

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. 29-10816

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

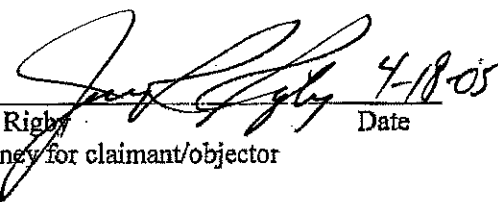
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

OBJECTOR:
Marsh Valley Development, Inc


Jerry Righy
Attorney for claimant/objector

Date


Randall C Budge
Attorney for objector

Date

STANDARD FORM 5 -29-10816

IDWR Concurrence:

Ernest Carlsen 4/12/05
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 4/12/05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 29-10816

NAME AND ADDRESS: LAVA IRRIGATION CO INC
PO BOX 182
LAVA HOT SPRINGS ID 83246

SOURCE: BORNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2 260 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 22-26 22.76 CFS. COMBINED RIGHT NOS :
29-47A, 29-48, 29-4467, 29-10816

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
12,000 GALLONS PER DAY.~~

PRIORITY DATE: 08/07/1932

POINT OF
DIVERSION: 109S R38E S9 NWNESE lot 6 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2 260 CFS
STOCKWATER	01/01 12/31	0 120 CFS

PLACE OF USE:

614.8 ACRES TOTAL

Place of use is within the area served by the Lava Irrigation Company Inc.

USE OF THIS RIGHT WITH RIGHT NO. 29-47A IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 614.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-47A, 29-48, 29-4467,
29-10816

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT #29.

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 DECREEED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER IS DELIVERED THROUGH LAVA IRRIGATION CO CANAL

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-47A, 29-48, 29-4467, 29-10816

CERTIFICATE OF MAILING

I certify that on April 22, 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

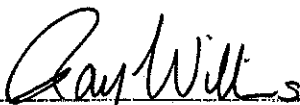
2. LAVA IRRIGATION CO INC

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250

MARSH VALLEY DEVELOPMENT INC

Represented by:
RANDALL C BUDGE
PO BOX 1391
201 E CENTER, STE A2
POCAHELLO, ID 83204-1391

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form