

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 **37-692B**
Date Received: 10/21/1988
Receipt No: C003013
Received By:

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

1. Name of Claimant(s)

J R SIMPLOT CO

Phone:

999 MAIN ST STE 1300
PO BOX 27
BOISE ID USA 83707

2. Date of Priority: 05/01/1889

3. Source: SILVER CREEK

Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	21E	18	SE SE	BLAINE	

5. Description of diverting works:

SMITH #36 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	09/30	1.52	

7. Total Quantity Appropriated is:
1.52 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
02S	21E	20	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	31
					Section Acres	71
					Total Acres	71

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 132 & 2727.
DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.
RT. IS FOR 1.42 CFS (1.52 CFS - 0.1 CFS TRANSMISSION LOSS).

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: Decreed

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: A37-00692B

Date Received: 9/16/1988

Receipt No: COP 3013

Received By: JF 10-2-88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

J. R. SIMPLOT COMPANY, successor in interest to

1. Name: SIMPLOT INDUSTRIES, INC.

Address:

P. O. BOX 27
BOISE, ID

83707-0000

2. Date of Priority: MAY 01, 1889

3. Source: SILVER CREEK

Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	21E	18	SE	SE			BLAINE

5. Description of diverting works:
SMITH #36 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4-1	9-30	1.520		

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

A.F.A.

8. Total consumptive use is 190 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	20	NW	NW		IRR	40.0
			SW	NW		IRR	31.0
						Section Acres	71.0

A37-00692B

Page 1

Date: 09/16/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Total Acres 71.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 132 & 2727.

DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.

RT. IS FOR 1.42 CFS (1.52 CFS - 0.1 CFS TRANSMISSION LOSS).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree 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 _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 (Map)

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): J. R. SIMPLOT COMPANY Date: _____

By *Russell W. Thomas* Secretary Date: 10-19-88

State of Idaho)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 19th day

of October 19 88

Vicki A. Lowe
Notary Public

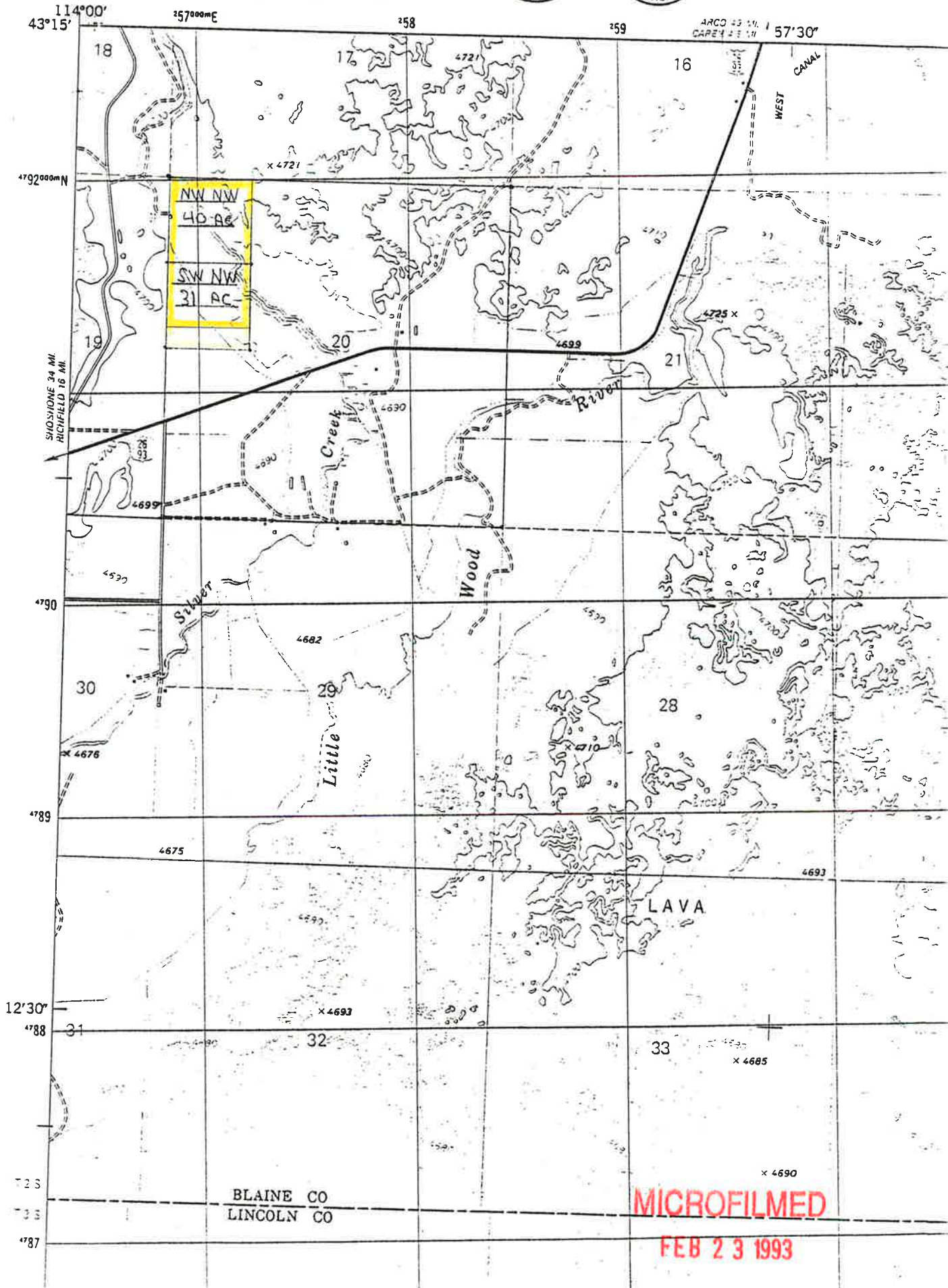
Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91

