

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: A37-07289

Date Received: 10/18/1989

Receipt No: MC0495P

Received By: J. DE

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: OCT 01, 1973

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 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	4.000		

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

8. Total consumptive use is 780.0 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	17	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0

A37-07289

Page 1

Date: 10/18/89

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	15E	17	SE		NE		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0

Section Acres 312.0

Total Acres 312.0

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 SAME WELL IS USED FOR A37-07527.

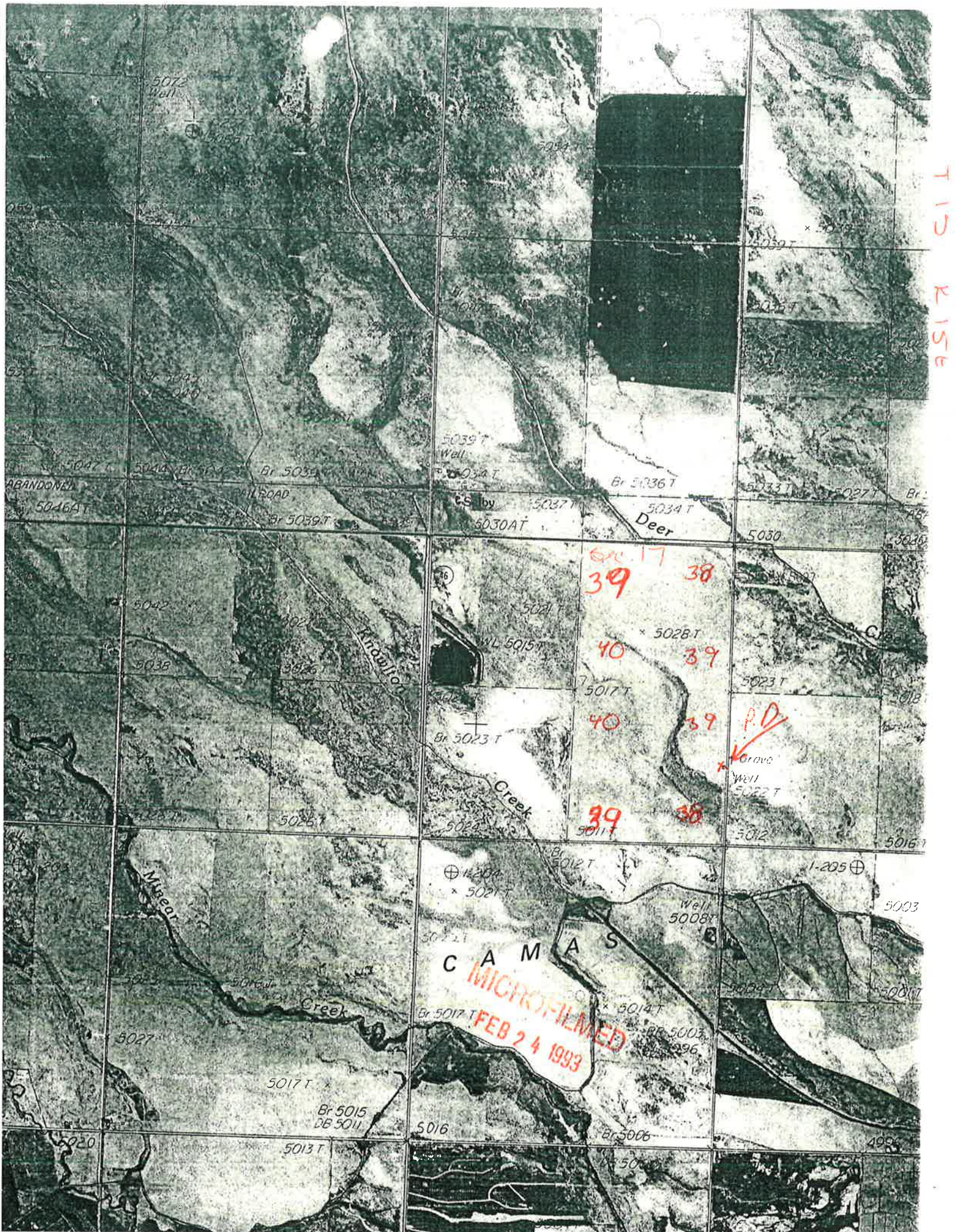
15. Basis of Claim: LICENSE

14

Number of attachments: _____

Oct 18, 1989
Date

My Commission Expires 6/2/04



08/09/2007

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

RIGHT NUMBER: 37-22185

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.590 CFS
138.60 AFY

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

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

PRIORITY DATE: 10/01/1973

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	04/01 11/01	0.590 CFS 138.60 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 46.2 acres within the place of use described above in a single irrigation season.

