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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 OCT 23 PM 2 30

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.: 43-4028A

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

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 SNNWNE Within CASSIA County
T13S R27E S4 SESENE Within CASSIA County
T13S R27E S9 SESENE Within CASSIA County
T13S R27E S9 SESENE Within CASSIA County
T13S R27E S10 SESENE Within CASSIA County
T13S R27E S11 SESWSE Within CASSIA County

SM

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 SM
RB by SM
DW

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

8m^e
CH by 8m^e
RB by 8m^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

43-4028A

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

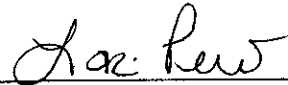
☐ Overnight Mail
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☒ Hand-Delivered
☐ Facsimile

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

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☒ 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