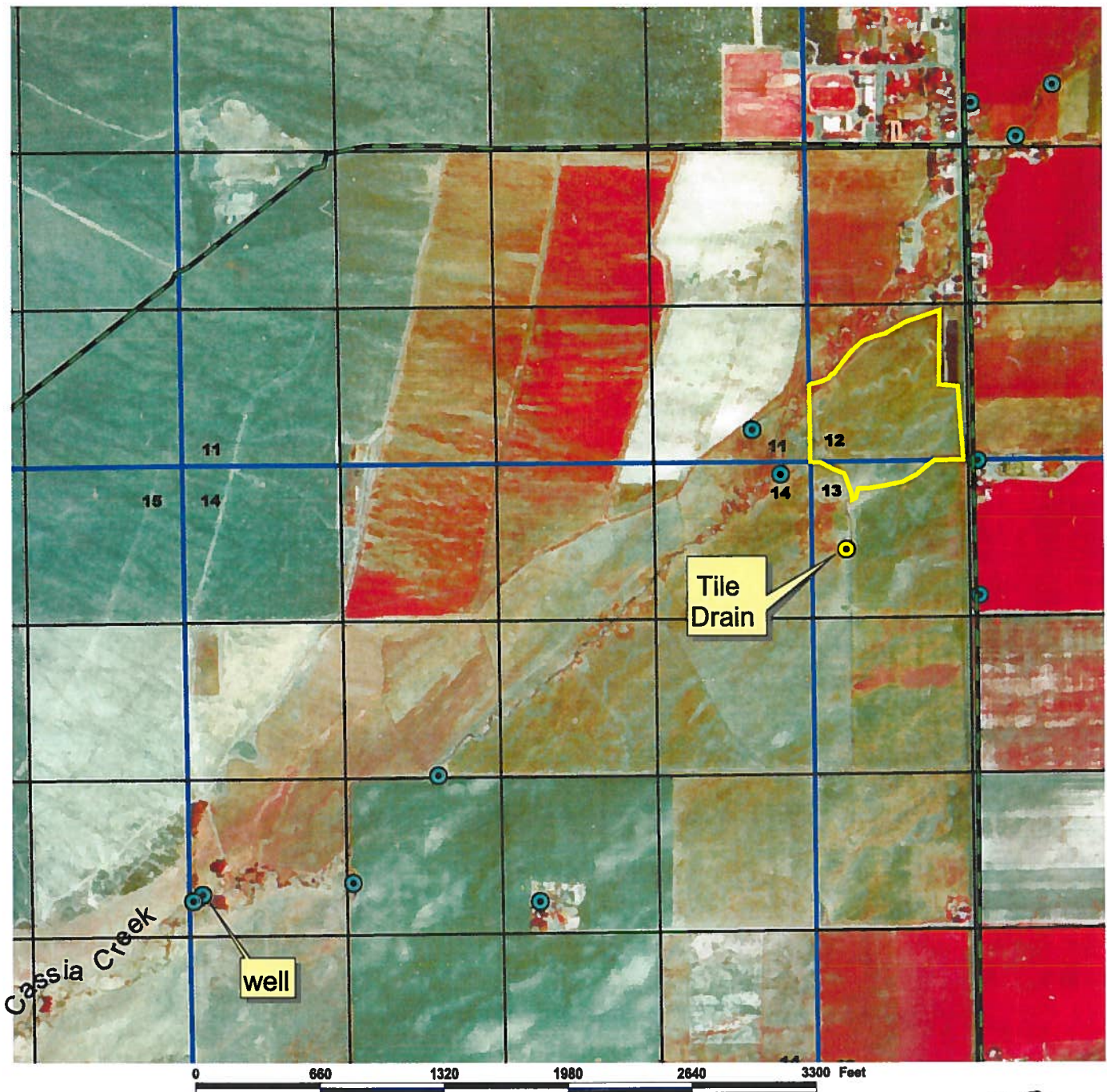
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105,
43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

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

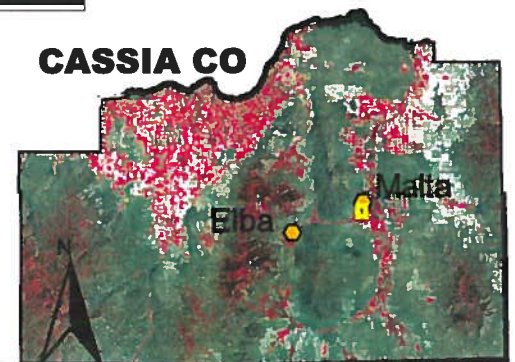
RECOMMENDED PLACE OF USE FOR 43-10592



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

To: Vic Conrad (E-mail)
Subject: A43-10592 request for Evidence of priority

In reviewing this file I found out that there is no evidence of priority submitted with this claim. It would appear that there should be some information regarding the historical delivery system so that we can determine the historical place of use.

Was the system developed in conjunction with a pump system?

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.