

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.: 43-2368  
) (Uncontested Overlap)

) 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:

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

OBJECTOR:

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

IDWR CONCURRENCE:

David R. Tuthill 10/8/03  
David R. Tuthill Date  
Adjudication Bureau Chief

Candice Myer 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: 43-2368  
NAME AND ADDRESS: HARRIS AG  
BOX 1024  
2655 E 1400 S  
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.530 CFS  
1,440.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811, 43-10812, 43-4028A,  
43-10490 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF  
10,964 AF.

PRIORITY DATE: 10/17/1951

POINT OF  
DIVERSION:

T13S R27E S2 SESWSE Within CASSIA County  
T13S R27E S3 NESENW Within CASSIA County  
T13S R27E S4 SWNWNE Within CASSIA County  
T13S R27E S4 SENESE Within CASSIA County  
T13S R27E S9 SESENW Within CASSIA County  
T13S R27E S9 SESESE Within CASSIA County  
T13S R27E S10 SESENE Within CASSIA County  
T13S R27E S11 SESWSE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 04/01 10/31          | 4.530 CFS<br>1,440.00 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

SM<sup>e</sup>  
CH by SM<sup>e</sup>  
RB by SM<sup>e</sup>  
Dnr

43-2368

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       | SENE | 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       | NWSE | 40.0 | T13S R27E S02       | NESW | 40.0 |
| T13S R27E S02       | NWSW | 40.0 | T13S R27E S02       | SWNE | 40.0 |
| T13S R27E S02       | SENE | 40.0 | T13S R27E S02       | SWNW | 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       | SWNW | 40.0 | T13S R27E S03       | NESE | 40.0 |
| T13S R27E S03       | NWSE | 40.0 | T13S R27E S03       | SENE | 40.0 |
| T13S R27E S03       | SWNE | 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       | SESE | 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 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THE RIGHTS LISTED BELOW IS 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 IS 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:

43-2368

*Sm<sup>e</sup>  
CH by Sm<sup>e</sup>  
RB by Sm<sup>e</sup>  
Dr*

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

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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

RIGHT NOS. 43-11218, 43-4028A, 43-10490, 43-10811, 43-10812 ARE ALSO DIVERTED THROUGH POINT OF DIVERSIONS DESCRIBED ABOVE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.  
RIGHT NO. 43-10490 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.

SM<sup>c</sup>  
CH by SM<sup>c</sup>  
RB by SM<sup>c</sup>  
Dm

### 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

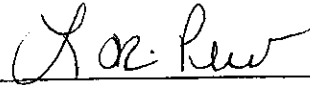
☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

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