

COPY

RECEIVED

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.: 43-10490

(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 Meyer 10/3/03
Approved as to form Date
Attorney for IDWR

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

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

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

3160 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 404 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

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

THIS RIGHT IS AN EXPANSION OF RIGHT NUMBERS 43-2368, 43-11218, 43-4028A, 43-10811 AND 43-10812 PURSUANT TO SECTION 42-1416B, IDAHO CODE. 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 NOS. 43-11218, 43-4028A, 43-2368, 43-10811, 43-10812 ARE ALSO DIVERTED THROUGH POINT OF DIVERSIONS DESCRIBED ABOVE. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

*SM =
CH by SM
RB by SM
DWR*

43-10490

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