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:

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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 37-7289.

01/29/2007

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

RIGHT NUMBER: 37-7289

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS
948.000 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 ~~4230~~ 2454.5 AF. Combined Right Nos.: 37-7289, 37-7527, and 37-13130.

PRIORITY DATE: 10/01/1973

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	04/01 11/01	4.000 CFS 948.00 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01S R15E S17	NENE	39.00	T01S R15E S17	NWNE	40.00
T01S R15E S17	SWNE	40.00	T01S R15E S17	SENE	39.00
T01S R15E S17	NESE	39.00	T01S R15E S17	NWSE	40.00
T01S R15E S17	SWSE	40.00	T01S R15E S17	SESE	39.00

316 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



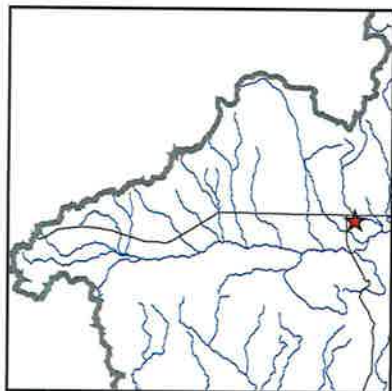
Idaho Department of Water Resources

Adjudication Claim:

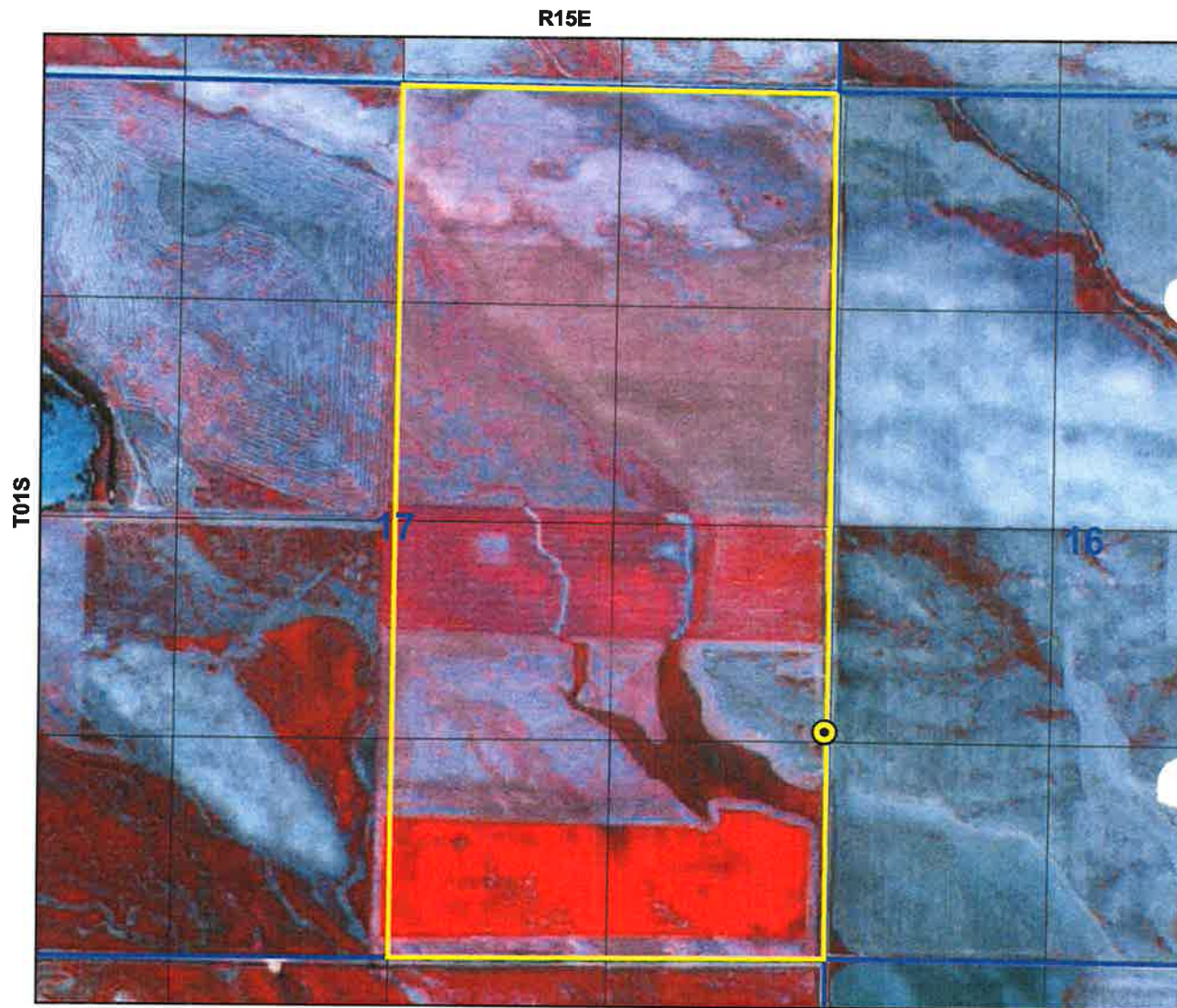
37-7289

Legend

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



Camas County
IDWR Basin 37



0 0.5 1 Miles



Prepared by M. Anders
On Monday, March 6, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73558

This is to certify that: SIMON FARMS INC
 PO BOX 403
 FAIRFIELD ID 83327
 (208)764-2660

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>
37-7289	AJC/License	10/01/1973	4.00 cfs	948.0 af	N/A	316.0	GROUND WATER
37-7527	AJC/License	09/21/1976	6.71 cfs	1230.0 af	410.0	489.0	GROUND WATER
37-13130	AJC/Beneficial Use	09/21/1976	1.11 cfs	276.5 af	79.0	489.0	GROUND WATER
37-21724	AJC/License	06/17/1954	4.36 cfs	1106.0 af	N/A	316.0	GROUND WATER

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>
37-7289	YES	NO	YES	NO	NO	NO
37-7527	YES	NO	YES	NO	NO	NO
37-13130	YES	NO	YES	NO	NO	NO
37-21724	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>
