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OCT 24 2003

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.: 43-2368
) (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

Candee Myrtz 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 SESESE 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:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
4.530 CFS
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^e
CH by SM^e
RB by SM^e
Dnr*

43-2368

T13S R27E S10		SENE	40.0	T13S R27E S10		SWNE	40.0
T13S R27E S10		SENW	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		SENW	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		SESW	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		SENW	40.0	T13S R27E S02		SWNW	40.0
T13S R27E S02		SWSE	40.0	T13S R27E S02		SESW	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		SENW	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		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		SENW	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				

$$\begin{array}{l} \text{SM}^{\ominus} \\ \text{CH by SM}^{\ominus} \\ \text{RB by SM}^{\ominus} \\ \text{or} \end{array}$$

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

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 - 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^c
CH by SM^c
RB by SM^c
Dmr

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