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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 _____
Clerk
Deputy Clerk

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

Case No. 39576

Subcase Nos. 02-10187

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.

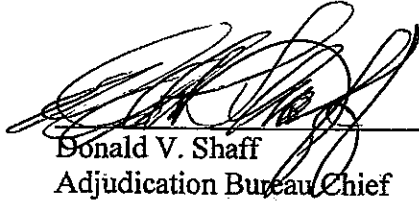
CLAIMANT/OBJECTOR:

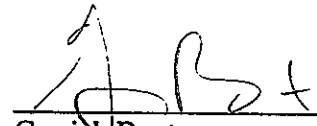
J R Simplot Self Declaration Revocable Trust

Ronald Graves 2-18-09
Ronald Graves, Trustee Date

STANDARD FORM 5 – 02-10187

IDWR Concurrence:

 2-20-09
Donald V. Shaff
Adjudication Bureau Chief Date

 2/20/09
Garrick Baxter
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on Feb. 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 Kramer

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: 2-10187

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.160 CFS
2,035.20 AFY

~~The rights listed below are limited to a total combined diversion rate of 35.2 cfs and to a total combined annual diversion volume of 8555 AF. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.~~

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 30.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021, AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C, 2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10200, & 2-10209.~~

This right when combined with Rights 02-02308, 02-07206 and all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands ~~above~~.

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION:

T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	12.160 CFS 2,035.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R03E S01	SWSE	40.00	T06S R03E S02	SWSE	40.00
T06S R03E S11	NWNE	40.00	T06S R03E S11	NENW	40.00
T06S R03E S11	NWNW	40.00	T06S R03E S11	SWNW	40.00
T06S R03E S11	SENW	38.00	T06S R03E S11	NESE	5.00
T06S R03E S12	NENE	40.00	T06S R03E S12	NWNE	40.00
T06S R03E S12	SWNE	40.00	T06S R03E S12	SENE	40.00
T06S R03E S12	NESE	40.00	T06S R03E S12	NWSE	40.00
T06S R04E S07	NWNW	37.00	T06S R04E S07	SWNW	40.00
T06S R04E S07	NWSW	8.00			

608 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1760 1880 acres in a single irrigation season. Combined Right Nos.: 02-02308, 02-07206, & 02-10187.

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

THIS RIGHT IS A SPLIT FROM FORMER CLAIM 02-2209D.

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Failure of the right holder to comply with the conditions of Transfer 5714 is cause for the Director to rescind approval of the transfer.

Approval of Transfer 5714 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

AS
JS
PY