

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

2007 MAR 15 AM 10 45

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. 21-170

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):

Seeley Brothers

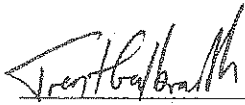
Lynn Hossner

Attorney

Date _____

STANDARD FORM 5-21-170

IDWR Concurrence:


Trent Galbraith 3-12-07
Senior Water Resource Agent Date


Nicholas Spencer (as to form) 3-12-07
Deputy Attorney General Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on March 13, 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:

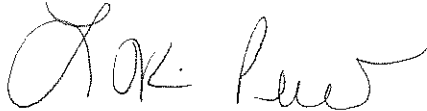
1 Original to:

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

2. Copies to:

Lynn Hossner
Attorney at Law
109 North Second West
St. Anthony, ID 83445

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

RECEIVED

DEC 11 1993

WATER RESOURCES

RIGHT NUMBER: 21-170

NAME AND ADDRESS:

SEELEY BROTHERS
C/O ALVIN H SEELEY
PO BOX 654
ASHTON ID 83420

SOURCE:

Source:
WILLOW CREEK

tributary:
HENRYS FORK

QUANTITY:

4.140 CFS

Right Nos 21-170 and 21-171 are limited to a total combined diversion rate of 4.14 cfs

PRIORITY DATE:

06/01/1893

POINT OF DIVERSION:

109N R42E S11 SESWNW
Within FREMONT County

109N R42E S11 NESWSE
Within FREMONT County

109N R42E S11 SWSWSE
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

4.140 CFS

PLACE OF USE:

IRRIGATION

within FREMONT County

109N R42E S11 SESW 5.0

109N R42E S11 NESE 21.0

109N R42E S11 NWSE 4.0

109N R42E S11 SWSE 10.0

109N R42E S11 SESE 16.0

109N R42E S14 NNNE 34.0

109N R42E S14 NENW 23.0

109N R42E S14 NWNW 20.0

109N R42E S14 SWNW 28.0

109N R42E S15 SENE 14.0

109N R42E S15 NESE 15.0

109N R42E S15 1ct 1 SESE 17.0

207 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 207 acres in single irrigation season. Combined Right Nos :21-170, 21-171, 21-7210, 21-7309
~~This right is limited to the irrigation of 161 acres within the place of use described in a single irrigation season.~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed