

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 SEP 28 PM 11:49

**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.: 45-13489
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STANDARD FORM 5

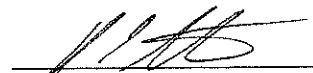
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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:

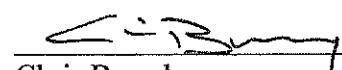
 9/28/06

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: 45-13489

NAME AND ADDRESS:

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE:

Source:
BIRCH CREEK

Tributary:
GOOSE CREEK

QUANTITY:

1.309 CFS
0.000 AFY

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

PRIORITY DATE: 03/01/1875

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	Period of use:	Quantity:
IRRIGATION	2/28 11/15	1.309 CFS

PLACE OF USE:

IRRIGATION within CASSIA County

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 NWSW 39.0~~

T13S R22E S26 SWSW 40.0

~~T13S R22E S26 SWSW 39.0~~

T13S R22E S26 SESW 40.0

~~T13S R22E S26 SESW 39.0~~

T13S R22E S27 NESE 40.0

T13S R22E S27 SESE 40.0

T13S R22E S35 NWNE 35.0

T13S R22E S35 SWNE 40.0

~~T13S R22E S35 SWNE 39.0~~

T13S R22E S35 NENW 40.0

~~T13S R22E S35 NENW 39.0~~

T13S R22E S35 NWNW 39.0

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 NWSW 28.0~~

T14S R22E S02 SWSW 33.0

~~T14S R22E S02 SWSW 27.0~~

T14S R22E S02 SESW 40.0

T14S R22E S03 Lot 1 NENE 35.0

~~T14S R22E S03 Lot 1 NENE 32.0~~

T14S R22E S03 SENE 31.0

~~T14S R22E S03 SENE 30.0~~

T14S R22E S11 NESW 13.0

T14S R22E S11 SESW 1.0

T14S R22E S11 NESE 40.0

~~T14S R22E S11 NESE 39.0~~

T14S R22E S11 NWSE 40.0

T14S R22E S11 SWSE 37.0

T14S R22E S11 SESE 40.0

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

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

1011 ACRES TOTAL

~~897~~ ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF ~~897~~ 1011 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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.

~~Idaho Code.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-77D FOR 0.45 CFS,
45-77H FOR 0.208 CFS, 45-77K FOR 0.238 CFS, 45-80D FOR 0.19 CFS, & 45-80F
FOR 0.223 CFS.

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

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

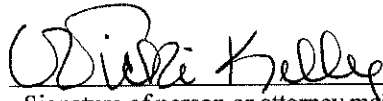
2. Copies to:

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