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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 DEC 7 PM 1 47

**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

) Subcase Nos. 02-7242D  
)  
)  
)  
)  
)  
)

**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. *RWR*

**CLAIMANT:**

**OBJECTOR:**

J. R. Simplot Self-Declaration of Revocable Trust

*Maurice Lee*  
Maurice Lee

*10/27*  
Date

*Sonya Lee*  
Sonya Lee

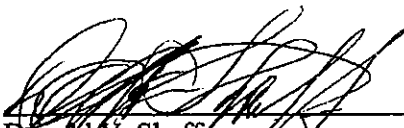
*10/27*  
Date

*Ronald Graves, Trustee*  
Ronald Graves, Trustee

*September 30, 2009*  
Date

STANDARD FORM 5 - 02-7242D

**IDWR Concurrence:**

  
Donald V. Shaff  
Adjudication Bureau Chief

12-02-09  
Date

  
Garrick Baxter  
Deputy Attorney General

11/24/09  
Date

RWR

## CERTIFICATE OF MAILING

I certify that on December 4, 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:

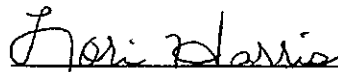
J.R. SIMPLOT SELF-DECLARATION

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

MAURICE D LEE  
MAURICE LEE  
SONYA E LEE  
SONYA LEE

Represented by:  
RAY W. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

09/24/2009

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

RIGHT NUMBER: 2-7242D  
NAME AND ADDRESS: MAURICE D LEE  
358 W FOURTH ST S  
REXBURG ID 83440  
SONYA E LEE  
358 W FOURTH ST S  
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
QUANTITY: 2.420 CFS  
605.00 AFY

*KWR* *SH*  
*SI*  
*ms.*  
~~The rights listed below are limited to a total combined diversion rate of 2.0 cfs. Combined Right Nos. 2-7103, 2-7104, & 2-7242D.~~

Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Welser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.

PRIORITY DATE: 02/10/1977

POINT OF  
DIVERSION:

*MS*  
T06S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND  
PERIOD OF USE:

*SP*

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 03/15 11/15   | 2.420 CFS<br>605.00 AFY |

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 OWYHEE County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T06S R04E S04 Lot 3 NENW | 9.00  | T06S R04E S04 Lot 4 NWNW | 26.00 |
| T06S R04E S04 SWNW       | 38.00 | T06S R04E S04 SENW       | 14.00 |
| T06S R04E S04 NESW       | 34.00 |                          |       |
| 121 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 - License

*RWR* *SH*  
*SI*  
*ms.*  
The following rights are also diverted through point of diversion described above: 2-7242B, 2-07103 & 2-07104.

This right is a split from former right 02-7242A.