

**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. 23-11221
)
) **Standard Form 5**
)
) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

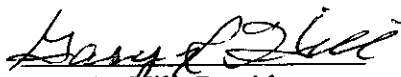
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine 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 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.

CLAIMANT:

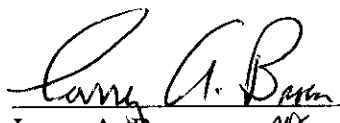
Sunnydell Irrigation District


Gary R. Hill, President

11-4-04
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown *LB* 11/5/04
Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR Concurrence:

Ernie Carlsen 10/27/04
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 10/27/04
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 23-11221
NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG ID 83440

SOURCE: UNNAMED STREAM

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.800 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

Place of use is within the boundary of Sunnydell Irrigation District pursuant to Section 43-323, Idaho Code.

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 does not include federal public lands

USE OF THIS RIGHT WITH RIGHT NO. 22-13269 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES WITHIN THE PLACE OF USE SHOWN.

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 - Decreed

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 2/5 OF THE FLOW (UP TO 140 INCHES) OF ELKHORN SPRING (UNNAMED STREAM) WHEN COMBINED WITH HAWLEY SPRING (UNNAMED STREAM) UNDER 22-13269.

ORIGINAL DECREED SOURCE IS KNOWN AS ELKHORN SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

Water Right No.: 23-11221

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

PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

SM^e
EMC
[Signature]
Jth

Sunnydell Irrigation District Service Area Boundary

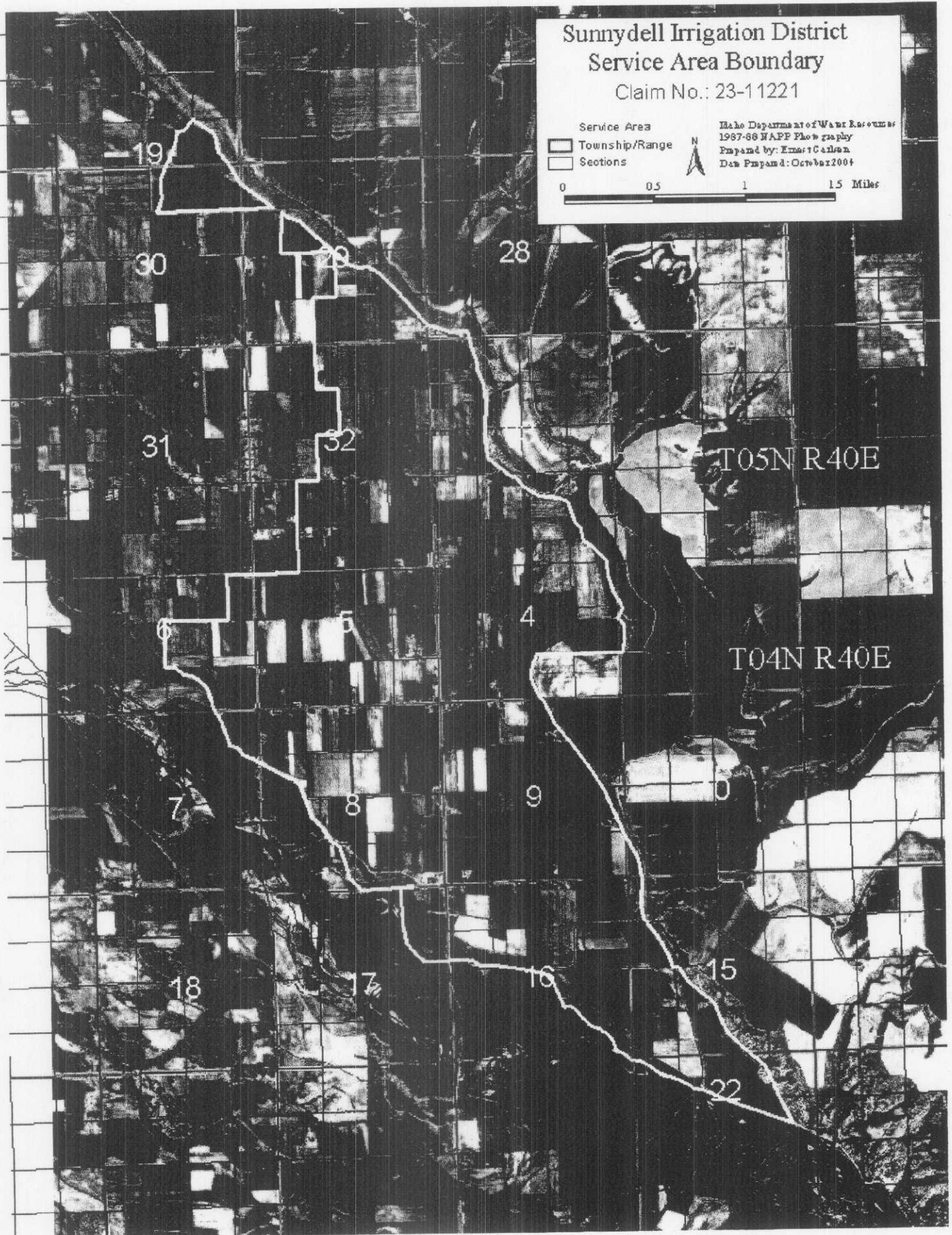
Claim No.: 23-11221

Service Area
Township/Range
Sections

Idaho Department of Water Resources
1987-88 NAIP Photography
Prepared by: Ernest Carlson
Data Prepared: October 2004



0 0.5 1 1.5 Miles



CERTIFICATE OF MAILING

I certify that on 11/5/04, ~~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

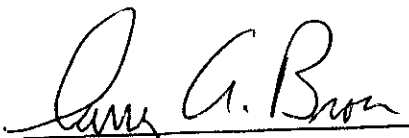
2. Copies to:

Larry Brown
U.S. Department of Justice
Environmental & Natural Resources
550 West Front Street, MSC 033
Boise, ID 83724

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Sunnydell Irrigation District
C/O Stanley Sutton, Secretary
578 E 7000 S
Rexburg, ID 83440

Sunnydell Irrigation District
Gary Hill
3290 S 600 E
Rexburg, ID 83440



Signature of person or attorney mailing the form