37-7289	37-22185	0.59 cfs	138.6 af	46.2	408.0	37-22184	3.41 cfs	809.4 af	N/A	269.8
37-7527	37-22187	0.63 cfs	115.2 af	38.4	408.0	37-22186	6.08 cfs	1114.8 af	371.6	443.2
37-13130	37-22189	0.10 cfs	25.9 af	7.4	408.0	37-22188	1.01 cfs	250.6 af	71.6	443.2
37-21724	37-21724	4.36 cfs	1106.0 af	316.0	408.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.99 cfs	1385.7 af	408.0	408.0		6.08 cfs	2174.8 af	N/A	713.0

Detailed Water Right Description(s) attached

Dated this 31st day of July, 20 07

SUPPORT DATA

FILE # 37-7289


 Administrator, Water Management Division

WATER RIGHT NO. 37-21724
As Modified by Transfer No. 73558

In accordance with the approval of Transfer No 73558, Water Right No. 37-21724 is now described as follows.

Right Holder: SIMON FARMS INC
 PO BOX 403
 FAIRFIELD ID 83327

Priority Date: June 17, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	4.36 CFS	1,106.0 AF
			4.36 CFS	1,106.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec 21 Twp 01S Rge 15E CAMAS 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	
01S 15E 21	34.0	34.0	34.0	34.0									34.0			34.0	204.0
01S 15E 22					34.0	34.0	34.0	34.0		34.0	34.0						204.0

Total Acres: 408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 316 acres within the place of use described above in a single irrigation season.
2. 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, and the irrigation of 408 acres.
3. 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.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

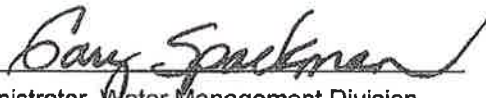
WATER RIGHT NO. 37-21724
As Modified by Transfer No. 73558

CONDITIONS OF 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 31st day of July, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 37-22184
As Modified by Transfer No. 73558

In accordance with the approval of Transfer No 73558, Water Right No. 37-22184 is now described as follows

