

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.: 45-622B

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.

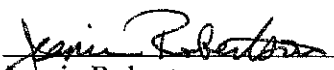
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

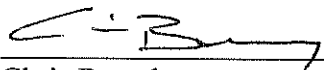
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

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: 45-622B

NAME AND ADDRESS:

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: Source:
MILL CREEK

Tributary:
SINKS

QUANTITY: 5.150 CFS
0.000 AFY

~~0.271 CFS~~

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T13S R22E S36 NWNESE
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:
03/15 11/15

Quantity:
5.150 CFS
~~0.271 CFS~~

PLACE OF USE:

IRRIGATION within CASSIA County

T13S R22E S11 SESE 30.0
T13S R22E S14 NWNE 32.0
T13S R22E S26 SWNW 40.0
T13S R22E S26 SENW 40.0
T13S R22E S26 NESW 39.0
T13S R22E S26 NWSW 40.0
T13S R22E S26 SWSW 40.0
T13S R22E S26 SESW 40.0
T13S R22E S26 NWSE 15.0
T13S R22E S26 SWSE 20.0
T13S R22E S27 NESE 40.0
T13S R22E S27 SESE 40.0
T13S R22E S34 NENE 40.0
T13S R22E S34 NWNE 40.0
T13S R22E S34 SWNE 40.0
T13S R22E S34 SENE 40.0
T13S R22E S34 NENW 19.0
T13S R22E S34 SWNW 3.0
T13S R22E S34 SENW 35.0
T13S R22E S34 NESE 40.0
T13S R22E S34 NWSE 40.0
T13S R22E S34 SWSE 40.0
T13S R22E S34 SESE 40.0

793 ACRES TOTAL

~~32 ACRES TOTAL~~

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

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.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

CB
J
KLS

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

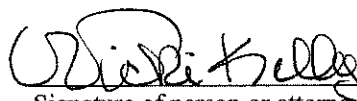
2. Copies to:

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