

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 37-939

Date Received: MAY - 9 2001

Receipt No:

Received By: C.053621
J. Main

RECEIVED

MAY 15 2001

Department of Water Resources
Southern Region

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J. R. SIMPLOT COMPANY Phone: (208)336-2110

PO BOX 27

BOISE, ID USA 83707

2. Date of Priority: 08/01/1920

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	20E	1	SW NE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/15	1	

7. Total Quantity Appropriated is:
1 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	20E	1	NE	NW	3	IRRIGATION	3.7			
			SE	NE		IRRIGATION	19			
			SW	NE		IRRIGATION	26			
			SE	NW		IRRIGATION	6.9			
			NE	SE		IRRIGATION	1.6			
			NW	SE		IRRIGATION	10			
			Section Acres						67.2	
			Total Acres						67.2	

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:

THIS CLAIM WAS MISSED DURING THE ORIGINAL CLAIMS TAKING. THIS CLAIM OVERLAPS WITH 37-141, 37-142, 37-143, AND 37-692A.

15. Basis of Claim: Decreed

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: 0

For Organizations:

I do solemnly swear or affirm that I am Vice President, Secretary and General Counsel
Title
of J. R. Simplot Company , that I have signed the foregoing
Organization
document in the space below as Vice President, Secretary and General Counsel of
Title
J. R. Simplot Company , and that the statements contained in the
Organization
foregoing document are true and correct.

J. R. Simplot Company
By: *Ronald N. Graves*
Signature of Authorized Agent
Ronald N. Graves, Vice President,
Secretary and General Counsel
Title and Organization

May 8, 2001
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of May 2001.

Janene A. Kattner
Notary Public

Residing at Boise, Idaho

My commission Expires 5/31/02



Idaho Department of Water Resources Receipt

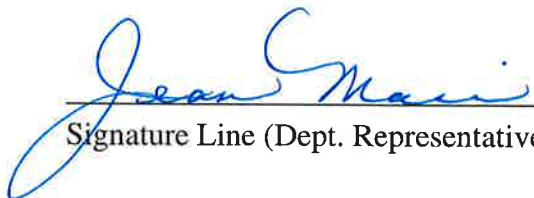
Receipt ID C053621

Payment Amount	\$50.00	Date Received	5/9/01 9:32:09 AM	Region	State	Status
Payment Type	Check	Check Number	186802			

Payer SIMPLOT**Comment** WATER RIGHT # 37-939

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	41503	1155	


Signature Line (Dept. Representative)

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

MAY 15 2001

Department of Water Resources
Southern Region

RECEIVED

MAY - 9 2001

Department of Water Resources

May 9, 2001

Delivery

Carter Fritschle
State of Idaho
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706-2237

Re: IDWR Decreed Water Right No. 37-939.

Dear Carter:

Enclosed for filing in the Snake River Basin Adjudication is a claim by the J. R. Simplot Company to the above referenced water right. Please apply the enclosed check in the amount of \$50.00 toward covering the adjudication filing fee. Thank you for your help expediting preparing this claim for filing.

Sincerely,



Vic Conrad
Land and Development

Enclosure

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
☐ Point of Diversion
☐ Period of Use

☐ Split of Water Right
☒ Place 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 6-25, 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
<u>PLACE OF USE: 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>
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

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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	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 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 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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 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:

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
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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, 2009


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				
			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. 37-141
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, 20 09


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				
			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. 37-143
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, 20 09



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				Totals
			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. 37-692A
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				
			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. 37-939
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: 37-939

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

Water from this right resulted from saved water in Silver Creek.

QUANTITY: 1.000 CFS

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.000 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.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

Water Right Report 37-939

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE W LEAZENBY
	, ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	1.000 CFS	
		<u>Total Diversion:</u>	1.000 CFS	

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

1. General P/U INCOMPLETE. SEE FILE.
P/D GIVEN IN DECREE AS S36 T1S R20E; PRESENT P/D FROM WATER- MASTER.

1. SKAGGS 7/21/1994 TRANSFER NO. 4390 (1994 EMERGENCY TRANSFER)
Comment: Temporary Transfer No. 4390 is for the 1994 irrigation season. See Right No. E37-00939; Right will be deleted 12-94.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-939

Dates and Other Information:

Licensed Date:
Decreed Date: 2/1/1921
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: Sewell H Chapman
Decree Plaintiff: Geo W Leazenby
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:

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR BLAINE COUNTY.

