

02/03/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10187

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.160 CFS
2,035.20 AFY

The rights listed below are limited to a total combined diversion rate of 35.2 cfs and to a total combined annual diversion volume of 8555 AF. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.

This right when combined with Rights 02-02308, 02-07206 and all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

12.160 CFS
2,035.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R03E S01	SWSE	40.00	T06S R03E S02	SWSE	40.00
T06S R03E S11	NWNE	40.00	T06S R03E S11	NENW	40.00
T06S R03E S11	NWNW	40.00	T06S R03E S11	SWNW	40.00
T06S R03E S11	SENE	38.00	T06S R03E S11	NESE	5.00
T06S R03E S12	NENE	40.00	T06S R03E S12	NWNE	40.00
T06S R03E S12	SWNE	40.00	T06S R03E S12	SENE	40.00
T06S R03E S12	NESE	40.00	T06S R03E S12	NWSE	40.00
T06S R04E S07	NWNW	37.00	T06S R04E S07	SWNW	40.00
T06S R04E S07	NWSW	8.00			

608 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1760 acres in a single irrigation season. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.

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.

2-10-09
Decision
Strike City Remark

1880
lot of
after divid
P

3592

include
striking it

lying lot
wants
A F Shuck

A/I
on
Transf

For
Correct

1880

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER CLAIM 02-2209D.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of Transfer 5714 is cause for the Director to rescind approval of the transfer.

Approval of Transfer 5714 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

CORPORATE HEADQUARTERS

May 11, 2000

Steve Lester *SL*
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

*This letter may help w/ overlap review
Original in 2-2209 Folder 3
near bottom right side
No Need to keep
Copy on this file*

MAY 12 2000 *SLC*
WATER RESOURCES
WESTERN REGION *11*

Re: IDWR Transfer No. 5714 ("Cottonwood Transfer").

Dear Steve:

The Cottonwood Transfer proposes to add a point of diversion and change the place of use for the rights to irrigate 608 acres under IDWR License No. 02-02209. A portion of the new place of use is already identified on portions of the place of use for IDWR water right nos. 02-02308, ~~02-02423~~ and the entire place of use for 02-07206. The places of use to be overlapped by the Cottonwood transfer are as follows:

Table 1

Twp	Rng	Sec	¼	of	¼	Water Right No.	Priority	# of Acres
6S	3E	11	NW		NW	02-02308		40
						02-02423		1
			SW		NW	02-02308		40
			SE		NW	02-07206		38

To address your concern over authorizing a transfer that would allow an instantaneous diversion rate in excess of 1 miners inch per acre, Simplot proposes the following condition for approval of the Cottonwood Transfer:

"In circumstances where there are multiple water rights allowing water diverted from the Snake River to be used on the same places of use, the rate of diversion under all rights combined shall not exceed .02 c.f.s. per acre."

We believe this condition addresses your concern by specifically limiting the per acre diversion rate regardless of the number of overlapping water rights authorizing the use of water from the Snake River.

Sincerely,

Vic Conrad

Vic Conrad
Simplot Land and Development

MICROFILMED

SEP 07 2000

*DELETE 02-02423 since not in
proposal Ptn -SL 6/14/00*

Bringing Earth's Resources to Life

06/16/2005

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

RIGHT NUMBER: 2-10187

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
J R SIMPLOT AS TRUSTEE
C/O RONALD N GRAVES
PO BOX 27
BOISE ID 83707-0027

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.160 CFS
2,035.200 AFY

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USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.

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PRIORITY DATE: 02/25/1963

POINT OF DIVERSION:

T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	12.160 CFS 2,035.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R03E S01	SWSE	40.0	T06S R03E S02	SWSE	40.0
T06S R03E S11	NWNE	40.0	T06S R03E S11	NENW	40.0
T06S R03E S11	NWNW	40.0	T06S R03E S11	SWNW	40.0
T06S R03E S11	SENW	38.0	T06S R03E S11	NESE	5.0
T06S R03E S12	NENE	40.0	T06S R03E S12	NWNE	40.0
T06S R03E S12	SWNE	40.0	T06S R03E S12	SENE	40.0
T06S R03E S12	NESE	40.0	T06S R03E S12	NWSE	40.0
T06S R04E S07	NWNW	37.0	T06S R04E S07	SWNW	40.0
T06S R04E S07	NWSW	8.0			

608 ACRES TOTAL

Water Right 2-10187

1

06/16/2005

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

The rights listed below are limited to the irrigation of a combined total of 1760 acres in a single irrigation season. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.

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

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EXPLANATORY MATERIAL: License

THIS RIGHT IS A SPLIT FROM FORMER CLAIM 02-2209D.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of Transfer 5714 is cause for the Director to rescind approval of the transfer.

