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JUN 25 2002

Department of Water Resources

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	)	Subcase No. 65-22512
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

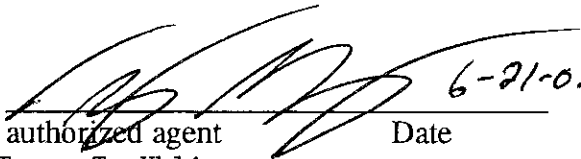
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

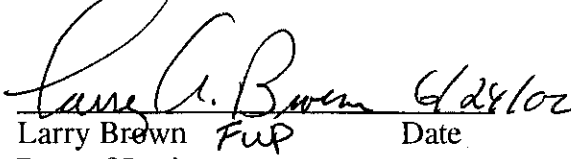
JR Simplot Company

 6-21-02

authorized agent Date
Terry T. Uhling
Vice President, Environmental, Health,
Safety & Regulatory Affairs and
Associate General Counsel
STANDARD FORM 5 - 65-22512

OBJECTOR:

USDI - BLM

 6/28/02

Larry Brown Date
FUP
Dept of Justice
Attorney for USDI-BLM

IDWR Concurrence:

 6/21/02
IDWR Agent Date

 6/21/02
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on June 24, 2002 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

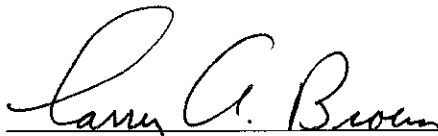
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

JR Simplot Company
P.O. Box 27
Boise, ID 83707

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

06/19/2002

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

RIGHT NUMBER: 65-22512

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-5459A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF ~~27.35~~ 27.22 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 11/04/1881

POINT OF DIVERSION:

T07N R04W S12 NENE Lot 3 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County

T07N R04W S01 Lot 11 NWNW
T07N R04W S01 Lot 9 NESW
T07N R04W S01 Lot 7 SESE
T07N R04W S12 Lot 3 NENE
T08N R04W S26 Lot 10 SWSE
T08N R04W S35 NENE
T08N R04W S35 SWNE
T08N R04W S35 SWNW
T08N R04W S35 NESW
T08N R04W S35 NESE
T08N R04W S35 SWSE
T08N R04W S36 Lot 5 NWNW
T08N R04W S36 Lot 7 NWSW

T07N R04W S01 Lot 10 SWNW
T07N R04W S01 Lot 8 SWSE
T07N R04W S02 Lot 1 NENE
~~T07N R04W S25 Lot 3 SWSW~~
T08N R04W S26 Lot 10 SESE
T08N R04W S35 Lot 1 NWNW
T08N R04W S35 SENE
T08N R04W S35 SENW
T08N R04W S35 NWSW
T08N R04W S35 NWSE
T08N R04W S35 SESE
T08N R04W S36 Lot 6 SWNW
T08N R04W S36 Lot 8 SWSW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 1000 RANGE CATTLE