3170.1 SE
(PICADO)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



1/23/1988

WA CLAIMS RECEIVING CHECKLIST

C003013

CLAIMANT'S NAME

CLAIM IDENT. NO.

A37-00692A

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
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.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☒ YES ☐ NO *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO *

Claim checked by:

Date:

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Date:

Comments:

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FEB 23 1988

INPUT: AJ_SELECTION:FRAZEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

STATE: ID ZIP: 837070027

FIRST NAME:

ADDRESS LINE 2:999 MAIN ST STE 1300

PHONE NUMBER: (208) 389-7318

A36-04180	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04181	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04182	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-04256	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07333	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07636	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-08154	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-13319	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-13320	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00141	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00142	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00143	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00465	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00692A	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00692B	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-11907	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-11908	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00099C	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00100C	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00101C	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00102C	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00103C	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00104B	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00105	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00106	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00107	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00256	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00257	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00258	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00275	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00276	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00277	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00317	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00318	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-00481	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02010	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02045	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02115A	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02115B	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02313A	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02329	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02378	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02382	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02471	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02472	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02473	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02475	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02483	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02484	ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

MICROFILMED
OCT 24 1994

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

RECEIVED

APR 06 1993

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

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

Plaintiffs,

vs.

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

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.*

*4-1-93
-Af*

MICROFILMED
OCT 24 1994

Defendants.)

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

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By

GRAY YOUNG

Assistant General Counsel

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

MICROFILMED

OCT 24 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Manni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

MICROFILMED

OCT 24 1994

04/12/2005

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

RIGHT NUMBER: 37-692B

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.520 CFS

Use of this right with Right No. 37-465 is limited to a total combined diversion rate of 2.83 cfs.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T02S R21E S18 SESESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.520 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T02S R21E S19	NESE	22.0	T02S R21E S20	NWNW	19.0
T02S R21E S20	SWNW	38.0	T02S R21E S20	SENW	29.0
T02S R21E S20	NESW	7.5	T02S R21E S20	NWSW	26.0

141.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-465 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