GEO. W. LEAZENBY,

Plaintiff,

vs.

SEWELL H. CHAPMAN,
WATERMASTER,

Defendant.

D E C R E E

This cause coming on to be heard, in open Court, this 1st day of February, 1921 Messrs. Angel and Bresnahan, appearing for the Plaintiff and Paul S. Haddock, having hereto filed a motion to intervene and a demurrer in said action, and the said motion and demurrer, having in open Court been withdrawn, and the said intervenor having refused to plead further, and it appearing that notice was published for three weeks, in the Wood River Times-News Miner, a weekly paper published at Hailey, Idaho, and designated by the Court as the paper in which said notice should be published, pursuant to Statute, It was ordered that the default of all interested parties be entered.

Evidence was thereupon submitted in support of the allegations of the complaint from which the Court finds the following Facts to be.

FINDINGS OF FACT.

1. That the plaintiff Geo. W. Leazenby, is the owner and in the possession of the following described lands situated in the County of Blaine and State of Idaho, to-wit:

All that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and lots 2 & 3 of Sec. 1, lying and being upon the Easterly side of the Oregon Short Line Railway Right of way, and South of Silver Creek;

Also all the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 1, all in Tp. 2 S. R. 20 E. B. M. and that said land is arid in character and required irrigation for the successful production of crops thereon, and the same can be conveniently irrigated from Silver Creek.

2. That the rights of the plaintiff or any other person were not determined in the case of S. C. Frost et al. vs. Alturas Water Co. et al. or any other decree.

3. That upwards of 50 inches of the waters of Silver Creek has for a period of 11 years or more been going to waste, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Tp. 2 S. R. 20 E. B. M. continually flowing out of the bed of Silver Creek and going to waste, and the same has never been appropriated, used or decreed to any person whomever be-low the said place of the going to waste, and the upon the 1st day of August, 1920, The plaintiff, by his own labor and at his own expense, stopped the said waste of water, thereby increasing the flow of Silver Creek of upwards of 50 inches of water, when there was any water in the said stream at the said point, and diverted the said water from said stream into his ditch, taken out about a mile above said point of waste.

CONCLUSIONS OF LAW.

That the plaintiff by his acts increased the flow of Silver Creek of upwards of 50 miner's inches of water and thereby became entitled to the use of the same, and a continual flow thereof when there is water in said Stream at the head of his ditch, with priority right thereto superior to any person using water from said stream, or the streams to which it is tributary, below the said point of waste, and is entitled to a decree of 50 miner's inches of the waters of Silver Creek, dating from 1st August, 1920, as against the water users above the said point of Waste.

DECREE.

37 0939 Therefore, it is ordered, adjudged and decreed, that the plaintiff George Leazenby, do have the right to the use of 50 miner's inches of the waters of Silver Creek, to be diverted from his present ditch about a mile above his land, exclusively as against all persons using water from the said stream below the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1 Tp. 2 S. R. 20 E. B. M. and that the said plaintiff is entitled to the use of the said 50 miner's inches of water, with priority right, dating from _____ August, 1920, as against any persons using water from said stream above the said point of diversion.

Done in Open Court this 1st day of February, 1921.

H. F. Ensign,

District Judge.

Filed Feb. 1st, 1921,
Cassie M. Russell, Clerk,
By Geo. A. McLeod, Deputy.

STATE OF IDAHO,)
) ss.
County of Blaine.)

I, B. P. THAMM, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original Decree in the above entitled action now on file in my office and of record in Book 9 of Judgments, Page 178.

Given under my hand and the seal of said Court in my office, at Hailey, this, the 23rd day of November, A. D. 1935.

Attest: B. P. Thamm, Clerk.
(s)/

(SEAL)