

RECEIVED

SEP 23 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 19 2008	
By _____	Clerk: _____
Deputy Clerk: _____	

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-28946

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that the water right claim be disallowed.

On June 14, 2007, the Symms Fruit Ranch, Inc., filed an objection to the *Director's Report*, asserting that the water right should be allowed. On September 17, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

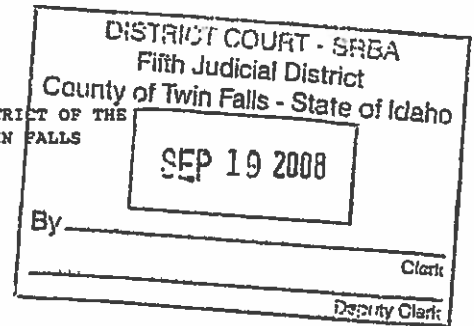
Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-28946 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept. 19, 2008



Theodore R. Booth
Special Master
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



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-28946

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL, ID 83607

SOURCE: GROUND WATER

QUANTITY: 0.30 CFS
217.20 AFY

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION: T03N R04W S23 SWSWSW Within Canyon County
SWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.30 CFS 217.20 AFY

COMMERCIAL USE IS FOR FRUIT PACKING PLANT.

PLACE OF USE: Commercial Within Canyon County
T03N R04W S23 SWSW

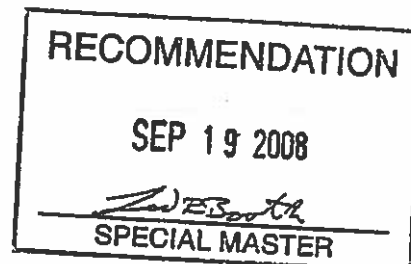
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 19 2008	
By _____	Clerk _____

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

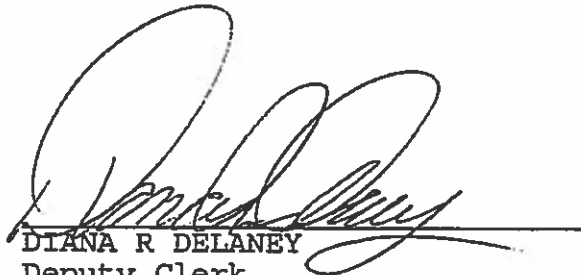
Water Right(s) : 63-28946

On September 19, 2008, Special Master THEODORE R. BOOTH 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 September 19, 2008.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 19 2008	
By _____	Clerk _____

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

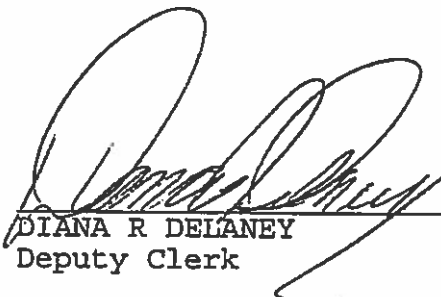
Water Right(s) : 63-28946

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 September 19, 2008, with sufficient first-class postage prepaid to the following:

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

SYMMS FRUIT RANCH INC
Represented by:
G. DARWIN SYMMS II
14068 SUNNYSLOPE RD
CALDWELL, ID 83605
Phone: 208-459-4821


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/19/08

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

RIGHT NUMBER: 63-28946

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
217.200 AFYPRIORITY DATE: 01/01/1914

POINT OF DIVERSION:

T03N R04W S23 SWSWSW Within CANYON CountyT03N R04W S23 SWSWSW Within CANYON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>COMMERCIAL</u>	<u>01/01 12/31</u>	<u>0.300 CFS</u>
		<u>217.20 AFY</u>
<u>Commercial use is for fruit packing plant.</u>		

PLACE OF USE: COMMERCIAL in CANYON CountyT03N R04W S23 SWSW

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

08/04/2008

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

RIGHT NUMBER: 63-28946

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
217.200 AFY

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION:

T03N R04W S23 SWSWSW Within CANYON County

T03N R04W S23 SWSWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.300 CFS 217.20 AFY
Commercial use is for fruit packing plant.		

PLACE OF USE: COMMERCIAL in CANYON County

T03N R04W S23 SWSW

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

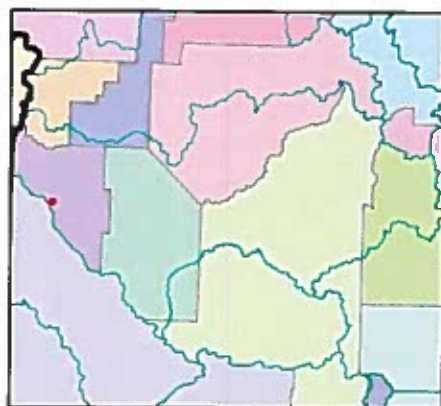
SRBA Recommendation

63-28946

(COMMERCIAL)

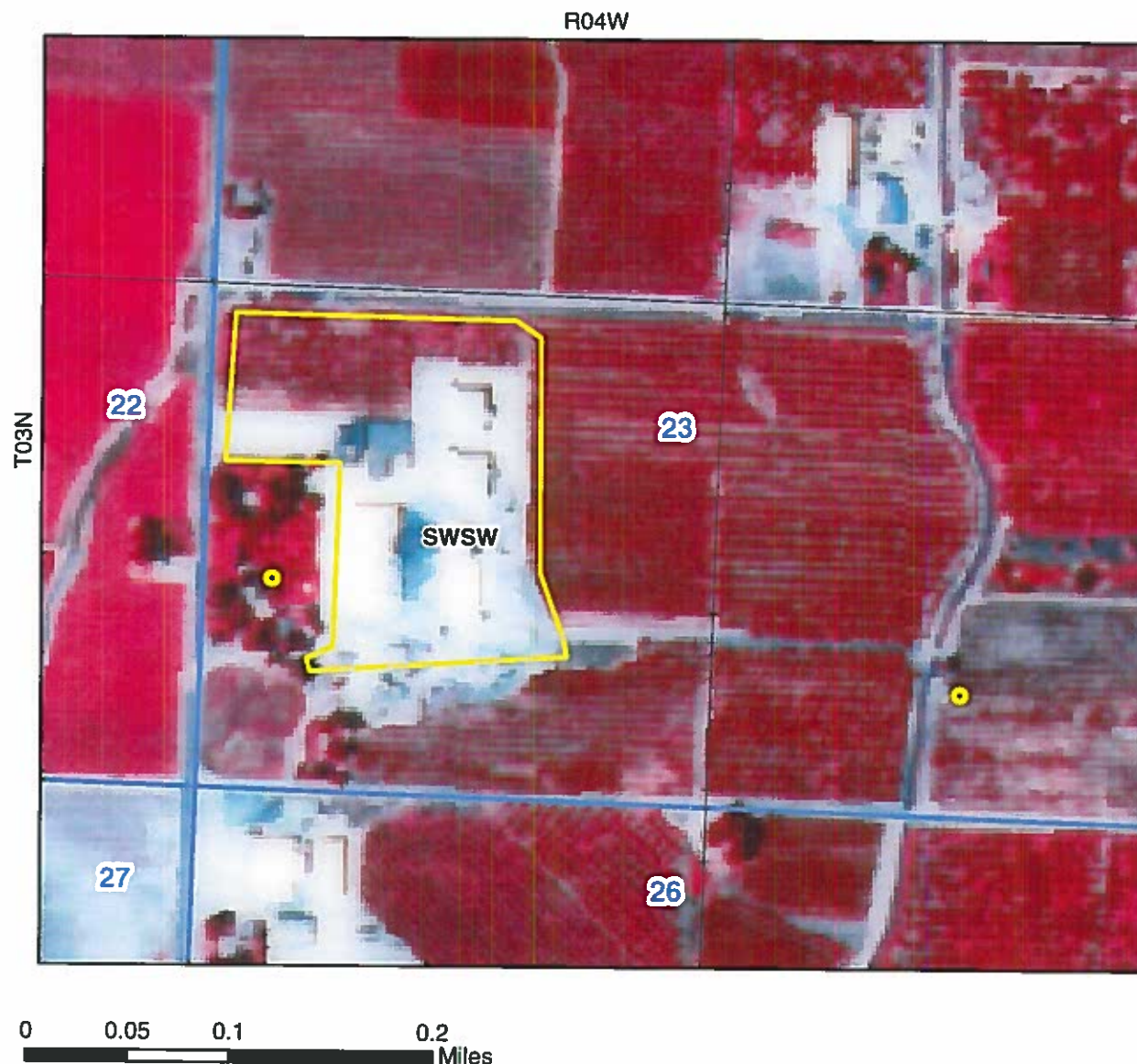
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Kay Walker
On August 04, 2008
1987/88 Aerial Photography



