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 37-7116
Date Received: 8/26/1988
Receipt No: S001780
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

AWALT FAMILY REVOCABLE TRUST Phone:
PO BOX 392
SAN MIGUEL CA 93451-0392

2. Date of Priority: 11/15/1971

3. Source: BIRCH CREEK , BIRCH CREEK Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
06S	13E	35	SW	NW	SW		GOODING	
06S	13E	35		SE	SW		GOODING	

5. Description of diverting works:

CHECK DAMS & DITCHES TO PONDS, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1	
STOCKWATER	1/01	12/31	0.5	
FISH PROPAGATION	1/01	12/31	6	

7. Total Quantity Appropriated is:
6 C.F.S. and/or 700 A.F.A.

SCANNED
OCT 16 2006

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	13E	34	NE	NE		IRRIGATION	15
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	35
						Section Acres	90
06S	13E	35	NE	SW		IRRIGATION	7
			SE	SW		IRRIGATION	6
			NW	NW		IRRIGATION	5
			SW	NW		IRRIGATION	35
			NW	SW		IRRIGATION	29
			SE	NW		IRRIGATION	3
						Section Acres	85
						Total Acres	175

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

ACREAGE CLAIMED IS BASED ON RECENT AERIAL PHOTO. LICENSIGN EXAM HAS NOT YET BEEN CONDUCTED BY IDWR.

15. Basis of Claim: Permit

SCANNED
OCT 18 2006

COPY

2006 MAY -4 AM 9:57

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)	**Subcase No. 37-797, 37-7116, 37-12868**
)	
Case No. 39576)	
)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**
)	

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? []Yes [X]No

---

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 5/4/06

T Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/4, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed 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:

   Chief Natural Resources Division
   Office of the Attorney General
   PO Box 44449
   Boise ID 83711-4449

   United States Dept Of Justice
   Environment & Natural Resource Div
   550 West Fort Street MSC 033
   Boise ID 83724

   Norval Rex Awalt
   Christy Lou Awalt
   PO Box 392
   San Miguel CA 93451

   Simms Credit Shelter Trust
   Clifford J Simms Jr Family Trust
   Barbara Simms Trustee
   17816 Hwy 30
   Bliss ID 83314

Signature of person or attorney mailing the form

03/21/2006

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

RIGHT NUMBER: 37-797

NAME AND ADDRESS: NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451

CHRISTY LOU AWALT
PO BOX 392
SAN MIGUEL CA 93451

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.100 CFS

PRIORITY DATE: 06/30/1880

POINT OF DIVERSION: T06S R13E S35 NWSW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.100 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S34	NENE	15.00	T06S R13E S34	SENE	40.00
T06S R13E S34	NESE	35.00	T06S R13E S35	NWNW	4.90
T06S R13E S35	SWNW	20.00	T06S R13E S35	NWSW	23.00

137.9 ACRES TOTAL

Right nos. 37-797 and 37-12868 are limited to the irrigation of a combined total of 137.9 acres in a single irrigation season.

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 - Decreed

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

03/21/2006

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

RIGHT NUMBER: 37-7116

NAME AND ADDRESS: CHRISTY LOU AWALT
PO BOX 392
SAN MIGUEL CA 93451

NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.000 CFS
4,340.00 AFY

Rights 37-797, 37-799 and 37-7116 when combined shall not exceed a total diversion rate of 6.00 cfs.

PRIORITY DATE: 01/12/1984

POINT OF DIVERSION: T06S R13E S35 SWNWSW Within GOODING County

T06S R13E S35 SWSESW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	6.000 CFS 4,340.00 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T06S R13E S34	NESE	T06S R13E S35	NWSW
T06S R13E S35	SESW		

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 - License

The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

The agreement dated March 30, 1972, among Vernon J. Huff, E. Bud Jensen and Paul Fleming, is a part of this right for purposes of delivering water between the parties or their successors in interest.

Rights 37-797 and 37-799 are also diverted through the point of diversion in the SW¼NW¼SW¼ Sec. 35, T6S, R13E, B.M., described above.

Use of water under this right shall be non-consumptive.

For each authorized point of diversion, the right holder shall maintain a means of measurement and lockable controlling works acceptable to the Department.

This right authorizes the simultaneous diversion and use of up to 6.00 cfs of water from Birch Creek at each of the two authorized points of diversion.