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POU Overlap analysis 2-2308, 2-7206, 2-10187

		2-2308	2-7206	2-10187
T6S, R3E, S11	NWNW	40		40
	SW NW	40		40
	SE NW		38	38

2-2308

23 cfs → subject to condition max div rate shall not exceed 23 cfs
 6760 AFY When combined with all other prev. licenses using same POU
 5 AFY/acre
 Lot 9
 5/20/64
 → .017 cfs/acre
 1352 acres

2-2308 + 2-10187

$$1352 + 608 - 80 = 1880 \text{ acres}$$

$$.02(1880) = 37.6 \text{ cfs}$$

$$5(1352) + 3.35(528) = 8528.8 \text{ AFY}$$

$$23 + 12.16 = 35.16$$

$$6760 + 2035.2 = 8795.2$$

2-7206

.76 cfs
 190 AFY/acre
 Lot 9
 10/30/75
 → .02 cfs/acre
 5 AFY/acre
 38 acres

2-7206 + 2-10187

$$38 + 608 - 38 = 608 \text{ acres}$$

$$.02(608) = 12.16 \text{ cfs}$$

$$5(38) + 3.35(570) = 2300 \text{ AFY}$$

2-2209D

12.16 cfs
 2035.2 AFY
 Lot 9
 2/25/63
 → .02 cfs/acre
 3.35 AFY/acre
 608 acres

10186

56.34 cfs
 14287.8 AFY
 6S 11E S9 NWSW
 2/25/63
 3257 acres
 .017 cfs/acre
 4.39 AFY/acre

2-2308 + All 57

$$1461.5 \text{ acres} : 29.23 \text{ cfs}$$

10187

12.16 cfs
 2035.2 AFY
 Lot 9
 2/25/63
 → .02 cfs/acre
 3.35 AFY/acre
 608 acres

57-185, 57-187A, 57-187B, 57-2152,
 57-11632, 57-11654

2-2380, 2-10187, 2-10201

originals in 2-2308

POU cleared 1880 acres

Triangle Dairy POD

2-2153, 2-2154, 2-2424

Aug 27 1971

15.22 cfs

Motors

CAJ324179

100hp GE

ZYJ1216363

50hp GE

Pumps

D11818

Layne/Bowler Ultra-line

Johnston vertical pump

2-2308, 2-2423

July 17 1975

23.01 cfs

From Bykre Canal

Motors

D35033

150hp Hollo shaft

CAJ124187

150hp GE

VYJ314154

75hp GE

Pumps

Vertiline

Vertiline

Johnson

2-7206

Oct 1984

38.84 cfs

Motors

HR1031539

100hp US

CZYJ1216363

50hp GE

CAJ324179

100hp GE

GKJ717141

100hp GE

Pumps

035276

Vertiline

Johnson

D11818

Vertiline

V76-70355

Vertiline

3-150hp : 1-75hp @ rediversion

Other water rights w/ same pod 2-2308, 2-2152 (Temp), 2-2153, 2-2423

Water Right	Priority Date	Diversion Rate	Cumulative Rate	Capacity
02-02153	10/26/1959	1.55	1.55	
02-02154	10/26/1959	2.76	4.31	
02-02424	6/28/1960	4.16	8.47	15.22
02-02423	2/24/1964	1.86	10.33	
02-02308	5/20/1964	23	33.33	
02-07206	10/30/1975	0.76	34.09	38.84

Condition: The following rights are diverted through point of diversion described above:
2-2153, 2-2154, 2-2424, 2-2423, 2-2308, 2-7206

11	ESMS	L
H.	MENH	6

1308
Conditions: List of rights shall not exceed 2070 acres

List of rights shall not
 exceed 41.41 cfs
 2308; 10127 shall not exceed
 8536 AFY

10187
condition; 2-10187; 2-2308 560"
not entered 1760 acres
; 2-7206

Brights shall not exceed 35.2 cfs ? 8555 AFY

2-10187, 7-2306, 2-7026

$$4,5(2 \cdot 10187 - \overset{\uparrow}{\text{Overlap}}) + 5(2308 + 27206)$$
$$4.5(608-118) + 5(1232 + 38) = 8555 \text{ Ayr}$$

(7-10187, 2-2301) $\uparrow$ 15 (7-7388)

$$4.5(608 - 80) + 5(1232) = 8536 \text{ AFY}$$


vol 1 6760

$$4.5 / (0.8 - 38) - 15(38) = 2755 \text{ APY}$$
$$1625.7 + 190 = 2225.2 \text{ AFY}$$
$$Q(608) = \overline{17.16 \text{ cfs}}$$
$$12.16 + .76 = 12.92 \text{ J/s}$$

Conditions 7206:

