

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: **A37-00692A**
Date Received: 10/21/1988
Receipt No: C003011
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: J R SIMPLOT COMPANY
Address: PO BOX 27
BOISE ID

208-336-2110

83707

2. Date of Priority: MAY 1, 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	20E	1	SW	NE			BLAINE

5. Description of diverting works:
NEIDER #23P PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	09/30	0.880		

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

A.F.A.

8. Total consumptive use is 251.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	20E	1	SW	NE		IRR	30.0
			SE	NE		IRR	39.0
			NE	NW	3	IRR	10.0
			SE	NW		IRR	15.0

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NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	94.0
					Total Acres	94.0

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:
A37-00141, 00142, 00143

14. Remarks:

TRANS. 132 & 2727. CONSUMPTIVE USE FOR COMBINED WATER RIGHTS.
DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.

6/12/95, DJ: COMPUTER DATA WAS MODIFIED TO REFLECT ACTUAL CLAIM
DATA. CLAIM INITIALLY TAKEN 9/16/88, MODIFIED CLAIM SIGNED 10/19
/88, RECEIVED & RECEIPTED 10/21/88 BUT DATA ENTRY NOT COMPLETE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

MICROFILMED
NOV 22 1996

C003011

10/21/1988

J. R. SIMPLOT CO.

ADJUDICATION FEE	410162	9337	6490	144.00
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CHECK	43677		\$	144.00
-------	-------	--	----	--------

A37-00692A	-	Water Right Numbers	-	-
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Region: STATE

Signature: _____

Printed 6/12/95
by [Signature]

MICROFILMED
NOV 22 1996

CLAIMS 37-141, 37-142, 37-143, 37-692A, AND 37-939

CLAIMS AMENDED IN BOISE ON 5-8-2001:

BY VIC CONRAD ASSISTED BY CARTER FRITSCHLE

Kelly K Christensen

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: A37-00692A

Date Received: 9/16/1988

Receipt No: COP 3011

Received By: [Signature] 10-21-88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT CO.
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	20E	1	~~SW~~ NE		BLAINE

5. Description of diverting works:
~~HUNTER #30 HEADGATE~~ Neider #23P Pump

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4-1	9-30	0.880		

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

8. Total consumptive use is 251.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	20E	1	~~NW~~ SE NE		IRR	~~28.0~~ 39
			SW NE		IRR	~~26.0~~ 30
			NE NW	3		10
			SE NW		Section Acres	~~54.0~~ 15
						94

A37-00692A

Page 1

Date: 09/16/88

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Total Acres 94.0

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: A37-00141
A37-00142
A37-00143

14. Remarks:

TRANS. 132 & 2727.

DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.

Total consumptive use for combined water rights. Filing fee includes fee for
94 acres.

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 Organizations:

I do solemnly swear or affirm that I am Secretary of _____ Title

J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as Secretary of

J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.

James L. Shaw
Signature of Authorized Agent

J. R. SIMPLOT COMPANY - Secretary
Title and Organization

10-19-88

Date

State of Idaho)
County of Ada) SS.

