

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. 63-21541
	)	<i>Previously Disallowed</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.

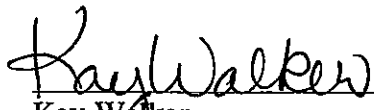
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

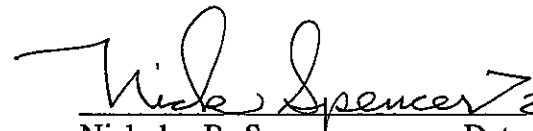
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Simplot Livestock Company

Terry T. Uhling Date
Attorney for Claimant/Objector

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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-21541

NAME AND ADDRESS:

SIMPLIST LIVESTOCK CO
PO BOX 27
BOISE ID 83707

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

0.580 CFS35.500 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.

NBS
kwPRIORITY DATE: 01/01/1955

POINT OF DIVERSION:

T04N R03W S18 Lot 8 SWSW
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 CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER01/01 12/310.580 CFS 35.50 AFY

SF5 Right No. 63-21541

PLACE OF USE: STOCKWATER within CANYON County
 T04N R03W S18 NESW
 T04N R03W S18 Lot 7 NWSW
 T04N R03W S18 Lot 8 SWSW
 T04N R03W S18 SESW
 T04N R03W S18 NESE
 T04N R03W S18 NWSE
 T04N R03W S18 SWSE
 T04N R03W S18 SESE
 T04N R03W S19 NENE
 T04N R03W S19 NWNE
 T04N R03W S19 SWNE
 T04N R03W S19 SENE
 T04N R03W S19 Lot 1 NWNW
 T04N R04W S13 NESW
 T04N R04W S13 SESW
 T04N R04W S13 NESE
 T04N R04W S13 NWSE
 T04N R04W S13 SWSE
 T04N R04W S13 SESE
 T04N R04W S24 NENE
 T04N R04W S24 NWNE
 T04N R04W S24 SWNE
 T04N R04W S24 SENE

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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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, 63-21541 and 63-7678. Stockwater use is for 2650 range cattle.

~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

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

SIMPLOT LIVESTOCK COMPANY
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