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) — no logs available in records
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below — include overlapping right for exam
- ☒ Evidence of Priority — if none, talk with claimant

CLAIMANT INFORMATION — verify contact information is completeClaim No(s) 63-28946Owner: Symons Fruit Ranch Phone No. 459-4821Current Address: 14068 Sunny Slope Rd., Caldwell, Id. 83607

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: Dick Symons, Dale Symons & Kelly Christensen (IDWR)**PRIORITY DATE**

- ☒ No change — Complete evidence submitted or not necessary
- ☐ Incomplete — Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1/1/1914

(If priority date, based on your exam, seems questionable, explain below.)

Use began in 1914 but has expanded over the years — the amount of water under this claim was probably enough in 1914

Source: gw Tributary to _____

- ☒ No Change — SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
A		SW	SW	SW	23				(well in shed)
B		SW	SW	SW	23				(old well) - 1914
C		SW	SE	SW	23				DEQ-Tag E0006486

Description of diverting works

Wells to fruit packing plant - Wells A & C in use - well B not currently plumbed into system.

OVERLAP REVIEW

Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

No other rights on file for this use -

WATER USES

☒ No change

☐ Different Uses

Use Commercial From 1/1 To 12/31 Amount 0.30 CFS 217.2 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount 0.30 CFS 217.2 AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

volume based on kate x 365 days / x 1.9835
claimant not willing to submit commercial use form to itemize volume - allowed amt. that kate will produce.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7/10/2008

FIELD EXAMINER: Kay Walker, Sr. Agent

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 63-28946
 DATE: 7-10-2008
 BY: Ray Walker

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

- Q = CFS
- H.P. = Total Brake Horsepower of pumping plant (including booster)
- EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
- TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
- LIFT = depth to water in FEET from land surface to pumping water level
- PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (10) \times (0.70)}{[(81') + (78 \times 2.31)]}$$

Well "A" in shed
 0.24 cfs SW of plant

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (X)	owner ()	
area estimate ()	estimate	Pump Make, Serial or ID, rating
well logs ()	owner gage (X)	
	Booster (Y) (N)	

REMARKS Owner obtained lift from drill log while we were in the office had HP

ANNUAL VOLUME ANALYSIS

$$POTENTIAL \text{ Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL =
4/15 - 10/15	184	
3/1 - 12/1	276	

$$POTENTIAL = 173.4$$

REQUIRED Acre Feet/Acre/Annum =
 (AF/Ann/Ac irrigation requirement from chart for area)
 NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()
 IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

2274620 -
 1378744 -
 (GPS location did not
 1. m. b.)

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 63-28946
DATE: 7-10-2008
BY: Ray Walker

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

*Well "C"
canal well*

$Q = \frac{(8.8) \times (50) \times (0.70)}{[(134) + (50 \times 2.31)]} = 1.23 \text{ cfs}$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ☒	owner ()	<u>ID R6231-02-093</u>
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ☒	<u>US Electrical Motors</u>
Booster (Y) (N)		<u>High Thrust</u>

REMARKS Owner obtained lift and HP from driller while we sat in office.
also has a 5 HP pump in well.
submersible

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $\frac{(1.23) \times (1.98) \times (365)}{(\dots)}$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = 888.9

REQUIRED Acre Feet/Acre/Annum = 217
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ☒

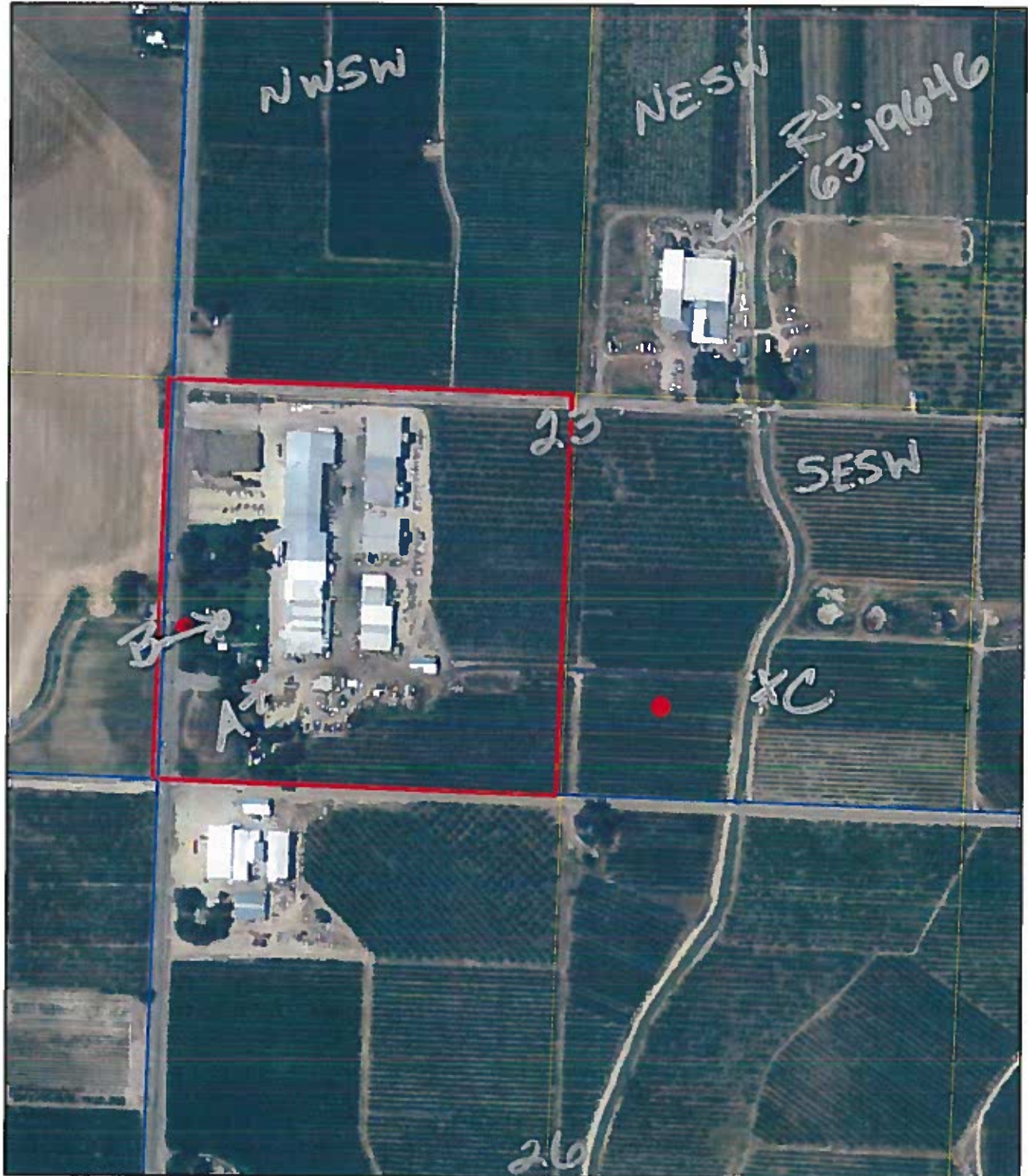
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