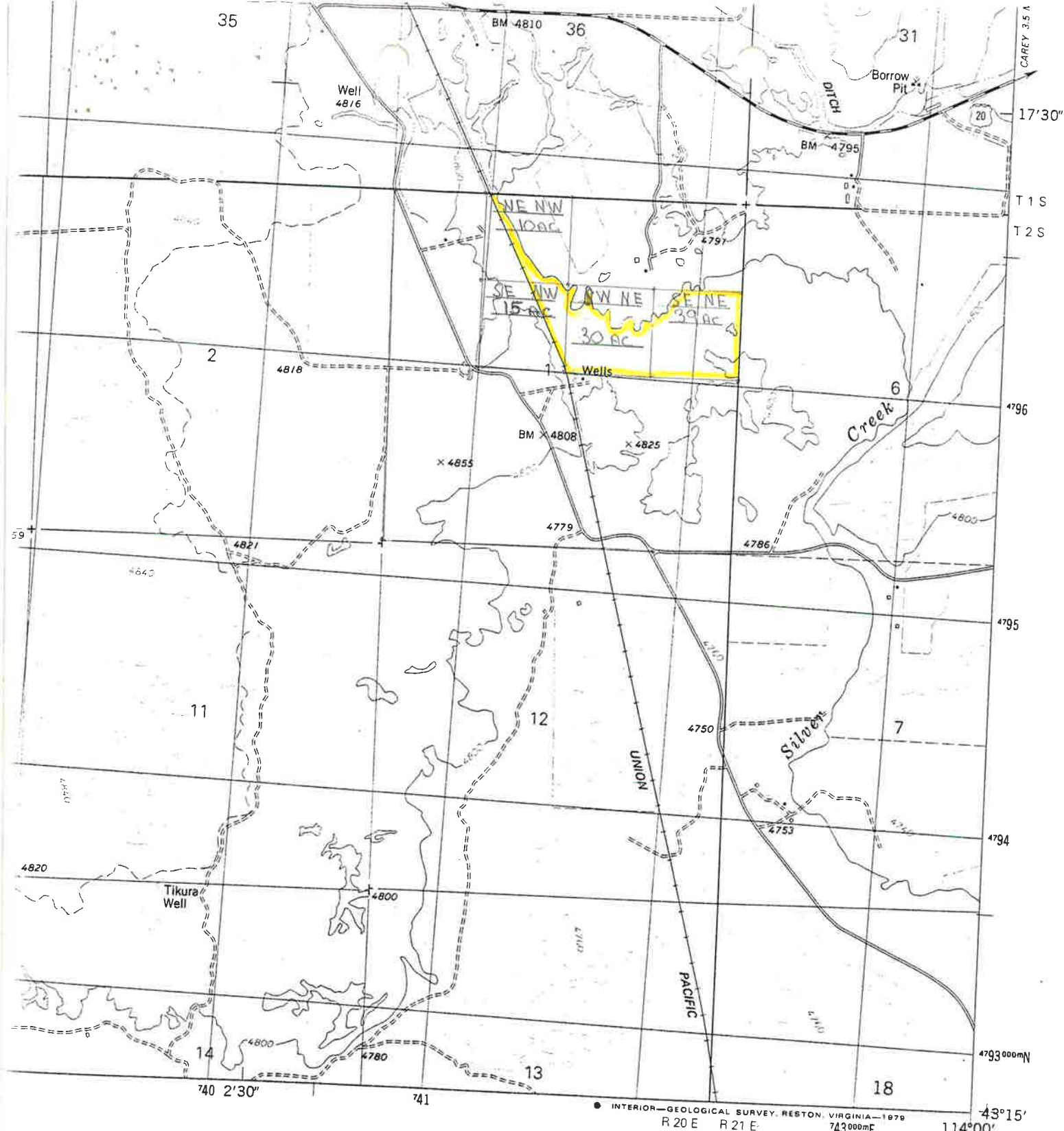
Subscribed and sworn (or affirmed) before me this 19th day
of October 19 88

Vicki A. Lawer
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91



ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route



QUADRANGLE LOCATION

PICABO, IDAHO

N43°15' W114°00' 1979

FEB 23 1993

DMA 3170 I SE SERIES V893

URS
929
STANDARDS
OR RESTON, VIRGINIA 22092
AVAILABLE ON REQUEST

1/23/1988

3A CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

JR Simplot Co

CLAIM IDENT. NO.

C003011
437-006924

DATE RECEIVED

4/14/88

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 *
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 *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
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 *
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 *
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 *
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 *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO *

Claim checked by:

Bruce A. Schindler

Date:

4/15/89

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:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

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FEB 23 1993

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

FIRST NAME:

ADDRESS LINE 2:999 MAIN ST STE 1300

STATE: ID ZIP: 837070027

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
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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,)

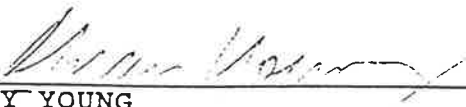
Counterdefendants.)

