

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

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Subcase No. 63-2425

Uncontested Overlapping Right

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

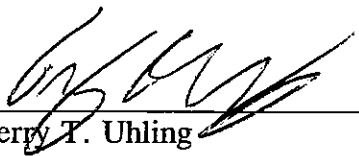
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 3/5/09
Attorney for Claimant/Objector Date

STANDARD FORM 5 – 63-2425

IDWR Concurrence:

Kay Walker 2-18-09
Kay Walker Date
Senior Water Resource Agent

Nicholas B. Spencer 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: 63-2425

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 5.200 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate for the lands listed herein.

~~This right when combined with Right No. 63-5036, 63-5037, 63-5038, 63-5039, 63-10034, & 63-21734 shall provide no more than .02 cfs per acre.~~

PRIORITY DATE: 08/26/1929

POINT OF DIVERSION:

T04N R03W S19 NENE Within CANYON County

T04N R03W S20 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

3/15 11/15

5.200 CFS

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in CANYON County

T04N R03W S19	NENW	20.00	T04N R03W S19 Lot 1 NWNW	30.00
T04N R03W S19 Lot 2 SWNW		40.00	T04N R03W S19 SENW	40.00
T04N R04W S24	NENE	35.00	T04N R04W S24 NWNE	25.00
T04N R04W S24	SWNE	30.00	T04N R04W S24 SENE	40.00

260 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

Use of this right is combined with water from Pioneer Dixie Ditch Co. Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on March 6, 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