2275124
1378670 *GPS location*

Legend

- 63-28946_claim_pds
- ▭ 63-28946
- ▭ Sections
- ▭ QQ

well - commercial
per exam
7/10/08



Legend

-  Spatial Data
-  Sections
-  Taxlots
-  QQ



Claim Numbers 63-28946 _____

7-10-2008

Field exam for Richard Simms conducted by Kay Walker and Kelly K Christensen



This photo shows the well located just west of the office and packing plant.

"A"



This photo shows the well located on the east side of the office complex and packing plant. GPS reading 2274778 and 1378681. This well is not currently plumbed into the system. GPS reading for this well is;

2274778
1378681

"B"



This is a photo of the canal side well

GPS reading for this well is;

2275124

1378670

"C"

7-10-08

63-28946

Using water in permit packing
12 months a year in good
year - ^{claimed} Rate = 135 gpm

"A" well -

78-79 lbs psi

2274620 GPS
13784744

B = 1914 well - 4" casing

no longer connected to system
per claimant 2 HP pump in well

"C" 50 psi

HP = 50

ID# R6231-02-093

US Electrical Motors

High Thrust

also has 5 HP submersible pump

p/d OL

<u>Basin</u>	<u>Sequence</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
63	8469	2/22/1977	0.71	345	IRRIGATION	SYMMS FRUIT RANCH INC	wrAdjudicationClaim
63	8469	2/22/1977	0.71	345	IRRIGATION	SYMMS FRUIT RANCH INC	wrAdjudicationRecommendation
63	8469	2/22/1977	0.71	345	IRRIGATION	SYMMS FRUIT RANCH INC	wrWaterRight
~~63~~	~~19645~~	10/10/1943	0.08		DOMESTIC	WILLIAMSON ORCHARDS INC	wrWaterRight
63	19646	2/12/1910	0.04		COMMERCIAL, DOMESTIC	WILLIAMSON ORCHARDS INC	wrAdjudicationClaim
63	19646	2/12/1910	0.04	28.7	COMMERCIAL, DOMESTIC	WILLIAMSON ORCHARDS INC	wrAdjudicationRecommendation
~~63~~	~~28921~~	1/1/1914	0.04		DOMESTIC	SYMMS, MYRTLE	wrWaterRight
~~63~~	~~28927~~	1/1/1914	0.04		DOMESTIC	SYMMS, IRENE K	wrWaterRight
63	28946	1/1/1914	0.3		COMMERCIAL	SYMMS FRUIT RANCH INC	wrAdjudicationClaim
~~63~~	~~28947~~	1/1/1914	0.04		DOMESTIC	SYMMS FRUIT RANCH INC	wrWaterRight

p/d OL

no p/d OL -

Symms Fruit Ranch

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

App SE SW S. 23

$T, 3N \quad R, 4W$

63-8469

Permit No.

CONTACT WITH PERMIT HOLDER

Appointment letter mailed:

DATE _____

INITIALS

REMARKS

Telephone call made:
(List Telephone No. used)

Appointment scheduled for:
(Date, time, location)

EXAMINATION

Date 15 Aug Accompanied by DICK SYMAS Total Q measured 2.71 cfs

If source is surface water, estimate total flow of source

Methods of measurement Office Piezometer Tube Meets Permit requirements? Yes

Measurement calculations: $8 \times 41 \text{ } 29^{\text{th}} \text{ Head} = \frac{320 \text{ gpm}}{4488} \cdot 71 \text{ CFS}$

$$1.98 \times 295 \text{ days} \times .72 \text{ CFS} = \underline{345} \text{ AF/ANN} \checkmark$$
$$80 \text{ sec} \times 4.5 \text{ in. sec} = 360$$
[illegible]

System Description well, pump into concrete ditch system and sprinkler system

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 4.5 AFA/Acre

USE

Q (cfs)

V (afa)