Right Holder: SIMON FARMS INC
PO BOX 403
FAIRFIELD ID 83327

Priority Date: October 01, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.41 CFS	809.4 AF
			3.41 CFS	809.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESE Sec. 17 Twp 01S Rge 15E CAMAS 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
01S 15E 17	33.0	33.0	34.0	33.0									33.0	34.0	33.0	36.8	269.8

Total Acres: 269.8

CONDITIONS OF APPROVAL

1. The rights listed below are limited to a total combined diversion rate of 6.08 cfs and to a total combined annual diversion volume of 2174.8 AF. Combined Right Nos: 37-22184, 37-22186, and 37-22188.
2. 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 31st day of July, 2007



Administrator, Water Management Division

WATER RIGHT NO. 37-22185
As Modified by Transfer No. 73558

In accordance with the approval of Transfer No. 73558, Water Right No. 37-22185 is now described as follows.

Right Holder: SIMON FARMS INC
 PO BOX 403
 FAIRFIELD ID 83327

Priority Date: October 01, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	0.59 CFS	138.6 AF
		0.59 CFS	138.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec 21 Twp 01S Rge 15E CAMAS 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	
01S	15E	21	34.0	34.0	34.0	34.0									34.0			34.0	204.0
01S	15E	22					34.0	34.0	34.0	34.0		34.0	34.0						204.0

Total Acres: 408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 46.2 acres within the place of use described above in a single irrigation season.
2. 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, and the irrigation of 92 acres.
3. 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, and the irrigation of 408 acres.
4. 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.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 37-22185
As Modified by Transfer No. 73558

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
8. 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 31st day of July, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 37-22186
As Modified by Transfer No. 73558

In accordance with the approval of Transfer No. 73558, Water Right No. 37-22186 is now described as follows

Right Holder: SIMON FARMS INC
 PO BOX 403
 FAIRFIELD ID 83327

Priority Date: September 21, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	6.08 CFS	1,114.8 AF
			6.08 CFS	1,114.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESE Sec 17 Twp 01S Rge 15E CAMAS 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	
01S	15E	4							5.2	6.1	39.0	37.0	35.9	30.0					153.2
01S	15E	9					38.0	39.0	39.0	31.0	36.0	39.0	36.0	32.0					290.0

Total Acres: 443.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 371.6 acres within the place of use described above in a single irrigation season.
2. Right No. 37-22188 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
3. The rights listed below are limited to the irrigation of a combined total of 443.2 acres in a single irrigation season. Combined Right Nos : 37-22186 and 37-22188.

WATER RIGHT NO. 37-22186
As Modified by Transfer No. 73558

CONDITIONS OF APPROVAL

4. The rights listed below are limited to a total combined diversion rate of 6.08 cfs and to a total combined annual diversion volume of 2174.8 AF. Combined Right Nos.: 37-22184, 37-22186, and 37-22188.
5. 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 31st day of July, 20 07



Administrator, Water Management Division

**WATER RIGHT NO. 37-22187
As Modified by Transfer No. 73558**

In accordance with the approval of Transfer No 73558, Water Right No. 37-22187 is now described as follows

Right Holder: SIMON FARMS INC
PO BOX 403
FAIRFIELD ID 83327

Priority Date: September 21, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.63 CFS	115.2 AF
			0.63 CFS	115.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec 21 Twp 01S Rge 15E CAMAS 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	
01S	15E	21	34.0	34.0	34.0	34.0									34.0			34.0	204.0
01S	15E	22					34.0	34.0	34.0	34.0		34.0	34.0						204.0

Total Acres: 408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 38.4 acres within the place of use described above in a single irrigation season.
2. 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, and the irrigation of 45.8 acres.
3. 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, and the irrigation of 92 acres.
4. 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, and the irrigation of 408 acres.
5. 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.
6. 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.

WATER RIGHT NO. 37-22187
As Modified by Transfer No. 73558

CONDITIONS OF APPROVAL

- 7 Right No 37-22189 is an enlargement of this right pursuant to Section 42-1426, Idaho Code
- 8 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 9 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
- 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 31st day of July, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 37-22188
As Modified by Transfer No. 73558

In accordance with the approval of Transfer No 73558, Water Right No. 37-22188 is now described as follows.

