

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: 29-51
)
)

Case No. 39576

) STANDARD FORM 5
)
)

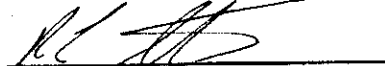
) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

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.

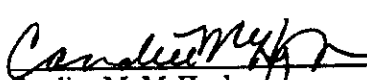
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

 5/20/04
R.C. Stone Date
Attorney for Portneuf Irrigating Co.

IDWR CONCURRENCE:

 4/27/04
Ernie Carlsen Date
Adjudication Supervisor, Eastern Region

 4/27/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-51

NAME AND ADDRESS:

~~PORTNEUF IRRIGATION CO~~ PORTNEUF IRRIGATING CO
PO BOX 194
ARIMO ID 83214

SOURCE:

Source:
PORTNEUF RIVER

Tributary:
SNAKE RIVER

QUANTITY:

55.000 CFS

0.000 AFY

PRIORITY DATE:

03/27/1889

POINT OF DIVERSION:

T098 R37E S22 SEM Lot 3 Within BANNOCK County
T098 R37E S22 SEM Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 09/15	55.000 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.

DMC EHC
K/S

PLACE OF USE:

3117.6 ACRES TOTAL ~~3299.8 ACRES TOTAL~~

Place of use is within the area served by the Portneuf Irrigation Co.

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)(b). 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 SBRA 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. 29-11277 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3117.6 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-11277 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3299.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

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.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
WATER IS DELIVERED THROUGH MAIN HEADING OFF PORTNEUF RIVER AND
REDIVERTED FROM THE CANAL SYSTEM AT SWANOME SECTION 30 T.98 R37E.
RIGHT NO. 29-11277 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

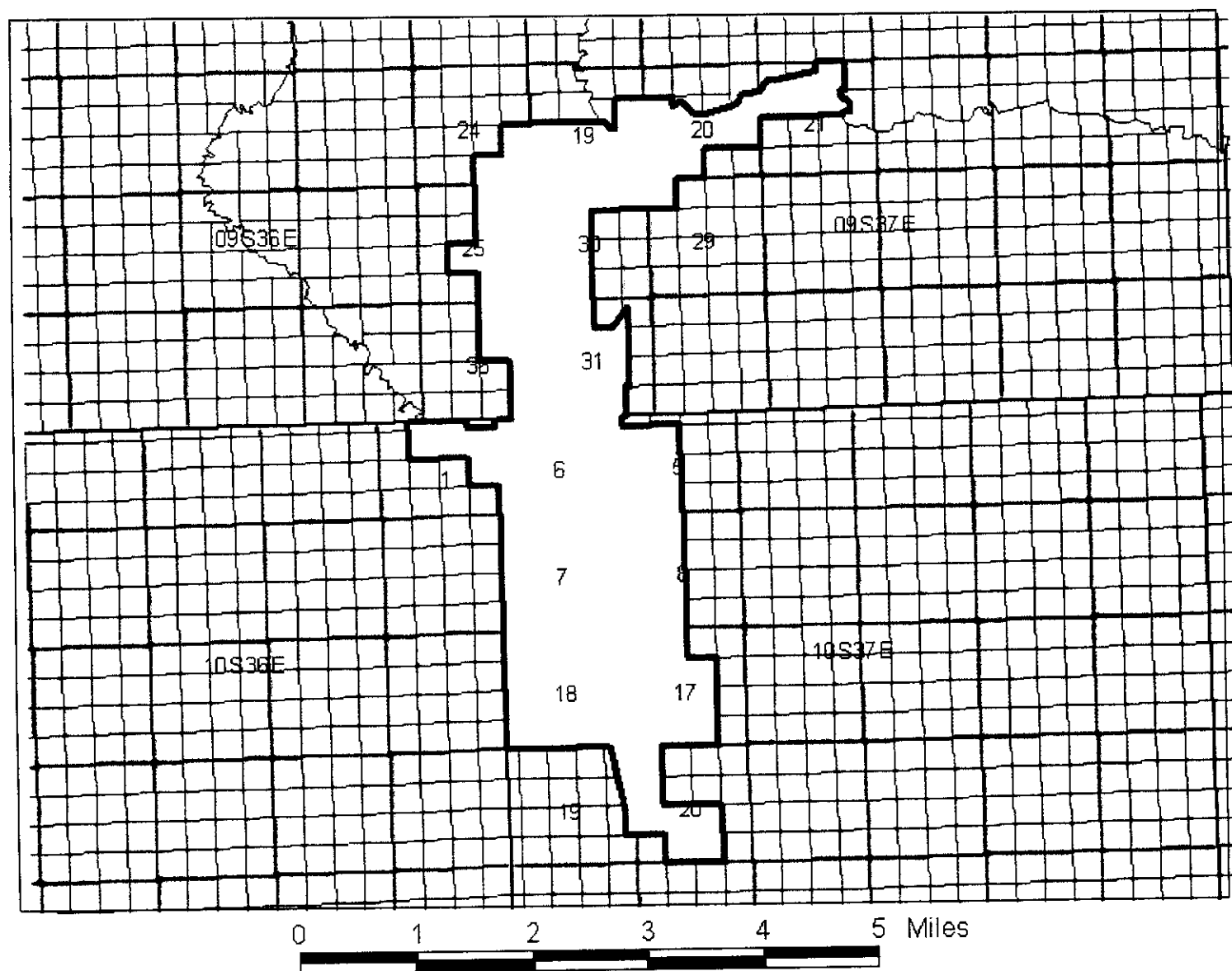
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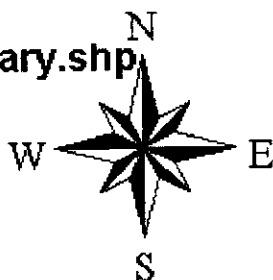
State of Idaho

Department of Water Resources

Claim No.: 29-11277
29-51



- Portneuf irrigation boundary.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E Carlsen
Date: April 2004

CERTIFICATE OF MAILING

I certify that on 24th May, 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:

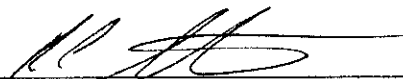
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

R.C. Stone
Attorney for Portneuf Irrigating Co.
137 W. 13TH St.
P.O. Box 910
Burley, ID 83318



Signature of person or attorney mailing the form