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FEB 25 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 24 2009

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

Subcase Nos. 02-2308

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

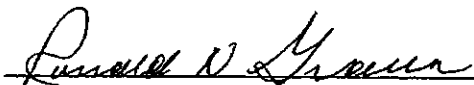
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

J R Simplot Self-Declaration of Revocable Trust

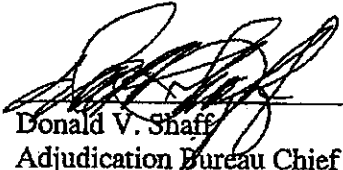

Ronald Graves - TRUSTEE

Date

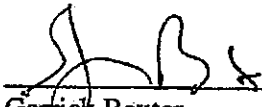
2-18-09

STANDARD FORM 5 - 02-2308

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

2-13-09
Date


Garrick Baxter
Deputy Attorney General

2/13/09
Date

CERTIFICATE OF MAILING

I certify that on February 23, 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:

J R SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707-0027

J.R. SIMPLOT SELF-DECLARATION
Represented by:
RONALD N. GRAVES
PO BOX 27
BOISE, ID 83707

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

Deserae Kamen

Signature of person or attorney mailing the form

02/05/2009

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

RIGHT NUMBER: 2-2308

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 23.000 CFS
6,760.00 AFY

Right Nos. 02-02308 and 02-10187 are limited to a total combined annual diversion volume of ~~9536~~ 8527.2 AF.

The rights listed below are limited to a total combined diversion rate of 41.41 cfs.

Combined Right Nos.: 02-02308, 02-10187, 57-00185, 57-00187A, 57-00187B, 57-02152, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, & 57-11654.

PRIORITY DATE: 05/20/1964

POINT OF DIVERSION:

T05S R04E S34 SWSESW Lot 9 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/30	23.000 CFS 6,760.00 AFY
PLACE OF USE: <u>IRRIGATION in OWYHEE County</u>		
T06S R03E S02 SENE 20.00	T06S R03E S10 SESE 40.00	
T06S R03E S11 SWNE 35.00	T06S R03E S11 SENE 40.00	
T06S R03E S11 NWNW 40.00	T06S R03E S11 SWNW 40.00	
T06S R03E S11 NESW 36.00	T06S R03E S11 NWSW 38.00	
T06S R03E S11 SWSW 40.00	T06S R03E S11 NWSE 35.00	
T06S R03E S11 SWSE 15.00	T06S R03E S11 SESE 40.00	
T06S R03E S12 NENW 40.00	T06S R03E S12 NWNW 40.00	
T06S R03E S12 SWNW 40.00	T06S R03E S12 SENW 40.00	
T06S R03E S12 NESW 30.00	T06S R03E S12 NWSW 40.00	
T06S R03E S12 SWSW 40.00	T06S R03E S12 SESW 40.00	
T06S R03E S12 SWSE 30.00	T06S R03E S12 SESE 35.00	
T06S R03E S13 NENE 40.00	T06S R03E S13 NWNE 40.00	
T06S R03E S13 SWNE 40.00	T06S R03E S13 SENE 35.00	
T06S R03E S13 NENW 40.00	T06S R03E S13 NWNW 40.00	
T06S R03E S13 SWNW 40.00	T06S R03E S13 SENW 40.00	
T06S R03E S14 NENE 40.00	T06S R03E S14 NWNE 15.00	
T06S R03E S14 SWNE 10.00	T06S R03E S14 SENE 30.00	
T06S R03E S14 NWNW 38.00	T06S R03E S14 SWNW 10.00	
T06S R03E S14 SENW 25.00	T06S R03E S15 NENE 40.00	
T06S R03E S15 SENE 35.00		

1352 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2071 acres in a single irrigation season. Combined Right Nos.: 02-02308, 2-7206, 02-10187, 57-00185, 57-00187A, 57-00187B, 57-02152, 57-11632, 57-11634, 57-11636, 57-11638, 57-11640, 57-11642, 57-11644, 57-11646, 57-11648, 57-11650, 57-11652, & 57-11654.

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 also diverted through point of diversion described above: 02-02153, 02-02154, 02-02308, 02-02423, 02-02424, 02-07206.