

COPY

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

2004 MAR 17 AM 10 58

**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. 65-10491
)
)
)
)
)
)
)

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 amended recommendation. The parties and IDWR further agree and stipulate that the attached is a digital depiction of the boundary for the Emmett Irrigation District produced by IDWR.

CLAIMANT(s)/OBJECTOR:

Emmett Irrigation District

 3/5/04
Scott L. Campbell / Date
Attorney

STANDARD FORM 5 - 65-10491

IDWR Concurrency:

Jan Shute 3-9-04
IDWR Agent Date

Chris Bromley
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on March 15, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

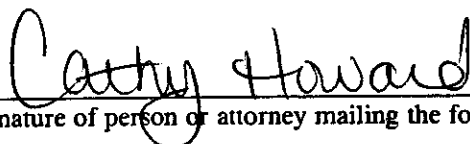
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Scott L. Campbell
P.O. Box 829
Boise, ID 83701-0829

Emmett Irrigation District
222 E. Park Street
Emmett, ID 83617

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

02/13/2004

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

RIGHT NUMBER: 65-10491

NAME AND ADDRESS: EMMETT IRRIGATION DIST
PO BOX 515
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 205.230 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 523.12 CFS. COMBINED RIGHT NOS.:
65-00023, 65-02004, 65-07832, AND 65-02080.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T07N R01E S22 SENE Lot 1 Within GEM County

T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
3/15 11/15QUANTITY
205.230 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,
65-2080, 65-07832, AND 65-12194.

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

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: Beneficial Use

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND
65-10491.