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JUN 18 2009

DEPARTMENT OF
WATER RESOURCES

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	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

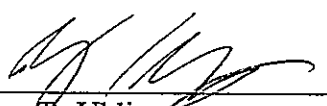
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

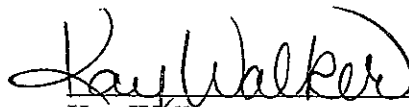
J. R. Simplot Company

 6/16/09

Terry F. Uhling Date
Attorney for Claimant/Objector

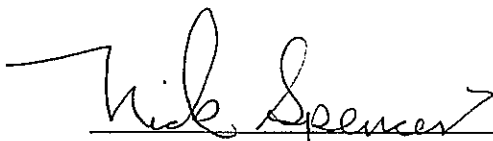
STANDARD FORM 5 – 63-32571

IDWR Concurrence:

 6-1-2009

Kay Walker
Senior Water Resource Agent

Date

 5-29-09

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

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~~

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 June 17, 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



J.R. SIMPLOT COMPANY 999 MAIN STREET BOISE, IDAHO 83702
P.O. BOX 27 BOISE, IDAHO 83707
(208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

JUN 18 2009

DEPARTMENT OF
WATER RESOURCES

June 17, 2009

Overnight Mail

Julie Murphy
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Settlement Stipulations for Water Right Nos. 63-32570 and 63-32571

Dear Ms. Murphy:

Enclosed for filing are the original fully executed "SF5s" for the above referenced SRBA subcases.

Sincerely,

Shirley Wilkerson
Land, Water & Asset Recovery

Enclosures