

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: A37-13130
Date Received: 10/18/1989
Receipt No: MOO 4958
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIMON FARMS INC. 208-764-2324
Address: P.O. BOX 364
FAIRFIELD, ID 83327
2. Date of Priority: SEP 21, 1976
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S | 15E | 17 | SE | NE | SE | | CAMAS |
5. Description of diverting works:
250 HP MOTOR 260' DEEP WITH 16" CASING.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.580 | | |
7. Total Quantity Appropriated is:
1.580 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 197.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	15E	9	SW	NW		IRR	39.0
			SE	NW		IRR	40.0
Section Acres							79.0

10. Place of Use: Continued

Total Acres 79.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS RIGHT IS BASED UPON THE PRESUMPTION CLAUSE.
NO EXPANSION OF QUANTITY, ON IN PLACE OF USE.

15. Basis of Claim: BENEFICIAL USE

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

MICROFILMED
FEB 26 1993

This is an aerial photograph of a land survey grid. The grid is composed of numerous small, irregularly shaped parcels, each labeled with a number and a letter (e.g., 5071.1, 5072.1, 5073.1, 5074.1, 5075.1, 5076.1, 5077.1, 5078.1, 5079.1, 5080.1, 5081.1, 5082.1, 5083.1, 5084.1, 5085.1, 5086.1, 5087.1, 5088.1, 5089.1, 5090.1, 5091.1, 5092.1, 5093.1, 5094.1, 5095.1, 5096.1, 5097.1, 5098.1, 5099.1, 5100.1). The grid is overlaid on a black and white aerial photograph showing terrain features, roads, and a river.

Handwritten annotations in red ink are visible on the grid. These include the numbers "39" and "40" in several locations, and the letters "V.P.D." in a larger, bold font in the lower right quadrant. There are also some other handwritten markings, such as "Br 5036 T", "5034 T", "Deer", "5028 T", "5023 T", "5018 T", "5016 T", "5014 T", "5013 T", "5012 T", "5011 T", "5010 T", "5009 T", "5008 T", "5007 T", "5006 T", "5005 T", "5004 T", "5003 T", "5002 T", "5001 T", "5000 T", "4999 T", "4998 T", "4997 T", "4996 T", "4995 T", "4994 T", "4993 T", "4992 T", "4991 T", "4990 T", "4989 T", "4988 T", "4987 T", "4986 T", "4985 T", "4984 T", "4983 T", "4982 T", "4981 T", "4980 T", "4979 T", "4978 T", "4977 T", "4976 T", "4975 T", "4974 T", "4973 T", "4972 T", "4971 T", "4970 T", "4969 T", "4968 T", "4967 T", "4966 T", "4965 T", "4964 T", "4963 T", "4962 T", "4961 T", "4960 T", "4959 T", "4958 T", "4957 T", "4956 T", "4955 T", "4954 T", "4953 T", "4952 T", "4951 T", "4950 T", "4949 T", "4948 T", "4947 T", "4946 T", "4945 T", "4944 T", "4943 T", "4942 T", "4941 T", "4940 T", "4939 T", "4938 T", "4937 T", "4936 T", "4935 T", "4934 T", "4933 T", "4932 T", "4931 T", "4930 T", "4929 T", "4928 T", "4927 T", "4926 T", "4925 T", "4924 T", "4923 T", "4922 T", "4921 T", "4920 T", "4919 T", "4918 T", "4917 T", "4916 T", "4915 T", "4914 T", "4913 T", "4912 T", "4911 T", "4910 T", "4909 T", "4908 T", "4907 T", "4906 T", "4905 T", "4904 T", "4903 T", "4902 T", "4901 T", "4900 T", "4899 T", "4898 T", "4897 T", "4896 T", "4895 T", "4894 T", "4893 T", "4892 T", "4891 T", "4890 T", "4889 T", "4888 T", "4887 T", "4886 T", "4885 T", "4884 T", "4883 T", "4882 T", "4881 T", "4880 T", "4879 T", "4878 T", "4877 T", "4876 T", "4875 T", "4874 T", "4873 T", "4872 T", "4871 T", "4870 T", "4869 T", "4868 T", "4867 T", "4866 T", "4865 T", "4864 T", "4863 T", "4862 T", "4861 T", "4860 T", "4859 T", "4858 T", "4857 T", "4856 T", "4855 T", "4854 T", "4853 T", "4852 T", "4851 T", "4850 T", "4849 T", "4848 T", "4847 T", "4846 T", "4845 T", "4844 T", "4843 T", "4842 T", "4841 T", "4840 T", "4839 T", "4838 T", "4837 T", "4836 T", "4835 T", "4834 T", "4833 T", "4832 T", "4831 T", "4830 T", "4829 T", "4828 T", 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08/09/2007

