

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SREBA

Case No. 39576

) SUBCASE NO. 29-13688
) (FORMERLY WATER RIGHT NO.
) 29-4203)

) 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.

As a result of settlement, water right no. 29-4203 has been split into water right nos. 29-13688 and 29-13689. Therefore, the claimant and IDWR agree and stipulate that water right no. 29-12688 should be described per the attached. The claimant and IDWR have further indicated their concurrence by their signatures below and by initialing the attached page.

CLAIMANT/OBJECTOR:

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

IDWR CONCURRENCE:

Ernie Carlson 1-25-2005 Candice M. McHugh 1-25-05
Ernie Carlson 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: 29-13688
NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 2.130 CFS
Use of this right with Right No. 29-13689 is limited to a total combined diversion rate of 2.77 cfs.
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
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:
T10S R37E S18 SE1/4 Within BANNOCK County
T10S R37E S18 SE1/4 Within BANNOCK County
T10S R37E S18 SE1/4 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	2.100 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T10S R37E S18	NENW	19.0	T10S R37E S18 Lot 1 NENW 25.0
T10S R37E S18 Lot 4	SE1/4	25.0	T10S R37E S18 SE1/4 30.0
T10S R37E S18	NESW	25.0	T10S R37E S18 Lot 5 NWSW 14.0
T10S R37E S18 Lot 8	SE1/4	5.0	T10S R37E S18 SE1/4 14.0
<u>STOCKWATER same as IRRIGATION</u>			

157 ACRES TOTAL

Use of this right with right no. 29-13689 is limited to the irrigation of a combined total of 157 acres in a single irrigation season.

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

This right is limited to the irrigation of 105 acres within the place of use described above in a single irrigation season.

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

SFS

Water Right No.: 29-13688

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

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 Irrigation Co.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1423, IDAHO CODE.

This right is a split from former right 29-4203.

RUB
EMC

Sm^e

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:

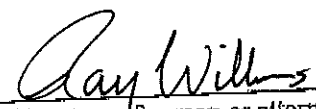
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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