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

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

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

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

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


VICKI SPANGLER

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 25 AM 10 42

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

) Subcase No: 37-141, 37-142, 37-143,
) 37-692A, 37-939
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

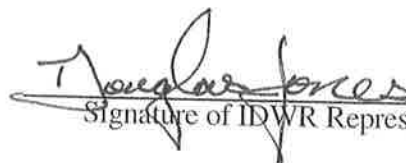
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

- | | |
|--|--|
| ☐ Change in Ownership | ☐ Split of Water Right |
| ☐ Point of Diversion | ☒ Place of Use |
| ☐ Period of Use | ☐ Nature of Use |

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: 6/25/09


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-25, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required 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 W Fort St MSC 033
Boise ID 83724

J R Simplot Co
c/o Terry Uhling
PO Box 27
Boise ID 83707



Signature of person or attorney mailing the form

06/16/2009

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

RIGHT NUMBER: 37-141

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

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.200 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 11/01/1885

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE 27.00	T02S R20E S01 SENE	40.00
	T02S R20E S01 Lot 3 NENW 1.70	T02S R20E S01 SENW	5.80
	T02S R20E S01 NESE 40.00	T02S R20E S01 NWSE	34.00
	T02S R20E S01 SWSE 34.00	T02S R20E S01 SESE	40.00

222.5 ACRES TOTAL

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

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.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-142

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

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 -CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 09/01/1887

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
PLACE OF USE:	IRRIGATION	04/15 10/31	0.400 CFS
	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE 27.00	T02S R20E S01 SENE	40.00
	T02S R20E S01 Lot 3 NENW 1.70	T02S R20E S01 SENW	5.80
	T02S R20E S01 NESE 40.00	T02S R20E S01 NWSE	34.00
	T02S R20E S01 SWSE 34.00	T02S R20E S01 SESE	40.00
	222.5 ACRES TOTAL		

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-143

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

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.400 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 04/01/1888

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02S R20E S01 SWNE 27.00	T02S R20E S01 SENE	40.00
	T02S R20E S01 Lot 3 NENW 1.70	T02S R20E S01 SENW	5.80
	T02S R20E S01 NESE 40.00	T02S R20E S01 NWSE	34.00
	T02S R20E S01 SWSE 34.00	T02S R20E S01 SESE	40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.

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

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

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.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

06/16/2009

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

RIGHT NUMBER: 37-692A

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

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.880 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 05/01/1889

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE		PERIOD OF USE		QUANTITY
IRRIGATION		04/15	10/31	0.880 CFS
PLACE OF USE: <u>IRRIGATION in BLAINE County</u>				
T02S R20E S01	SWNE	27.00	T02S R20E S01	SENE 40.00
T02S R20E S01 Lot 3	NENW	1.70	T02S R20E S01	SENE 5.80
T02S R20E S01	NESE	40.00	T02S R20E S01	NWSE 34.00
T02S R20E S01	SWSE	34.00	T02S R20E S01	SESE 40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

06/16/2009

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

RIGHT NUMBER: 37-939

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

SOURCE: SILVER CREEK
TRIBUTARY: LITTLE WOOD RIVER
Water from this right resulted from saved water in Silver Creek.

QUANTITY: 1.000 CFS
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 08/01/1920
Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in Silver Creek, as established by and subject to the provisions included within Leazenby vs. Chapman Blaine County, Fourth Judicial District Court, 1/2/1921.

POINT OF
DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.000 CFS
<u>IRRIGATION in BLAINE County</u>		
T02S R20E S01 SWNE 27.00	T02S R20E S01 SENE	40.00
T02S R20E S01 Lot 3 NENW 1.70	T02S R20E S01 SENW	5.80
T02S R20E S01 NESE 40.00	T02S R20E S01 NWSE	34.00
T02S R20E S01 SWSE 34.00	T02S R20E S01 SESE	40.00

222.5 ACRES TOTAL

Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.

This right is limited to the irrigation of 64 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.