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

RIGHT NUMBER: 37-22189

NAME AND ADDRESS: SIMON FARMS INC
PO BOX 403
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
25.90 AFY

Rights 37-22187 and 37-22189 when combined shall not exceed a total diversion rate of 0.63 cfs, a total annual maximum diversion volume of 141.1 af.

Rights 37-21724, 37-22185, 37-22187, and 37-22189 when combined shall not exceed a total diversion rate of 4.99 cfs, a total annual maximum diversion volume of 1385.7 af.

Rights 37-22185, 37-22187, and 37-22189 when combined shall not exceed a total diversion rate of 0.63 cfs, a total annual maximum diversion volume of 279.7 af.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/21/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01S R15E S21 SWSENE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.100 CFS 25.90 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01S R15E S21	NENE	34.00	T01S R15E S21	NWNE	34.00
T01S R15E S21	SWNE	34.00	T01S R15E S21	SENE	34.00
T01S R15E S21	NESE	34.00	T01S R15E S21	SESE	34.00
T01S R15E S22	NENW	34.00	T01S R15E S22	NWNW	34.00
T01S R15E S22	SWNW	34.00	T01S R15E S22	SENW	34.00
T01S R15E S22	NWSW	34.00	T01S R15E S22	SWSW	34.00

408 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 408 acres in a single irrigation season. Combined Right Nos.: 37-21724, 37-22185, 37-22187 and 37-22189.

This right is limited to the irrigation of 7.4 acres within the place of use described above in a single irrigation season.

Rights 37-22187 and 37-22189 when combined shall not exceed a total irrigation of 45.8 acres.

Rights 37-22185, 37-22187 and 37-22189 when combined shall not exceed a total irrigation of 92 acres.

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

This right is based upon an enlargement of Right No. 37-22187 pursuant to Section 42-1426, Idaho Code.

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right is a split from former right 37-13130.

01/29/2007

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

RIGHT NUMBER: 37-13130

NAME AND ADDRESS: SIMON FARMS INC
PO BOX 364
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.110 CFS
~~198.0~~ 276.500 AFY

The rights listed below are limited to a total combined diversion rate of 6.71 cfs and to a total combined annual diversion volume of ~~1230~~ 2454.5 AF. Combined Right Nos.: 37-7289, 37-7527, and 37-13130.

PRIORITY DATE: 09/21/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T01S R15E S17 SENESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.110 CFS ~~198.0~~ 276.50 AFY

PLACE OF USE:

IRRIGATION in CAMAS County

T01S R15E S04	SWNW	11.00	T01S R15E S04	SESW	11.00
T01S R15E S04	NESW	40.00	T01S R15E S04	NWSW	39.00
T01S R15E S04	SWSW	39.00	T01S R15E S04	SESW	40.00
T01S R15E S09	NENW	40.00	T01S R15E S09	NWNW	39.00
T01S R15E S09	SWNW	39.00	T01S R15E S09	SESW	40.00
T01S R15E S09	NESW	40.00	T01S R15E S09	NWSW	39.00
T01S R15E S09	SWSW	36.00	T01S R15E S09	SESW	36.00

489 ACRES TOTAL

This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.

489

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 37-7527 and 37-13130.

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

This right is based upon an enlargement of Right No. 37-7527 pursuant to Section 42-1426, Idaho Code.

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.

01/29/2007

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 79 acres within the place of use described for this right.

