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MAY 25 2004

DEPARTMENT OF
WATER RESOURCES

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: 29-11277

Case No. 39576

STIPULATION TO RESOLVE
OBJECTION

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.

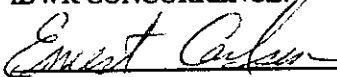
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

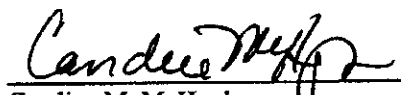
The claimants and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation will resolve the objection by the claimant, Portneuf Irrigating Co. **The claimants and IDWR acknowledge that the objections filed by Marsh Valley Development, Inc. and Lava Irrigation Co. Ltd. are still outstanding.** The claimant and IDWR have further indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR/RESPONDENT:

 5/22/04
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: 29-11277

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 APY
USE OF THIS RIGHT WITH RIGHT NO. 29-51 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 55 CFS.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R37E S22 SE1/4 Lot 3 Within BANNOCK County
~~T09S R37E S22 SE1/4 Lot 3~~ Within ~~BANNOCK County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	<u>04/01 10/31</u>	55.000 CFS
	~~09/15 10/31~~	
STOCKWATER	<u>04/01 12/31</u>	10.000 CFS
	~~09/15 12/31~~	~~0.330 CFS~~

PLACE OF USE:

STOCKWATER Same As
3117.6 ACRES TOTAL 2399.8 ACRES TOTAL

SMC Eave
1/15

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 SWRA 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. 29-51 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3117.6 ACRES IN A SINGLE IRRIGATION SEASON.

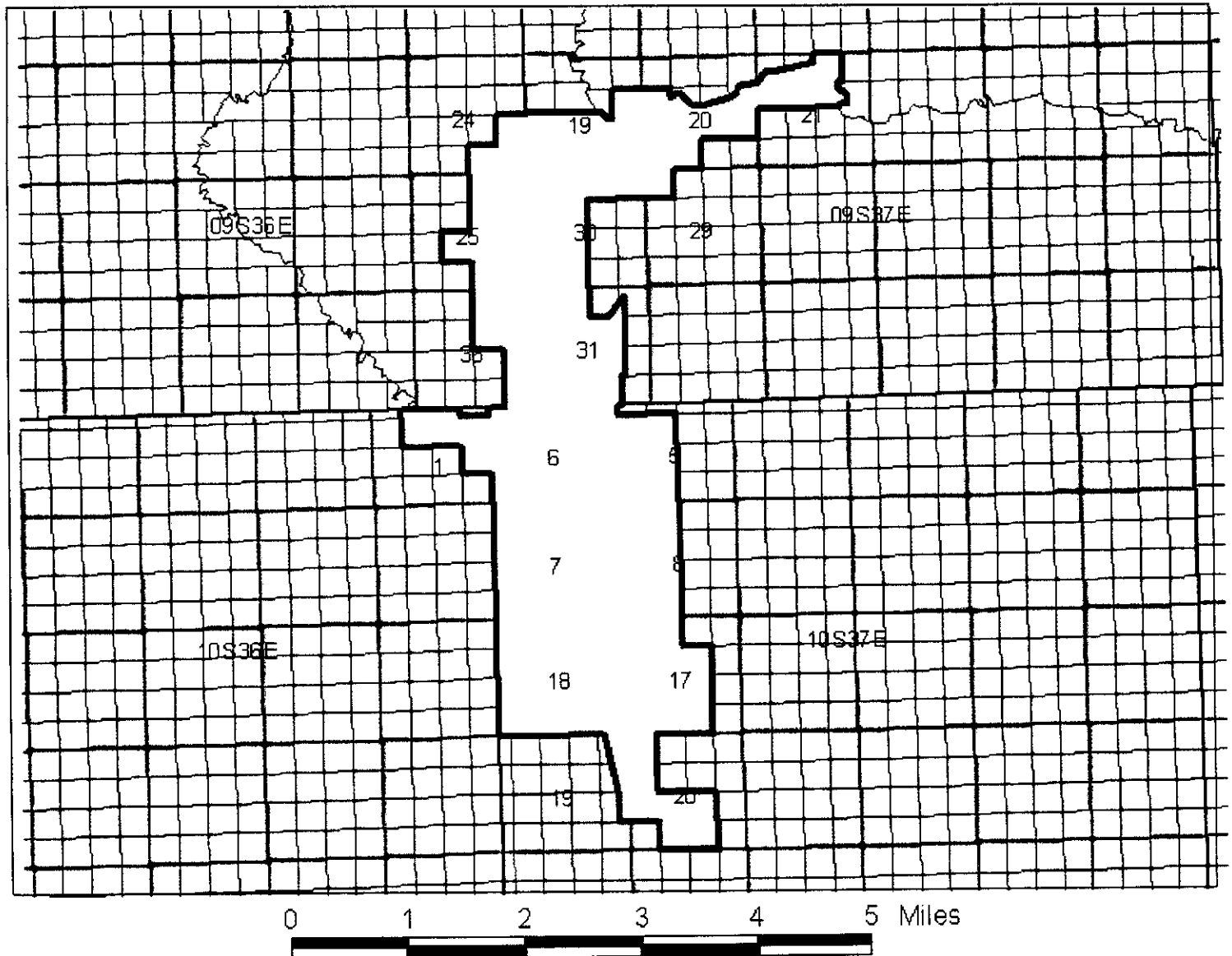
~~USE OF THIS RIGHT WITH RIGHT NO. 29-51 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2399.8 ACRES IN A SINGLE IRRIGATION SEASON.~~



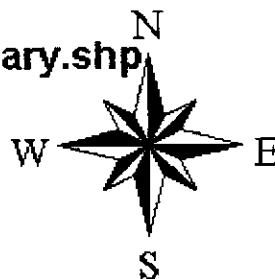
State of Idaho

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

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 - Beneficial Use

WATER IS DELIVERED THROUGH MAIN HEADING OFF PORTNEUF RIVER AND REDIVERTED FROM THE CANAL SYSTEM AT SWHNE SECTION 30 T.9S R37E. RIGHT NO. 29-00051 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

SMC Eme

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

Jerry Rigby
Attorney for Lava Irrigation Co. Ltd.
25 N. 2nd E
P.O. Box 250
Rexburg, ID 83440-0250

Randall Budge
Attorney for Marsh Valley Development Co.
201 E Center
P.O. Box 1391
Pocatello, ID 83204-1391



Signature of person or attorney mailing the form