copy P6D from 2308

7206T 10187 not exceed 608 acres
12.16 cfs

10187 POV Overlap

10187 - 12.16 cfs

2308 - 23 cfs

7206 - .76 cfs

35.92 cfs

Overlapping Acres = 1760

.02

x 1760

35.2 cfs

10187 - 2035.2 AFY

2308 - 6760 AFY

7206 - 190 AFY

8985.2 AFY

4.5

x 1760

7920 AFY

$4.5(2-10187-Overlap) + 5(2-2308 + 2-7206)$

$= 4.5(608-118) + 5(1232+38)$

$= 8555 AFY$

GIS

02-02153 - 75 acres

02-02154 - 148 acres

02-02423 - 86 acres

02-02153; 02-02423 - ^{159.5}~~161~~ acres

of 161 acres

02-02154; 02-02423 - 194 acres

of 234 acres

02-02153; 02-02154; 02-02423 - 266.5 acres

of 309 acres

License

45

02-02153 - 77.3 acres 102 cfs

Volume Limit

02-02154⁵ - 138.3 acres 102 cfs

$$4.5 \times (77-3) + 5 \times (214) = 1403$$

02-02423⁵ - 93 acres 102 cfs

02-02153; 02-02423 - 3 acres overlap - 167.3 acres of 170.3

02-02154; 02-02423 - ¹⁷~~16~~ acres overlap - 214.3 acres of 231.3

02-02153; 02-02154; 02-02423 - ²⁰~~20~~ acres overlap - 288.3 acres of 308.3

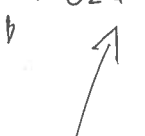
Conditions

B

02-02153 + 02-02423 are limited to 167.3 acres and 3.34 cfs

02-02154 + 02-02423 are limited to 214.3 acres and 4.2 cfs

→ 02-02423 + 02-02153 + 02-02154 are limited to 288.9 acres; 5.7⁶ cfs.
1403 AAY

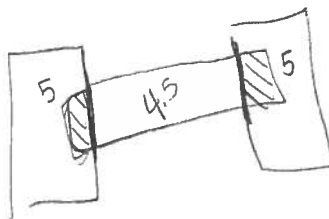


Rec Cond.

02-02423 + 02-02153 + 02-02154 +

57-00187B + 57-02152

441 acres



$$288 \times 5 = 1440$$

$$1403$$



11/05/2003

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

RIGHT NUMBER: 2-10187

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
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T06S R03E S11	NWNE	40.0	T06S R03E S11	NENW	40.0
T06S R03E S11	NWNW	40.0	T06S R03E S11	SWNW	40.0
T06S R03E S11	SENE	38.0	T06S R03E S11	NESE	5.0
T06S R03E S12	NENE	40.0	T06S R03E S12	NWNE	40.0
T06S R03E S12	SWNE	40.0	T06S R03E S12	SENE	40.0
T06S R03E S12	NESE	40.0	T06S R03E S12	NWSE	40.0
T06S R04E S07	NWNW	37.0	T06S R04E S07	SWNW	40.0
T06S R04E S07	NWSW	8.0			

608 ACRES TOTAL

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

Water Right 2-10187

1

overlap
review
not yet
complete
This cond
may need
to be alt
to specify
Cfs & A F
of combine
rights -

11/05/2003

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

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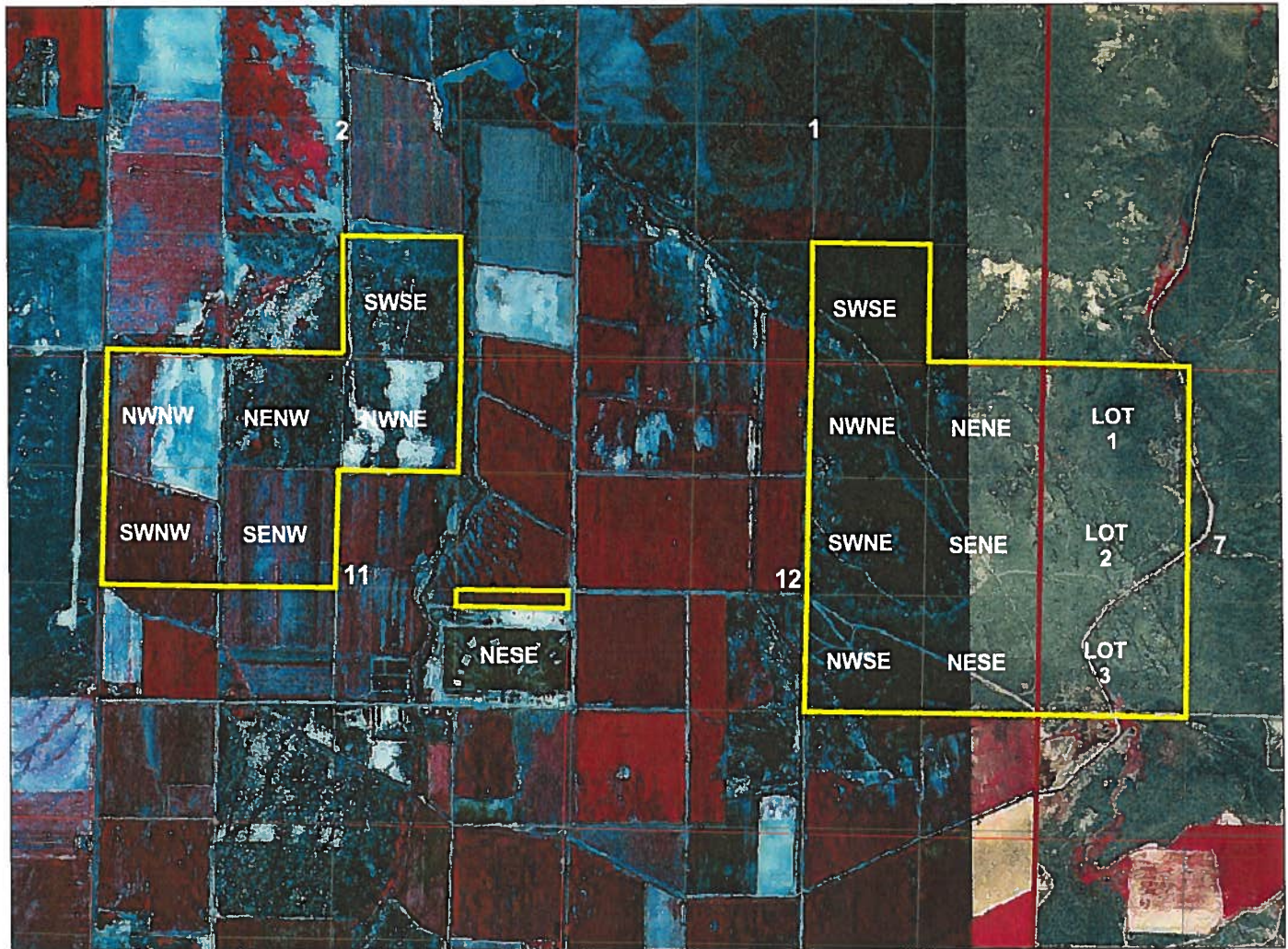
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Idaho Department of Water Resources