03/21/2006

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

RIGHT NUMBER: 37-12868

NAME AND ADDRESS: CHRISTY LOU AWALT
PO BOX 392
SAN MIGUEL CA 93451

NORVAL REX AWALT
PO BOX 392
SAN MIGUEL CA 93451

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 02/03/1892

POINT OF DIVERSION: T06S R13E S35 SWNW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S34	NENE	15.00	T06S R13E S34	SENE	40.00
T06S R13E S34	NESE	35.00	T06S R13E S35	NWNW	4.90
T06S R13E S35	SWNW	20.00	T06S R13E S35	NWSW	23.00

137.9 ACRES TOTAL

Right nos. 37-797 and 37-12868 are limited to the irrigation of a combined total of 137.9 acres in a single irrigation season.

This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

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 place of use pursuant to Section 42-1425, Idaho Code.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2006

NORVAL REX AWALT
CHRISTY LOU AWALT
PO BOX 392
SAN MIGUEL CA 93451

RE: SRBA Claim(s) 37-797, 37-7116, 37-12868

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Barbara Simms, Trustee
17816 Hwy 30
Bliss ID 83314

Form 42-248/42-1409(6) July, 2000

RECEIVED
MAR 15 2006
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~37-11134~~	37-797	–			
37-11134		–			
	37-12868	–			
	37-7116	–			

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Simms Credit Shelter Trust
Clifford J Simms Jr. Family Trust
17816 Hwy 30, Bliss, ID 83314

4. New Owner/Claimant(s): Norval Rex Awalt & Christy Lou Awalt
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: PO Box 372, &

   City, State and ZIP Code: San Miguel, CA 93451

   New Telephone Number: (805) 238-1315

5. Date you acquired the property: 2-22-06

Order No. G060018

WARRANTY DEED

For Value Received

SIMMS CREDIT SHELTER TRUST, BARBARA J. SIMMS, TRUSTEE and CLIFFORD J. SIMMS JR. FAMILY TRUST, BARBARA J. SIMMS, TRUSTEE

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

NORVAL REX AWALT and CHRISTY LOU AWALT, HUSBAND AND WIFE

the grantee(s), whose current address is

PO BOX 392 , SAN MIGUEL, CA 93451

the following described premises, to-wit:

See Attached Exhibit "A"

Instrument # 215154
GOODING, GOODING, IDAHO
2006-02-23 10:46:54 No. of Pages: 4
Recorded for : GOODING TITLE
DENISE M. GILL 12.00 Fee: [redacted]
Ex-Officio Recorder Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: February ~~3,~~ 22nd 2006

Barbara J. Simms, Trustee
BARBARA J. SIMMS, TRUSTEE

STATE OF IDAHO
: ss
COUNTY OF GOODING

On This 22nd day of February, in the year 2006, before me, a Notary Public in and for said State, personally appeared **BARBARA J. SIMMS,** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, as trustee of the Simms Credit Shelter Trust and acknowledged to me that he/she/they executed the same as such trustee.

WITNESS my hand and official seal.

Lori Williamson
Notary Public of Idaho
Residing at Filer, ID
Commission Expires: January 26, 2010

LORI WILLIAMSON NOTARY PUBLIC STATE OF IDAHO

EXHIBIT A
G060018

Parcel 1

Township 6 South, Range 13 East, Boise Meridian, Gooding County, Idaho

Section 34: A parcel of land located in the E½E½ being more particularly described as follows:

Commencing at the Northeast Section Corner of said Section 34 from which the E¼ corner of said Section 34 bears South 00°30'38" West 2633.78 feet;
Thence South 00°30'38" West along the East boundary of said Section 34 for a distance of 625.60 feet to the TRUE POINT OF BEGINNING;
Thence South 72°52'09" West for a distance of 1376.00 feet to a point on the West boundary of the NE¼NE¼ of said Section, said point being located North 00°30'27" East 276.00 feet from the Southwest corner of the NE¼NE¼ of said Section (record Southwesterly to a point 276.00 feet North of the Southwest corner NE¼NE¼);
Thence South 00°30'27" West along the West boundary of the E½E½ of said Section 34 for a distance of 2809.12 feet to a point that is located North 00°30'27" East 99.00 feet from the Southwest corner of the NE¼SE¼ of said Section 34 (record South along West line E½NE¼ and NE¼SE¼, 2818.00 feet, more or less, to a point 6 rods or(99 feet) North of the Southwest corner of the NE¼SE¼);
Thence South 89°29'31" East parallel with the South boundary of the NE¼SE¼ for a distance of 1311.14 feet to a point on the East boundary of said Section 34 (record East parallel with the South boundary of the NE¼SE¼ 1320.0 feet to the East line of Section 34);
Thence North 00°30'38" East along the East boundary of said Section 34 for a distance of 3226.07 feet to the TRUE POINT OF BEGINNING (record North along said East line of Section 34 3235.4 feet, more or less, to the Point of Beginning).

