

**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. ~~25-04086~~

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):

Independent Irrigation Co.

W. Ronald Shippen Date
W. Ronald Shippen
President

9-6-05

Gerald Raymond Date
Gerald Raymond
Secretary

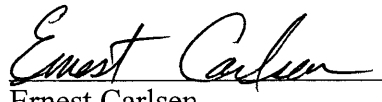
STANDARD FORM 5 – 25-04086

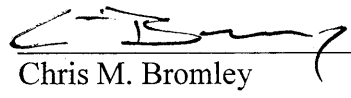
OBJECTOR(s):

Bureau of Land Management

 9/21/05
Larry A. Brown  Date
Attorney for BLM

IDWR Concurrence:

 9-22-05
Ernest Carlsen Date
IDWR Adjudication Supervisor

 8/22/05
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 25-4086

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO
755 N 3400 E
MENAN ID 83434

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T05N R38E S26 NESWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	54.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

3490 ACRES TOTAL

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

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.

Place of use does not include federal public lands

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

The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

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 No. 25-4085 is also diverted through point of diversion described above.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 600 range cattle.

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

Use of this right is combined with water from Long Island Irrigation Co.

The source of this right is wastewater originally diverted by Long Island Irrigation Co.

JS JR MB
EMC

CERTIFICATE OF MAILING

I certify that on September 22, 2005, I 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

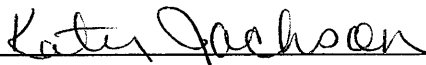
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Independent Irrigation Co.
755 N. 3400 E.
Menan, ID 83434

Blair J. Grover
Grover & Butikofer, PA
P.O. Box 36
Rigby, ID 83442



Signature of person or attorney mailing the form

Department of Water Resources

Water Right No.: 25-4085, 25-4086

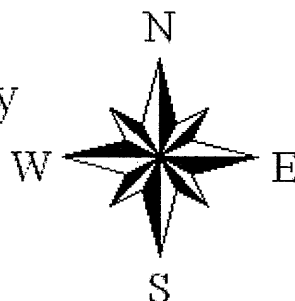
Independent Irrigation Co.

ms MB JR Eme



0 1 2 3 Miles

- Service Area Boundary
- Township/Range
- Sections



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Ernie Carlsen
Date: August 2005