

**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: 29-10123

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. 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; and 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 indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Wilder Hatch
Wilder Hatch
King Creek Grazing Association

4/22/04
Date

IDWR CONCURRENCE:

Cindy L Bird
Cindy Bird
Water Resource Agent, IDWR

4/22/04
Date

Candice M. McHugh 4/22/04
Candice M. McHugh
Attorney for IDWR
Date

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

RIGHT NUMBER: 29-10123
NAME AND ADDRESS: ~~THE THELMA REDFORD SPOUSAL~~
~~TRUST~~
~~2882 NIPPER RD~~
~~BANCROFT ID 83217~~

KING CREEK GRAZING ASSN
C/O WILDER HATCH, PRESIDENT
2787 KELLY TOPONCE RD
BANCROFT ID 83217

WJ
CB

SOURCE: TOPONCE CREEK Tributary: PORTNEUF RIVER

SM

QUANTITY: 1.800 CFS

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL~~
~~COMBINED DIVERSION RATE OF 5.24 CFS. COMBINED RIGHT NOS. 29-10123,~~
~~29-10125, 29-10124, 29-13483, & 29-10122.~~

PRIORITY DATE: 06/17/1902

This priority date is more accurately described as 6/17/1902 NOON.

POINT OF DIVERSION:

T06S R38E S34 NWNESE Within CARIBOU County
T06S R38E S35 SWSNW Within CARIBOU County
T06S R38E S35 NWNESW Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 07/01	1.800 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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 CARIBOU County

T07S R39E S06 NWSW Lot 5 28.0
T07S R39E S06 SWSE 40.0
T07S R39E S06 SESE 35.0
T07S R39E S07 NENE 40.0
T07S R39E S07 NWNE 40.0
T07S R39E S07 SWNE 40.0
T07S R39E S07 NENW Lot 1 24.0
T07S R39E S07 SENW Lot 2 25.0
T07S R39E S07 NESW Lot 3 25.0
T07S R39E S07 SESW Lot 4 24.0

321 ACRES TOTAL

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

[Handwritten signature]
CB

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 29-10123, 29-10125, 29-10124, 29-13483, & 29-10122.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

8m^c

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: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-116, 29-117, 29-118 AND
29-120.

CERTIFICATE OF MAILING

I certify that on 11-22, 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

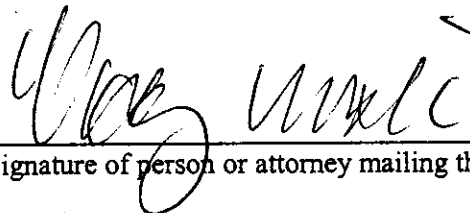
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Craig Redford
The Thelma Redford Spousal Trust
2882 Nipper Rd.
Bancroft, ID 83217

Wilder Hatch
King Creek Grazing Association



Signature of person or attorney mailing the form