

In Re SRBA	)	Subcase No. 63-2731
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2731

NAME AND ADDRESS:

J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.370 CFS10.520 CFS1,551.300 AFY226.600 AFY

The rights listed below are limited to a total combined diversion rate of 12.48 cfs and 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.

PRIORITY DATE: 11/04/1948

POINT OF DIVERSION:

T04N R03W S18 Lot 8 SWSW
Within CANYON County

T04N R03W S18 SESW
Within CANYON County

T04N R03W S18 NWSE
Within CANYON County

T04N R03W S19 SENE
Within CANYON County

T04N R03W S19 NESE
Within CANYON County

~~T04N R03W S19 NESE~~
~~Within CANYON County~~
~~T04N R03W S19 NESE~~
~~Within CANYON County~~

T04N R03W S19 NWSE
Within CANYON County

T04N R03W S20 NESW
Within CANYON County

T04N R03W S20 NWSW
Within CANYON County

T04N R03W S20 NWSW
Within CANYON County

Three points of diversion located in T04N, R03W, S19, NESE.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

INDUSTRIAL

01/01 12/31

2.370 CFS 1,551.30 AFY~~10.520 CFS 226.60 AFY~~

Industrial use is for food processing plant.

NBS
kw
7a

PLACE OF USE: INDUSTRIAL within CANYON County

T04N R03W S07 Lot 6 SWSW
T04N R03W S07 Lot 7 SESW
T04N R03W S17 Lot 7 NESW
T04N R03W S17 Lot 6 NWSW
T04N R03W S17 SWSW
T04N R03W S17 SESE
T04N R03W S18 Lot 3 NWNE
T04N R03W S18 Lot 4 NENW
T04N R03W S18 Lot 5 NWNW
T04N R03W S18 Lot 6 SWNW
T04N R03W S18 SENW
T04N R03W S18 NESW
T04N R03W S18 NESE
T04N R03W S18 NWSE
T04N R03W S18 SESE
T04N R03W S19 NENE
T04N R03W S19 NWNE
T04N R03W S19 SWNE
T04N R03W S19 SENE
T04N R03W S19 NENW
T04N R03W S19 Lot 1 NWNW
T04N R03W S19 Lot 2 SWNW
T04N R03W S19 SENW
T04N R03W S19 NESE
T04N R03W S19 NWSE
~~T04N R03W S19 SESE~~
~~T04N R03W S19 SESE~~
T04N R03W S20 NENW
T04N R03W S20 NWNW
T04N R03W S20 SWNW
T04N R03W S20 SENW
T04N R03W S20 NESW
T04N R04W S12 NESE
T04N R04W S12 Lot 10 NESE
T04N R04W S12 SESE
T04N R04W S12 Lot 10 SESE
T04N R04W S13 NENE
T04N R04W S13 NWNE
T04N R04W S13 SWNE
T04N R04W S13 SENE
T04N R04W S13 SWNW
T04N R04W S13 SENW
T04N R04W S13 NESW
T04N R04W S13 NWSW
T04N R04W S13 SWSW
T04N R04W S13 SESW
T04N R04W S13 SWSE
T04N R04W S13 SESE

NBS
KW
7c

T04N R04W S24 NENE

T04N R04W S24 NWNE

T04N R04W S24 SWNE

T04N R04W S24 SENE

The place of industrial use authorized by this right includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this right for industrial purposes shall not be used for irrigation unless the water is first used in the industrial facility as authorized by this water right.

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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

~~Industrial use is for food processing.~~

~~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:

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

J.R. SIMPLOT 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