

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. 63-31997
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

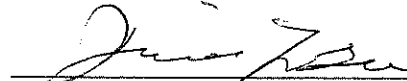
This form is used to report the stipulated elements of one water right acquired under state law and/or a federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to 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.

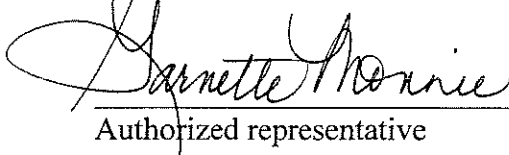
CLAIMANT(s):
K-C TRUST

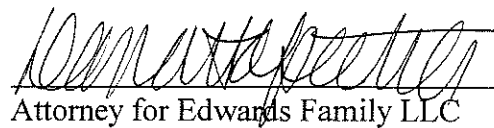
 12/6/06
Authorized representative Date

 12/6/06
Date

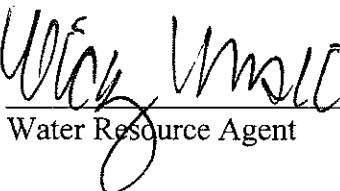
OBJECTOR:
EDWARDS FAMILY LLC

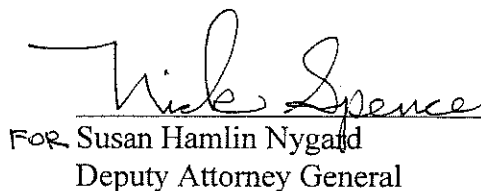
For KC Trust (See Power of Atty
10/6/06)

 12/6/06
Authorized representative Date

 12/6/06
Attorney for Edwards Family LLC Date

IDWR Concurrence:

 12/13/06
Water Resource Agent Date

 12-13-06
FOR Susan Hamlin Nygard Date
Deputy Attorney General

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

RIGHT NUMBER: 63-31997

NAME & ADDRESS: K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

This water right does not authorize the diversion of a low temperature geothermal resource or other geothermal resource.

QUANTITY: 0.100 CFS
9.00 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

USE OF THIS RIGHT WITH RIGHT NO. 63-31998 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9 AF FOR IRRIGATION.

PRIORITY DATE: 07/01/1953

POINT OF
DIVERSION: T04N R02E S29 SWNE Within ADA County
T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.060 CFS
		9.00 AFY

DOMESTIC USE IS FOR 1 HOME.

PLACE OF USE: IRRIGATION Within ADA County
T04N R02E S29 SWNE 2.00

DOMESTIC Within ADA County
T04N R02E S29 SWNE
2 ACRES TOTAL

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

EXPLANATORY MATERIAL: BASIS OF CLAIM – Beneficial Use

PARCEL NOS. S0629131531 AND S0629131521

This right is a split from former right 63-5287

October 24, 2006

Reference Initial Hearing : Case No. 39576

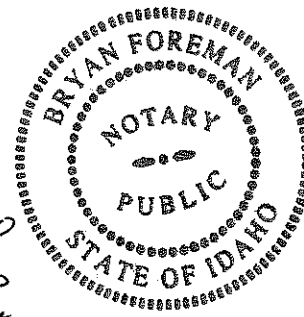
KC AS
63-31997

The undersigned trustees of the KC TRUST, Sub-Case No. ~~63-31997~~ give David L. Gee or Kristi L. Gee full settlement authority to act on our behalf in the above mentioned case (No. 39576.)

Charles L. Smith 10/26/06
Charles L. Smith Date

Kay Anderson 10/26/06
Kay Anderson Date

Bry. Foreman
exp 10/01/2010
Boise, Idaho
ADA County
Notary for Charles and Kay
Smith Anderson



CERTIFICATE OF MAILING

I certify that on December 19th 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:

K-C Trust
C/O Kay Anderson, Trustee
4322 Catalpa Drive
Boise, ID 83703

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702

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



Signature of person mailing form