FROM

TO

IRRIGATION

• 34

345

345

1145

Total

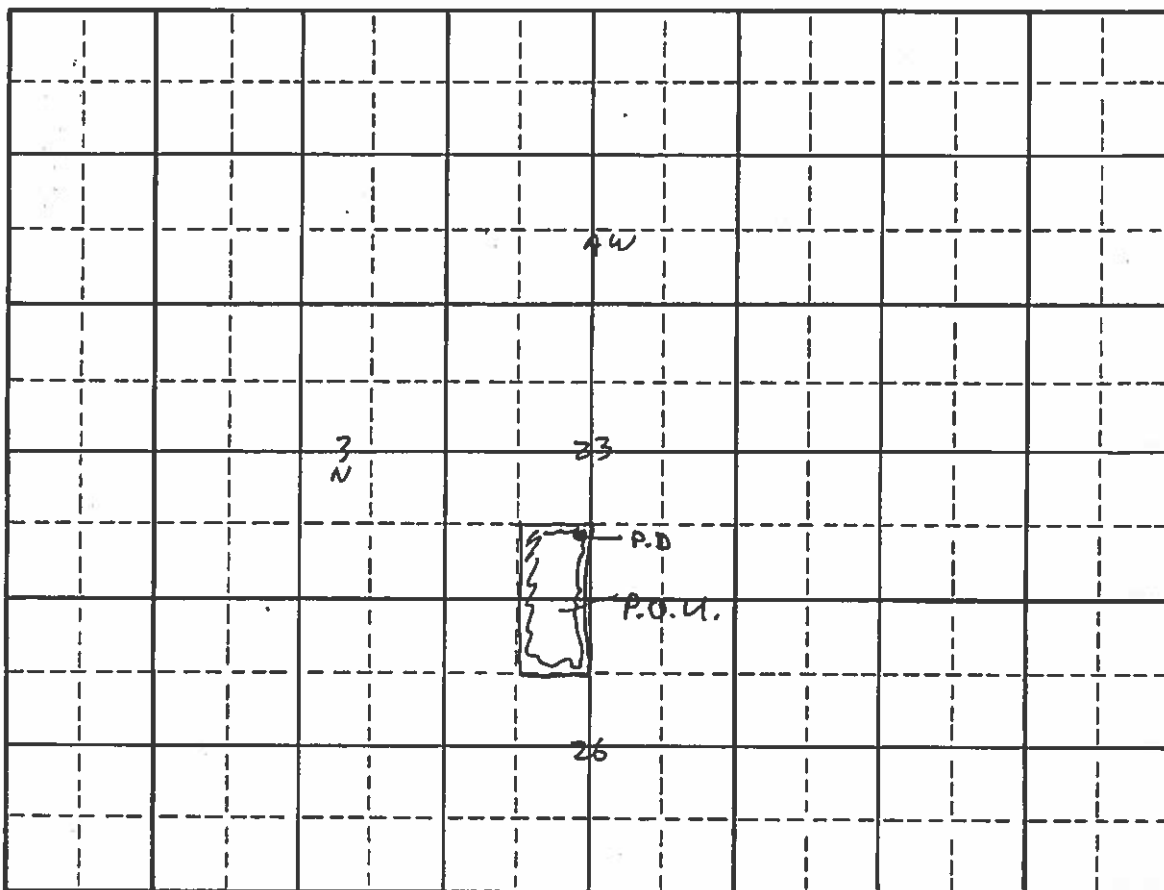
71

345.0

Remarks This well is tied into the irrigation system of the Fruit Ranch. It will be. For a range of permits cannot really say what it irrigated by this well.

MICROFILMED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE 54 323 3N 44

Place(s) of Use

TWP.	RGE.	SEC.	NEX				NW				SW				SE				TOTALS
			NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	
3N	44	23												40					40
3N	44	26					40												40
																			80

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature Del E. Moring

Checked by DBS

Approved by Robyn

Date 10 Aug 1980

Date 8/26/80

Date 1/7/80

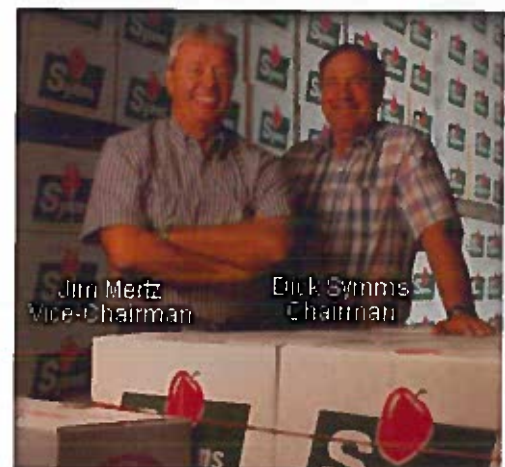
[Home](#)[History](#)[Operations](#)[Products](#)[Gift Boxes](#)[Contact](#)[Home](#) [History](#)

Our History

In 1914 R.A. Symms came to Idaho from Kansas and planted 8 acres of fruit trees. He began hauling fresh garden vegetables along with milk & eggs to the nearby Silver City mining district near what is now Jordan Valley, OR., with a team & wagon. Eventually, the fruit trees began to bear and cherries, peaches, apples & pears were added to the cargo for the three sons took over the wagon route allowing Mr. Symms to plant the rest of the 80 acre farm to fruit trees.



Today 4 of R.A. Symms' original trees are still producing and the 80 acre farm has grown into a 4500 acre diversified farm producing cherries, apples, peaches, nectarines, plums, pears, onions, potatoes, grain & cattle. Our products are distributed throughout the United States and exported to over 40 countries worldwide. The fourth generation of family management remains dedicated to the founding principles of quality, flavor and value.





This old tree is a perfect testimonial for Symms Fruit Ranch commitment to the land. The tree shown here along with 2 more apple trees and 1 pear tree are located on a piece of land we call "The Home 80". These four trees are the surviving trees from our first planting in 1914. R.A. Symms started with 8 acres of fruit trees. Commitment to the land by the Symms family has sustained these trees for nearly 100 years. We take satisfaction in the fact that we have practiced "sustainable farming" for many years.



Symms Fruit Ranch, Inc. 14068 Sunny Slope Road
Caldwell, Idaho 83607

Designed by: The Terra Firm

RECEIVED

APR 27 2008
DEPARTMENT OF
WATER RESOURCES

2008 APR 18 PM 05:32
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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____		SUBCASE NOS: 63-28946 63-29739

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, MAY 29, 2008 at 01:30 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
MAY 27, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: APRIL 18, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on APRIL 18, 2008,
with sufficient first-class postage to the following:

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

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL, ID 83607
Phone: 208-459-4821

G. Dar Symms
14068 Sunny Slope Road
Caldwell, ID 83607
208-459-4821 tel.
208-459-6932 fax.
Attorney for Objector

RECEIVED
JUN 13 2007
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

In Re SRBA

A. Subcase 63-28946

Case No. 39576

STANDARD FORM 1
OBJECTION

Comes now, Symms Fruit Ranch, Inc. (SFR), and objects to the Idaho Department of Water Resources recommendation to disallow the above referenced water right.

B. NAME AND ADDRESS OF PERSON OBJECTING.

Symms Fruit Ranch, Inc.
14068 Sunny Slope Road
Caldwell, Idaho 83607
Telephone: 208-459-4821

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT.

Same as above.

D. REASON FOR OBJECTION.

SFR objects to the Department's recommendation to disallow the water right because the water right has been used for beneficial use continuously since the priority date.

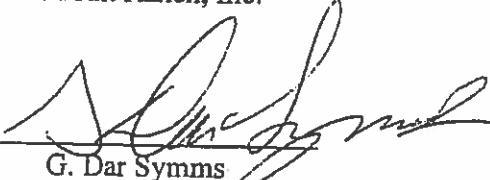
E. REASONS SUPPORTING OBJECTION.

See affidavit of R. A. Symms attached hereto.

Dated this 12th day of June, 2007.

Symms Fruit Ranch, Inc.

By


G. Dar Symms

Attorney for Objector

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12th day of June, 2007, I served the original and a true and accurate copy of the foregoing document by U.S. Mail, upon the following as follows:

1. Original to:

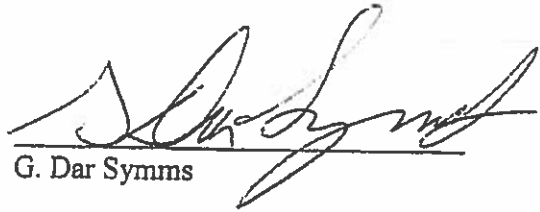
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. 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


G. Dar Symms



SYMMS FRUIT RANCH, INC.

14068 Sunny Slope Road • Caldwell, Idaho 83607
Telephone: (208) 459-4821 • e-mail: sfr@micron.net
Fax (208) 459-6932

12 June 2007

State of
Kay Walker
Sr. Water Resource Agent
Adjudication Bureau
2735 Airport Way
Boise, ID 83705-5082

Re: Objections to Disallowed Water Rights Nos. 63-27265, 63-28920, 63-28946 and 63-29739.

Dear Ms. Walker:

The original Standard Form 1 Objection has been sent to the Clerk of the District Court and copies have been sent to the IDWR Document Depository, to the Chief, Natural Resources Division of the Office of Attorney General and to the United States Department of Justice as prescribed by the form.

Please advise if anything else is necessary to proceed with Symms Fruit Ranch, Inc.'s objections to the above referenced disallowed water rights.