EXCEPT

The tracts conveyed to the State of Idaho for Highway purposes as set forth in the following instruments.
1. Deed dated August 9, 1955, recorded August 31, 1955 in Book 46 of Deeds, page 286.
2. Deed dated August 9, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 304.
3. Deed dated August 10, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 306.
4. Second Judgment and Decree of Condemnation dated March 20, 1964, recorded March 20, 1964 as microfilmed Instrument No. 10908, records of Gooding County, Idaho

Parcel 2

Township 6 South, Range 13 East, Boise Meridian, Gooding County, Idaho

Section 35: A parcel of land located in the W½ more particularly described as follows:

Commencing at the Northwest corner of said Section 35 from which the W¼ corner of said Section 35 bears South 00°30'38" West 2633.78 feet;
Thence South 00°30'38" West along the West boundary of said Section 35 for a distance of 625.60 feet to the TRUE POINT OF BEGINNING;
Thence North 76°49'34" East for a distance of 207.30 feet to a point 577.00 feet South of the North boundary of the NW¼ of said Section 35 (record Northeasterly 207.3 feet to a point 577 feet South of the North line of said Section 35);
Thence South 86°18'27" East for a distance of 43.30 feet;
Thence South 23°09'42" West for a distance of 108.19 feet;
Thence South 01°45'02" West for a distance of 726.24 feet;
Thence North 88°51'17" East for a distance of 112.73 feet;
Thence North 57°34'22" East for a distance of 70.98 feet;
Thence North 79°06'12" East for a distance of 980.86 feet to a point on the East boundary of the NW¼NW¼ of said Section 35;
Thence South 00°39'08" West along the East boundary of the NW¼NW¼ of said Section 35 for a distance of 144.49 feet to the Southeast corner of the NW¼NW¼ of said Section;
Thence South 89°38'08" East along the North boundary of the SE¼NW¼ of said Section 35 for a distance of 435.00 feet (record East along the North boundary of the SE¼NW¼ 435.00 feet);
Thence South 02°30'51" West for a distance of 1619.64 feet to a found monument (Malad Gorge State Park record South 02°20'00" West 1610.82 feet);
Thence continuing South 02°30'51" West for a distance of 1023.67 feet (Malad Gorge State Park record Sotuh 02°20'00" West 1610.82 feet);
Thence North 88°34'27" East for a distance of 224.24 feet to a found monument (Malad Gorge State Park record North 89°05'00" East 209.36 feet);
Thence continuing North 88°34'27" East for a distance of 591.85 feet (Malad Gorge State Park record North 88°00'00" East 590.64 feet);
Thence South 40°20'52" East for a distance of 328.37 feet to a found monument (Malad Gorge State Park record South 39°55'00" East 330.00 feet);

Thence South 39°42'01" West for a distance of 878.80 feet to a found monument (Malad Gorge State Park record South 39°45'00" West 880.00 feet);
Thence South 71°16'52" West for a distance of 876.00 feet to a point on the West boundary of the SE¼SW¼ of said Section 35, said point being North 00°39'05" East 124.00 feet from the Southwest corner of the SE¼SW¼ of said Section 35 (record South 70°30'00" West 880.00 feet to a point on the West boundary of the SE¼SW¼ and 124.00 feet North of the Southwest corner of the SE¼SW¼);
Thence North 00°39'05" East along the West boundary of the SE¼SW¼ of said Section 35 for a distance of 1195.29 feet to the Northwest corner of the SE¼SW¼ of said section 35 (record North along the West line of the SE¼SW¼ 1196.00 feet to the Northwest corner of the SE¼SW¼);
Thence North 89°33'08" West along the South boundary of the NW¼SW¼ of said Section 35 for a distance of 1314.30 feet to the Southwest corner of the NW¼SW¼ of said Section 35 (record West along the South boundary of the NW¼SW¼ to the Southwest corner of the NW¼SW¼);
Thence North 00°30'38" East along the West boundary of said Section 35 for a distance of 3325.07 feet to the TRUE POINT OF BEGINNING (record North along the West boundary of said Section 35 3334.4 feet).