Approval of this transfer does not preclude the opportunity for further review of the validity of this water right in the ongoing Snake River Basin Adjudication.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 25, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JR SIMPLOT CO
C/O TERRY UHLING
PO BOX 27
BOISE ID 83707

RE: SRBA Claim(s) 37-141, 37-142, 37-143, 37-692A, 37-939

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

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75403

This is to certify that: J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707
 (208)336-2110

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-141	AJC/Decreed	11/01/1885	0.2 cfs	N/A	N/A	64.0	SILVER CREEK
37-142	AJC/Decreed	09/01/1887	0.4 cfs	N/A	N/A	64.0	SILVER CREEK
37-143	AJC/Decreed	04/01/1888	0.4 cfs	N/A	N/A	64.0	SILVER CREEK
37-692A	AJC/Decreed	05/01/1889	0.88 cfs	N/A	N/A	64.0	SILVER CREEK
37-939	AJC/Decreed	08/01/1920	1 cfs	N/A	N/A	64.0	SILVER CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-141	NO	NO	YES	NO	NO	NO
37-142	NO	NO	YES	NO	NO	NO
37-143	NO	NO	YES	NO	NO	NO
37-692A	NO	NO	YES	NO	NO	NO
37-939	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-141	37-141	0.2 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-142	37-142	0.4 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-143	37-143	0.4 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A
37-692A	37-692A	0.88 cfs	N/A	54.0	222.5	N/A	N/A	N/A	N/A	N/A
37-939	37-939	1 cfs	N/A	64.0	222.5	N/A	N/A	N/A	N/A	N/A

COMBINED

TOTALS **2.88 cfs** **N/A** **64.0** **222.5** **N/A** **N/A** **N/A** **N/A** **N/A**

SUPPORT DATA

IN FILE # 37-141

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75403

Detailed Water Right Description(s) attached

Dated this 11th day of June, 20 09


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-141
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-141 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: November 01, 1885

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.20 CFS
			0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E 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	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-141
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2009


For _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 37-142
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-142 is now described as follows.

Right Holder: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

Priority Date: September 01, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E 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	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-142
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-143
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-143 is now described as follows.

Right Holder: J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707

Priority Date: April 01, 1888

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.40 CFS
			0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E 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	20E	1			27.0	40.0	1.7				5.8					40.0	34.0	34.0	40.0	222.5
							L 3													

Total Acres: 222.5

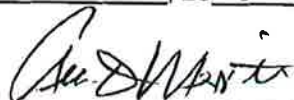
WATER RIGHT NO. 37-143
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2009



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 37-692A
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-692A is now described as follows.

Right Holder: J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707

Priority Date: May 01, 1889

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.88 CFS
			0.88 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-692A
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2009


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-939
As Modified by Transfer No. 75403

In accordance with the approval of Transfer No. 75403, Water Right No. 37-939 is now described as follows.

Right Holder: J R SIMPLOT CO
 C/O TERRY UHLING
 999 MAIN ST STE 1300
 PO BOX 27
 BOISE ID 83707

Priority Date: August 01, 1920

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E 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	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

WATER RIGHT NO. 37-939
As Modified by Transfer No. 75403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64 acres within the place of use described above in a single irrigation season.
2. Rights 37-141, 37-142, 37-143, 37-692A and 37-939 when combined shall not exceed the irrigation of 64 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water from this right resulted from saved water in Silver Creek.
6. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in Silver Creek, as established by and subject to the provisions included within *Leazenby vs. Chapman Blaine County*, Fourth Judicial District Court, 1/2/1921.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for further review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11th day of June, 2009



FOR Chief, Water Allocation Bureau

01/08/2007

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

RIGHT NUMBER: 37-692A
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: 0.880 CFS
PRIORITY DATE: 05/01/1889
POINT OF DIVERSION:

T02S R20E S1 NWSWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.880 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02S R20E S01	SWNE	26.00	T02S R20E S01	SENE	17.00
T02S R20E S01 Lot 3	NENW	2.30	T02S R20E S01	SENW	6.70
T02S R20E S01	NESE	2.70	T02S R20E S01	NWSE	9.30