Sincerely,


G. Dar Symms

RECEIVED

JUN 13 2007

WATER RESOURCES
WESTERN REGION



G. Dar Symms
14068 Sunny Slope Road
Caldwell, ID 83607
208-459-4821 tel.
208-459-6932 fax.
Attorney for Objector

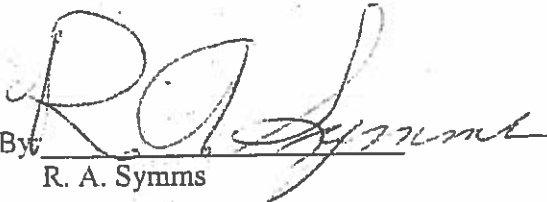
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase 63-28946
	)	
Case No. 39576	)	
	)	
	)	AFFIDAVIT OF
	)	R. A. SYMMS
	)	

Comes now, R. A. Symms, after first being duly sworn upon oath, and deposes
and states as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961.
2. Attached hereto is a true and accurate copy of an affidavit that I wrote and swore to in November of 2006.
3. In addition to the statements made therein, my father, told me that he and his father used the above referenced water right since 1914.

Dated this 11 day of June, 2007.

By 
R. A. Symms

State of Idaho

County of Canyon

On this 11 day of June, 2007, before Eileen M. Berkenbile Notary Public,
personally appeared R.A. Symms personally known to me to be the person
whose name is subscribed to this instrument, and acknowledged that he executed the
same.

Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012



* * * Memory TX Result Report (Jun. 5. 2007 10:28AM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Jun. 5. 2007 10:00AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
8247 Memory TX	94596932	P. 6	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



State of Idaho
DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

CL. "BUTCH" OTTER, Governor

DAVID W. TUTTILL, JR., Director

FAX COVER SHEET

TO Dick Symms FAX # 459-6932
FROM Ray Walker DATE 6-5-07
RE My Letter of 2/1/07 & affidavits
Submitted for claims 63-27265,
63-28920, 63-28946 & 63-29739.

TOTAL PAGES SENT 5 + COVER SHEETWEBSITE TIPS - www.idwr.idaho.gov

Make website like on-line data etc. - upper left corner, select for more details. Most IDWR records are organized by township, range and section. Township, range and section information is usually available from county assessor offices. For best results, try a broad search first and narrow the search as needed to avoid overlooking the information you seek.

Water Right &/or Adjudication Information: on-line data, then water right & adjudication search. For type of query, select all rights & water rights then click the where tab and enter township, range, section (and maybe 1/4 or 1/2 of section). Be sure to choose "Point of Diversion" or "Place of Use" depending on the information you need ("both" means diversion and use within identical search parameters, not that either are within the parameters).

Well Log Information: on-line data, then well construction search: enter the township, range and section. Select Summary Results displayed in table format for easy use, select individual record from table for scanned well log. Most well logs have been scanned and are available on the Internet.

Forms, rules, statutes etc. are also available on-line. If you cannot find information or have trouble interpreting information, please contact the IDWR staff person on duty each day. This person is called the "office day" person and is available for general assistance. Call the office day person at 208-334-2190 between the hours of 8 and 5 Monday through Friday. Thank you for using the website.



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 21, 2007

SYMMS FRUIT RANCH INC
ATTN: DICK SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83607

RE: Notice of Claims to Water Rights Nos. 63-27265 (Lizard Partnership), 63-28920 (Frances Symms), 63-28946 (Symms Fruit Ranch Inc.) and 63-29739 (Symms Fruit Ranch Inc.)

Dear Mr. Symms:

We received the Evidence of Priority affidavits that you submitted in regard to the above referenced claims on November 3rd, 2006. If you will recall these claims were recommended for disallow because we had not received any Evidence documenting the claimed priority dates. The evidence of priority was submitted so closely to the time our recommendations were to be submitted to the SRBA Court that we did not change our preliminary recommendations and the claims remained as disallowed in our Director's report. Please be advised that if you wish to pursue obtaining decreed rights for these claims, you should file a Standard Form 1 – Objection – with the SRBA Court that will allow us time to conduct a field examination of the water uses and revise our recommendations before the court decrees the claims as disallowed. I have enclosed a Standard Form 1 for your convenience. This form can also be obtained over the internet at www.srba.state.id.us if you need additional forms.

I have enclosed computer-generated reports of each of the above referenced claims for your convenience. The evidence submitted only documents evidence of use since 1961 so the additional time allowed during objection period would also allow you to obtain additional information in regard to evidence of priority if you wish to submit additional evidence.

If you have any questions in regard to this matter, please feel free to contact me at 334-2190. I have recently changed positions within the Department and am now located at our Western Regional office at 2735 Airport Way in Boise.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

3 November 2006

Ms. Kay Walker
Sr. Water Resource Agent
Water Allocation Bureau
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Symms Fruit Ranch Water Right 63-28946

Dear Ms. Walker:

I, R. A. Symms, come now, after first being duly sworn upon oath, and depose and state as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961. The Symms Fruit Ranch, Inc. property on which the above referenced water right is located is located in the Sunny Slope area, at the SFR headquarters. I have lived or worked in Sunny Slope all of my life, since 1935, with the exception of about seven years during college and the military; and
2. The above referenced water right has been used since 1914. My family has used this water for drinking, commercial use, packing fruit, watering stock and irrigation since 1914.

Dated this 3 day of November, 2006.

By: R.A. Symms

R. A. Symms

State of Idaho

County of Canyon

On this 3 day of November, 2006, before me Eileen M. Berkenbile, a notary public, personally appeared R.A. Symms, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Eileen M. Berkenbile
Notary Public
My Commission Expires on 2-14-2012

RECEIVED

NOV 13 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 08 2006

WATER RESOURCES
WESTERN REGION

3 November 2006

Ms. Kay Walker
Sr. Water Resource Agent
Water Allocation Bureau
322 East Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Symms Fruit Ranch Water Right 63-28946

Dear Ms. Walker:

I, R. A. Symms, come now, after first being duly sworn upon oath, and depose and state as follows:

1. I am the president of Symms Fruit Ranch, Inc. (SFR) and have worked there full time since 1961. The Symms Fruit Ranch, Inc. property on which the above referenced water right is located is located in the Sunny Slope area, at the SFR headquarters. I have lived or worked in Sunny Slope all of my life, since 1935, with the exception of about seven years during college and the military; and
2. The above referenced water right has been used since 1914. My family has used this water for drinking, commercial use, packing fruit, watering stock and irrigation since 1914.

Dated this 3 day of November, 2006.

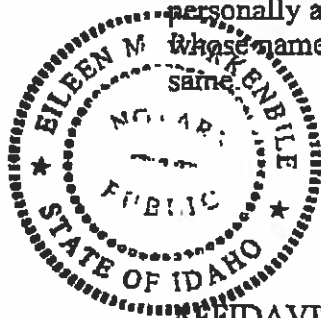
By: R.A. Symms
R. A. Symms

State of Idaho

County of Canyon

On this 3 day of November, 2006, before me Eileen M. Berkenbile, a notary public, personally appeared R.A. Symms, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the

same



Eileen M. Berkenbile
Notary Public
My Commission Expires on 7-14-2012

AFFIDAVIT OF R. A. SYMMS - 1

Hoira 80

09/30/2006

NOTICE OF ERROR
REPLY

RECEIVED

OCT 27 2006

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-28946

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

Telephone Number: (208)459-4821

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

AFFIDAVIT ATTACHED IS DOCUMENTATION
OF WATER RIGHT

2. Describe the changes you wish to make in the proposed recommendation:

ALLOW WATER RIGHT AS CLAIMED

3. Give a brief explanation as to why you disagree with these portions:

N/A

DISAGREE

I ~~AGREE~~ with this proposed recommendation: ~~no~~ changes need to be made.

