

DISTRICT COURT - IDAHO
TWIN FALLS DISTRICT, IDAHO
FILED _____

2008 SEP 28 PM 11:43

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.: 45-85
)
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STANDARD FORM 5

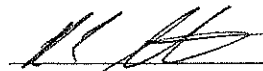
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

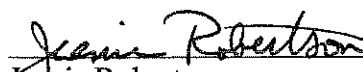
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

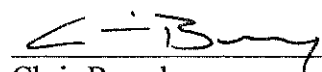
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

 9/28/06
R. C. Stone Date
Attorney for Manning Ranches, Inc.

IDWR CONCURRENCE:

 9/28/06
Jeanie Robertson Date
Sr. Water Resource Agent

 9/28/06
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 45-85

NAME AND ADDRESS:

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE:

Source:
BIRCH CREEK

Tributary:

GOOSE CREEK

QUANTITY:

1.400 CFS
0.000 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE:

04/16/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE
Within CASSIA County

T14S R22E S24 SESWNW
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:
2/28 11/15

Quantity:
1.400 CFS

PLACE OF USE:

IRRIGATION within CASSIA County

T14S R22E S02 SWNW 11.0

T14S R22E S02 SENW 12.0

T14S R22E S02 NESW 40.0

T14S R22E S02 NWSW 40.0

T14S R22E S02 SWSW 33.0

T14S R22E S02 SESW 40.0

T14S R22E S03 Lot 1 NENE 35.0

T14S R22E S03 Lot 2 NWNE 5.0

T14S R22E S03 SENE 31.0

T14S R22E S03 NESE 11.0

T14S R22E S11 NESW 13.0

T14S R22E S11 SESW 1.0

T14S R22E S11 NESE 40.0

T14S R22E S11 NWSE 40.0

T14S R22E S11 SWSE 37.0

T14S R22E S11 SESE 40.0

T14S R22E S14 NENE 38.0

T14S R22E S14 NWNE 24.0

T14S R22E S14 SWNE 5.0

T14S R22E S14 SENE 8.0

T14S R22E S14 NESE 20.0

T14S R22E S14 NWSE 28.0

T14S R22E S14 SESE 5.0

554 ACRES TOTAL

~~T14S R22E S02 NWSW 28.0~~

~~T14S R22E S02 SWSW 27.0~~

~~T14S R22E S03 Lot 1 NENE 35.0~~

~~T14S R22E S03 SENE 30.0~~

~~T14S R22E S11 NESE 39.0~~

~~429 ACRES TOTAL~~

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 232 233 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.

The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

CB
R
K/S

CERTIFICATE OF SERVICE

I certify that on Sept 28, 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 Repository
P.O. Box 83720
Boise, ID 83720-0098

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

R. C. Stone
Parsons, Smith & Stone, LLP
P.O. Box 910
Burley, ID 83318

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



Signature of person or attorney mailing the form