64 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

This right is limited to the irrigation of 54 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 - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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

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.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-692A

WATER RIGHT NUMBER: 37-692A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110
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 /	0.880 CFS	
<u>Total Diversion:</u>		0.880 CFS	

Location of Point(s) of Diversion

SILVER CREEK	SE1/4NE1/4	Sec. 1,	Twp 02S,	Rge 20E, 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	20E	12			28.0	26.0													54.0

Total Acres: 54

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. 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.
3. 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 37-692A

1. General TRANS. 132 & 2727.
 DECREED FROM CHANEY CR. BUT DELIVERED FROM SILVER CR.

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: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

RECEIVED

AUG 19 1982

Transfer No. 2727Water Right No. 37-0692Department of Water Resources
STATE OF IDAHO

APPROVED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Simplot Industries, Inc. Phone 336-2110
Post Office address P.O. Box 27, Boise, Idaho, 83707

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Decreed to James A. Wheeler
Transferred by H. K. Lewis
- a. Decree No. 37-0692 Trans #132 Decreed to _____
(Name)
in case of S. C. Frost, et al vs Alfuras Water Co., et al
dated in 12/13/1909 in Fourth Judicial Dist. county of Lincoln
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Thru purchase of property

3. Source of water Chaney Creek tributary to Silver Creek

4. Date of priority 5/1/1889

5. Water is used for the following purposes:

amount 2.40 cfs for Irrigation purposes from Not listed to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.40 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21
Township 1S Range 19E, B.M., in Blaine County County
Additional points of diversion, if any Re-diverted from Silver Creek at Hunter #30
diversion located within SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T2S, R20E, B.M.

8. Lands irrigated or place of use: AS RECORDED BY TRANSFER #132
AND BEEN USED

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2S	20E	12		34	35	38											40		147

Total number of acres to be irrigated 147

9. Describe any other water rights used for the same purpose as described above _____
37-0936 Exclusive use from Silver Creek based upon maint. of Drain.
Reported as not been used for years by Watermaster of 37-M.
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe in Item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 1.10 cfs loss to river
0.88 cfs Parcel A
1.42 cfs Parcel B _____ acre feet
 - b. Description of diverting works Parcel A --- Existing Hunter #30 Diversion
Parcel B --- Existing Smith #36 Diversion
 - c. Describe the reasons for the proposed changes _____
To move water down to lower ranch where it can be utilized more
beneficially.