DATE: 25 OCT 2006

SIGNATURE:

R.A. Symms

Please print your name:

R.A. SYMMS

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

SCANNED
OCT 30 2006

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: A63-28946
Date Received: 2/27/1990
Receipt No: W009767
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYMMS FRUIT RANCH INC 208-459-4821
Address: 14068 SUNNY SLOPE ROAD
CALDWELL ID 83605

2. Date of Priority: JAN 1, 1914

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	23	SW	SW	SW		CANYON
			SW	SE	SW		CANYON

5. Description of diverting works:
THREE INTERCONNECTED WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, FRUIT PACKING PLANT, RESTROOMS, DRINKING WATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	23	SW	SW		COMMER	

11. Place of use in counties: CANYON

MICROFILMED

AUG 03 1994

A63-28946

Page 1

Date: 06/08/93

SCANNED
OCT 30 2006

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE ORIGINAL WELL IS THE HOMESTEAD WELL, OTHERS HAVE BEEN ADDED
TO IT AS THE OPERATION GREW.

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 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: 25 Oct 2006

State of Idaho)

County of Canyon)

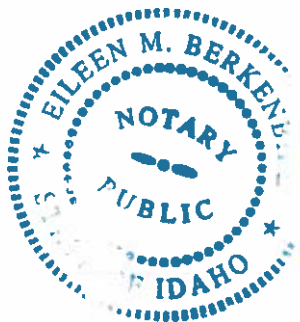
SS.

Subscribed and sworn (or affirmed) before me this 25th day

of October 19 2006

Eileen M. Berkenbile
Notary Public

Seal



Residing at Calhoun, Idaho 83605

My Commission Expires 7-14-2012

MICROFILMED

AUG 03 1994

09/17/2006

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

RIGHT NUMBER: 63-28946

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION:

T03N R04W S23 SWSWSW Within CANYON County

T03N R04W S23 SWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

1/01 12/31

0.300 CFS

PLACE OF USE: COMMERCIAL Within CANYON County

T03N R04W S23 SWSW

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

No lawful appropriation shown.

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

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.

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

CLAIM NO(s). 63-28946

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.)

No evidence of priority date
submitted - POI, PII

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:

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

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

6. No Change - WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SYSTEM DIAGRAM INCLUDED NA
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 9-17-06

FIELD EXAMINER: Kay Walker
Print Name

Kay Walker
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

May 5, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

Re: Claims to Water Right Nos. 63-28946 and 63-29739

Dear Claimants:

In February of 1990, you submitted the above referenced claims in the Snake River Basin Adjudication. Enclosed are computer generated print-outs of the claims for your reference only; these print-outs are **NOT** to be returned or re-filed. You have indicated, when these claims were filed, that the water rights were based on a "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-outs. These claims have not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, the priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize the water use under this right, if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel.

The required evidence supporting the priority dates must be submitted by **May 26, 2006**, referencing all documents with the corresponding claim numbers. If you have any questions not covered by this letter, or the enclosed pamphlet, please feel free to call me at 287-4953.

Sincerely,

Kay Walker
Sr. Water Resource Agent

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-28946 & A63-29739
SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE ROAD

CALDWELL

ID 83605

Re: Claim No(s) A63-28946

& A63-29739

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28946

WATER RIGHT NUMBER: 63-28946

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SYMMS FRUIT RANCH INC 14068 SUNNY SLOPE RD CALDWELL, ID 83607 (208)459-4821

Priority Date: 01/01/1914
 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>
COMMERCIAL	1/01 to 12/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 23, Twp 03N, Rge 04W, B.M.
CANYON County		
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 23, Twp 03N, Rge 04W, B.M.
CANYON County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	04W	23											X						

Conditions of Approval:

1. THE ORIGINAL WELL IS THE HOMESTEAD WELL, OTHERS HAVE BEEN ADDED TO IT AS THE OPERATION GREW.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-28946

03/29/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
61AT	Claim	03N	04W	23	SW	SW		IRRIGATION	30/30	SYMMS FRUIT RANCH INC
61AT	Water Right	03N	04W	23	SW	SW		IRRIGATION		CONSUMERS WATER CORP
28946	Claim	03N	04W	23	SW	SW		COMMERCIAL		SYMMS FRUIT RANCH INC
28321	Water Right	03N	04W	23	SW	SW		DOMESTIC		MYRTLE SYMMS
28927	Water Right	03N	04W	23	SW	SW		DOMESTIC		IRENE K SYMMS
28947	Water Right	03N	04W	23	SW	SW		DOMESTIC		SYMMS FRUIT RANCH INC

Receipt Details for ID W009767

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/28/1990 10:18:39 AM	2/28/1990	Western	\$1,838.00	Check
Payer		SYMMS FRUIT RANCH, INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
14853			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR PERMIT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,778.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490
\$60.00	APPLICATION FOR PERMIT	620199	1238	0	0	6390

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8468		\$185.00	Claim
63	2941		\$210.00	Claim
63	2875		\$111.00	Claim
63	3091		\$130.00	Claim
63	3210		\$50.00	Claim
63	3533		\$50.00	Claim
63	3529		\$50.00	Claim
63	8469		\$130.00	Claim

63	10432		\$185.00	Claim
63	28919		\$25.00	Claim
63	28321		\$25.00	Claim
63	28920		\$62.00	Claim
63	28922		\$25.00	Claim
63	28923		\$25.00	Claim
63	28924		\$25.00	Claim
63	28926		\$25.00	Claim
63	28929		\$25.00	Claim
63	28931		\$25.00	Claim
63	28933		\$25.00	Claim
63	28943		\$25.00	Claim
63	28944		\$25.00	Claim
63	28945		\$25.00	Claim
63	28946		\$80.00	Claim
63	28947		\$25.00	Claim
63	161	AT	\$80.00	Claim
63	30099		\$105.00	Claim
63	30144		\$25.00	Claim

[Print Report](#)

REAL PROPERTY INQUIRY

+++++

01 6R33480-000- -0 182-00 SCH139+ 01 27,600 57.00

+++++ 10 36,300 1.00

SYMMS FRUIT RANCH INC + 13 150,000 15.00

+ 19 3.13

+ 31 30,800

+ 35 2,337,975

+

14068 SUNNY SLOPE RD

CALDWELL ID 83607

+

+++++

23-3N-4W SW + TOTAL 2,582,675 76.13

SESW, N1/2SWSW LESS S 250' OF W ++++++

300', S1/2SWSW LESS N 250' OF W + SURVEY INST

200' + DRAIN DR VALUE APPR TLH

+ CLASS CM REAP 02 MAN 02 UNIT 1

14068 SUNNY SLOPE RD, CA + PARCEL 6R03N04W236000 H/O N C/B N

+ PRIOR ACCOUNT 5R33480-000- -0

+ 02 MH on Property YES

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R33480000 0 UNIT 001 TOTAL UNITS 1

