

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

WATER RIGHT NO. 29-4200
(UNCONTESTED OVERLAP OF
29-4202, 29-4203 AND 29-13481)

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.

Water right no. 29-4200 is an uncontested overlap of subcase nos. 29-4202, 29-4203 and 29-13481. As a result of settlement, the quantity and place of use remarks in water right no. 29-4200 have changed. The claimant and IDWR agree and stipulate that the elements of water right no. 29-4200 should be described per the attached. The claimant and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Randall C. Budge 8-18-04
Randall C. Budge Date
Attorney for Henderson Ranches, Inc.

IDWR CONCURRENCE:

Ernie Carlsen January 25, 2005 Candice M. McHugh 1-25-05
Ernie Carlsen Date Candice M. McHugh Date
Adjudication Supervisor, IDWR Attorney for IDWR

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

RIGHT NUMBER: 29-4200
NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE: POND
TRIBUTARY: MARSH CREEK

QUANTITY: 1.030 CFS
5.00 AFY
Facility volume 5 af.

Use of the rights listed below is limited to a total combined diversion rate of 5.80 cfs. Combined right nos.: 29-04200, 29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688 and 29-13689

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-11089, 29-12480, 29-12481

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION: T10S R37E S18 NESW Within BANNOCK County
T10S R37E S18 NESW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.000 CFS
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	5.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R37E S18	SWNE	0.6	T10S R37E S18	NENW	19.0
T10S R37E S18 Lot 1	NWNW	11.0	T10S R37E S18 Lot 4	SWNW	5.3
T10S R37E S18	SENN	31.0	T10S R37E S18	NESW	3.6
T10S R37E S18	NWSE	1.2			

IRRIGATION STORAGE Within BANNOCK County

T10S R37E S18	NESW		T10S R37E S18	NWSE	
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STOCKWATER same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION

71.7 ACRES TOTAL

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

Use of the rights listed below is limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined right nos.: 29-04200, 29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688 and 29-13689

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 290 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-04203, 29-11089, 29-13480, 29-13481~~

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from McCammon Ditch Co.

Use of this right is combined with water from Portneuf Irrigating Co.

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

SME
RUB
Emc

CERTIFICATE OF MAILING

I certify that on January 25, 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:

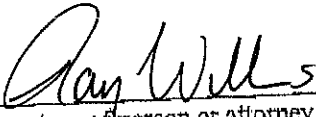
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Randall C. Budge
Attorney for Henderson Ranches, Inc.
P.O. Box 1391
Pocatello, ID 84204-1391



Signature of person or attorney mailing the form