

**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: 29-4338

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:

Violet Isaac 6-18-04
Violet Isaac Date
Warm Creek Irrigation Co.

IDWR CONCURRENCE:

Ernie Carlsen 6/3/04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 6/2/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-4338

NAME AND ADDRESS:

WARM CREEK IRRIGATION CO
3298 S ISAAC LP
AMERICAN FALLS ID 83211

SOURCE:

Source:
WARM CREEK

Tributary:

SNAKE RIVER

QUANTITY:

6.000 CFS

0.000 AFY

PRIORITY DATE:

04/01/1889

POINT OF DIVERSION:

T088 R30E S11 SESESE Within POWER County

T088 R31E S18 NW08SE Within POWER County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

6.000 CFS

PLACE OF USE:

516.1 ACRES TOTAL

483.1 ACRES TOTAL

Place of use includes unsurveyed land along the Snake River.
Place of use is within the area served by Warm Creek Irrigation Company.
None of the place of use in this water right includes federal public land.
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 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.

~~PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK IRRIGATION
COMPANY. TOTAL IRRIGATED ACRES 483.1.~~

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION DISTRICT.

Warm Creek Irrigation Co

Claim No.: 29-4338

Boundary

Township/Range

Sections

QQ

Department of Water Resources

1987/88 NAP Photography

Date Prepared: June 2004

Prepared By: Ernest Carlsen



0 1320 2640 3960 Feet

08S30E

11

12

14

13

CERTIFICATE OF MAILING

I certify that on June 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:

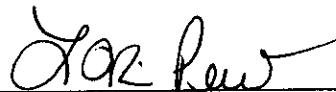
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Warm Creek Irrigation Co.
3298 S. Isaak LP
American Falls, ID 83211



Signature of person or attorney mailing the form