SITE 14068 SUNNY SLOPE RD CA SEC/TWN/RNG 23-3N-4W

ASSESSED VALUE 2,582,675 ACREAGE 76.13

SUB/PARK NAME YEAR/MAKE

CLASS CM COMMERCIAL SPACE LOT BLOCK

+++++

YR BUILT 9999 AIR COND AIR - NONE CARPORT N

STORY 1 STORY HEATING CARPORT SQ FT

FIRST SQ FT 100 EXTERIOR DECK/PATIO? N

SECOND SQ FT ROOF POOL? N

BEDS 3 BSMT SQ FT SPA? N

BATHS 1.00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-28920

03/29/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
28920	Claim	03N	04W	14	SW	SW		IRRIGATION	12/12	FRANCES S SYMMS
1462	Water Right	03N	04W	14	SW	SW		IRRIGATION	7/78	SYMMS FRUIT RANCH INC
1678	Water Right	03N	04W	14	SW	SW		IRRIGATION	22/77	SYMMS FRUIT RANCH INC

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 63-28946
Date Received: 2/28/1990
Receipt No: W009767
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID USA 83607

Phone: (208)459-4821

2. Date of Priority: 01/01/1914

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	04W	23	SW	SW	SW	CANYON	
03N	04W	23	SW	SE	SW	CANYON	
03N	04W	23	SW	SW	SW	CANYON	

5. Description of diverting works:

THREE INTERCONNECTED WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.3	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	04W	23	SW	SW	COMMERCIAL	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

THE ORIGINAL WELL IS THE HOMESTEAD WELL, OTHERS HAVE BEEN ADDED TO IT AS THE OPERATION GREW.

Added 3rd point of diversion per original claim in preparation for field examination. kw 7/9/2008

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.

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: A63-28946
Date Received: 2/27/1990
Receipt No: W009767
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYMMS FRUIT RANCH INC 208-459-4821
Address: 14068 SUNNY SLOPE ROAD
CALDWELL ID 83605

2. Date of Priority: JAN 1, 1914

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04W	23	SW	SW	SW		CANYON
			SW	SE	SW		CANYON

5. Description of diverting works:
THREE INTERCONNECTED WELLS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, FRUIT PACKING PLANT, RESTROOMS, DRINKING WATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04W	23	SW	SW		COMMER	

11. Place of use in counties: CANYON

SCANNED

APR 21 2008

MICROFILMED

AUG 03 1994

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

13. Other Water Rights Used:

NONE

14. Remarks:

THE ORIGINAL WELL IS THE HOMESTEAD WELL, OTHERS HAVE BEEN ADDED TO IT AS THE OPERATION GREW.

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 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 _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 03 1994

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

A63-28946

Date Received

2/27/90

Receipt Number

W0009767

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 27 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) SYMMS FRUIT RANCH, INC. Phone (208) 459-4821Mailing Address 14068 SUNNY SLOPE ROAD, CALDWELL, IDAHO Zip 836052. Date of Priority (Only one (1) per claim) JANUARY 1, 19143. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 3N Range 4W Section 23,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of CanyonAdditional points of diversion if any: T.3N, R.4W, Sec. 23 SW 1/4 of SE 1/4 of SW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Three interconnected wells

MICROFILMED

AUG 03 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from January 1 to December 31 amount .3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fresh fruit packing plant, restrooms, drinking water.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	4W	23											c						C

Total number of acres irrigated _____ C

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: The original well is the homestead well, others have been
added to it as the operation grew.

MICROFILMED

AUG 03 1994

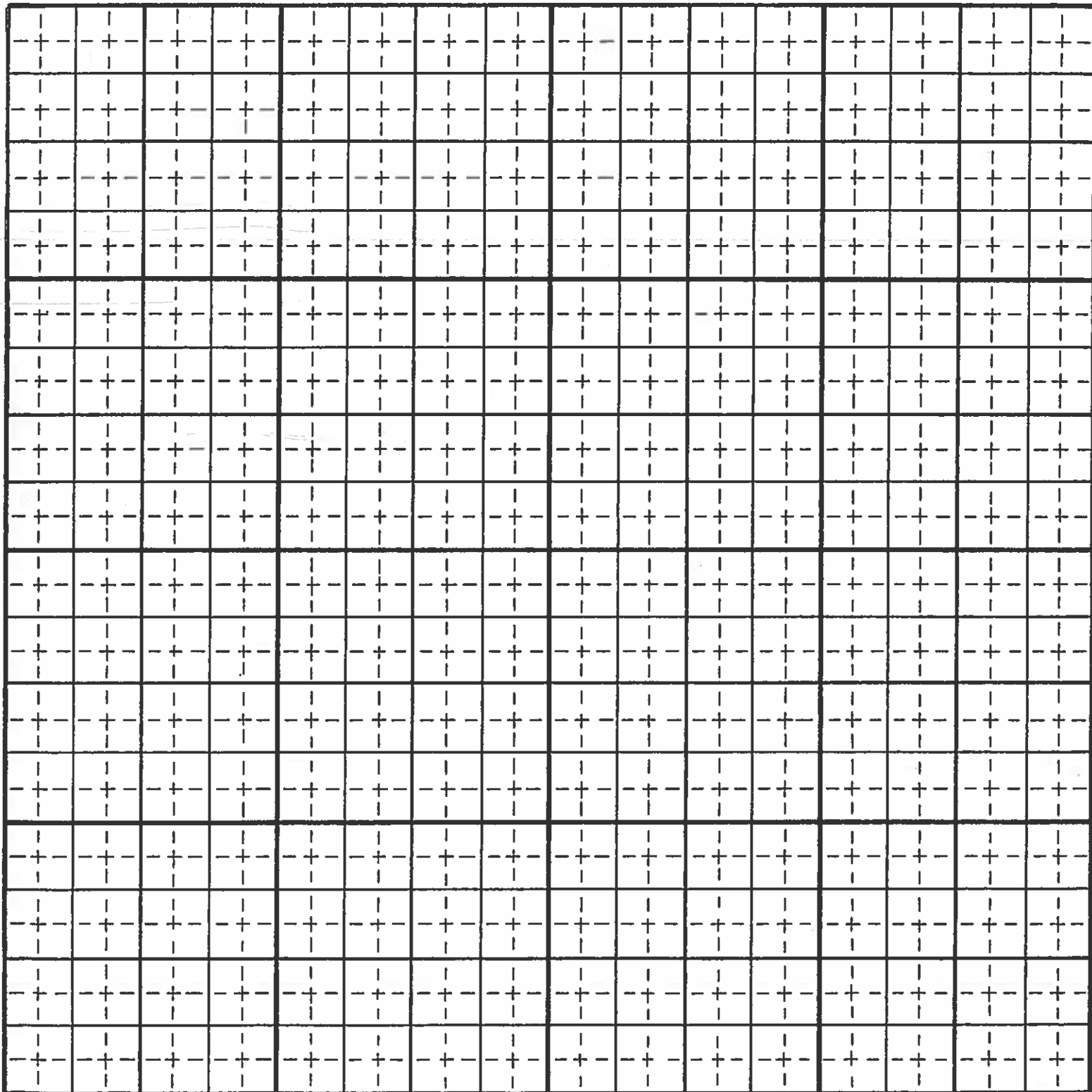
Last Name Symms Fruit Ranch, Inc Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE MAP ATTACHED



