

**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.: 45-2062

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.

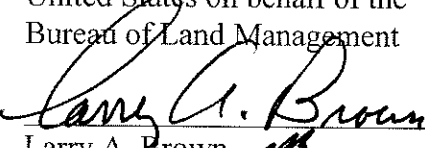
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

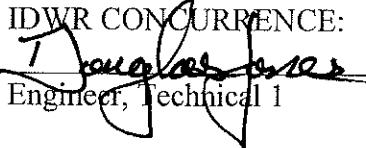

for Oakley Canal Company 5-16-06 Date

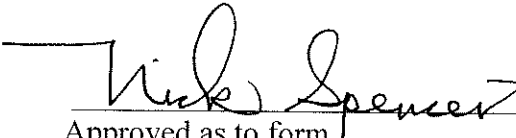
OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown,  5/31/06 Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:


Engineer, Technical 1 4/11/06 Date


Approved as to form 4-27-06 Date
Attorney for IDWR

CLAIMANT:

William A. Parsons 5-15-06
William A. Parsons Date
Attorney for Oakley Canal Co.

09/16/2005

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

RIGHT NUMBER: 45-2062

NAME AND ADDRESS: OAKLEY CANAL CO
PO BOX 207
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 70.000 CFS

PRIORITY DATE: 03/10/1909

POINT OF
DIVERSION: T13S R21E S8 SENESE Within CASSIA County

LAB *IF*
MB *NBS*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	70.000 CFS

PLACE OF USE:

27550 ACRES TOTAL

Place of use is within the area served by Oakley Canal 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.

Use of the rights listed below is limited to the irrigation of a combined total of 27,550 acres in a single irrigation season. Combined right nos.: 45-93, 45-94, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, & 45-12750.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24,974 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2059, 45-2060, 45-2062, 45-2063.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24,974 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

CERTIFICATE OF SERVICE

I certify that on May 31, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Oakley Canal Co.
P.O. Box 207
Oakley, ID 83346

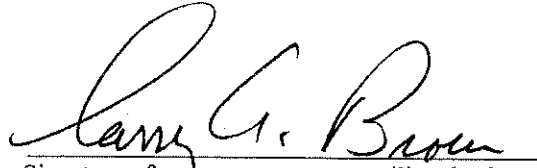
☐ Overnight Mail
☒ Regular Mail
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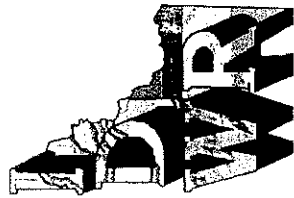
U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

William A. Parsons
Parsons Smith & Stone, LLP
137 W. 13th St.
P.O. Box 910
Burley, ID 83318

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

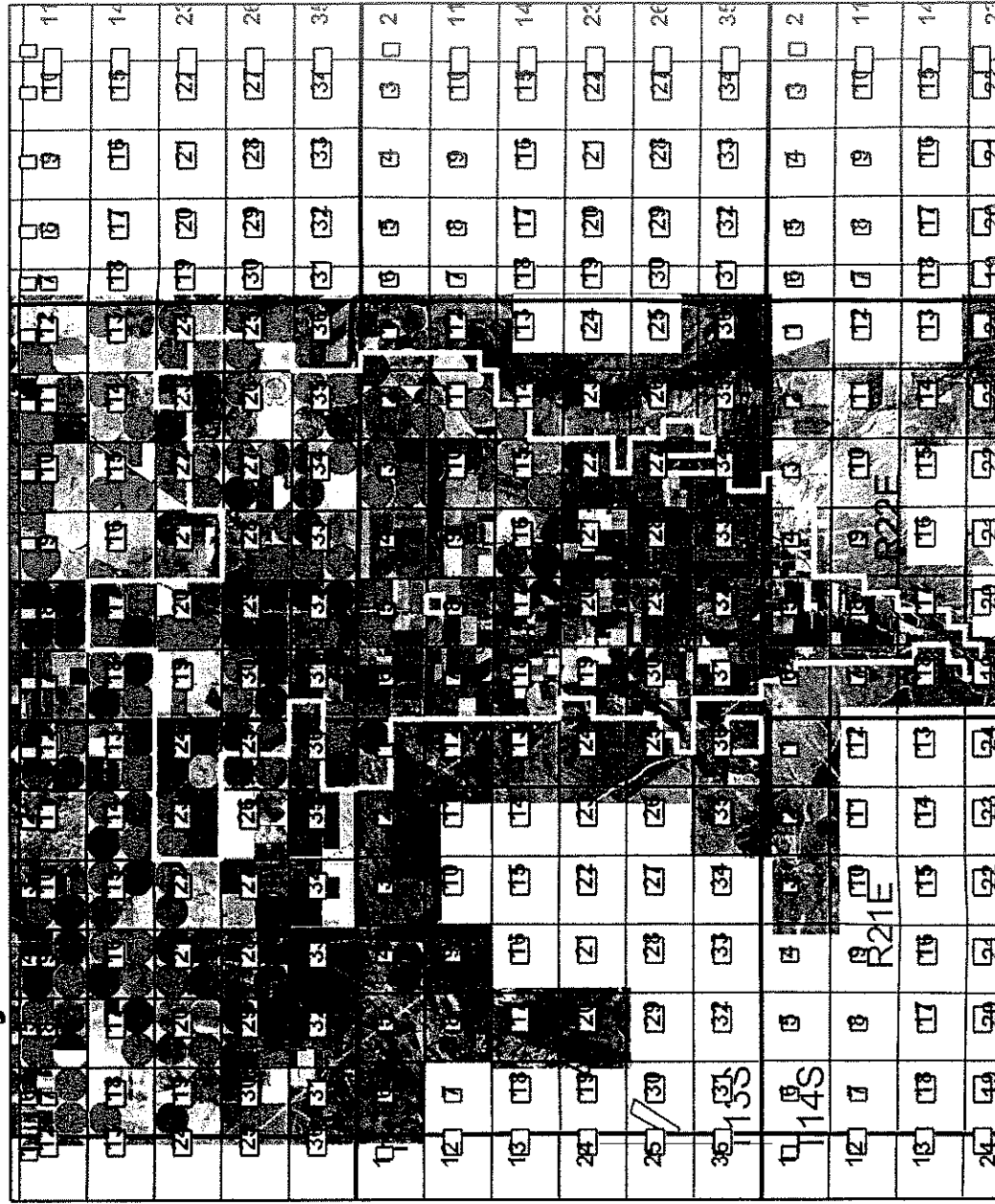

Signature of person or attorney mailing the form



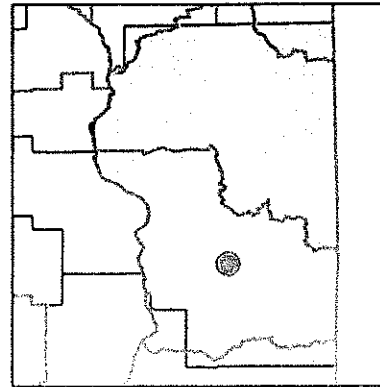
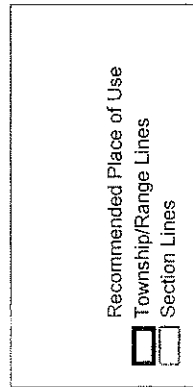
Idaho Department of Water Resources

Oakley Canal Company
Service Area Boundary

Recommended Place of Use



Legend



0 6 12 Miles

Prepared by D. Shaff
On Monday, August 22, 2005
1987/88 Aerial Photography