

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. 29-13481

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.

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

CLAIMANT/ OBJECTOR:

Randall C. Budge 8/15/04
Randall C. Budge Date
Attorney for Henderson Ranches, Inc.

IDWR CONCURRENCE:

Ernie Carlsen 1-25-2005
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 1-25-05
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-13481

NAME AND ADDRESS:

MENDERSOHN RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE:

SOURCE:
UNNAMED STREAM

Tributary:

MARSH CREEK

QUANTITY:

1.070 CFS

0.000 AFY

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, 29-13480, 29-13481

The quantity of water under this right for stockwater use shall not exceed 12,000 gallons per day.

PRIORITY DATE:

05/01/1881

04/01/1883

RUB

EMC

POINT OF DIVERSION:

T106 R37E S18 NESE

Within BANNOCK County

PURPOSE AND PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.070 CFS

STOCKWATER

01/01 12/31

0.030 CFS

Smc

PLACE OF USE:

IRRIGATION

within BANNOCK County

T106 R37E S18 NESE 12.0

T106 R37E S18 SESE 22.0

T106 R37E S18 NWSE 28.0

T106 R37E S18 SWSE 35.0

STOCKWATER Same As IRRIGATION

97 ACRES TOTAL

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, 29-11089, 29-13480, 29-13481

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

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.

RUB
ENC

SM^E

CERTIFICATE OF MAILING

I certify that on January 25, 200⁵, 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

Ray Williams
Signature of person or attorney mailing the form