Place of Use Layout 2-10187

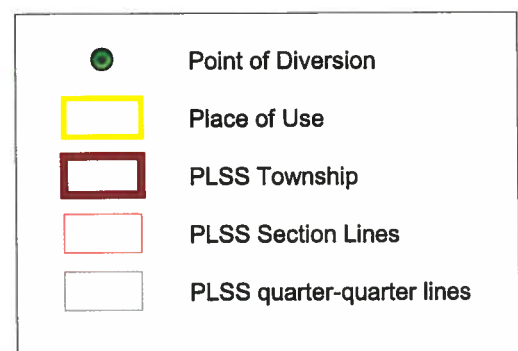


1 0 1 Miles

Township 6S Range 3E, and
Township 6S Range 4E



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: November 5, 2003



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 2-10187

1. ☒ No Change NAME IS SAME
NEW OWNER: _____
No Change ADDRESS _____
NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

*Same POP as
other rights
not listed.*

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

"Bybee Canal"

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 1 of 2 Date: 2

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	65	3E	1															40		
GIS																		0		
Claim	65	3E	2															40		
GIS																		40		
Claim	65	3E	11		40			40	40	40	38					5				
GIS					40			0	0	40						5				0
Claim	65	3E	12	40	40	40	40									40	40			
GIS				0	40	40	40									40	40			

Number of POD's

Total Claimed Acres:

Overlapping POU Claim #'s:

Total GIS Acres:

COMMENTS:

Per claim map.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-10187 Pg 2 of Date: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	65	4E	7						37	40			8							
GIS									49	50			50							
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's _____

Total Claimed Acres: _____

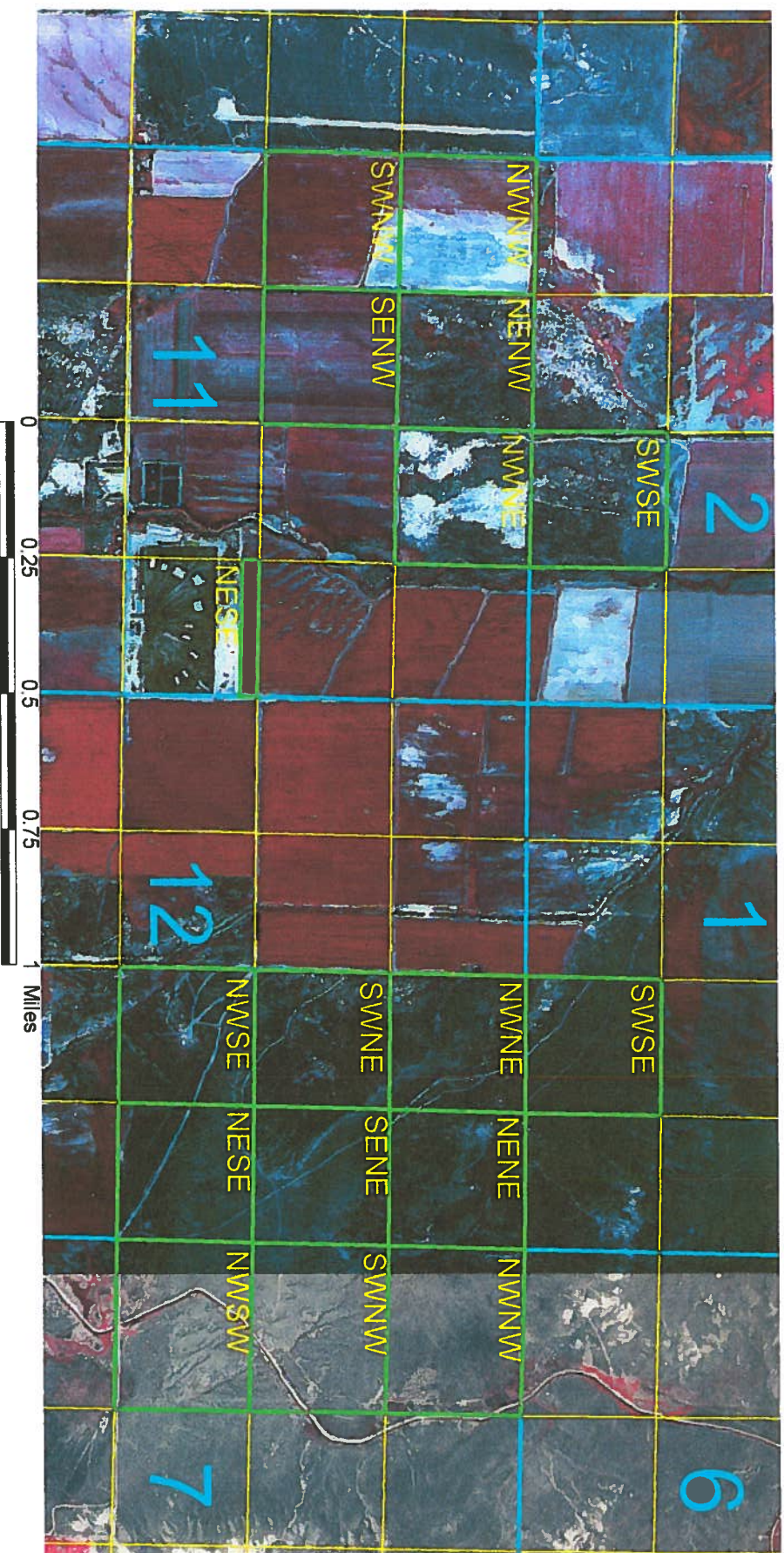
Overlapping FOU Claim #'s:

Total GIS Acres: _____

COMMENTS:

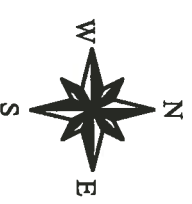
Idaho Department of Water Resources

1987 Napp Photo



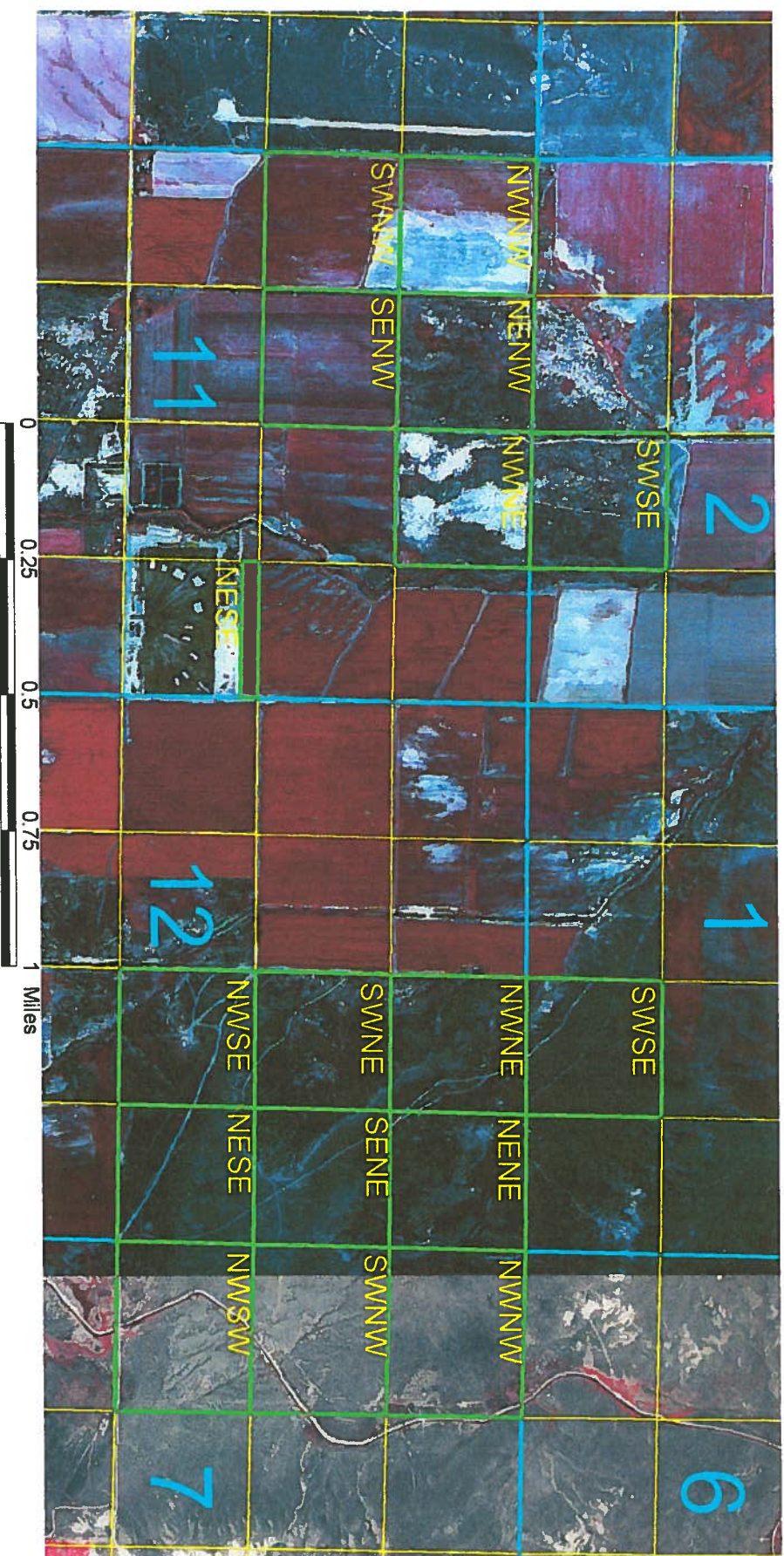
Claim Number: 02-10187
Legal: T06S, R03E, S01, 02, 11, 12
T06S, R04E, S07
Reviewed By:

- Point of Diversion
(Located outside of view)
- Place of Use
- Section Lines
- Quarter Quarter Lines



Idaho Department of Water Resources

1987 Napp Photo

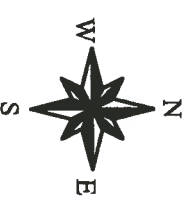


Claim Number: 02-10187

Legal: T06S, R03E, S01, 02, 11, 12
T06S, R04E, S07

Reviewed By:

- Point of Diversion
(Located outside of view)
- Place of Use
- Section Lines
- Quarter Quarter Lines



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 2-10187
Date Received: 3/7/1990
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

J R SIMPLOT REVOCABLE TRUST Phone: (208)336-2110
PO BOX 27
BOISE ID USA 837070027

2. Date of Priority: 02/25/1963

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	04E	34	SE SW 9	OWYHEE	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	12.16	2035.2

7. Total Quantity Appropriated is:
12.16 C.F.S. and/or 2035.2 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
06S	03E	1	SW SE	IRRIGATION	40
Section Acres					40

06S	03E	2	SW	SE	IRRIGATION	40
					Section Acres	40
06S	03E	11	NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	38
			NE	SE	IRRIGATION	5
					Section Acres	203
06S	03E	12	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	240
06S	04E	7	NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	8
					Section Acres	85
					Total Acres	608

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS THE RESULT OF APPROVED TRANSFER 5714. APPROVED ON 8/4/2000.
THIS CLAIM IS SPLIT FROM 02-2209D. SB 7/26/01

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

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

Notary Public

Residing at _____

My commission Expires _____

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

AUG 08 2000

TRANSFER NO. 5714
WATER RIGHT NO. 02-02209D

WATER RESOURCES
WESTERN REGION

This is to certify that: J R SIMPLOT REVOCABLE TRUST
PO BOX 27
BOISE ID 837070027

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	12.16 CFS	2035.2 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 02/25/1963

LOCATION OF POINT(S) OF DIVERSION: Lot 9 (SESW), Sec. 34, Township 05S, Range 04E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	03E	1	SWSE 40			40
		2	SWSE 40			40
		11	NWNE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 38	NESE 5	203
		12	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	240
04E	7	Lot 1(NWNW)	37	Lot 2(SWNW) 40	Lot 3(NWSW) 8	85
				Total number of acres irrigated:		608

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5714
WATER RIGHT NO. 02-02209D

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Approval of Transfer 5714 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. This right when combined with Rights 02-02308, 02-07206 and all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Dated this 4th day of August, 2000


Chief, Water Allocation Bureau

Page 1 of 89

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5714

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Cottonwood Canal Company Phone (208) 342-4591

Post Office address c/o Ringert Clark, Chfd., P.O. Box 2773, Boise, ID 83701

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Cottonwood Canal Co. has transferred 12.16 cfs of this water right to J.R. Simplot Self-Declaration of Revocable Trust
(Please see attached Deed To A Water Right).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--|-------------------|--------------------|-------------------|----------------------------|
| <u>02-02209D</u> | <u>02/25/1963</u> | <u>12.16 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| <u>(Cottonwood Canal Co. assumes that water right No. 02-02209A to</u> | | | | |
| <u>will be split into "C" and "D" portions, and that the Trust to</u> | | | | |
| <u>will be assigned the "D" portion).</u> _____ to _____ | | | | |
2. Total amount of water being transferred 12.16 cubic feet per second and/or 2035.28 acre-feet per annum.
3. Source of water Snake River tributary to Columbia River
4. Point(s) of Diversion: (Please see attached Deed, Attachment 2)

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
9		SE	SW	34	5S	4E	Owyhee	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	3E	1															40		40
		2															40		40
		11	40	40			40	40	40	38					5				203
		12	40	40	40	40									40	40			240
6S	4E	7						37	40			8							85
								L.1	L.2			L.3							
																			608

AMENDED

David Allen
approved by

6-6-00
date

PART 1

6. General Information:

a. Description of diversion system Short-coupled vertical turbine pumps and multiple penstock transport water to Bybee Canal, which delivers water to place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Please see attached IDWR water right profile report.

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 02-02209 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Copy of License

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

0. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 Yes If yes, describe Please see Attachments 3 and 4.

1. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 12.16 cfs for Irrigation purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
6				9	6S	11E	Elmore	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	10E	1											8		30	40	30		108
		11	40		40	40					40	40	40	40	40	40	40	40	440
		12									40	20							60

