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2007

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

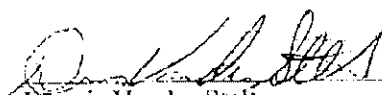
In Re SRBA	)	Subcase No. 63-3093
	)	uncontested overlap
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

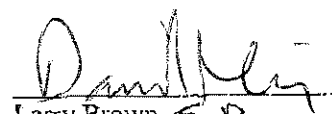
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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):
Vander Stelt Dairy

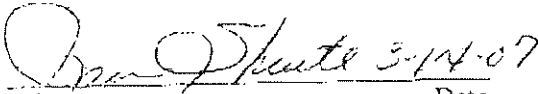
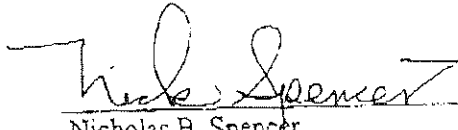

Dennis Vander Stelt
3-19-07
Date

OBJECTOR(s):
USDI-BLM


Larry Brown
Trial Attorney, General Litigation Section
U.S. Dept. of Justice
F LAB 3/20/07
Date

STANDARD FORM 5 - 63-3093 - uncontested overlap

IDWR Concurrence:

 _____ Jan Shurte Adjudication Supervisor	 _____ Nicholas B. Spencer Deputy Attorney General
<u>3-14-07</u> Date	<u>3-14-07</u> Date

SF5 Right No. 63-3093

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

RIGHT NUMBER: 63-3093

NAME AND ADDRESS:

VANDER STELT DAIRY
3777 SWAN FALLS RD
KUNA ID 83624

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

1.730 CFS

508.500 AFY

The total instantaneous diversion of water from all points of diversion under water right nos. 63-3093, 63-3170, 63-6007, 63-18592 and 63-18574 shall not exceed 9.25 cfs, nor a total combined annual volume of 3620.6 af for irrigation of 182.0 total acres.

PRIORITY DATE:

08/21/1956

POINT OF DIVERSION:

T02N R01W S35 SE1W
Within ADA CountyT02N R01W S35 NE1W
Within ADA CountyT02N R01W S35 NE2E
Within ADA CountyT02N R01W S35 NW2E
Within ADA CountyT02N R01W S35 SW2E
Within ADA CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use

Quantity:

IRRIGATION

03/01 11/15

1.730 CFS

508.50 AFY

PLACE OF USE:

IRRIGATION

within ADA County

T02N R01W S26 SW1W 4.0

T02N R01W S35 NE1E 19.0

T02N R01W S35 NW1E 26.0

T02N R01W S35 SW1E 40.0

T02N R01W S35 SE1E 40.0

T02N R01W S35 SE1E 20.0

T02N R01W S35 NE1W 10.0

T02N R01W S35 NE1W 23.0

T02N R01W S35 NW1W 39.0

T02N R01W S35 SW1W 40.0

T02N R01W S35 SE1W 40.0

T02N R01W S35 SE1W 30.0

T02N R01W S35 NE2E 11.0

T02N R01W S35 NW2E 39.0

T02N R01W S35 NE2E 28.0

T02N R01W S35 NW2E 12.0

T02N R01W S35 SE2E 11.0

SF5 Right No. 63-3093

SFS Right No. 63-3093

~~113 ACRES TOTAL~~~~113 ACRES TOTAL~~J
NBS FWP

This right is limited to the irrigation of 113 acres within the place of use described above 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 right 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 total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 5.26 cfs, nor a total combined annual volume of 3220.6 ac-ft for irrigation of 582.0 total acres.~~

APPENDATORY MATERIAL: BASIS OF CLAIM - Discrep

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by Transfer No. 5460 within one (1) year of the date of the approval.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 1.5 ac-ft per acre for irrigation of the lands above.~~

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

SFS Right No. 63-3093

CERTIFICATE OF MAILING

I certify that on 3-20, 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:

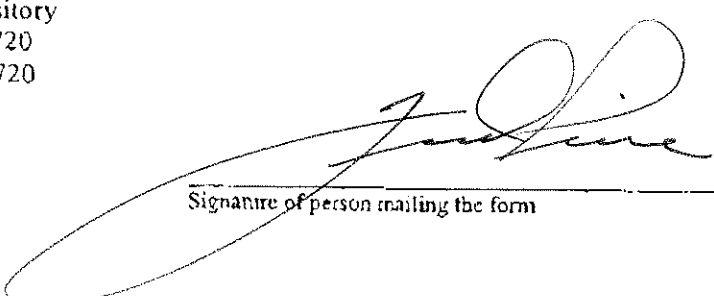
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Vander Stelt Dairy
2777 Swan Falls Rd.
Kuna, ID 83634

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



Signature of person mailing the form