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MAY 20 2004

DEPARTMENT OF
WATER RESOURCES MAY 10: 44

TWIN FALLS CO., IDAHO
FILED

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MAY 17 2004

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: 29-10927

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. 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.

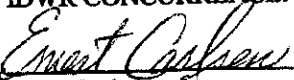
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions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


TERRY T. OHLING
J R Simplot Co
5/11/04
Date

IDWR CONCURRENCE:


Ernie Carlsen
Adjudication Supervisor, Eastern Region
4/27/04
Date


Candice M. McHugh
Attorney for IDWR
4/27/04
Date

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

27th MAY 19 AM 10:44

FILED
MAY 19 1960
IDAHO

RIGHT NUMBER: 29-10927

NAME AND ADDRESS:

J R SIMPLOT CO
C/O ROM GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE:

Source:
PORTNEUF RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.380 CFS

0.000 APY

PRIORITY DATE:

04/11/1910

POINT OF DIVERSION:

T06S R34E S16 SWSW

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.380 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T06S R34E S16 SWSW 2.8

T06S R34E S17 NWSE 1.6

T06S R34E S17 SWSE 6.0

T06S R34E S17 NENE 0.3

T06S R34E S17 NESE 3.4

T06S R34E S17 NNESE 2.8

T06S R34E S17 SSESE 2.1

IRRIGATION Same as

19 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.

~~RECOMMENDED AS RIGHT NO. 29-4088. This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.~~
~~RECOMMENDED AS RIGHT NO. 29-4088.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on May 17, 2004 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:

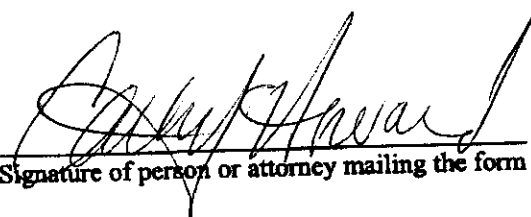
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

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

J R Simplot Co
PERRY T. UHLING
999 Main St Ste 1300
PO Box 27
Boise ID 83707



Signature of person or attorney mailing the form