Clelland, Steve

From: Skinner, Corey
Sent: Wednesday, January 17, 2007 4:40 PM
To: Kelly, Vicki
Cc: Clelland, Steve
Subject: 37-7289, 37-7527, and 37-13130 Objections

Vicki,

Bill Simon of Simon Farms was in my office today to discuss a couple of proposed water right transfers. During our review of his rights, we discovered that there appears to be an error in a condition limiting the volume between rights 37-7289, 37-7527, and 37-13130. Also it appears that the individual volume limit for right 37-13130 could be larger than what was recommended and reported to the court. Anyways, Mr. Simon will be filing some SF1 Objections to rights 37-7289, 37-7527, and 37-13130. The issues are specifically....

The volume for enlargement right 37-13130 should be 276.5 afa rather than 198.0 afa (79 enlargement acres times the IDWR current standard of 3.5 afa per acre)

The condition on rights 37-7289, 37-7527, and 37-13130 that states....

The rights listed below are limited to a total combined diversion rate of 6.71 cfs and to a total combined annual diversion volume of **1,230 AF**. Combined Right Nos.: 37-7289, 37-7527, and 37-13130.

Should read...

The rights listed below are limited to a total combined diversion rate of 6.71 cfs and to a total combined annual diversion volume of **2454.5 AF**. Combined Right Nos.: 37-7289, 37-7527, and 37-13130.

This would reflect the summation of the individual volumes of the three rights rather than the 1230 afa which is just the volume for right 37-7527. The original water right records for the licensed rights have no combined volume limits.

If possible, it would be nice to get these resolved ASAP so Mr. Simon could file his transfers with the correct volumes listed on his rights. I touched base with Steve on these earlier this afternoon, and talked to Nick Spencer also. I believe that these should be easily corrected and resolved, so if possible could you watch for the Simon Farms objections to come in and get them resolved relatively soon?

Thanks,

Corey

10/18/2006

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

RIGHT NUMBER: 37-13130

NAME AND ADDRESS: SIMON FARMS INC
PO BOX 364
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.110 CFS
198.000 AFY

The rights listed below are limited to a total combined diversion rate of 6.71 cfs and to a total combined annual diversion volume of 1,230 AF. Combined Right Nos.: 37-7289, 37-7527, and 37-13130.

PRIORITY DATE: 09/21/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T01S R15E S17 SENESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.110 CFS 198.00 AFY

PLACE OF USE:

IRRIGATION Within CAMAS County

T01S R15E S04	SWNW	11.00	T01S R15E S04	SESW	11.00
T01S R15E S04	NESW	40.00	T01S R15E S04	NWSW	39.00
T01S R15E S04	SWSW	39.00	T01S R15E S04	SESW	40.00
T01S R15E S09	NENW	40.00	T01S R15E S09	NWNW	39.00
T01S R15E S09	SWNW	39.00	T01S R15E S09	SESW	40.00
T01S R15E S09	NESW	40.00	T01S R15E S09	NWSW	39.00
T01S R15E S09	SWSW	36.00	T01S R15E S09	SESW	36.00

489 ACRES TOTAL

This right is limited to the irrigation of 79 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-7527 and 37-13130.

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

This right is based upon an enlargement of Right No. 37-7527 pursuant to Section 42-1426, Idaho Code.

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.

10/18/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 79 acres within the place of use described for this right.



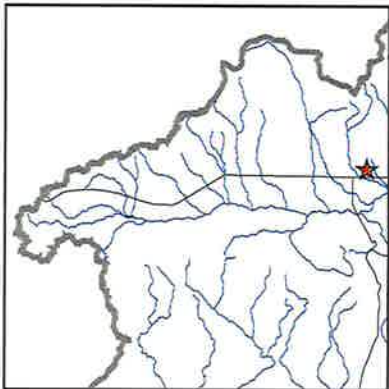
Idaho Department of Water Resources

SRBA Recommendation:

