

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 43-10590

STANDARD FORM 5

AMENDED CLAIM

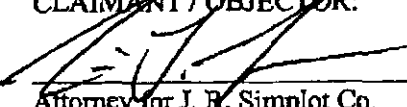
For Domestic & Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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 Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

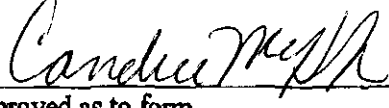
  
Attorney for J. R. Simplot Co.

10/21/02  
Date

IDWR CONCURRENCE:

  
Sr. Water Resource Agent

10-22-02  
Date

  
Approved as to form  
Attorney for IDWR

10/22/02  
Date

09/17/2002

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

RIGHT NUMBER: 43-10590

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.10 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER  
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/12/1955

POINT OF DIVERSION:

T118 R26E S34 SWSWNE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| STOCKWATER     | 01/01 12/31   | 0.020 CFS |
| DOMESTIC       | 01/01 12/31   | 0.080 CFS |

PLACE OF USE:

STOCKWATER PLACE OF USE  
T118 R26E S34 NESW  
DOMESTIC PLACE OF USE  
T128 R26E S03 NENE

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

~~NO LAWFUL APPROPRIATION SHOWN. There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.~~

~~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(5), Idaho Code.

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

EXPLANATORY MATERIAL: Beneficial Use

Water Right 43-10590

1

### CERTIFICATE OF SERVICE

I certify that on October 22, 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  
P.O. Box 2707  
Twin Falls, ID 83303-2707

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

2. Copies to:

Travis L. Thompson  
Barker, Rosholt & Simpson  
P.O. Box 2139  
Boise, ID 83709

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

Chief, Natural Resources Div.  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

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

United States Dept. of Justice  
Environment & Nat'l Res. Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

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

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



Signature of person mailing this document