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DEPARTMENT OF
WATER RESOURCES

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. 25-00110**
	)	
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):
Progressive Irrigation District

Robert L. Harris 2/2/07
Robert L. Harris Date
Attorney for Claimant

OBJECTOR(s):

Bureau of Land Management

Larry A. Brown 2/5/2007
Larry A. Brown FWP Date
Attorney for BLM

Bureau of Reclamation

for Larry A. Brown 2/5/2007
David W. Gehlert Date
Attorney for BOR

IDWR Concurrence:

Ernest Carlsen 2-7-07
Ernest Carlsen Date
Water Resources Program Manager

C. B. 1/30/07
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-110

NAME AND ADDRESS: PROGRESSIVE IRRIGATION DIST
2585 N AMMON RD
IDAHO FALLS ID 83401-1949

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 11/01/1885

POINT OF DIVERSION:

T03N R39E S20 NWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE:

~~29528~~ 29532 ACRES TOTAL

Place of use does not include federal public lands

Place of use is within the boundary of Progressive Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

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

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

The remainder of this right was forfeited for non-use from 1978 to 1989.

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.

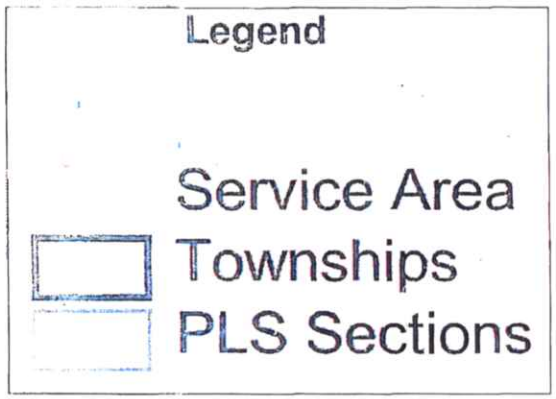
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

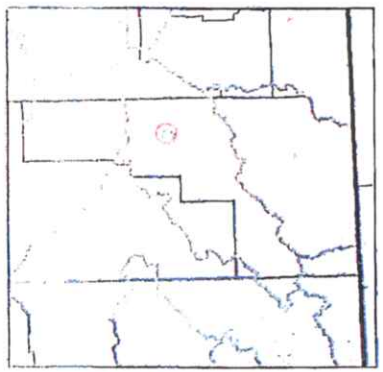
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Progressive Irrigation Dist

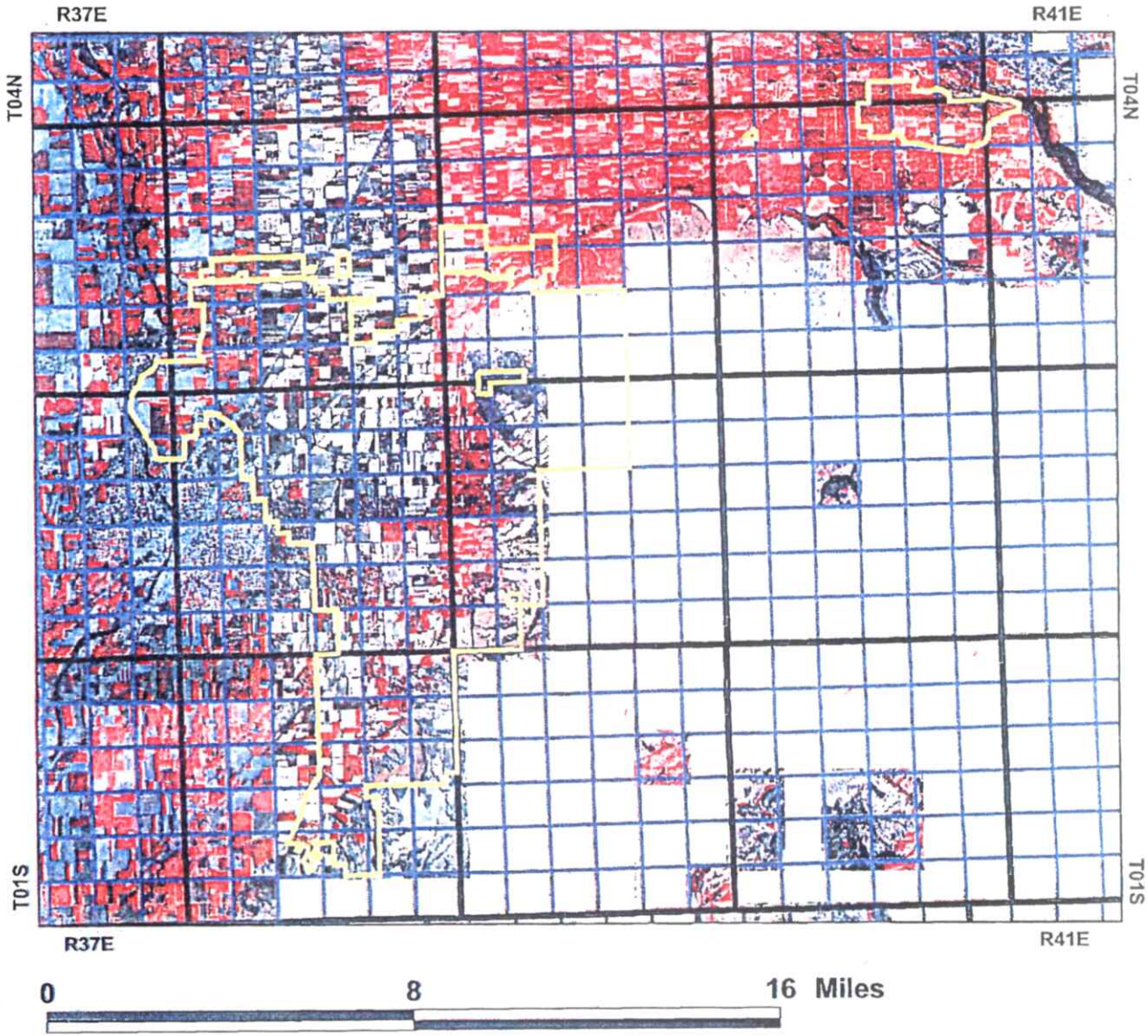
SRBA Recommendations: 1-64, 1-65, 1-66, 1-156, 1-202, 1-241, 1-322, 1-4006, 25-92, 25-96, 25-110, 25-223, 25-13383, 25-13384, 25-13385, 25-13388, 25-13389, 25-13390, 25-14104

Service Area Boundary
GIS Place of Use Illustration





Bonneville County
IDWR Basin 25



Prepared by D. Favreau
On Wednesday, January 24, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on Feb. 9, 2007, 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. UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

PROGRESSIVE IRRIGATION DISTRICT
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DRIVE, STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

Larry G. Bass
Signature of person or attorney mailing the form