

In Re SRBA	)	Subcase No.: 43-4028A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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:

Randall C. Budge 9/30/03
Randall C. Budge Date
Attorney for Harris Ag

OBJECTOR:

Charles L. Honsinger 09/24/03
Date
Attorney for Hal T. Anderson &
American West Enterprises, Inc.

IDWR CONCURRENCE:

David R. Tuthill 10/6/03
Adjudication Bureau Chief Date

Candace Neely 10/3/03
Approved as to form Date
Attorney for IDWR

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

RIGHT NUMBER: 43-4028A
NAME AND ADDRESS: HARRIS AG
BOX 1024
2655 E 1400 S
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.400 CFS
2,288.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368,
43-10490 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF
10,964 AF.

PRIORITY DATE: 04/01/1960

POINT OF
DIVERSION:

T13S R27E S2 SESWSE Within CASSIA County
T13S R27E S3 NESENE Within CASSIA County
T13S R27E S4 SWNWNE Within CASSIA County
T13S R27E S4 SESESE Within CASSIA County
T13S R27E S9 SESENE Within CASSIA County
T13S R27E S9 SESESE Within CASSIA County
T13S R27E S10 SESENE Within CASSIA County
T13S R27E S11 SESWSE Within CASSIA County

SMC

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.400 CFS 2,288.00 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 APRIL 1 AND AFTER OCTOBER 31 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

CH by SMC
RB by SMC
D

43-4028A

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

T13S R27E S10	SENE	40.0	T13S R27E S10	SWNE	40.0
T13S R27E S10	SENE	40.0	T13S R27E S10	SWNW	40.0
T13S R27E S10	NESE	40.0	T13S R27E S10	NWSE	40.0
T13S R27E S10	NESW	40.0	T13S R27E S10	NWSW	40.0
T13S R27E S10	SESE	40.0	T13S R27E S10	SWSE	40.0
T13S R27E S10	SESW	40.0	T13S R27E S10	SWSW	40.0
T13S R27E S10	NENE	40.0	T13S R27E S10	NWNE	40.0
T13S R27E S10	NENW	40.0	T13S R27E S10	NWNW	40.0
T13S R27E S11	SWNE	40.0	T13S R27E S11	SENE	40.0
T13S R27E S11	SWNW	40.0	T13S R27E S11	NWSE	40.0
T13S R27E S11	NESW	40.0	T13S R27E S11	NWSW	40.0
T13S R27E S11	SWSE	40.0	T13S R27E S11	SESE	40.0
T13S R27E S11	SWSW	40.0	T13S R27E S11	NWNE	40.0
T13S R27E S11	NENW	40.0	T13S R27E S11	NWNW	40.0
T13S R27E S02	SWNE	40.0	T13S R27E S02	SENE	40.0
T13S R27E S02	SWNW	40.0	T13S R27E S02	NWSE	40.0
T13S R27E S02	NESW	40.0	T13S R27E S02	NWSW	40.0
T13S R27E S02	SWSE	40.0	T13S R27E S02	SESE	40.0
T13S R27E S02	SWSW	40.0	T13S R27E S02 Lot 3	NENW	40.0
T13S R27E S02 Lot 4	NWNW	40.0	T13S R27E S03	SENE	40.0
T13S R27E S03	SWNE	40.0	T13S R27E S03	SENE	40.0
T13S R27E S03	SWNW	40.0	T13S R27E S03	NESE	40.0
T13S R27E S03	NWSE	40.0	T13S R27E S03	NESW	40.0
T13S R27E S03	NWSW	40.0	T13S R27E S03	SESE	40.0
T13S R27E S03	SWSE	40.0	T13S R27E S03	SESW	40.0
T13S R27E S03	SWSW	40.0	T13S R27E S03 Lot 1	NENE	40.0
T13S R27E S03 Lot 2	NWNE	40.0	T13S R27E S03 Lot 3	NENW	40.0
T13S R27E S03 Lot 4	NWNW	40.0	T13S R27E S04	SENE	40.0
T13S R27E S04	SWNE	40.0	T13S R27E S04	NESE	40.0
T13S R27E S04	NWSE	40.0	T13S R27E S04	SESE	40.0
T13S R27E S04	SWSE	40.0	T13S R27E S04 Lot 1	NENE	40.0
T13S R27E S04 Lot 2	NWNE	40.0	T13S R27E S09	NWNW	40.0
T13S R27E S09	SENE	40.0	T13S R27E S09	SWNE	40.0
T13S R27E S09	SENE	40.0	T13S R27E S09	SWNW	40.0
T13S R27E S09	NESE	40.0	T13S R27E S09	NWSE	40.0
T13S R27E S09	NESW	40.0	T13S R27E S09	NWSW	40.0
T13S R27E S09	SESE	40.0	T13S R27E S09	SWSE	40.0
T13S R27E S09	SESW	40.0	T13S R27E S09	SWSW	40.0
T13S R27E S09	NENE	40.0	T13S R27E S09	NWNE	40.0
T13S R27E S09	NENW	40.0			

3160 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2741 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A, 43-10490

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

43-4028A

SM^e
CH by SM^e
RB by SM^e
Dm

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

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NOS. 43-11218, 43-2368, 43-10490, 43-10811, 43-10812 ARE ALSO DIVERTED THROUGH POINT OF DIVERSIONS DESCRIBED ABOVE.

RIGHT NO. 43-10490 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

SM^c
CH by SM^c
RB by SM^c
Dw

CERTIFICATE OF SERVICE

I certify that on October 21, 2003, 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 Repository
P.O. Box 83720
Boise, ID 83720-0098

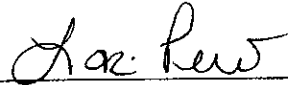
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Charles L. Honsinger
P.O. Box 2773
Boise, ID 83701-2773

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

Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204-1391

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



Signature of person or attorney mailing the form