



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. 63-2425                  |
|                | ) | <i>Uncontested Overlapping Right</i> |
| Case No. 39576 | ) |                                      |
|                | ) | <b>STANDARD FORM 5</b>               |
|                | ) |                                      |
|                | ) | <b>STIPULATED ELEMENTS OF A</b>      |
| _____          | ) | <b>WATER RIGHT</b>                   |

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 – 63-2425

**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: 63-2425

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 5.200 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 No. 63-5036, 63-5037, 63-5038, 63-5039, 63-10034, & 63-21734 shall provide no more than .02 cfs per acre.~~

PRIORITY DATE: 08/26/1929

POINT OF DIVERSION:

T04N R03W S19 NENE Within CANYON County

T04N R03W S20 SENW Within CANYON County

NBS  
KW

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                          | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                     | 3/15 11/15           | 5.200 CFS       |
| 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 S19            | NENW | 20.00 | T04N R03W S19 Lot 1 NWNW | 30.00 |
| T04N R03W S19 Lot 2 SWNW |      | 40.00 | T04N R03W S19            | SENW  |
|                          |      |       |                          | 40.00 |
| T04N R04W S24            | NENE | 35.00 | T04N R04W S24            | NWNE  |
|                          |      |       |                          | 25.00 |
| T04N R04W S24            | SWNE | 30.00 | T04N R04W S24            | SENE  |
|                          |      |       |                          | 40.00 |

260 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 - License

Use of this right is combined with water from Pioneer Dixie Ditch Co. Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

## 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

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Signature of person or attorney mailing the form