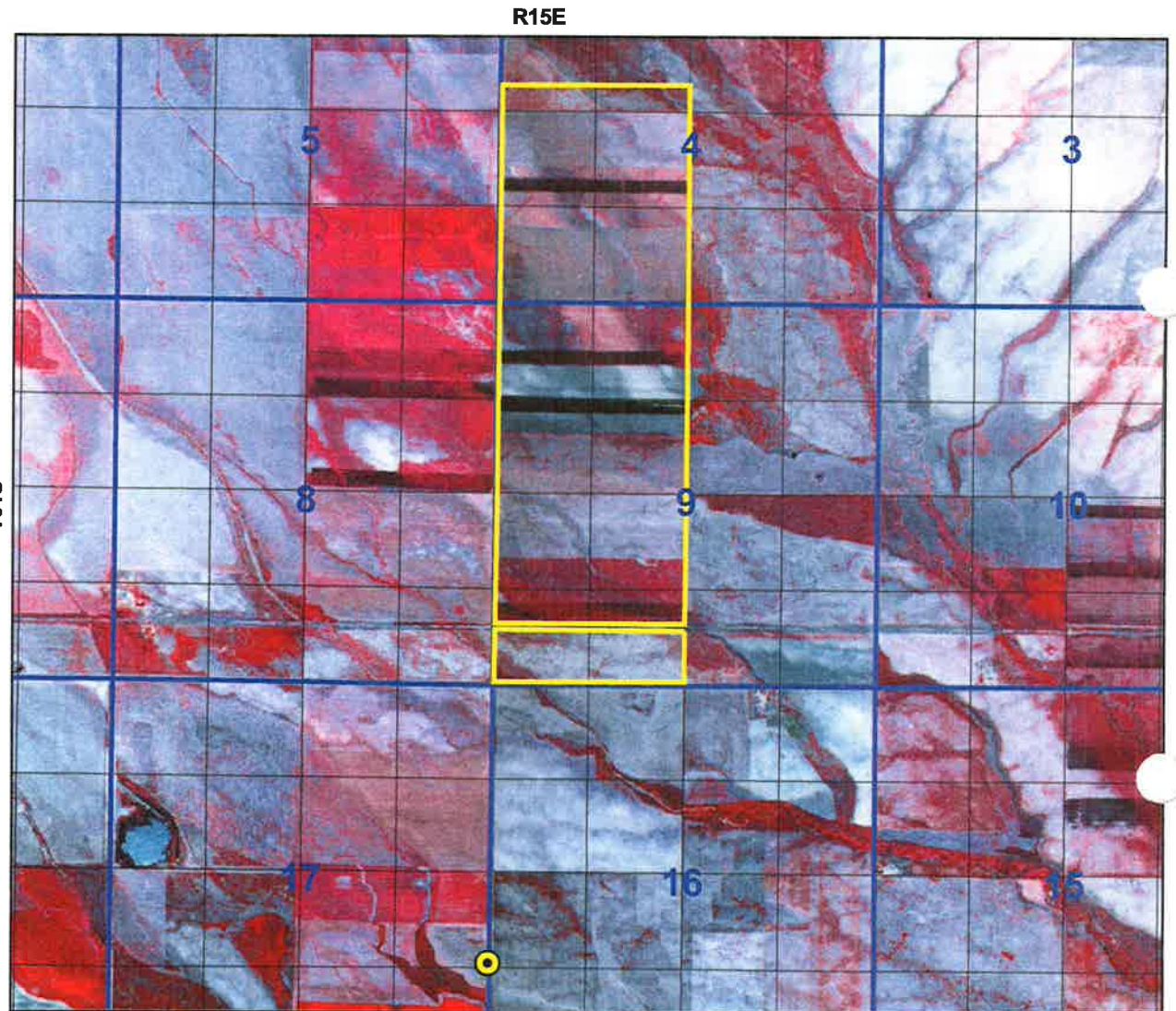
37-7527
37-13130

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Wednesday, October 18, 2006
1987/88 Aerial Photography

11/01/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-13130

SIMON FARMS INC

PO BOX 364

FAIRFIELD ID 83327

Telephone Number: (208) 764-2324

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

11/14/06

SIGNATURE:

Simon Farms Inc. By: William R. Simon

Please print your name:

Simon

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800) 451-4129



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

Steve Celland
RECEIVED

JUN 16 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

37-13130

SIMON FARMS INC

PO BOX 364

FAIRFIELD ID 83327

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

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Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

SCANNED
JUN 16 2005

SCANNED
JUN 15 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-13130

WATER RIGHT NUMBER: 37-13130

RECEIVED

JUN 16 2005

Department of Water Resources

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMON FARMS INC PO BOX 364 FAIRFIELD, ID 83327 (208)764-2324

Priority Date: 09/21/1976
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	1.580 CFS	
	<u>Total Diversion:</u>		1.580 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4SE1/4	Sec. 17, Twp 01S, Rge 15E, B.M.
CAMAS County		

Place of UseIRRIGATION Within CAMAS County

T01S R15E S09	SWNW	39.0	T01S R15E S09	SENE	40.0
---------------	------	------	---------------	------	------

Total Acres: 79

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

1. General THIS RIGHT IS BASED UPON THE PRESUMPTION CLAUSE.
NO EXPANSION OF QUANTITY, ON IN PLACE OF USE.

Comments:

SCANNED

JUN 16 2005

To Whom It May Concern:

I and my husband Lon Baldwin were leasing a piece of land (S1/2,NW1/4,of Section 9, 1 South Range 15E) in Camas County, Idaho, to Simon Farms Inc. In 1976 we obtained a water right so that they could use their water and irrigation equipment to begin to irrigate our land. We continued to lease the land to them for a time and then sold the land to them. They first began to run water on this piece of land late in 1976.

Beulah Baldwin
Beulah Baldwin

June 14, 2005

ACKNOWLEDGMENT

SCANNED
JUN 16 2005

State of Idaho
County of Camas

On this 14th day of June, 2005, Beulah Baldwin personally appeared before me,
☒ who is personally known to me,
____ whose identity I verified on the basis of _____,
____ whose identity I verified on the oath/affirmation of _____,
a credible witness,

to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.

GAYLE L. BACHTELL
NOTARY PUBLIC
STATE OF IDAHO

Gayle L. Bachtell
Notary Public

My Commission Expires: 10-15-05

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled June 14, 2005
To Whom It May Concern, which consists of 1 page(s) and is dated no date.
If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

Copyright 2001 by the Notary Law Institute. Unauthorized reproduction of any kind of this form is strictly prohibited.

#0421

SCANNED

JUN 16 2005

May 24, 2005

To whom it may concern:

I was employed by Simon Farms from 1971 to 1979, except for two years of military service from 1972 thru 1974. After returning from the service the following year, 1975, I helped put the irrigation pipe under Highway 20. In 1976 Simon Farms started irrigating the ground North of Highway 20 and East of the five mile road in Camas County.

Sincerely,

Jack Loper
Jack Loper

1836E 1700S

Gooding, Idaho

83330

1-208-934-4278

Notary *Silas Cheney* 5/25/05
Expires 8/21/09



SCANNED

JUN 16 2005

To: Steve Clelland
IDWR
Boise, ID

From: William A. Simon
Simon Farms Inc
P. O. BOX 364.
Fairfield ID. 83327
208 764 2324
June 14, 2005

Dear Mr. Clelland:

This piece of land laid between our deeded ground as we obtained our water permits to irrigate our own land. We put one half mile wheel line on this 80 acre field. (S1/2, NW 1/4 of Section 9, 1S, 15E). This wheel line used 480gpm. We watered in the fall of 1976 for tillage and for barley and alfalfa in subsequent years. It was all a part of the larger water system utilizing Water rights 37-7289 and 37-7527.

Sincerely:



William A. Simon

SCANNED

JUN 16 2005



APPLICATION AND PERMIT TO USE RIGHT OF WAY

SEE: S & P MANUAL 2-445 AND 2-615 PARAGRAPH SERIES AND
P & T MANUAL 1-12-450 AND 1-12-600 SERIES.

