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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: 29-52

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 BLM, claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the BLM objection to the Director's Report. The BLM, claimant and IDWR acknowledge that the objection to the Director's Report filed by McCammon Ditch Co. is still outstanding. The BLM, claimant and IDWR have further indicated their concurrence by initialing each of the attached pages.

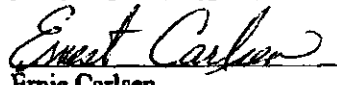
CLAIMANT:

OBJECTOR:


Ellis Gilbert, President
Portneuf Marsh Valley Canal Co.
Date 6-30-04


Larry Brown, USDOJ
Attorney for BLM
Date 7-12-04

IDWR CONCURRENCE:


Ernie Carlsen
Adjudication Supervisor, Eastern Region
Date 6-22-04


Candice M. McHugh
Attorney for IDWR
Date 6-22-04

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS:

PORTRNEUF MARSH VALLEY CANAL CO
LTD
C/O ELLIS GILBERT
2777 E HAWKINS RD
DOWNEY ID 83234

SOURCE:

Source:

PORTRNEUF RIVER

Tributary:

SNAKE RIVER

QUANTITY:

176.850 CFS

0.000 AFT

USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE:

12/18/1907

POINT OF DIVERSION:

T09S R37E S22 SWSESW Lot 3 Within BANNOCK County

T09S R37E S22 SWSESW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

176.850 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
RIGHT 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:

5103.2 ACRES TOTAL

Place of use is within the area served by the Portneuf Marsh Valley Canal Co. 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 SREA 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 THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318,
29-13319

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

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

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT
CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF
DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC. 22
NWNEEN (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL
COMPANY'S CANAL THROUGH SAID COMPANY'S DRAINAGE CANAL
AND THE PORTNEUF RIVER CHANNEL.

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 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 PORTNEUF-MARSH VALLEY CANAL.~~

*Sm^e
JLB ENC*

CERTIFICATE OF MAILING

I certify that on July 7, 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

James Spinner
Attorney for McCammon Ditch Co.
P.O. Box 6009
Pocatello, ID 83205-6009

Randall Budge
Attorney for the Portneuf Marsh Valley Canal Co.
P.O. Box 1391
Pocatello, ID 83204-1391


Signature of person or attorney mailing the form

Claim No.:
29-52, 29-53
29-589
29-4060
29-13318
29-13319

Portneuf Marsh Valley Canal Co Service Area Boundary

Boundary
Township/Range
Sections

Idaho Department of Water Resources
1987-88 MAPP Photography
Prepared by: Susan Culbreth
Date Prepared: June 2004



0 1 2 3 Miles

