COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUN 2 2 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: 29-4338**
	)	
	)	
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:

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

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

SCANNED
JUN 2 1 2004

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 ISAAK LP
AMERICAN FALLS ID 83211

SOURCE:

Source:	Tributary:
WARM CREEK	SNAKE RIVER

QUANTITY: 6.000 CFS 0.000 AFY

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION:

T08S R30E S11 SESESE Within POWER County

T08S R31E S18 NWNWSE Within POWER County

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	6.000 CFS

SMS
EMC vi

PLACE OF USE:

516.1 ACRES TOTAL ~~482.1 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 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.

~~PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK IRRIGATION COMPANY. TOTAL IRRIGATED ACRES 482.1.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

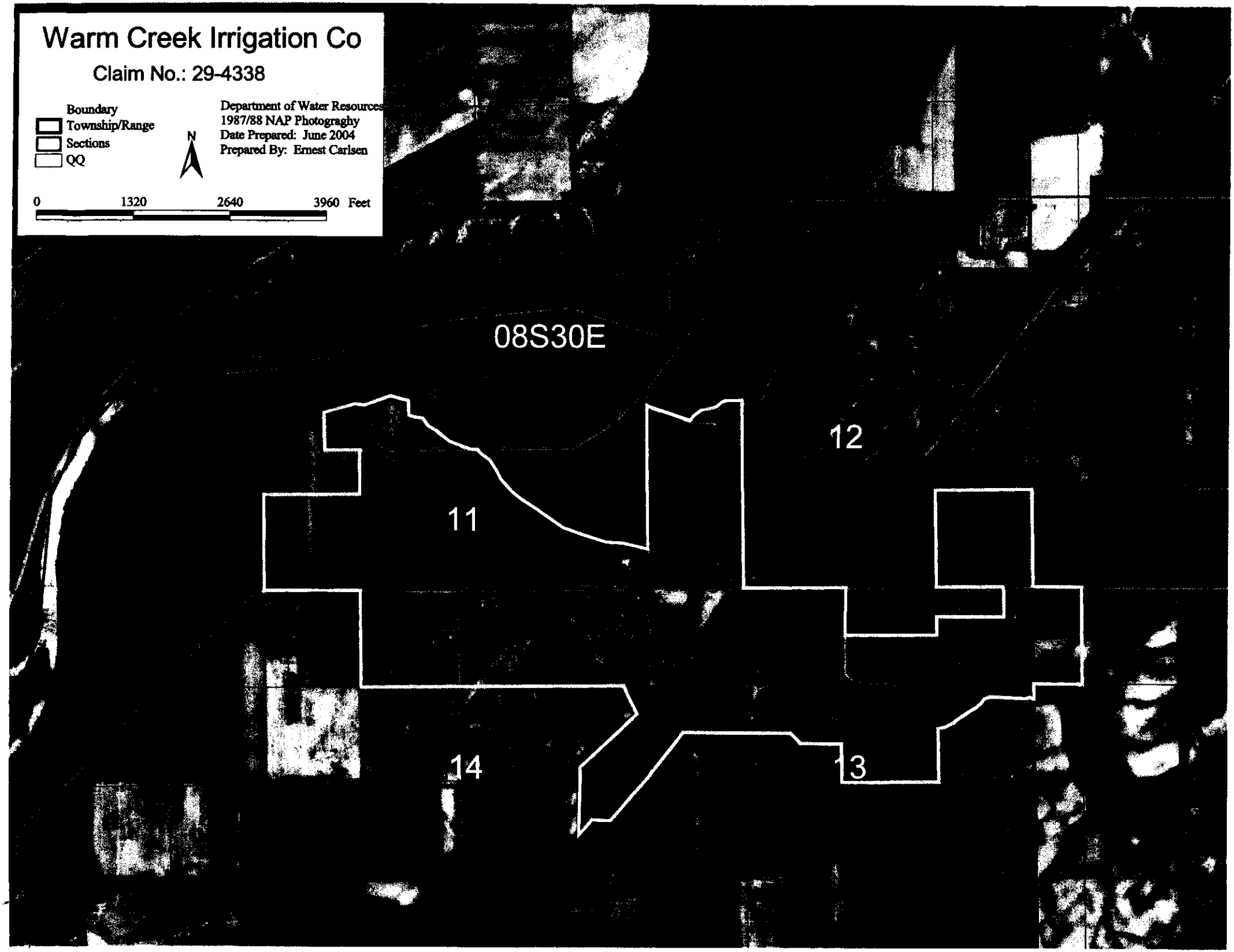
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

SCANNED

JUN 2 1 2004


Warm Creek Irrigation Co
Claim No.: 29-4338
Boundary
Township/Range
Sections
QQ
N
Department of Water Resources
1987/88 NAP Photograghy
Date Prepared: June 2004
Prepared By: Ernest Carlsen
0
1320
2640
3960 Feet
08S30E
12
11
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