DISTRICT No. 02-02PERMIT No. 2-75-145

THE UNDERSIGNED REQUESTS PERMISSION TO CONSTRUCT THE FOLLOWING ITEM(S) ON STATE HIGHWAY RIGHT OF WAY:

☐ APPROACH

QUANTITY	WIDTH	TYPE - RESIDENCE, BUSINESS, FIELD, ETC.	TYPE OF BUSINESS
☒ UNDERGROUND UTILITY			
<u>WATERLINE</u> KIND - GAS LINE, TELEPHONE LINE, WATER LINE, ETC.			
☐ OVERHEAD UTILITY			
KIND - POWER LINE, TELEPHONE LINE, ETC.			
☐ OTHER: EXPLAIN			
DISTANCE FROM:			
CENTER LINE			
RIGHT OF WAY LINE			
BURIED PIPE OR CABLE:			
DEPTH		<u>4'</u>	
SIZE		<u>14" Ø</u>	
POTENTIAL OR PRESSURE		<u>80 PSI</u>	
POLE LINE:			
POTENTIAL			
VERTICAL CLEARANCE			

A SKETCH OF PROPOSED WORK MUST BE ATTACHED.

SPECIAL PROVISIONS: IRRIGATION PIPE ACROSS REDFIELD CREEK
MUST BE REMOVED DURING HIGH WATER. PROTECT
THE END OF THE PIPE, GOING UNDER THE HIGHWAY
FROM WASHING OR SCOUR.
Buried waterline will be in accordance with attached drawing.

264+08 STATION TO STATION
S.H. 68 HIGHWAY ROUTE NO.
157.15 MILEPOST TO MILEPOST
S-2809(1) PROJECT NUMBER
CAMAS COUNTY
5 MILES EAST OF FAIRFIELD DISTANCE AND DIRECTION FROM NEAREST CITY, TOWN OR VILLAGE

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED FACILITY OR PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE AND THE IDAHO DEPARTMENT OF HIGHWAYS STANDARD APPROACH POLICY OR UTILITY ACCOMMODATION POLICY, WHICHEVER IS APPLICABLE.

DATE 10-7-75

(Bill) W.A. Simon
APPLICANT - PLEASE TYPE OR PRINT

William A. Simon
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Box 364 FAIRFIELD, IDA 83327 764-2324
APPLICANT'S POST OFFICE ADDRESS

SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

SCANNED

STATE HIGHWAY ENGINEER

DATE 10/15/75

JUN 16 2005

BY [Signature]
DISTRICT ENGINEER

P.T. 1614+93.5 S.A.P. 196-A

P.C. 1603 + 68.7

Δ 89° 59' 14"
D 8°
I 716.0
P 716.8
P 716.19

264-08-18"x40

A 764408.0 - 0°06' R1

268/39-72"x44"x 96'

NW 4
NW 4
E 10

268/22- 72"x44"x96"

SW4 MS SW4 MS

SCANNED

JUN 16 2005

SCAN

JUN 12 1965

Filed for Record at the Request of

J. P. PaulsonSTATE OF IDAHO }
County of Camas, }I hereby certify that this Instrument
was filed for record in my office at11:05 A.M. o'clockFebruary 27, 1976 andduly recorded in Book 3Contract Page 2George E. Hill
County RecorderC O N T R A C T

By _____ Deputy

Page 7 of 20

L. D. No. 23410

Audit No. _____

Between

OREGON SHORT LINE RAILROAD COMPANY
UNION PACIFIC RAILROAD COMPANY

and

WILLIAM A. SIMON
dba SIMON FARMS, INC.