Total acres 608

1. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Balance of Right

1. amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres

5
6

8
9

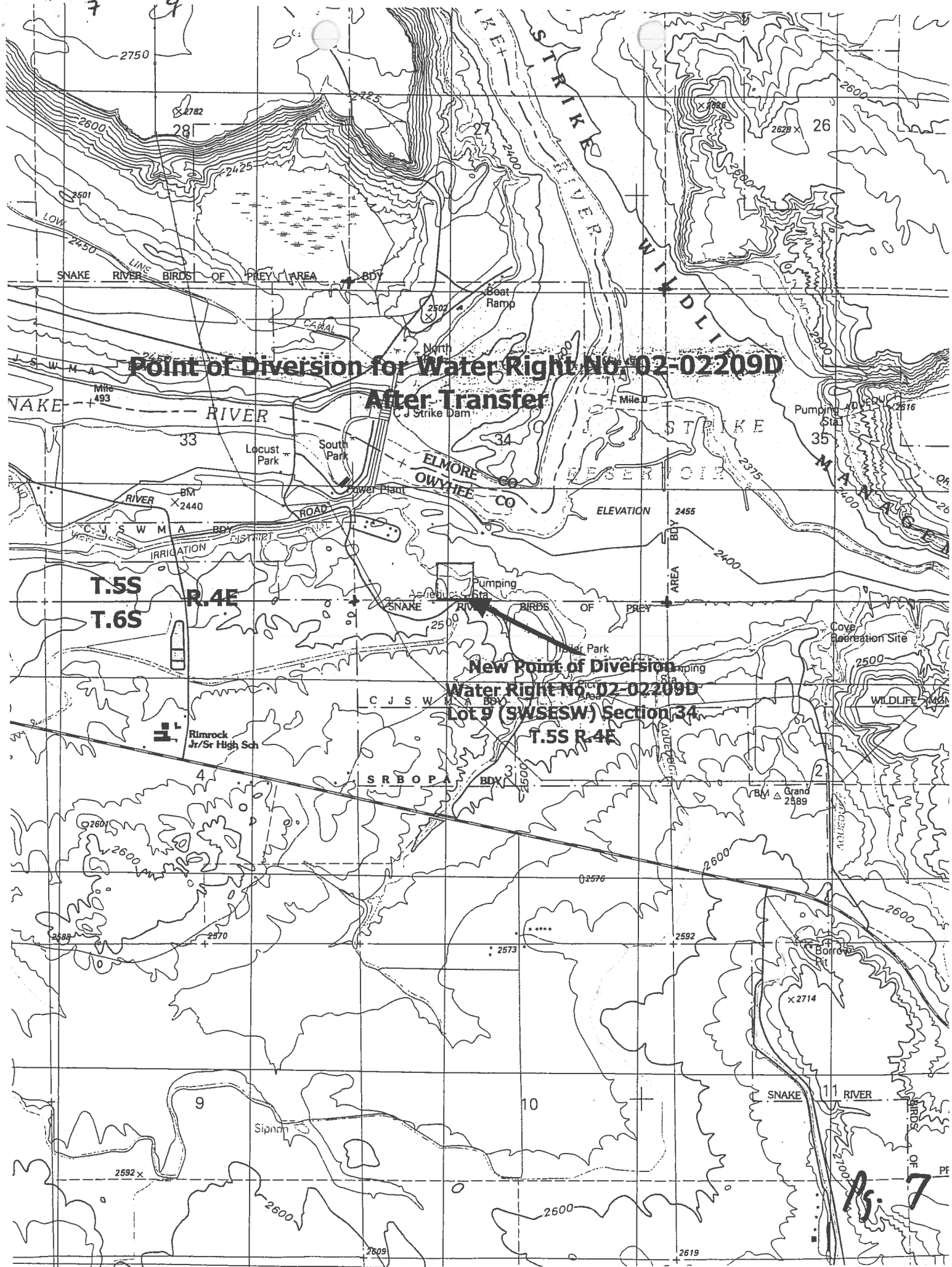
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

