

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

Subcase No. 65-12194

Case No. 39576

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.

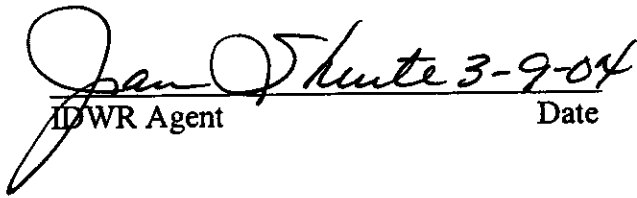
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is a digital depiction of the boundary for the Emmett Irrigation District produced by IDWR.

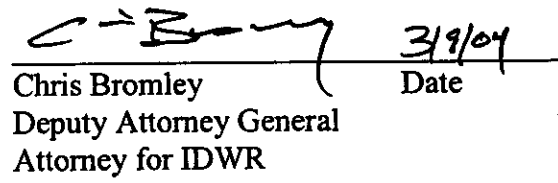
CLAIMANT(s)/OBJECTOR:

Emmett Irrigation District

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

IDWR Concurrence:


IDWR Agent Date


Chris Bromley Date
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:

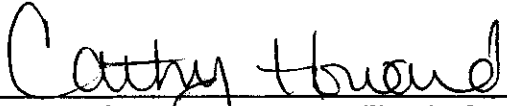
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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: 65-12194

NAME AND ADDRESS: EMMETT IRRIGATION DIST
222 E PARK ST
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.200 CFS
583.100 AFY

USE OF THIS RIGHT WITH RIGHT LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS NOR MORE THAN 4.5 AFA PER ACRE FOR IRRIGATION OF LANDS WITHIN THE EMMETT IRRIGATION BOUNDARY. COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-02080, 65-07832, AND 65-10491.

PRIORITY DATE: 12/08/1978

POINT OF DIVERSION:

T07N R01W S22 SENE Lot 1 Within GEM County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

3/15 11/15

QUANTITY1.200 CFS
583.10 AFY

PLACE OF USE:

PLACE OF USE IS WITHIN LANDS OF THE EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-23, 65-2004, 65-2080, 65-7832 & 65-10491.



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: Decreed