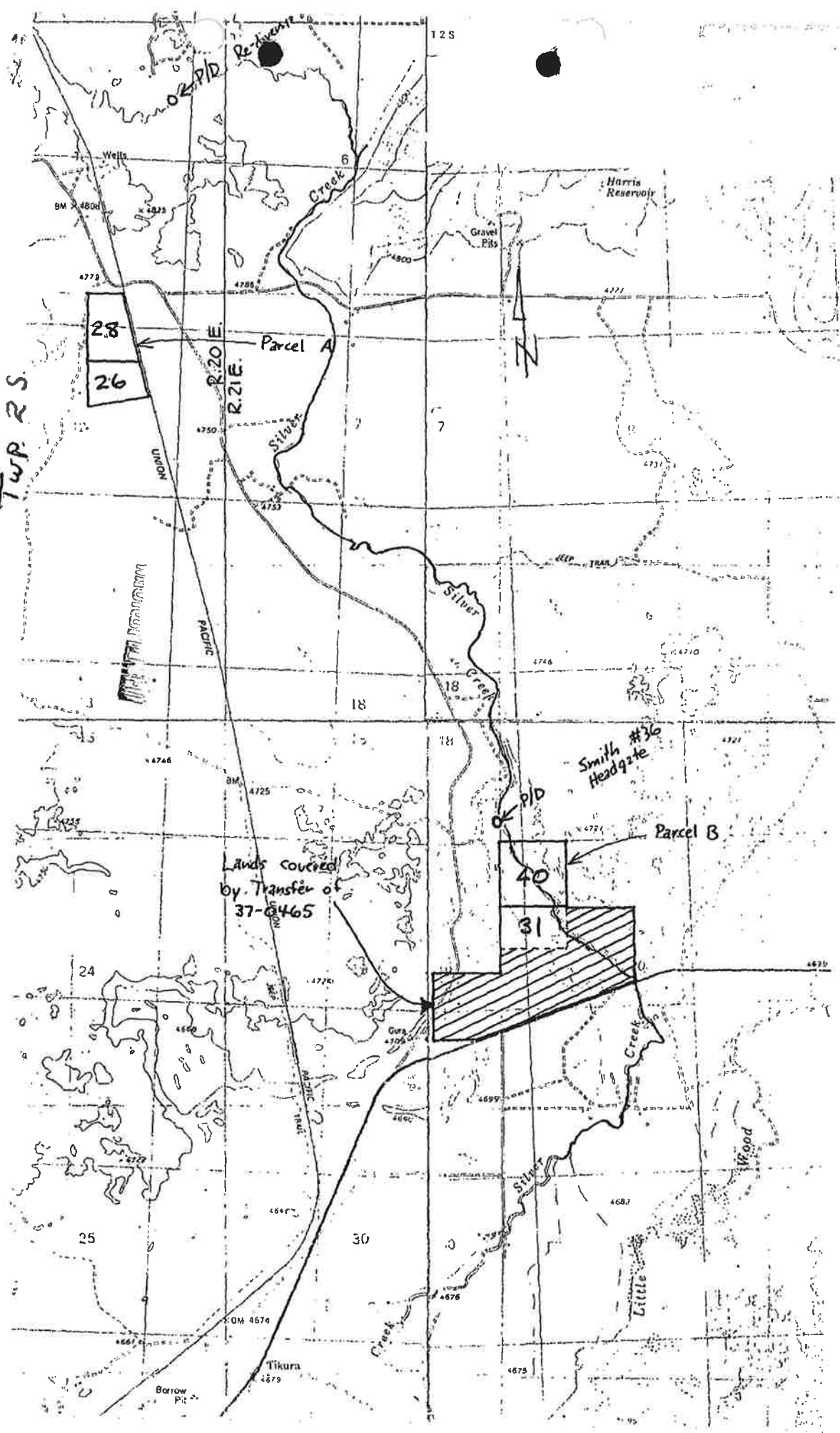
Parcel A- SE 1/4 SEC 1, T2S, R20E, B.M.
Parcel B- SE 1/4 SEC 18, T2S, R21E, B.M.

2. Change in point of diversion
 - Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
 - Range _____, B.M., Blaine County
 - Additional points _____

3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Lands will be dryland farmed.

MICROFILMED

Twp. 2 S.



c. Describe land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							Parcel A												
2S	20E	12		28	26														54
							Parcel B												
2S	21E	20					40	31											71

Total number of acres to be irrigated 125

- Describe any other water rights used for the same purpose as described above.
Parcel A as described under A-9; Parcel B. has none after Transfer of 37-0465
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

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

D. REMARKS

REFER to Application for Transfer of 37-0465 which is being filed in
conjunction with this Application for Transfer of 37-0692.

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

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

SIMPLON INDUSTRIES, INC.

By Russell H. Ginner Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of August, 19 82

Charee J. Walker
(Notary Public)

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0692
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Measuring devices and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.
2. Use of water under this right is subject to control by the watermaster of
State Water District No. 37M, Little Wood River.

Witness my hand this 16th day of February, 19 83

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by meys Date 8/1/82 Protest filed by None
Prelim. check by JB Fee \$0.00 # 20923
Received by meys Date 8/1/82
Published in local river front Copies of protest forwarded by _____
Pub. dates 9/2 + 9/9/82 Hearing held by _____ Date _____
Watermaster recommendation requested on hand delivered 8/26/82 Recommended for approval denial
31 rec'd. 9/1/82 by ADM Jim D