

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. 63-7678
	)	<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.

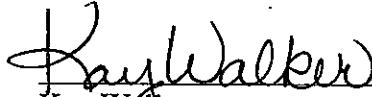
CLAIMANT:

Simplot Livestock Company

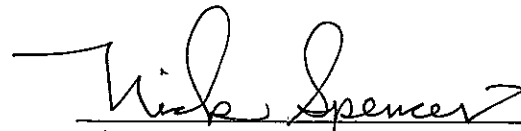
Terry T. Uhling Date
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-7678

IDWR Concurrence:

 2-18-09

Kay Walker Date
Senior Water Resource Agent

 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: 63-7678

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
134.000 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and to a total combined annual diversion volume of 5779.7 AF. Combined Right Nos.: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, 63-21541 and 63-7678

PRIORITY DATE: 10/26/1972

POINT OF DIVERSION:

T04N R03W S18 SWSW Lot 8 Within CANYON CountyT04N R03W S18 SESW Within CANYON CountyT04N R03W S18 NWSE Within CANYON CountyT04N R03W S19 SENE Within CANYON CountyT04N R03W S19 NESE Within CANYON CountyT04N R03W S19 NWSE Within CANYON CountyT04N R03W S20 NESW Within CANYON CountyT04N R03W S20 NWSW Within CANYON CountyT04N R03W S20 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

01/01 12/31

0.400 CFS
134.00 AFY

PLACE OF USE: STOCKWATER in CANYON CountyT04N R03W S18 NESWT04N R03W S18 Lot 7 NWSWT04N R03W S18 Lot 8 SWSWT04N R03W S18 SESWT04N R03W S18 NESET04N R03W S18 NWSET04N R03W S18 SWSET04N R03W S18 SESET04N R03W S19 NENET04N R03W S19 NWNET04N R03W S19 SWNET04N R03W S19 SENET04N R03W S19 Lot 1 NWNWT04N R04W S13 NESWT04N R04W S13 SESWT04N R04W S13 NESET04N R04W S13 NWSET04N R04W S13 SWSE

SF5 Right No. 63-7678

<u>T04N R04W S13</u>	<u>SESE</u>	<u>T04N R04W S24</u>	<u>NENE</u>
<u>T04N R04W S24</u>	<u>NWNE</u>	<u>T04N R04W S24</u>	<u>SWNE</u>
<u>T04N R04W S24</u>	<u>SENE</u>		

NBS
kw

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 - License

The following rights are diverted through points of diversion described above: 63-4968, 63-5036, 63-5038, 63-5039, 63-2731, 63-5037, 63-21537, and 63-21541.

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

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

Stockwater use is for 10,000 range cattle.

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