

**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. 43-103C

)

) **Standard Form 5**

)

) **STIPULATED ELEMENTS
OF A WATER RIGHT**

)

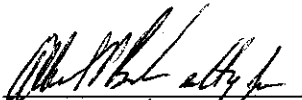
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

The parties agree that the Snake River 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:

J. R. Simplot Company


J. R. Simplot Company

11-24-03
Date

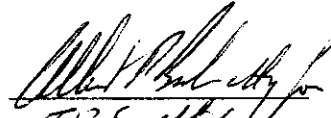
OBJECTORS:

Ted Higley



11-3-03
Date

J. R. Simplot Company

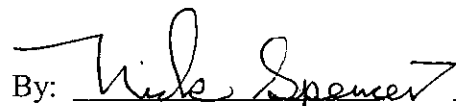

J. R. Simplot Company

11-24-03
Date

IDWR CONCURRENCE:

IDWR CONCURRENCE:

By:  12-4-03
Agent Date

By:  12-8-03
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on December 10, 2003, I mailed the original and copies of this form, including all attachments, 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. Copy to:

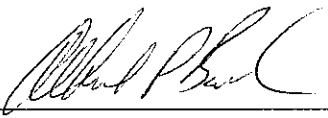
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Ted Higley
Betty Ann Higley
200 Rodocker Lane Box 57
Malta, ID 83342

J. R. Simplot Company
PO Box 27
Boise, ID 83707



Signature of person or attorney mailing the form

10/16/2003

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

RIGHT NUMBER: 43-103C

NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.100 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106, 43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County
T13S R26E S14 SESENW Within CASSIA County
T13S R26E S14 SWNWSW Within CASSIA County
T13S R26E S21 SWSENE Within CASSIA County
T13S R26E S22 NENENW Within CASSIA County

KKC
NBS

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R26E S11	NESW	17.0	T13S R26E S11	SESW	26.0
T13S R26E S11	NESE	40.0	T13S R26E S11	NWSE	40.0
T13S R26E S11	SWSE	40.0	T13S R26E S11	SESE	38.0
T13S R26E S12	NWSW	30.0	T13S R26E S12	SWSW	30.0
T13S R26E S13	NWNW	39.0	T13S R26E S13	SWNW	39.0
T13S R26E S14	NENE	40.0	T13S R26E S14	NWNE	40.0
T13S R26E S14	SWNE	40.0	T13S R26E S14	SENE	40.0
T13S R26E S14	NENW	35.0	T13S R26E S14	SWNW	17.0
T13S R26E S14	SENW	40.0	T13S R26E S14	NWSW	36.0
T13S R26E S14	SWSW	40.0	T13S R26E S15	NESE	8.5
T13S R26E S15	SWSE	31.0	T13S R26E S15	SESE	31.0

737.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 416 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, AND 43-104B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 737.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2536, 43-99C, 43-100C, 43-101C, 43-102C, 43-103C, 43-104B, 43-105, 43-106,

43-107, 43-275, 43-276, 43-277, 43-10591, AND 43-10592

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

NO LAWFUL APPROPRIATION SHOWN.

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.

NBS

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Water Right 43-103C

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