Right Holder: SIMON FARMS INC
 PO BOX 403
 FAIRFIELD ID 83327

Priority Date: September 21, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.01 CFS	250 6 AF
			1.01 CFS	250 6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESE Sec. 17 Twp 01S Rge 15E CAMAS 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	
01S	15E	4							5 2	6 1	39 0	37 0	35 9	30 0					153 2
01S	15E	9					38 0	39 0	39 0	31 0	36 0	39 0	36 0	32 0					290 0

Total Acres: 443 2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 71 6 acres within the place of use described above in a single irrigation season.
2. 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.
3. The rights listed below are limited to a total combined diversion rate of 6.08 cfs and to a total combined annual diversion volume of 2174 8 AF. Combined Right Nos : 37-22184, 37-22186, and 37-22188
4. The rights listed below are limited to the irrigation of a combined total of 443 2 acres in a single irrigation season. Combined Right Nos.: 37-22186 and 37-22188
5. This right is based upon an enlargement of Right No 37-22186 pursuant to Section 42-1426, Idaho Code

WATER RIGHT NO. 37-22188
As Modified by Transfer No. 73558

CONDITIONS OF APPROVAL

6. This right is for an enlargement of 71 6 acres within the place of use described for this right.
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 31st day of July, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 37-22189

As Modified by Transfer No. 73558

In accordance with the approval of Transfer No. 73558, Water Right No. 37-22189 is now described as follows.

Right Holder: SIMON FARMS INC
PO BOX 403
FAIRFIELD ID 83327

Priority Date: September 21, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.10 CFS	25.9 AF
			0.10 CFS	25.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec 21 Twp 01S Rge 15E CAMAS 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	
01S	15E	21	34.0	34.0	34.0	34.0									34.0			34.0	204.0
01S	15E	22					34.0	34.0	34.0	34.0		34.0	34.0						204.0

Total Acres: 408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.4 acres within the place of use described above in a single irrigation season
2. 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, and the irrigation of 45.8 acres
3. 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, and the irrigation of 92 acres
4. 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, and the irrigation of 408 acres.
5. 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
6. This right is based upon an enlargement of Right No. 37-22187 pursuant to Section 42-1426, Idaho Code.

WATER RIGHT NO. 37-22189
As Modified by Transfer No. 73558

CONDITIONS OF APPROVAL

7. 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
8. 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
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
11. 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 31st day of July, 20 07



Administrator, Water Management Division

In Re SRBA

Case No. 39576

STIPULATED ELEMENTS OF A WATER RIGHT

01/29/2007

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

RIGHT NUMBER: 37-7289
NAME AND ADDRESS: SIMON FARMS INC
PO BOX 364
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS
948.000 AFY

See
NBS

WCS

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: 10/01/1973

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	04/01 11/01	4.000 CFS 948.00 AFY

PLACE OF USE: IRRIGATION in CAMAS County

T01S R15E S17	NENE	39.00	T01S R15E S17	NWNE	40.00
T01S R15E S17	SWNE	40.00	T01S R15E S17	SENE	39.00
T01S R15E S17	NESE	39.00	T01S R15E S17	NWSE	40.00
T01S R15E S17	SWSE	40.00	T01S R15E S17	SESE	39.00

316 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF SERVICE

I certify that on February 6th, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

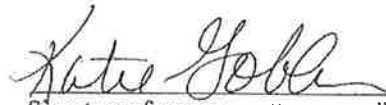
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Simon Farms, Inc.
P.O. Box 364
Fairfield, ID 83327

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form

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

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: 37-7289

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.
William C. Simon

Please print your name:

Simon

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

Adjudication Claim Notes

Claim(s): 37-7289

Background Data

- Source is Groundwater
- Licensed for 4.0 cfs on 316 acres
- Claimed 4.0 cfs on 312 acres

