

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

Case No. 39576

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Subcase No.: 41-1H

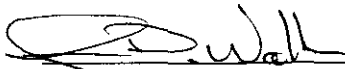
STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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; that 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.

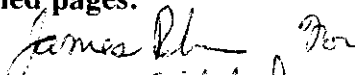
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.



Attorney for
Udy Brothers Partnership

11/12/02

Date



James Robinson
Bench Ditch Irrigation Co.

11/15/02

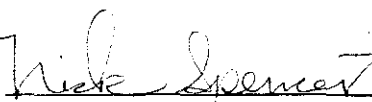
Date



IDWR Concurrence

9/5/02

Date



Approved as to form
Attorney for IDWR

9-5-02

Date

09/05/2002

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

RIGHT NUMBER: **41-1H**

NAME AND ADDRESS: UDY BROTHERS PARTNERSHIP
455 PIERCE ST
AMERICAN FALLS ID 83211

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.70 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T10S R31E S7 NWNWSE Within POWER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 06/15

0.700 CFS

PLACE OF USE:

IRRIGATION Within POWER County

T10S R31E S07

SWNE

27.0

T10S R31E S07

NWSE

25.0

52 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

RIGHT NOS. 41-00001G, 41-00001H & 41-00032B ARE SUBJECT TO THE
CONDITIONS OF THE FINAL ORDER IN THE MATTER OF TRANSFER #4651.

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: Decreed

RIGHT NO. 41-00032B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

NBS
Sec
for
FR

CERTIFICATE OF SERVICE

I certify that on November 21, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Roger Ling
P.O. Box 396
Rupert, ID 83350

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James Robinson
Bench Ditch Irrigation Co.
P.O. Box 157
Rockland, ID 83271

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form