

RECEIVED

FEB 26 2009

DEPARTMENT OF
WATER RESOURCES

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

FEB 25 2009

COPY

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. 02-00006

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 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 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:

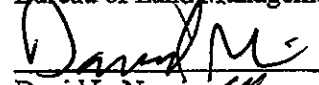
J.R. Simplot Company


Terry T. Uhling
Senior Vice President
Secretary & General Counsel

2-18-08
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

2/19/09
Date

IDWR CONCURRENCE:


Donald V. Shaff
Adjudication Bureau Chief

2-13-09
Date

IDWR CONCURRENCE:


Garick L. Baxter
Deputy Attorney General

2/13/09
Date

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

RIGHT NUMBER: 2-6

NAME AND ADDRESS: J R SIMPLOT CO
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.780 CFS

The rights listed below are limited to a total combined diversion rate of 9.05 cfs. Combined Right Nos.: 2-6, 2-15, 2-2166.

PRIORITY DATE: 04/01/1969

POINT OF
DIVERSION: T06S R05E S8 NESWSW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/01 11/15	5.780 CFS

PLACE OF USE: IRRIGATION in OWYHEE County

T06S	R05E	S18		SWNE	40.00
T06S	R05E	S18		SENE	40.00
T06S	R05E	S18	<u>Lot 10</u>	SWNW	19.00
T06S	R05E	S18		SENW	40.00
T06S	R05E	S18		NESW	38.00
T06S	R05E	S18	Lot 3	NWSW	42.00
T06S	R05E	S18	Lot 4	SWSW	12.00
T06S	R05E	S18		SESW	39.00
T06S	R05E	S18		NESE	37.00
T06S	R05E	S18		NWSE	39.00
T06S	R05E	S18		SWSE	10.00

356 ACRES TOTAL

Right Nos. 02-00006 and 02-00015 are limited to the irrigation of a combined total of 356 acres in a single irrigation season.

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 - Beneficial Use

The following rights are also diverted through point of diversion described above: 02-2166, & 02-00015.



JB

DN

CERTIFICATE OF MAILING

I certify that on February 24, 2009 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

J R Simplot Company
Represented by:
Terry T Uhling
J R Simplot Company
999 Main St. Ste 1300
PO Box 27
Boise, ID 83707-0027

Debrae D. Kramer
Signature of person or attorney mailing the form