

DEPARTMENT OF
WATER RESOURCES

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BLM ISO MR

**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. 29-13317

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 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(s)/OBJECTOR(s):
McCammon Ditch Company, LTD.

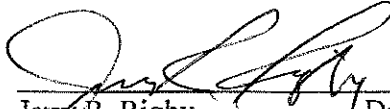
James A. Spinner

Date _____

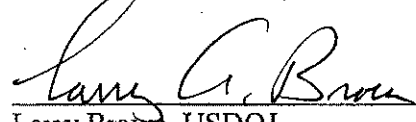
Attorney for Claimant/Objector

OBJECTOR(s):

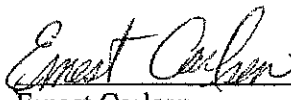
Lava Irrigation Company, Inc.

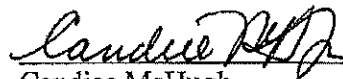
 5-10-05
Jerry R. Rigby Date
Attorney for Objector

Bureau of Land Management

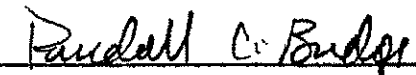
 5/24/2005
Larry Brown, USDOJ
Attorney for BLM ^{OK}

IDWR Concurrence:

 4-27-2005
Ernest Carlsen Date
IDWR Adjudication Supervisor

 4-27-05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

Marsh Valley Development, Inc.


Attorney For Objector

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

RIGHT NUMBER: 29-13317

NAME AND ADDRESS:

MC CAMMON DITCH CO LTD
10192 S HALL RD
MC CAMMON ID 83250

SOURCE:

Source:
PORINEUF RIVER

tributary:
SNAKE RIVER

QUANTITY: 18.950 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 68.95 CFS COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311
AND 29-13317

~~USE OF THIS RIGHT WITH RIGHT NO. 29-57, 29-58, 29-13311, 29-13317 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 50.0 CFS.~~

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

I09S R37E S21 SENE Lot 1
Within BANNOCK County

~~T09S R37E S21 SESENE Lot 1
Within BANNOCK County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	18.950 CFS

PLACE OF USE: 2794.5 ACRES TOTAL

Place of use is within the area served by the McCammon Ditch Company LTD.
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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 2794.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311, AND 29-13317.

~~Place of use is within the area served by the McCammon Ditch Company LTD.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2794.5 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-57, 29-58, 29-13311, 29-13317.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 947.5 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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.

~~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~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-57, 29-58, 29-13311, 29-13317

SM²
06
/

Claim No.:

29-57

29-58

29-13311

29-13317

McCammon Ditch Co Service Area Boundary

Boundary
Township/Range
Sections

Montana Department of Water Resources
1987-88 NAPP Photography
Prepared by: Eileen Calaca
Date Prepared: July 2004



0 0.5 1 1.5 Miles

T09S R36E

T09S R37E

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CERTIFICATE OF MAILING

I certify that on May 24, 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

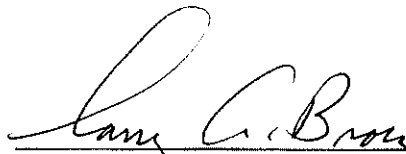
2. Copies to:

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

MC CAMMON DITCH CO LTD
Represented by:
JAMES A. SPINNER
PO BOX 6009
POCATELLO, ID 83205

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

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



Signature of person or attorney mailing the form