MICROFILMED

AUG 03 1994

Last Name Symms Fruit Ranch, Inc Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1 (Map)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

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

For Organizations: I do solemnly swear or affirm that I am President
of Symms Fruit Ranch, Inc. President that I have signed the foregoing
document in the space below as President of Symms Fruit Ranch, Inc.
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization President, Symms Fruit Ranch, Inc. Date 2-26-90

State of Idaho/or _____)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 26th day of February 1990

SEAL

Notary Public [Signature]

Residing at Caldwell, Idaho

My Commission Expires May 15, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

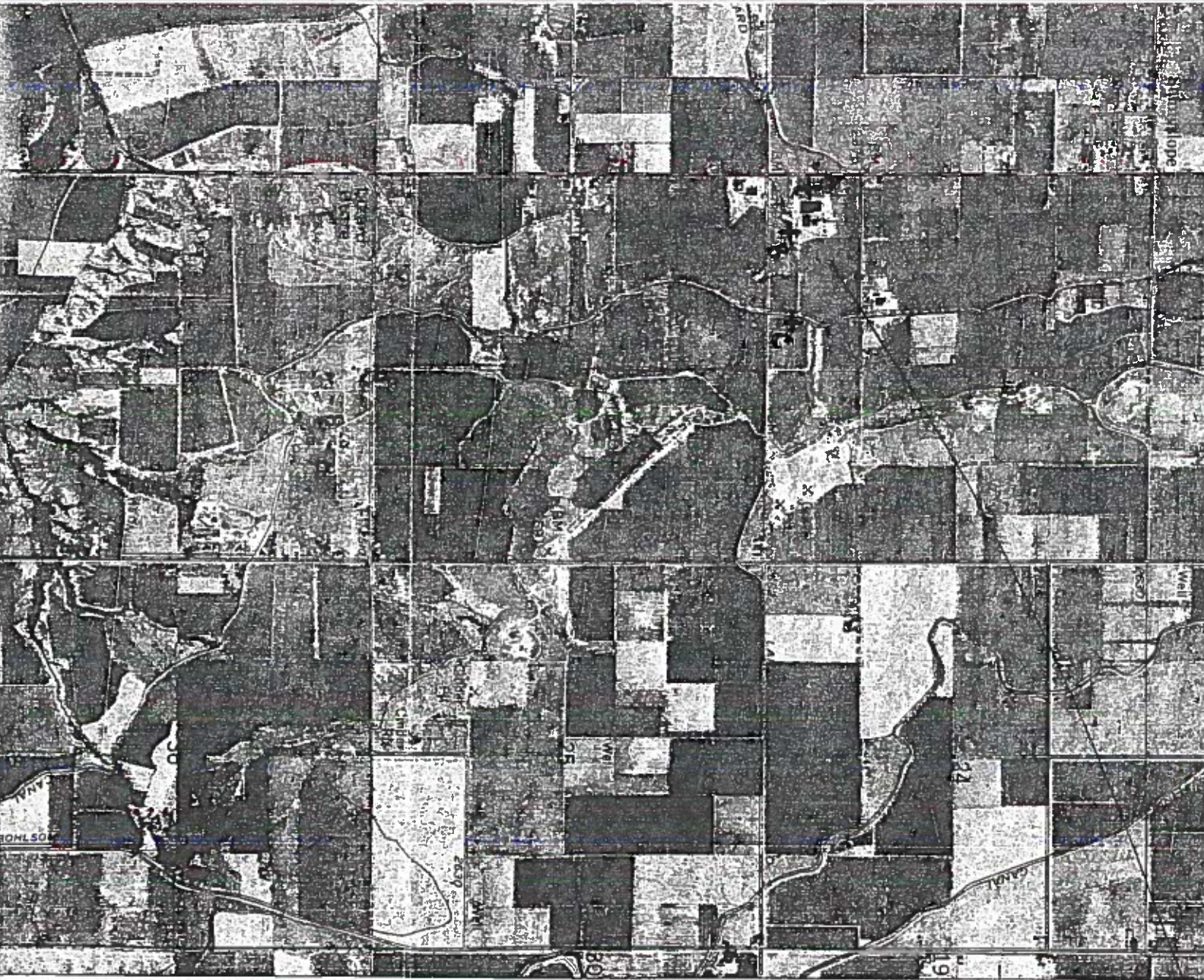
Date _____

MICROFILMED

AUG 03 1994

Last Name Symms Fruit Ranch Ident. Number _____

Copies White-State, Yellow-Claimant



MPA (U.S. 30) 15 MI.

422 N

423

424

425

35'

Three wells
manifested

A-1959
B-1914
C-1977
63-08469

T



SYMMS FRUIT RANCH, INC.

*Grocers and Shippers of Apples,
Peaches, Cherries, Plums, Pears, Nectarines,
Grapes, Onions and Potatoes.*

14068 Sunny Slope Road, Caldwell, Idaho 83605
Telephone (208) 459-4821 / L.D. 459-8064
Fax: (208) 459-6932

CORPORATION OFFICERS AND PARTNERS LISTED BELOW
ADDRESS FOR ALL: 14068 Sunny Slope Road
Caldwell, Idaho 83605
Telephone: 208-459-4821

SYMMS FRUIT RANCH, INC.

R. A. Symms	President
James P. Mertz	Secretary
Myrtle Symms	Treasurer
Irene Symms	Vice-President
Kathryn Symms Mertz	Vice-President
Steven D. Symms	Director
Shirley S. Maggard	Director

SUNNY SLOPE FRUIT COMPANY

James P. Mertz	President
Shirley Symms Maggard	Secretary/Treasurer
James P. Mertz	Director
Shirley Symms Maggard	Director
R. A. Symms	Director

STE. CHAPELLE, INC.

R. A. Symms	President
James P. Mertz	Secretary/Treasurer
Kathryn S. Mertz	Director

SYMMS CANYON LTD. PARTNERSHIP

Myrtle Symms	General Partner
Irene Symms	General Partner
R. A. Symms	Administrator
James P. Mertz	Administrator

MICROFILMED

AUG 03 1994



ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Symms Fruit Ranch Inc.

CLAIM IDENT. NO.

A63-

DATE RECEIVED 2/27/90 RECEIPT # W009767 FEE PAID \$1838 FEE REQ'D \$80

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A ☒	☐	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A ☒	☐	☐	
Is the consumptive use correct? N/A ☒	☐	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
If multiple domestic, is single ownership indicated?	☒	☐	
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A ☒ If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☐	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A ☒ (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☒	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A ☒	☐	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt ☒	☒	☐	*

MICROFILMED

AUG 03 1994

	YES	NO
23. Is this claim being rejected and returned to claimant?	<u> </u>	<u>✓</u>
24. Can this claim be data entered?	<u>✓</u>	<u> </u>
25. Was claim modified?	<u> </u>	<u>✓</u>
If yes, do modifications require notification to claimant?	<u> </u>	<u>✓</u>

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: HWT Date 2/5/93
 Claim data entered by: JCN Date 6-8-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: The only right w/3 claimed PDD is 63-08469, which has
been claimed
