



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 23, 2009

Vic Conrad
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707

Re: SRBA Subcase Nos 63-2239 et al (Simplot)

Dear Vic:

I am enclosing a Standard Form 5 ("SF5") for each of the above referenced subcases. Please review the documents, and if they are acceptable, please have the documents signed, the recommendations initialed and file the original SF5s with the SRBA Court along with copies to the parties. If you prefer, you can return the SF5s to me, and I will file them with the Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-2239
	)	<i>Uncontested Overlapping Right</i>
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:

Simplot Livestock Company

Terry T. Uhling Date
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-2239

IDWR Concurrence:

Kay Walker 2-18-09
Kay Walker Date
Senior Water Resource Agent

Nicholas B. Spencer 2-17-09
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-2239

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

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 4.600 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate for the lands listed herein.

~~This right when combined with Right Nos. 63-222K, 63-5036, 63-5037, 63-5038, 63-5039, 63-10034, and 63-21734 shall provide no more than .02 cfs per acre at the field headgate.~~

PRIORITY DATE: 05/18/1914

POINT OF DIVERSION:

T04N R03W S21 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.800 CFS
IRRIGATION	03/15 11/15	3.800 CFS

Industrial use is for dust abatement.

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S18 Lot 7 NWSW	35.00	T04N R04W S13	NESE	40.00
T04N R04W S13	NWSE	35.00	T04N R04W S13	SWSE
T04N R04W S13	SESE	40.00		

INDUSTRIAL in CANYON County

T04N R03W S18 Lot 7 NWSW	T04N R03W S18 Lot 8 SWSW
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190 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.

SF5 Right No. 63-2239

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Use of this right is combined with water from Pioneer Dixie Ditch Co.

~~Industrial use is for duck abatement~~

NBS
kw

CERTIFICATE OF MAILING

I certify that on _____, 2009, 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:

SIMPLOT LIVESTOCK CO.

Represented by:
GRAY A. YOUNG
J R SIMPLOT COMPANY
999 MAIN ST. STE. 1300
PO BOX 27
BOISE, ID 83707-0027

SIMPLOT LIVESTOCK CO

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

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form