

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2008 AUG 6 AM 10 16

**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. <u>02-10048</u>
	)	
	)	Standard Form 5
Case No. 39576	)	
	)	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, data, expert opinions and law support 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 Co.



Terry T. Uhling
Attorney for Claimant

July 21, 2008
Date

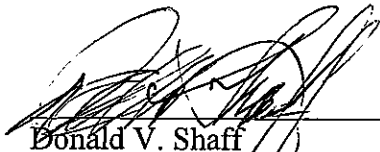
OBJECTOR:
United States on behalf of the
Bureau of Land Management



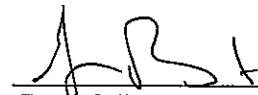
Jacob T. Haseman
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

7/29/08
Date

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

7-30-08
Date


Garrick Baxter
Deputy Attorney General

7-11-08
Date

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

RIGHT NUMBER: 2-10048

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY T UHLING
999 MAIN STREET SUITE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.050 CFS

PRIORITY DATE: 03/15/1950

POINT OF
DIVERSION:

T05S R04E S34 NESWNW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	5.050 CFS
PLACE OF USE: <u>IRRIGATION in ELMORE County</u>		
T05S R04E S28 SWSW 19.00	T05S R04E S28 SESW	1.00
T05S R04E S29 SWNE 34.00	T05S R04E S29 NESW	16.00
T05S R04E S29 NWSW 8.00	T05S R04E S29 Lot 1 SWSW	34.00
T05S R04E S29 SESW 18.00	T05S R04E S29 NESE	16.00
T05S R04E S29 NWSE 40.00	T05S R04E S29 SWSE	31.00
T05S R04E S29 SESE 35.00	T05S R04E S30 NWNW	12.00
T05S R04E S30 SWNE 36.00	T05S R04E S30 NENW	38.00
T05S R04E S30 Lot 1 NWNW 18.00	T05S R04E S30 Lot 2 SENW	25.00
T05S R04E S30 NESE 33.00	T05S R04E S30 Lot 3 NWSE	21.00
T05S R04E S30 Lot 4 SESE 19.00	T05S R04E S32 Lot 2 SWNE	31.00
T05S R04E S32 Lot 1 SENE 19.00	T05S R04E S32 Lot 4 NWNW	15.00
T05S R04E S32 Lot 3 SENW 41.00	T05S R04E S33 NENW	11.00
T05S R04E S33 Lot 4 NWNW 13.00		

584 ACRES TOTAL

Place of use does not include federal public lands.

584

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 2-10047, 2-10048, and 110 assessed acres of Snake River Irrigation District.

This right is limited to the irrigation of 252 acres within the place of use described above in a single irrigation season.

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 - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through Snake River Irrigation District Canal.

CERTIFICATE OF MAILING

I certify that on August 4, 2008, 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:

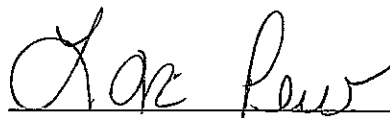
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

J R SIMPLOT COMPANY
Represented by:
TERRY T UHLING
J R SIMPLOT COMPANY
999 MAIN ST STE 1300
PO BOX 27
BOISE, ID 83707-0027

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form