

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. 25-7016
)
) Standard Form 5
Case No. 39576)
) 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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

CLAIMANTS:

Justin Land Hottle 8-30-05
Date
David Lister
Date

OBJECTOR:

United States on behalf of the
Bureau of Reclamation

David W. Gehlert 9/16/05
Date
David W. Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlson 9-23-05
Date

IDWR CONCURRENCE:

C. B. Bury 9/23/05
Date

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

RIGHT NUMBER: 25-7016

NAME AND ADDRESS:

FOSTER LAND & CAILLE CO
P.O. BOX 308
RIGBY, ID 83442

SOURCE: GROUND WATER

tributary:

QUANTITY: 3.000 CFS
1,272.00 AFT

Rights 25-7016 and 25-2130 when combined shall not exceed a total
diversion volume of 2034 afa.

PRIORITY DATE: 02/10/1972

POINT OF DIVERSION:

103N R40E S15 NWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 11/01

3.000 CFS
1,272.00 AFT

PLACE OF USE:

IRRIGATION

Within BONNEVILLE County

103N R40E S10 NENW	39.0	103N R40E S10 NWNW	39.0
103N R40E S10 SWNW	35.0	103N R40E S10 SENW	40.0
103N R40E S10 NESW	40.0	103N R40E S10 NWSW	39.0
103N R40E S10 SWSW	39.0	103N R40E S10 SESW	40.0
103N R40E S15 SWNE	40.0	103N R40E S15 NENW	40.0
103N R40E S15 NWNW	39.0	103N R40E S15 SWNW	39.0
103N R40E S15 SENW	40.0	103N R40E S15 NWSW	39.0
103N R40E S15 SWSW	13.4		

561.4 B.F. DL
570 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 25-2160 IS LIMITED TO THE

561.4 B.F. DL

IRRIGATION OF A COMBINED TOTAL OF 570 ACRES IN A SINGLE

IRRIGATION SEASON.

The use of water under this right does not include a use on federal public land.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - license

CERTIFICATE OF MAILING

I certify that on Sept. 23, 2005 mailed the original and copies of this form, including all attachments, 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 Copy to:

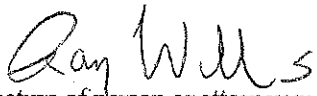
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S. , Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Foster Land & Cattle Company
P O. Box 308
Rigby, ID 83442


Signature of person or attorney mailing the form