



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

June 4, 2009

Vic Conrad  
J.R. Simplot Company  
P.O. Box 27  
Boise, ID 83707

*Re: SRBA Subcase Nos 63-32570 & 63-32571 (J. R. Simplot Co.)*

Dear Vic:

I am enclosing a Standard Form 5 ("SF5") for each of the above referenced subcases. Please review the documents, and if they are acceptable, please have the documents signed, the recommendations initialed and file the original SF5s with the SRBA Court along with copies to the parties. If you prefer, you can return the SF5s to me, and I will file them with the Court. If the SF5s are filed soon, we will likely be able to have the Initial Hearing set for June 30, 2009, vacated.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams  
Paralegal

Enclosures

**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. 63-32570     |
|                | ) |                          |
| 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 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:**

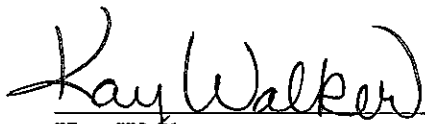
J. R. Simplot Company

---

Terry T. Uhling                      Date  
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-32570

**IDWR Concurrence:**

 6-1-2009

Kay Walker  
Senior Water Resource Agent

 5-29-09

Nicholas B. Spencer  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-32570

## NAME AND ADDRESS:

J R SIMPLOT COMPANY  
C/O TERRY T UHLING  
999 MAIN ST SUITE 1300  
PO BOX 27  
BOISE ID 83707

## SOURCE:

Source:  
DIXIE SLOUGHTributary:  
WEST END DRAIN

The source of this water right includes waste water. The wasting of water may be discontinued at any time.

kw  
NBS

~~The source of this water right is waste water. The wasting of water may be discontinued at any time.~~

## QUANTITY:

9.640 CFS ~~10.680 CFS~~

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.

Right Nos. 63-32571 and 63-32570 are limited to a total combined diversion rate of 10.95 cfs.

PRIORITY DATE: 03/15/1957 ~~03/15/1949~~

## POINT OF DIVERSION:

T04N R03W S29 NENENE  
Within CANYON County

The following rights are diverted through point of diversion described above: 63-32571

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

9.640 CFS ~~10.680 CFS~~

## PLACE OF USE:

IRRIGATION within CANYON County

T04N R03W S19 NESW 21.0

T04N R03W S19 Lot 3 NWSW 37.0

T04N R03W S19 Lot 4 SWSW 35.0

T04N R03W S19 SESW 38.0

T04N R03W S20 SWSW 33.0

T04N R03W S20 SESW 36.0

~~T04N R03W S29 NENE 37.0~~~~T04N R03W S29 SENE 15.0~~

T04N R03W S29 NENW 40.0

T04N R03W S29 NWNW 40.0

T04N R03W S29 SWNW 19.0

T04N R03W S29 SENW 36.0

T04N R03W S30 NENE 38.0

T04N R03W S30 NWNE 36.0

T04N R04W S24 NESE 39.0

T04N R04W S24 NWSE 34.0

SF5 Right No. 63-32570

482 ACRES TOTAL

534 ACRES TOTAL

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.

NBS  
kw

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SF5 Right No. 63-32570

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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  
C/O TERRY T UHLING  
999 MAIN ST. SUITE 1300  
P.O. BOX 27  
BOISE, ID 83707

J. R. SIMPLOT COMPANY  
PO BOX 27  
BOISE, ID 83707

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

\_\_\_\_\_  
Signature of person or attorney mailing the form

**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. 63-32571            |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
| _____          | ) | <b>WATER RIGHT</b>              |

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.**

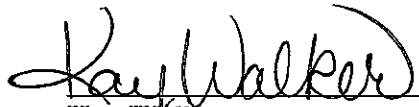
**CLAIMANT/OBJECTOR:**

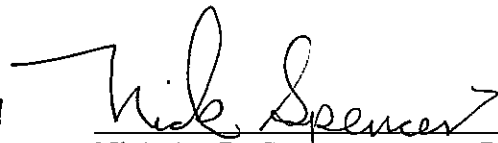
J. R. Simplot Company

\_\_\_\_\_  
Terry T. Uhling                      Date  
Attorney for Claimant/Objector

STANDARD FORM 5 – 63-32571

**IDWR Concurrence:**

 6-1-2009  
\_\_\_\_\_  
Date  
Kay Walker  
Senior Water Resource Agent

 5-29-09  
\_\_\_\_\_  
Date  
Nicholas B. Spencer  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 63-32571

NAME AND ADDRESS: J R SIMPLOT COMPANY  
C/O TERRY T UHLING  
999 MAIN ST SUITE 1300  
PO BOX 27  
BOISE ID 83707

SOURCE: DIXIE SLOUGH TRIBUTARY: WEST END DRAIN

The source of this water right includes waste water. The wasting of water may be discontinued at any time.

~~The source of this water right is waste water. The wasting of water may be discontinued at any time~~

kw  
NBS

QUANTITY: 2.480 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate.

Right Nos. 63-32570 and 63-32571 are limited to a total combined diversion rate of 10.95 cfs.

PRIORITY DATE: 03/15/1957

POINT OF DIVERSION:

T04N R03W S29 NENENE Within CANYON County

The following rights are diverted through point of diversion described above:  
63-32570

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 2.480 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R03W S19 | NESE | 2.00  | T04N R03W S19 | SESE | 11.00 |
| T04N R03W S20 | SWSE | 38.00 | T04N R03W S20 | SESE | 35.00 |
| T04N R03W S29 | NWNE | 38.00 |               |      |       |

124 ACRES TOTAL

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

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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  
C/O TERRY T UHLING  
999 MAIN ST. SUITE 1300  
P.O. BOX 27  
BOISE, ID 83707

J. R. SIMPLOT COMPANY  
PO BOX 27  
BOISE, ID 83707

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

\_\_\_\_\_  
Signature of person or attorney mailing the form