Irrigation Pipe Line Crossing

Near

Selby, Idaho
(MP 38.91)SCANNED
JUN 16 2005

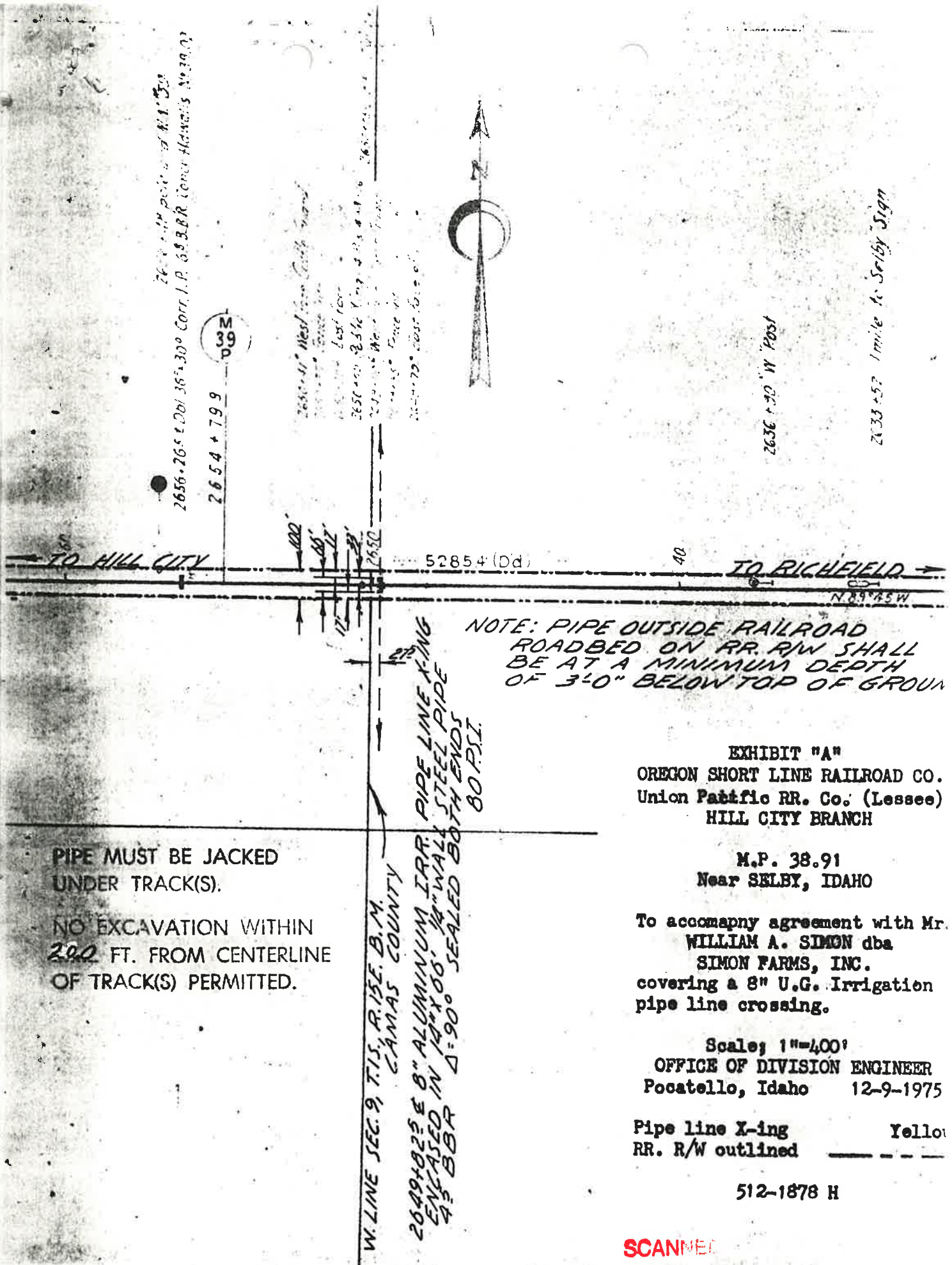


EXHIBIT "A"
OREGON SHORT LINE RAILROAD CO.
Union Pacific RR. Co. (Lessee)
HILL CITY BRANCH

M.P. 38.91
Near SELBY, IDAHO

To accompany agreement with Mr.
WILLIAM A. SIMON dba
SIMON FARMS, INC.
covering a 8" U.G. Irrigation
pipe line crossing.

Scale; 1"=400'
OFFICE OF DIVISION ENGINEER
Pocatello, Idaho 12-9-1975

Pipe line X-ing Yellow
RR. R/W outlined

512-1878 H

SCANNED

JUN 16 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

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Water Rights Supervisor

Enclosures