Barbara J. Simms, Trustee
BARBARA J. SIMMS TRUSTEE

STATE OF IDAHO

COUNTY OF GOODING

On This 22nd day of February, in the year 2006, before me, a Notary Public in an for said State personally appeared **BARBARA J. SIMMS,** known or identified to me to be the person whose name is subsribed to the within instrument, as such trustee of the Clifford J. Simms Jr. Family Trust and acknowledged to me that he/she/they executed the same as such trustee.

WITNESS my hand and offical seal.

Lori Williamson
Notary Public of Idaho
Residing at Filer, Id.
Commission Expires: January 26,2010



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 37-7116
Date Received: 8/26/1988
Receipt No: S001780
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLIFFORD J SIMMS JR FAMILY TRUST Phone: (208)837-4537
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

SIMMS CREDIT SHELTER TRUST Phone: (208)837-4537
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

2. Date of Priority: 11/15/1971

3. Source: BIRCH CREEK Trib. to: SNAKE RIVER
BIRCH CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
06S	13E	35	SW	NW	SW		GOODING	
06S	13E	35		SE	SW		GOODING	

5. Description of diverting works:

CHECK DAMS & DITCHES TO PONDS, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1	
STOCKWATER	1/01	12/31	0.5	
FISH PROPAGATION	1/01	12/31	6	

7. Total Quantity Appropriated is:
6 C.F.S. and/or 700 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	13E	34	NE	NE		IRRIGATION	15
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	35
						Section Acres	90
06S	13E	35	NW	NW		IRRIGATION	5
			SW	NW		IRRIGATION	35
			NW	SW		IRRIGATION	29
			SE	NW		IRRIGATION	3
			NE	SW		IRRIGATION	7
			SE	SW		IRRIGATION	6
						Section Acres	85
						Total Acres	175

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

ACREAGE CLAIMED IS BASED ON RECENT AERIAL PHOTO. LICENSIGN EXAM HAS NOT YET BEEN CONDUCTED BY IDWR.

15. Basis of Claim: Permit

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

March 28, 2005

CLIFFORD J SIMMS JR FAMILY TRUST
SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TUSTEE
17816 HWY 30
BLISS ID 83314

Re: SRBA Claim(s) 37-797, 37-1175A, 37-7116, 37-12868

Dear Mrs. Simms:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

Form 42-248/42-1409(6) July, 2000

RECEIVED
MAR 18 2005
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~37-11134~~	37-797	—			
	37-1175A	—			
	37-7116	—			
	37-12868	—			
37-11134		—			

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Clifford J. Simms (deceased)
   17816 Hwy 30, Bliss, ID 83314

4. New Owner/Claimant(s): Barbara J. Simms, trustee
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   ~~Clifford J. Simms~~ Clifford J. Simms Family Trust
   New Mailing Address: N/C Simms Credit Shelter Trust
   City, State and ZIP Code: N/C
   New Telephone Number: N/C)

5. Date you acquired the property (TRUSTS): Fam. Trust ~~6/21/94~~ 11/13/91
   Credit Shelter 6/21/94

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Barbara J Simms, trustee
C J Simms Family Trust
Simms Credit Shelter Trust

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by Hurst Date 3/18/05 Fee $25.
Receipted by Hurst Date 3/18/05 Receipt No. 5027475
Processed by _____ AJ Date _____ WR _____ Date _____

COPY

WARRANTY DEED

FOR VALUE RECEIVED Clifford J. Simms, Jr. Family Trust, by Barbara J. Simms, successor Trustee to Clifford J. Simms, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Simms Credit Shelter Trust, Barbara J. Simms, Trustee, 17816 Highway 30, Bliss, ID 83314, hereinafter called the Grantee, an undivided one-half interest in the following described premises, in Gooding County, Idaho, to-wit:

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

PARCEL 1

Section 34: A parcel of land, described as follows:

Beginning at the Northeast corner of Section 34;
Thence South along the East line of Section 34, 625.6 feet to THE TRUE POINT OF BEGINNING;
Thence Southwesterly to a point 276 feet North of the Southwest corner NE1/4NE1/4;
Thence South along West line E1/2NE1/4 and NE1/4SE1/4, 2818 feet, more or less, to a point 6 rods or (99 feet) North of the Southwest corner of the NE1/4SE1/4;
Thence East parallel to South line of NE1/4SE1/4, 1320 feet to the East line of Section 34;
Thence North along said East line of Section 34, 3235.4 feet, more or less, to THE POINT OF BEGINNING;

