

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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AUG 02 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

Case No. 39576

) Subcase No. 21-33C
) previously disallowed

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

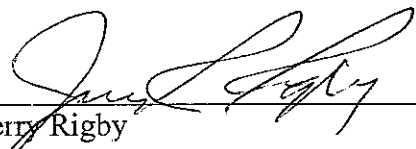
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Wilcox Brothers LLC

 7-18-07

Date
Jerry Rigby
attorney for claimants/objectors

IDWR Concurrence:

Ernest Carlsen 7-10-07
Ernest Carlsen Date
Water Resource Program Manager

Nick Spencer 7-26-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on July 30, 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:

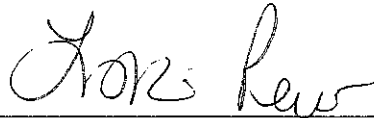
1. Original to:

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:

Jerry R. Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

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

RIGHT NUMBER: 21-33C
NAME AND ADDRESS: WILCOX BROTHERS LLC
C/O FERRY WILCOX
1110 GOLDEN BEAUIY DR
REXBURG ID 83440
SOURCE: Source: Iributary:
FALL RIVER HENRYS FORK

QUANTITY: 0.240 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:
T08N R42E S20 Lot 5 SWNWSW
Within FREMONT County

PURPOSE AND PERIOD OF USE: Purpose of use Period of use: Quantity:
IRRIGATION 04/01 10/31 0.240 CFS

PLACE OF USE: IRRIGATION within FREMONI County

T08N R41E S13 Lot 11 SWSW 39.0

T08N R41E S13 Lot 10 SESW 1.8

T08N R41E S14 Lot 2 NESE 15.0

T08N R41E S14 Lot 3 SWSE 16.0

T08N R41E S14 SESE 39.0

T08N R41E S23 NENE 40.0

T08N R41E S23 Lot 1 NWNE 29.0

T08N R41E S23 SWNE 5.1

T08N R41E S23 SENE 5.3

T08N R41E S24 NENW 2.0

T08N R41E S24 NWNW 39.0

231.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 231.2 acres in a single irrigation season. Combined Right Nos.: 21-10587, 21-10588, 21-33C.

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.

~~Recommended as Right No. 21-33A & 21-33B.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

~~Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.~~