

DISTRICT COURT-SEBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 23 2002

By _____ Clerk

Deputy Clerk

**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. 65-4033

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:

Island Capitol LLC

Dana Hofstetter 8/28/02
Date
Attorney for Claimant/Objector

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IDWR Concurrence:

Reynold Brown *8/28/02*
IDWR Agent Date

GLB *8/28/02*
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on August 28, 2002, 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 BY HAND
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation BY MAIL (courtesy copy)
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Office of the Attorney General BY MAIL (courtesy copy)
State of Idaho – Natural Resource Division Chief
P.O. Box 44449
Boise, ID 83711-4449

Dana Hofstetter BY HAND
608 W. Franklin St.
Boise, ID 83702

IDWR Repository BY HAND
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

04/23/2002

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

RIGHT NUMBER: 65-4033

NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

SOURCE: BOULDER CREEK

TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.95 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/10/1950

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS
STOCKWATER	01/01 12/31	0.050 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within VALLEY County

T16N R03E S01	NESW	40.0	T16N R03E S01	NWSW	32.0
T16N R03E S01	SWSW	40.0	T16N R03E S01	SESW	40.0
T16N R03E S02	NESE	31.0	T16N R03E S02	SESE	40.0
T16N R03E S12	NENW	17.0	T16N R03E S12	NWNW	40.0
T16N R03E S12	SWNW	35.0	T16N R03E S12	NWSW	14.0

STOCKWATER same as IRRIGATION

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

10/24
AB
RB