EXCEPTING THEREFROM the tracts conveyed to the State of Idaho for Highway purposes as set forth in the following instruments:
(a) Deed dated August 9, 1955, recorded August 31, 1955 in Book 46 Deeds, Page 286
(b) Deed dated August 9, 1955, recorded October 5, 1955 in Book 46 Deeds, Page 304
(c) Deed dated August 10, 1955, recorded October 5, 1955 in Book 46 Deeds, Page 306
(d) Second Judgment and Decree of Condemnation dated March 20, 1964, recorded March 20, 1964, as microfilmed Instrument No. 10908, records of Gooding County, Idaho

BJS to Credit Shelt trust

PARCEL II

Section 35: A parcel of land, described as follows:

Beginning at the Northwest corner of Section 35;
Thence South along the West line of Section 35, 625.6 feet to THE TRUE POINT OF BEGINNING;
Thence Northeasterly 207.3 feet to a point 577 feet South of the North line of said Section;
Thence Southeasterly 571.9 feet to a point 610 feet South of the North line of said Section;
Thence Southeasterly to a point in the East line of the NW1/4NW1/4 and 685 feet South of the Northeast corner of said NW1/4NW1/4 of said Section;
Thence South along said East line of the NW1/4NW1/4

635 feet to the Southeast corner of NW1/4NW1/4;
Thence East along the North line of the SE1/4NW1/4, 435 feet;
Thence South 1°15' West, 2670 feet;
Thence North 88°0' East, 800 feet;
Thence South 41°0' East, 330 feet;
Thence South 38°40' West, 880 feet;
Thence South 70°30' West, 880 feet to a point on the West line of SE1/4SW1/4 and 124 feet North of the Southwest corner of SE1/4SW1/4;
Thence North along West line of the SE1/4SW1/4, 1196 feet to the Northwest corner of said SE1/4SW1/4;
Thence West along the South line of the NW1/4SW1/4 to the Southwest corner of said NW1/4SW1/4;
Thence North along West line of Section 35, 3334.4 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tract of land located in the W1/2NW1/4, described as follows:

Beginning at the Northwest corner of said Section 35;
Thence South 625.6 feet along the West line of said Section 35;
Thence North 76°32' East, 207.3 feet;
Thence South 86°42' East, 43.43 feet to THE TRUE POINT OF BEGINNING;

Thence South 8°13' East, 792.43 feet;
Thence North 78°41' East, 980.86 feet to the East line of the NW1/4NW1/4 of said Section 35;
Thence North 486.41 feet along said East line;
Thence North 82°12' West, 552.56 feet;
Thence North 86°42' West, 528.47 feet to THE TRUE POINT OF BEGINNING;
A strip of land 50 feet in width in the NW1/4NW1/4 of Section 35, the centerline which is described as follows for road easements:
Beginning at the Northwest corner of said Section 35:
Thence South 625.6 feet along the section line common to said Sections 34 and 35;
Thence North 76°32' East, 207.3 feet to THE TRUE POINT OF BEGINNING;
Thence South 86°42' West, 43.43 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated this 21 day of June, 1994.

CLIFFORD J. SIMMS, JR. FAMILY TRUST

By: Barbara J. Simms
Barbara J. Simms, Trustee

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 21st day of June, 1994, before me, the undersigned, a notary public in and for said county and state, personally appeared Barbara J. Simms, known to me to be the person whose name is subscribed to the foregoing instrument as trustee for the Clifford J. Simms, Jr. Family Trust, and acknowledged to me that she executed the same as trustee of said Trust.

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

Karen Nesbit
NOTARY PUBLIC FOR IDAHO
Residing at: Bull. Idaho
My Commission Expires: May 1, 1998

WLN/31036wd.524

157582
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Hepworth, etal
58 min. past 9 o'clock A m. this 23
of June 1994 12.00
[illegible] Recorder
By Alberta Sois Deputy

WARRANTY DEED

For Value Received CLIFFORD J. SIMMS, JR. and BARBARA J. SIMMS, husband and wife, hereinafter called the "Grantors," hereby grant, bargain, sell and convey unto CLIFFORD J. SIMMS, JR. FAMILY TRUST, whose address is 17816 U.S. Highway 30, Bliss, Idaho 83314, hereinafter called the "Grantee," certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Parcel I:

Section 34: A parcel of land described as follows:

