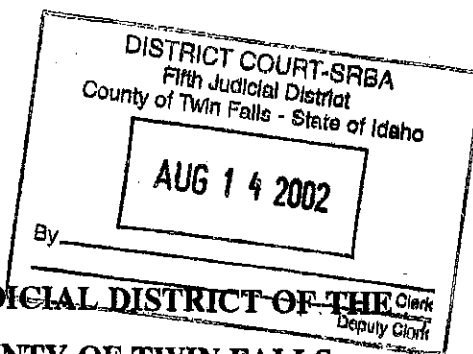


RECEIVED

AUG 16 2002

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

Case No. 39576

Subcase No.: 43-13233

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.

This right, along with right 43-13234, are split from and constitute the whole right of 43-7005. The original right is now superseded by this right and right 43-13234.

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:

for Webb Basin Dairy

Date

OBJECTOR:

Larry A. Brown, US DOJ
Attorney for BLM

Date

IDWR CONCURRENCE:

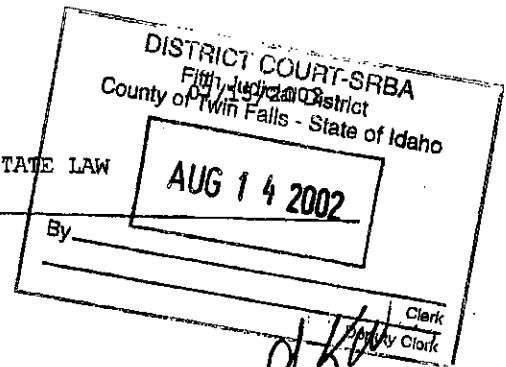
Jeanie Robertson
Sr. Water Resource Agent

8/14/02
Date

Candice Meyer
Approved as to form
Attorney for IDWR

8/14/02
Date

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



RIGHT NUMBER: 43-13233
NAME AND ADDRESS: WEBB BASIN DAIRY
HC 76 BOX 1050
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER
QUANTITY: 6.31 CFS
1,262.0 AFY

TRIBUTARY:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 15.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4145.6 AF. COMBINED RIGHT NOS.: 43-13229, 43-13231, 43-13233, & 43-13235.

PRIORITY DATE: 07/02/1968

POINT OF DIVERSION:

T09S R27E S35 SESWSW Within CASSIA County
T10S R27E S2 NWNNE Lot 2 Within CASSIA County
T10S R27E S2 NWNWSW Within CASSIA County
T10S R27E S11 NWNENW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/15	6.310 CFS 1,262.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 AND 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 CASSIA County

T09S R27E S34	SESE	34.8	T09S R27E S35	NWSW	5.1
T09S R27E S35	SWSW	40.1	T09S R27E S35	SESW	18.2
T10S R27E S02 Lot 1	NENE	30.4	T10S R27E S02 Lot 2	NWNE	28.3
T10S R27E S02	SWNE	30.3	T10S R27E S02	SENE	25.3
T10S R27E S02 Lot 3	NENW	37.9	T10S R27E S02 Lot 4	NWNW	40.3
T10S R27E S02	SWNW	33.2	T10S R27E S02	SENW	39.3
T10S R27E S02	NESW	32.9	T10S R27E S02	NWSW	39.0
T10S R27E S02	SWSW	40.3	T10S R27E S02	SESW	37.3
T10S R27E S02	NESE	36.8	T10S R27E S02	NWSE	40.1
T10S R27E S02	SWSE	37.9	T10S R27E S02	SESE	40.4
T10S R27E S03 Lot 1	NENE	33.9	T10S R27E S03	SENE	8.6
T10S R27E S03	NESE	7.2	T10S R27E S03	SESE	13.4
T10S R27E S10	NENE	29.7	T10S R27E S10	SENE	9.6
T10S R27E S11	NENE	26.6	T10S R27E S11	NWNE	40.3
T10S R27E S11	SWNE	40.3	T10S R27E S11	NENW	38.8
T10S R27E S11	NWNW	40.3	T10S R27E S11	SWNW	39.0
T10S R27E S11	SENW	40.3			

1035.9 ACRES TOTAL

Water Right 43-13233

07/15/2002

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 1035.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS.: 43-13229, 43-13231, 43-13233, & 43-13235.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 315.5 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.

EXPLANATORY MATERIAL: License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-7005.

FWS fbs gkw JR *Sm's*

CERTIFICATE OF SERVICE

I certify that on Aug. 14, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

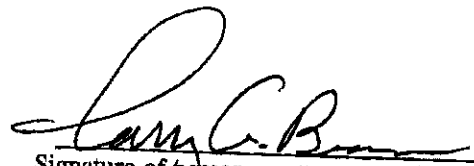
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Webb Basin Dairy
HC 76 Box 1050
American Falls, ID 83211

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form