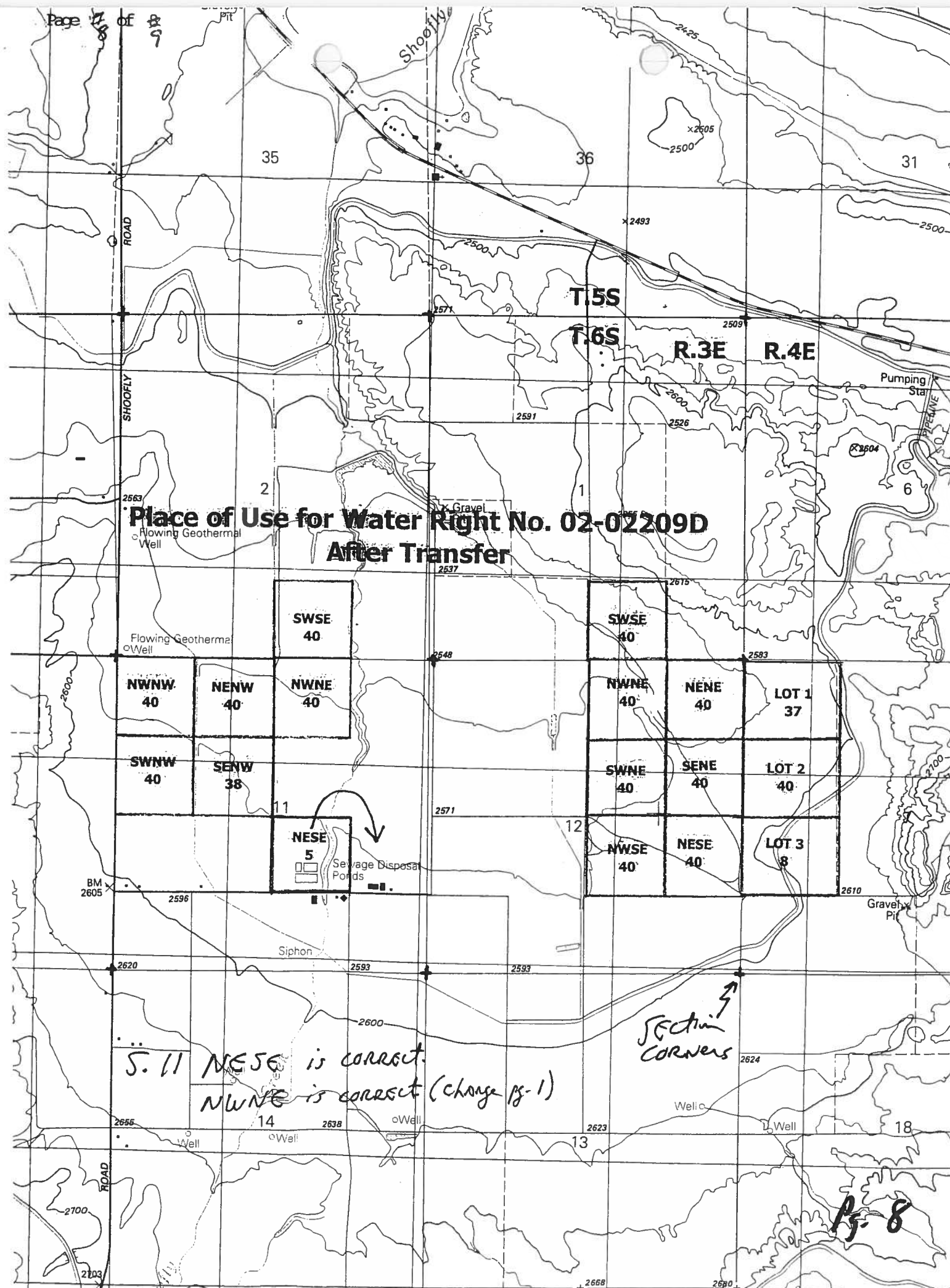
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. Please see attached copies of USGS map.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

pg 6





PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any wilful misrepresentations made in this application may result in voiding its approval.

Daniel Steiner

President, Cottonwood Mutual Canal Company

(Signature of Applicant)

Subscribed and sworn to before me this

22nd

day of March

19 2000



Kimi A. White

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 4 attachmentsReceived by SL Date 3/22/00 Protest filed by _____Prelim. check by SL Fee \$100Received by SL Date 3/22/00 W026244Published in Statewide & Owyhee Av. & Mtn Home News Copies of protest forwarded by _____Pub. dates 4-2-27 & 4-19-26-00 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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: A02-02209D
Date Received: 3/ 7/1990
Receipt No: C015381
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COTTONWOOD CANAL CO
Address: PO BOX 2773
BOISE ID 83701

2. Date of Priority: FEB 25, 1963

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	11E	9	NW	SW		6	ELMORE

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	64.500		16221.00

7. Total Quantity Appropriated is:
66.900 C.F.S. (and/or) 16725.00 A.F.A.

8. Total consumptive use is 16725.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	10E	1	NE	SW		IRR	35.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	10E	1	SW		SE		IRR	40.0
			SE		SE		IRR	30.0
							Section Acres	215.0
		2	SE		SE		IRR	40.0
							Section Acres	40.0
		11	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	560.0
		12	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		13	NE		NE		IRR	40.0
			NW		NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	10E	13	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	560.0
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	240.0
	11E	6	SW		SW		IRR	10.0
							Section Acres	10.0
		7	NE		NE		IRR	25.0
			NW		NE		IRR	25.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	30.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	600.0
		17	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	120.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	480.0
		19	SW	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		20	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0
						Total Acres	3865.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE.

14. Remarks:

DESC. OF DIVERTING WORKS - RIVER PUMPING STATION, PENSTOCK, RELIFT STATION, RELIFT PENSTOCK, MAIN TRUNKLINE AND LATERAL MAIN LINES, WITH SOME BOOSTER PUMPS.

NOTE: PLACE OF USE ON CLAIM STATES: LANDS AND ACREAGES IN EACH SUBDIVISION, IN TOWNSHIP 6 SOUTH, RANGES 10 AND 11 EAST, ARE AS STATED IN THE COPY OF THE APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT ATTACHED HERETO AS EXHIBIT A & INCORPORATED HEREIN BY THIS REFERENCE. SECTION ACRES AREA AS SHOWN IN EXHIBIT A.

NOTE: THIS CLAIM WAS ORIGINALLY A02-02209A UPON WHICH A TRANSFER HAS BEEN APPROVED SPLITTING THE CLAIM AND TAKING 120 ACRES, 2.4 CFS TO THE CITY OF GLENNS FERRY FOR MUNICIPAL PURPOSES - SEE ALSO CLAIM NO. A02-02209E WHICH REFLECTS THE CITY OF GLENNS FERRY'S PORTION. WATER RIGHT DATABASE NUMBER IS A02-02209B. AJ DATABASE HAS TWO OTHER SPLITS FOR BLACK MESA (B) & BLM (C). JS

15. Basis of Claim: LICENSE

Water Right Number: 30990

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____