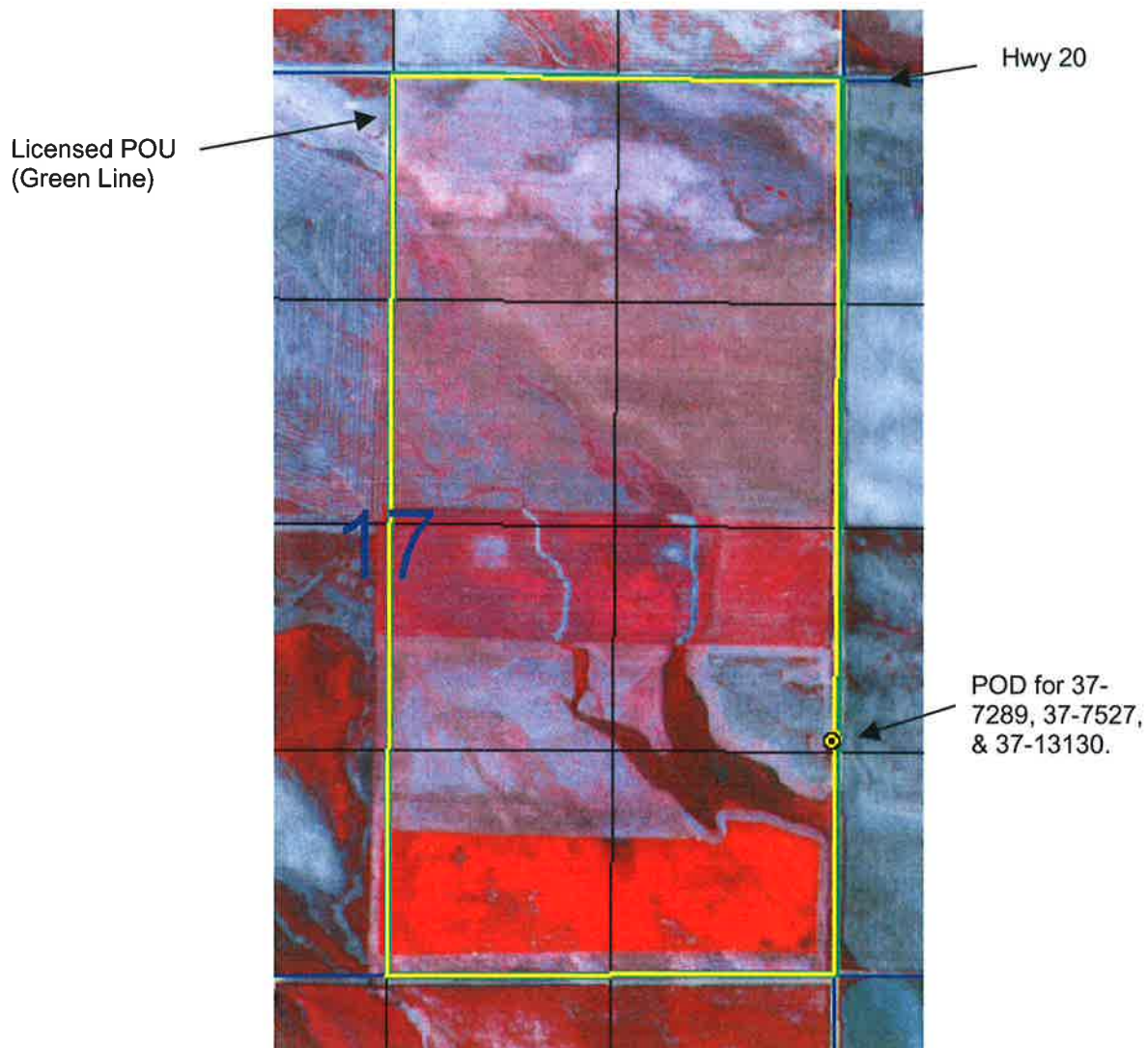
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R15E Section 17

- Found 316 acres
- POD digitized based on license documents and USGS map
- Licensed for 316 acres, but claimed for 312 acres.
- The POD is shared for 37-7289, 37-7527, & 37-13130. Add condition that combined diversion rate shall not exceed 6.71 cfs.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that SIMON FARMS, INC.

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 1 to November 1 at 4.0 cfs and 948 acre feet

from cfs and

from cfs and

(both dates inclusive)

Description and location of place of use:

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of March, 19 81.