BEGINNING at the Northeast corner of Section 34;
Thence South along the East line of Section 34, 625.6 feet to the TRUE POINT OF BEGINNING;
Thence Southwesterly to a point 276 feet North of the Southwest corner of NE1/4NE1/4;
Thence South along the West line of E1/2NE1/4 and NE1/4SE1/4, 2818 feet, more or less, to a point 6 rods or (99 feet) North of the Southwest corner of the NE1/4SE1/4;
Thence East parallel to the South line of NE1/4SE1/4, 1320 feet to the East line of Section 34;
Thence North along said East line of Section 34, 3235.4 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM the tracts conveyed to the State of Idaho for Highway purposes as set forth in the following instruments:
(a) Deed dated August 9, 1955, recorded August 31, 1955 in Book 46 of Deeds, page 286
(b) Deed dated August 9, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 304
(c) Deed dated August 10, 1955, recorded October 5, 1955 in Book 46 of Deeds, page 306
(d) Second Judgment and Decree of Condemnation dated March 20, 1964, recorded March 20, 1964, as microfilmed instrument No. 10908, records of Gooding County, Idaho.

Fam.
cjs, Jr. to Trusts

Parcel II:

Section 35: A parcel of land described as follows:

BEGINNING at the Northwest corner of Section 35;
Thence South along the West line of Section 35, 625.6 feet to the TRUE POINT OF BEGINNING;
Thence Northeasterly 207.3 feet to a point 577 feet South of the North line of said Section;
Thence Southeasterly 571.9 feet to a point 610 feet South of the North line of said Section;
Thence Southeasterly to a point in the East line of the NW1/4NW1/4 and 685 feet South of the Northeast corner of said NW1/4NW1/4 of said Section;
Thence South along said East line of the NW1/4NW1/4, 635 feet to the Southeast corner of NW1/4NW1/4;
Thence East along the North line of the SE1/4NW1/4, 435 feet;
Thence South 1° 15' West 2670 feet;
Thence North 88° 0' East 800 feet;
Thence South 41° 0' East 330 feet;
Thence South 38° 40' West 880 feet;
Thence South 70° 30' West 880 feet to a point on the West line of SE1/4SW1/4 and 124 feet North of the Southwest corner of SE1/4SW1/4;
Thence North along West line of the SE1/4SW1/4, 1196 feet to the Northwest corner of said SE1/4SW1/4;
Thence West along the South line of the NW1/4SW1/4 to the Southwest corner of said NW1/4SW1/4;
Thence North along West line of Section 35, 3334.4 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tract of land located in the W1/2NW1/4, described as follows:

BEGINNING at the Northwest corner of said Section 35;
Thence South 625.6 feet along the West line of said Section 35;
Thence North 76° 32' East 207.3 feet;
Thence South 86° 42' East 43.43 feet to the TRUE POINT OF BEGINNING;
Thence South 8° 13' East 792.43 feet;

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 13 day of November, 1991, before me, a notary public in and for said county and state, personally appeared CLIFFORD J. SIMMS, JR. and BARBARA J. SIMMS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at: Jerome
My Commission Expires: March 15, 1994

(DWLN\SIMMSWD.N14)

146804
STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of Hepworth, Nungester & Lezamiz
34 min. past 10 o'clock A M. this 18
Nov 1991 fee 12.00
JOHN A. MYERS Recorder
By Cathy Soles Deputy

Thence North 78°41' East 980.86 feet to the East line of the NW1/4NW1/4 of said Section 35;
Thence North 486.41 feet along said East line;
Thence North 82°12' West 552.56 feet;
Thence North 86°42' West 528.47 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a strip of land 50 feet in width in the NW1/4NW1/4 of Section 35, the centerline which is described as follows for road easements:

BEGINNING at the Northwest corner of said Section 35;
Thence South 625.6 feet along the section line common to said Sections 34 and 35;
Thence North 76°32'East 207.3 feet to the TRUE POINT OF BEGINNING;
Thence South 86°42' West 43.43 feet.

To have and to hold the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. The Grantors hereby covenant to and with the Grantee, that the Grantors are the owners in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this 13 day of November, 1991.

Clifford J. Simms Jr.
CLIFFORD J. SIMMS, JR.

Barbara J. Simms
BARBARA J. SIMMS

10/24/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7116

NAME AND ADDRESS: SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.000 CFS
4,340.000 AFY

Rights 37-797, 37-799 and 37-7116 when combined shall not exceed a total diversion rate of 6.00 cfs.

PRIORITY DATE: 01/12/1984

POINT OF DIVERSION:

T06S R13E S35 SWNWSW Within GOODING County

T06S R13E S35 SWSESW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	6.000 CFS 4,340.00 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T06S R13E S34	NESE	T06S R13E S35	NWSW
T06S R13E S35	SESW		

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 - License

The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

The agreement dated March 30, 1972, among Vernon J. Huff, E. Bud Jensen and Paul Fleming, is a part of this right for purposes of delivering water between the parties or their successors in interest.

