

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

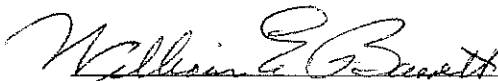
In Re SRBA	)	Subcase No. 63-4841
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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)/OBJECTOR(s):
Malad and Hilton Water Co Inc.

 11-16-06
William E. Barrett Date
President

IDWR Concurrence:

Sandy Egbert 11-13-06
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 11-13-06
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on November 21, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

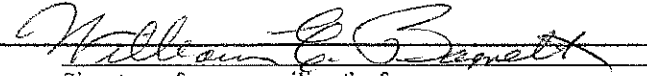
1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Malad and Hilton Water Co Inc
William E Barrett
2616 S Hilton St
Boise, ID 83705

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form



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

RIGHT NUMBER: 63-4841

NAME AND ADDRESS:

MALAD AND HILTON WATER CO INC
2616 S HILTON ST
BOISE ID 83705

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.320 CFS

10.620 AFY

~~9.000 AFY~~

~~13,000-gallons~~

~~The quantity of water under this right for domestic use shall not exceed
per day.~~

NBS

PRIORITY DATE:

06/01/1962

POINT OF DIVERSION:

T03N R02E S20 SESW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.060 CFS 9.00 AFY

DOMESTIC

01/01 12/31

0.230 CFS 1.62 AFY

~~0.200 CFS~~

FIRE PROTECTION

01/01 12/31

0.320 CFS

Domestic use is for 27 homes.

~~Domestic use is for 28 homes.~~

PLACE OF USE:

IRRIGATION

within ADA County

T03N R02E S20 SESW 2.0

Amended Director's Report: 63-4841

G

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

FIRE PROTECTION Same As IRRIGATION
2 ACRES TOTAL

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

water

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the

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 quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.~~

pk
NBS

water

~~This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the~~

~~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~~

PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3. AND BLASER SUB. NO. 5.

~~PROPERTY IS ALSO KNOWN AS BLK 1 & 2, BLASER SUB. NO. 3.~~

B