Director

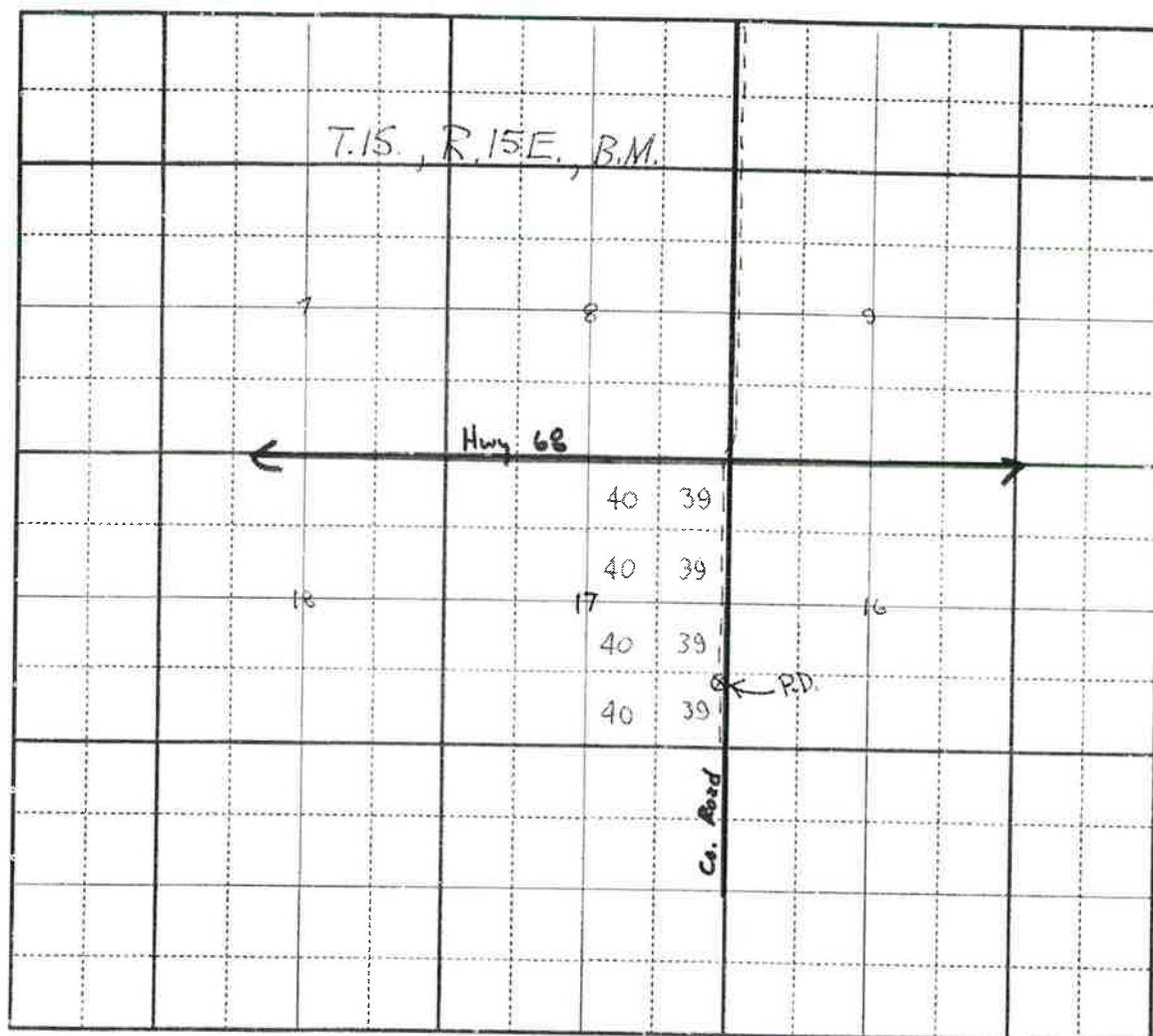
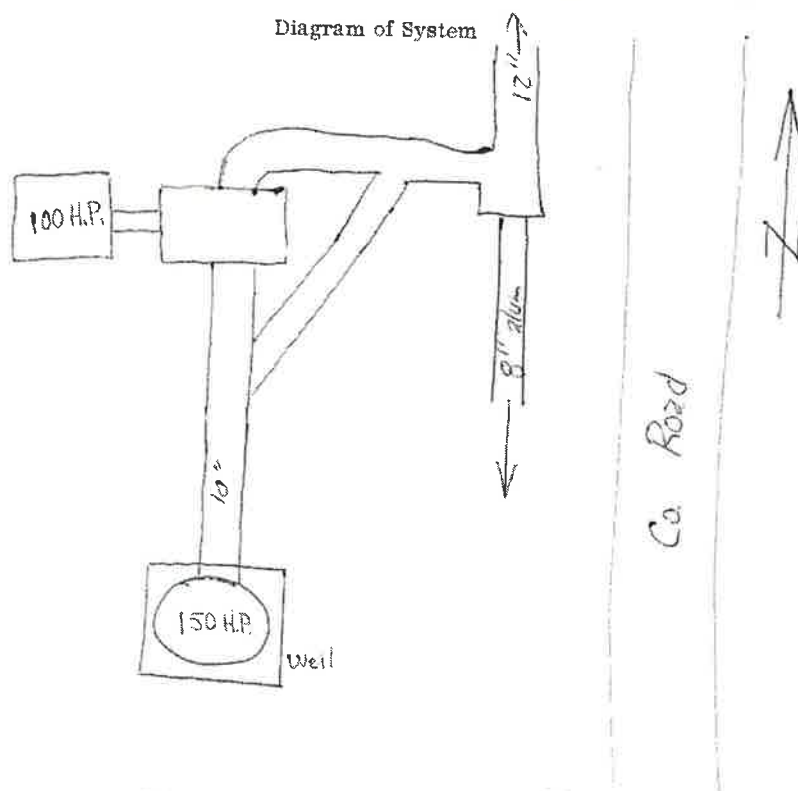


