

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. 01-317
	)	
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, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

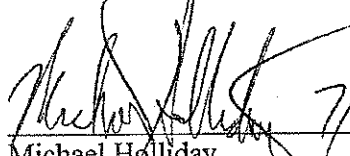
CLAIMANT:
Long Island Irrigation Company

OBJECTOR:
United States of America
Bureau of Land Management

Brent Thomas 7-16-07
By: Brent Thomas Date
Title: President

Larry A. Brown 7/23/07
Larry A. Brown, USDOJ Date
Attorney for Objecter MB

IDWR Concurrence:


Michael Holliday 7/6/2007
Senior Water Resource Agent Date


Garrick L. Baxter 7/18/07
Deputy Attorney General Date
Attorney for IDWR

P.T.

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

RIGHT NUMBER: 1-317
NAME AND ADDRESS: LONG ISLAND IRRIGATION CO
C/O ORA LEE BENNETT
729 N 3800 E
RIGBY ID 83442

John *JB*
MB

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 35,000 CFS
PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:
T04N R39E S5 SWSWSE Within JEFFERSON County
T04N R39E S10 SNNWSE Within JEFFERSON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 10/31	35,000 CFS

PLACE OF USE:
11276 ACRES TOTAL

MWA

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.

Place of use is within the area served by Long Island Irrigation Company.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through West Labelle & Long Island Canal and White Ditch.

Long Island Irrigation Co

SRBA Recommendations: 1-109G, 1-110E, 1-111E, 1-112E, 1-113C, 1-114C, 1-115S, 1-246, 1-317, 1-10439

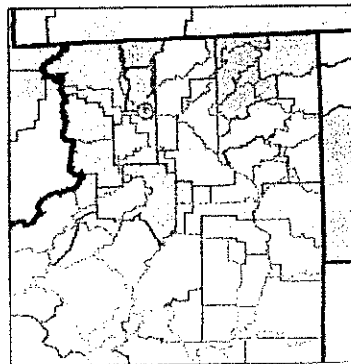


PT. *lac*

Service Area Boundary
GIS Place of Use Illustration

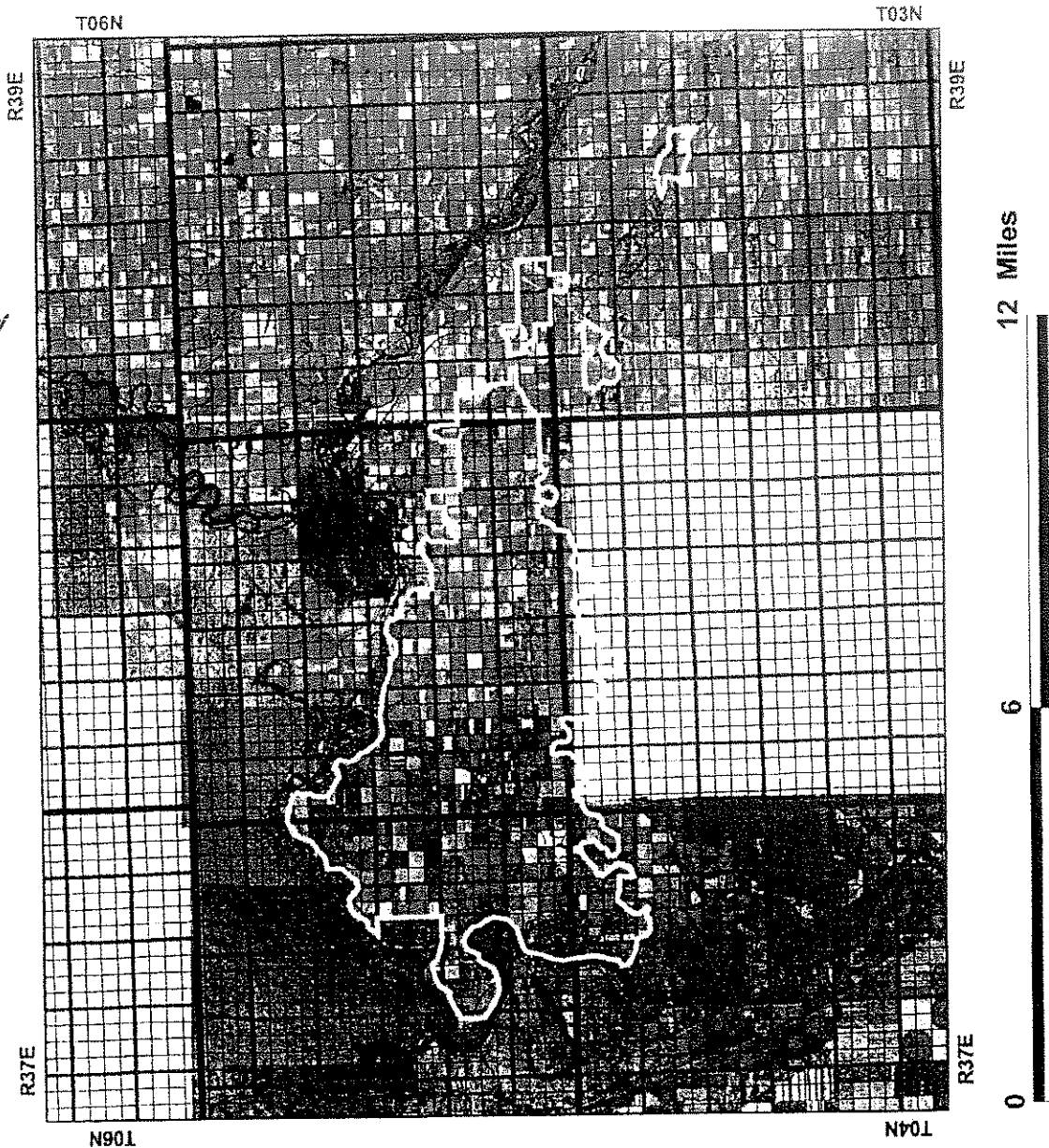
Legend

Service Area
Townships
PLS Sections
Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1

Prepared by D. Favreau
On Friday, July 6, 2007
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on July 23, 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:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

LONG ISLAND IRRIGATION CO
C/O ORA LEE BENNETT
729 N 3800 E
RIGBY, ID 83442

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing the form