

**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

SUBCASE NO. 29-11740

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:

Randall C. Budge 10/11/04
Randall C. Budge Date
Attorneys for East Side Ditch Co.

OBJECTOR:

Jeanette Wolfley 10/21/04
Jeanette Wolfley Date
Attorney for the Shoshone-Bannock Tribes

IDWR CONCURRENCE:

Ernie Carlsen 10/28/04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 10/28/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-11740

NAME AND ADDRESS:

EAST SIDE DITCH CO
2299 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE:

Source:
MARSH CREEK

Tributary:

PORTNEUF RIVER

QUANTITY:

1.020 CFS

PRIORITY DATE:

~~02/26/1869~~ *gm RUB* 02/27/1869 06/14/1867

OTHER STIPULATIONS OF PARTIES: The place of use of water is limited to the original allotment and will not be transferred.

T088 R36E S15 NWNWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.020 CFS

PLACE OF USE:

53.9 ACRES TOTAL

61 ACRES TOTAL

gm RUB
Place of use is within the area served by the East Side Ditch Company. 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.

Use of this right with right no. 29-13642 is limited to the irrigation of a combined total 61 acres in a single irrigation season.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 51 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

OTHER STIPULATIONS OF PARTIES: The place of use of water is limited to the original allotment and will not be transferred. *gm RUB*

CERTIFICATE OF MAILING

I certify that on Oct 28, 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

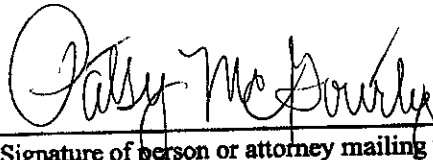
2. Copies to:

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, Idaho 83720-0098

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Attorney for Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, Idaho 83204



Signature of person or attorney mailing the form