Rights 37-797 and 37-799 are also diverted through the point of diversion in the SW¼NW¼SW¼ Sec. 35, T6S, R13E, B.M., described above.

Use of water under this right shall be non-consumptive.

For each authorized point of diversion, the right holder shall maintain a means of measurement and lockable controlling works acceptable to the Department.

This right authorizes the simultaneous diversion and use of up to 6.00 cfs of water from Birch Creek at each of the two authorized points of diversion.

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 37-07116

Priority: January 12, 1984

Maximum Diversion Rate: 6.00 CFS
Maximum Diversion Volume: 4,340.0 AF

It is hereby certified that SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 15, 1971; and has submitted Proof of Beneficial Use on January 12, 1984. An examination indicates that the works have a diversion capacity of 7.5 cfs of water from:

SOURCE
BIRCH CREEK **Tributary:** SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
FISH PROPAGATION	01/01 to 12/31	6.00 CFS	4,340.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIRCH CREEK	SW¼NW¼SW¼ Sec. 35, Twp 06S, Rge 13E, B.M.	GOODING County
BIRCH CREEK	SW¼SE¼SW¼ Sec. 35, Twp 06S, Rge 13E, B.M.	GOODING County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 13E 34													X				
06S 13E 35										X		X					

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right authorizes the simultaneous diversion and use of up to 6.00 cfs of water from Birch Creek at each of the two authorized points of diversion.
3. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
4. Rights 37-797 and 37-799 are also diverted through the point of diversion in the SW¼NW¼SW¼ Sec. 35, T6S, R13E, B.M., described above.
5. Rights 37-797, 37-799 and 37-7116 when combined shall not exceed a total diversion rate of 6.00 cfs.

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 37-07116

CONDITIONS OF APPROVAL CONTINUED

6. For each authorized point of diversion, the right holder shall maintain a means of measurement and lockable controlling works acceptable to the Department.

7. The agreement dated March 30, 1972, among Vernon J. Huff, E. Bud Jensen and Paul Fleming, is a part of this right for purposes of delivering water between the parties or their successors in interest, as long as their rights to divert and use water from Birch Creek are confirmed in the Snake River Basin Adjudication.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of August, 2005.

David R. Tuthill, Jr.
for KARL J. DREHER
Director

02/03/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7116

NAME AND ADDRESS: CLIFFORD J SIMMS
17816 HWY 30
BLISS ID 83314

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 01/12/1984

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

POINT OF DIVERSION:

T06S R13E S35 SWSW Within GOODING County

T06S R13E S35 SESW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	6.000 CFS
STOCKWATER	01/01 12/31	0.500 CFS
IRRIGATION	03/15 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S34	NENE	20.0	T06S R13E S34	SENE	40.0
T06S R13E S34	NESE	40.0	T06S R13E S35	NWNW	20.0
T06S R13E S35	SWNW	25.0	T06S R13E S35	NWSW	25.0

FISH PROPAGATION same as IRRIGATION
STOCKWATER same as IRRIGATION

170 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Permit

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-7116

WATER RIGHT NUMBER: 37-7116

Owner Type	Name and Address
Current Owner	CLIFFORD J SIMMS 17816 HWY 30 BLISS, ID 83314
Original Owner	VERNON J HUFF , ZZ

Priority Date: 01/12/1984

Basis:

Status: Active

Source	Tributary
BIRCH CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	1/01 to 12/31	0.500 CFS	
FISH PROPAGATION	1/01 to 12/31	6.000 CFS	
IRRIGATION	3/15 to 11/15	1.000 CFS	
	Total Diversion:	6.000 CFS	

Location of Point(s) of Diversion

BIRCH CREEK SW1/4SW1/4 Sec. 35, Twp 06S, Rge 13E, B.M.
GOODING County

BIRCH CREEK SE1/4SW1/4 Sec. 35, Twp 06S, Rge 13E, B.M.
GOODING County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	34	20.0			40.0									40.0				100.0
06S	13E	35						20.0	25.0			25.0							70.0

Total Acres: 170

STOCKWATER same as IRRIGATION
FISH PROPAGATION same as IRRIGATION

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-7116

1. General REINSTATED 10/21/85.

Comments:

Dates and Other Information:

Permit Proof Due Date:
Permit Proof Made Date: 1/12/1984
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status

Verification Log:

Element	Date Time Stamp	Reviewer	Log text

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: **A37-07116**
Date Received: 8/26/1988
Receipt No: 5001780
Received By: JR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD J. SIMMS 208-837-4537
   Address: 17816 HWY. 30
   BLISS, ID 83314