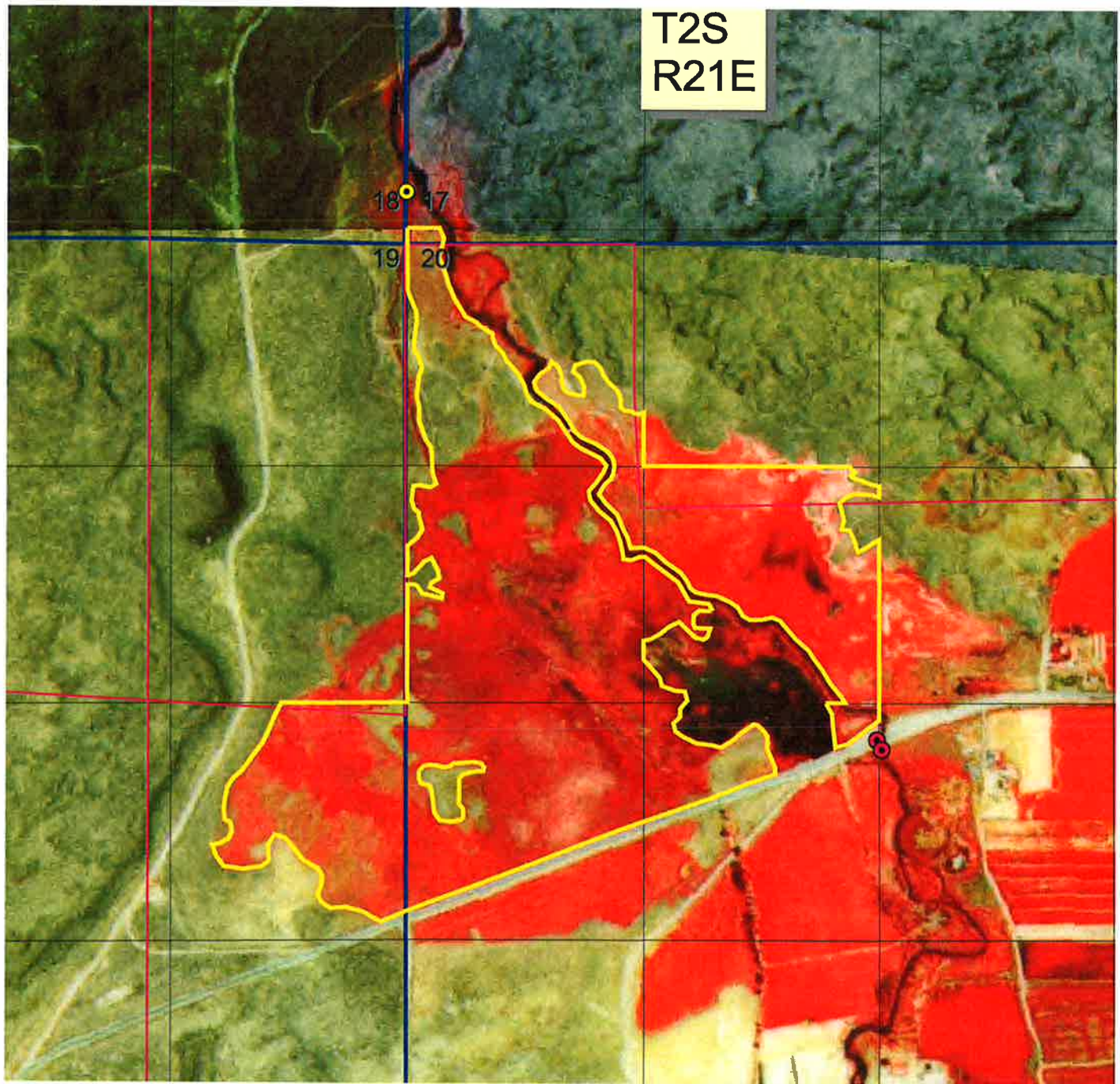
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

IDAHO DEPT OF WATER RESOURCES

37-465 & 37-692B



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 19, 20



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 12, 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-692B

WATER RIGHT NUMBER: **37-692B**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMPLOT INDUSTRIES INC PO BOX 27 BOISE, ID 83707
Original Owner	JAMES A WHEELER BOX 747 CASTLEFORD, ID 83321 (208)537-6628

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.520 CFS	
	<u>Total Diversion:</u>	1.520 CFS	

Location of Point(s) of Diversion

SILVER CREEK	SE1/4SE1/4	Sec. 18, Twp 02S, Rge 21E, B.M.
BLAINE 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	
02S	21E	20						40.0	31.0										71.0

Total Acres: 71

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-692B

1. General TRANS. 132 & 2727.
DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.
RT. IS FOR 1.42 CFS (1.52 CFS - 0.1 CFS TRANSMISSION LOSS).

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False