

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 22 2004

By _____ Clerk
Deputy Clerk

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: 29-58

STANDARD FORM 5

Case No. 39576

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 claimant, BLM and IDWR agree and stipulate that the elements of this water right should be described per the attached, ^{SMC 2/6} ~~and that this stipulation will resolve the objection by the BLM.~~ The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

McCammon Ditch Co. Ltd.

4-22-04

Date

OBJECTOR:

Larry Brown, USDOJ ^{Fwp}
Attorney for BLM

4/22/04
Date

IDWR CONCURRENCE:

Ernie Carlsen

Adjudication Supervisor, Eastern Region

4/22/04

Date

Candice M. McHugh

Attorney for IDWR

4/22/04
Date

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 22 2004

RIGHT NUMBER: 29-58

NAME AND ADDRESS:

MC CAMMON DITCH CO LTD
10192 S HALL RD
MC CAMMON ID 83250

By

Clerk

Deputy Clerk

SOURCE:

Source:

PORTNEUF RIVER

Tributary:

SNAKE RIVER

FWP

QUANTITY:

18.950 CFS

0.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 68.95 CFS. COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311
AND 29-13317.

~~USE OF THIS RIGHT WITH RIGHT NO. 29-57, 29-58, 29-13311, 29-13317 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 50.0 CFS.~~

PRIORITY DATE:

06/28/1901

*8m^c 2/16
JH ECU*

POINT OF DIVERSION:

T098 R37E S21 SENE Lot 1

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

18.950 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:

2794.5 ACRES TOTAL

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

Place of use is within the area served by the McCammon Ditch Company LTD.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

USE OF THIS RIGHT WITH RIGHT NO. 29-57 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2447.57 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2794.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311, AND 29-13317.

USE OF THIS RIGHT DOES NOT INCLUDE USE ON FEDERAL PUBLIC LAND.

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2794.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311, 29-13317.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 947.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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.

~~THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 29.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-57, 29-58, 29-13311, 29-13317.

CERTIFICATE OF MAILING

I certify that on Apr. 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

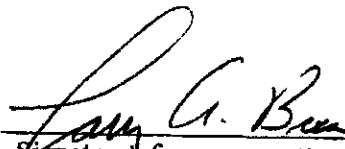
2. Copies to:

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

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

McCammon Ditch Co. Ltd.
10192 S. Hall Rd.
McCammon, ID 83250



Signature of person or attorney mailing the form

29-00057, 29-00058, 29-13311, 29-13317

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SESE