Diagram of System



DATE OF EXAM 7/19/79ACREAGE
Found 316 ✓
Recommended 316 ✓Irrigation Requirement 3.0 ✓ Ac Ft/AcUSE
Irrigation Q = 4.00 c.f.s. V = 948.0 AF/Ann. from 4-1 to 11-1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____Is water co-mingled? yes _____ no ✓Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Exchange? yes _____ no ✓Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Total Q measured 4.95 cfs Method of measurement Access PortTotal Q recommended 4.00 cfs Meter No. 191139 Type Annubar Condition GoodTotal V recommended 948.0

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

 $Q_{meas} \Rightarrow (10.020 \text{ Annubar @ } 33" \text{ H}_2\text{O with booster running}) = \text{capacity } 4.95 \text{ cfs}$ $Q_{allow} = \text{amount applied for} = 4.00 \text{ cfs}$ ✓ $V_{rec} = (316 \text{ Acres} \times 3.0 \text{ A.F./Ann./Ac}) = 948.0 \text{ A.F./Ann.}$
 $4.0 \times 191139 \times 214 \text{ days} = 1697.9$

SYSTEM DESCRIPTION:

150 H.P. U.S. Motors, ID# C521218 84-03556-352 with Peerless Pump delivers via a Lincoln 100 H.P. serial 1689204 with Aurora Pump serial 76-12638-2 booster system to a buried mainline & Portable Alum. mainline network. The lands covered under this permit had three 1/2 mile wheel lines with "1/4" nozzles.

REMARKS:

Well irrigates additional lands covered under other permit.

Mr. Simon was present during exam.

Examiner's Signature

Rep. D. MerrillDate 7/27/79

Checked by

Gary JundabyDate 9/25/79

Approved by

KolmDate 2/23/1981See Overlap
Review on
Back →

Water Right Number - 37-07289

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SIMON FARMS INC.

1 - P.O. BOX 364

2 -

3 -

City- FAIRFIELD

State- ID Zip- 83327

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/01/1973 17 L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 15E 17 SE SE (25) CAMAS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 4.000 948.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.000 948.00+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 15E 17 NE NE 39.0 01 IRRIGATION (25) CAMAS
01S 15E 17 NW NE 40.0 01 IRRIGATION (25) CAMAS
01S 15E 17 SW NE 40.0 01 IRRIGATION (25) CAMAS
01S 15E 17 SE NE 39.0 01 IRRIGATION (25) CAMAS
01S 15E 17 NE SE 39.0 01 IRRIGATION (25) CAMAS
01S 15E 17 NW SE 40.0 01 IRRIGATION (25) CAMAS
01S 15E 17 SW SE 40.0 01 IRRIGATION (25) CAMAS
01S 15E 17 SE SE 39.0 01 IRRIGATION (25) CAMAS

Total Acres: 316.0

+ - - Diversion Means - WELL & PUMP.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.MICROFILMED
FEB 24 1993

Water right number - 37-07289 Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/23/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 11/01/1978	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 11/01/1973	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/12/1982	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICHO FILMED
FEB 24 1993