2. Date of Priority: NOV 15, 1971

3. Source: BIRCH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	35	SW	NW	SW		GOODING
				SE	SW		GOODING

5. Description of diverting works:
   CHECK DAMS & DITCHES TO PONDS, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
STOCKWATER	01/01	12/31	0.500		
FISH PROPAGATION	01/01	12/31	6.000		

7. Total Quantity Appropriated is:
   6.000 C.F.S. (and/or) 700.00 A.F.A.

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   COMMERCIAL TROUT PRODUCTION, STOCK/UP TO 300 RANGE

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	13E	34	NE	NE		IRR	15.0
			SE	NE		IRR	40.0
			NE	SE		IRR	35.0
					Section Acres		90.0
		35	NW	NW		IRR	5.0
			SW	NW		IRR	35.0
			SE	NW		IRR	3.0
			NE	SW		IRR	7.0
			NW	SW		IRR	29.0
			SE	SW		IRR	6.0
					Section Acres		85.0
					Total Acres		175.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
    37-0797

14. Remarks:
    ACREAGE CLAIMED IS BASED ON RECENT AERIAL PHOT0. LICENSIGN EXAM HAS NOT YET BEEN CONDUCTED BY IDWR.

15. Basis of Claim: PERMIT

MICROFILMED FEB 24 1993

16. Signature(s)

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

Number of attachments: _____

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): Clifford Simms Date: 8-26-88

_____ Date: _____

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 26th day of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

MICROFILMED
FEB 24 1993


T64
C 8
(650 C)
A
37.8
B
2.7
C
3.8
D
12.5
E
3.8
G
18.1
PONDS
T643
C 9
(650 C)
D
3.1
E
3.4
F
4.2
J
4.0
I
1.4
L
2.5
Q
3.2
N
1.4
A
2.1
B
2.2
C 19
(575 C)
T645
A
10.4
B
15.5
A
13.7
34
35
T685
C 261
(545 C)
FEB 24 1993

RECEIVED
APR 07 1993
Department of Water Resources
Southern Region Office

April 6, 1993
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number A37-00797 & A37-07116 A37-01175A & A37-12868.

Please advise me of any documents in my file which you are not releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

Barbara J Simms
(Name)

17816 U. S. Highway #30
(Address)

Bliss, Idaho 83314
(City, State, Zip Code)

cc: David B. Shaw, Adjudication Bureau Chief
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

MICROFILMED
OCT 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Apr-1993

BARBARA J SIMMS
17816 U S HWY #30
BLISS ID 83314

RE: Copy of SRBA File(s): 37-00797, 37-01175A, 37-07116, 37-12868

Dear Ms. Simms:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

$2.55

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

Simms
4
8
4
8
24 x 5 = 120
post 121
env. .14
2.55

MICROFILMED
OCT 24 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

37-07116

Receipt No: S015638

RECEIVED

APR 16 1993

Department of Water Resources
Southern Region Office

Date: 4/16/1993
Time: 10:19:49

Received From: SIMMS BARBARA J.

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CLAIM 64100	229 21 1760	0.28
	Total	

CASH $0.28

Region: SOUTHERN Signature: L. Foster

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OCT 24 1994

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

RECEIVED
APR 16 1993
Department of Water Resources
Southern Region Office

12-Apr-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00103D

Dear Mr. Jensen:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

$5.73

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

cc: K GARY OLESON
73-371 PINYON
PALM DESERT CA

GARY OLESEN 11-82
73-371 PINYON STREET
PALM DESERT, CA 92260

3575

1/15/93 19

90-7035/32

PAY TO THE ORDER OF DEPARTMENT OF WATER RESOURCES $ 5.00

Eight and 00/100 DOLLARS

DOWNEY SAVINGS
AND LOAN ASSOCIATION
LA QUINTA OFFICE
78435 HIGHWAY 111
LA QUINTA, CALIFORNIA 92253

MEMO #2 SILVER M.C.

Gary Olesen

⑈322270356⑆3664 00524⑈ 3575

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OCT 24 1994

ate of Idaho
EPARTMENT OF WA ER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Apr-1993



BARBARA J SIMMS
17816 U S HWY #30
BLISS ID 83314

RE: Copy of SRBA File(s): 37-00797, 37-01175A, 37-07116, 37-12868

Dear Ms. Simms:

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Records Clerk

Encl:

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Department of Water Resources
Southern Region Office

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OCT 2 4 1994