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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

Case No. 39576

) Subcase No. 01-93E
)
)
)
)
)
)
)

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:

Labelle Irrigating Company

OBJECTOR:

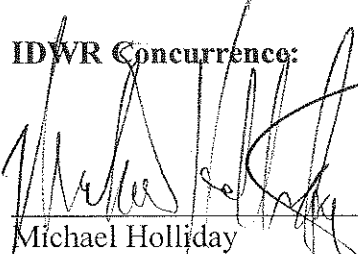
United States of America
Bureau of Land Management

Kerry Lundquist
By: *Kerry Lundquist*
Title: *President*

9-26-2007
Date

Larry A. Brown
Larry A. Brown, USDOJ *LB* Date *10/6/07*
Attorney for Objector

IDWR Concurrence:



Michael Holliday
Senior Water Resource Agent

Date

9/25/2007



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

Date

9/19/07

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

RIGHT NUMBER: 1-93E

NAME AND ADDRESS: LABELLE IRRIGATING CO
C/O DEE SIMMONS
467 N 4400 E
RIGBY ID 83442

MWJ
LS
JB
MB

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 45.800 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1985

POINT OF
DIVERSION:

T04N R39E S13 NESESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	45.800 CFS

PLACE OF USE:

2087 ACRES TOTAL

Place of use is within the area served by Labelle Irrigating Company.

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.

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

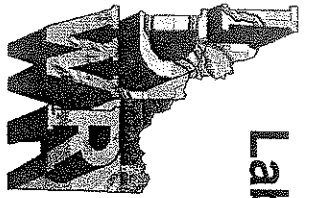
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Stockwater use is for 1900 range cattle and 10 horses.

Water is delivered through East Labelle Canal.



Labelle Irrigating Co

SRBA Recommendations: 1-93E, 1-94G, 1-244, 1-315

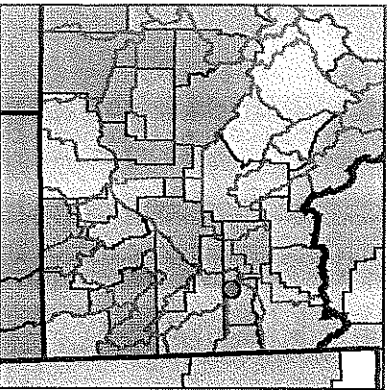
Handwritten signatures and initials: JLB, MML, HL, W

Service Area Boundary
GIS Place of Use Illustration

Handwritten signature

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1



Prepared by D. Favreau
On Friday, September 14, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on 10/6/, 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:

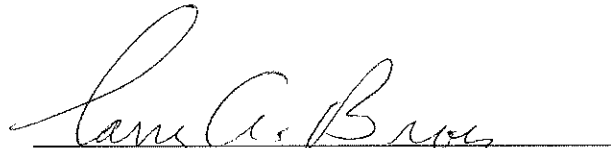
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

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

LABELLE IRRIGATING CO
C/O DEE SIMMONS
467 N 4400 E
RIGBY, ID 83442

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


Signature of person or attorney mailing the form



Labelle Irrigating Co

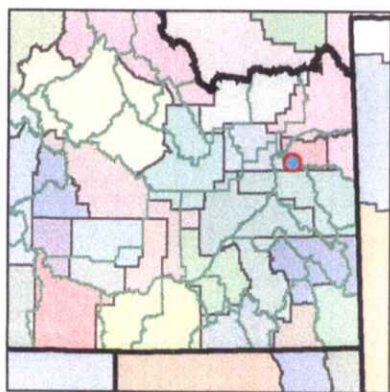
SRBA Recommendations: 1-93E, 1-94G, 1-244, 1-315

AS
MWH
KL
JCS
NB

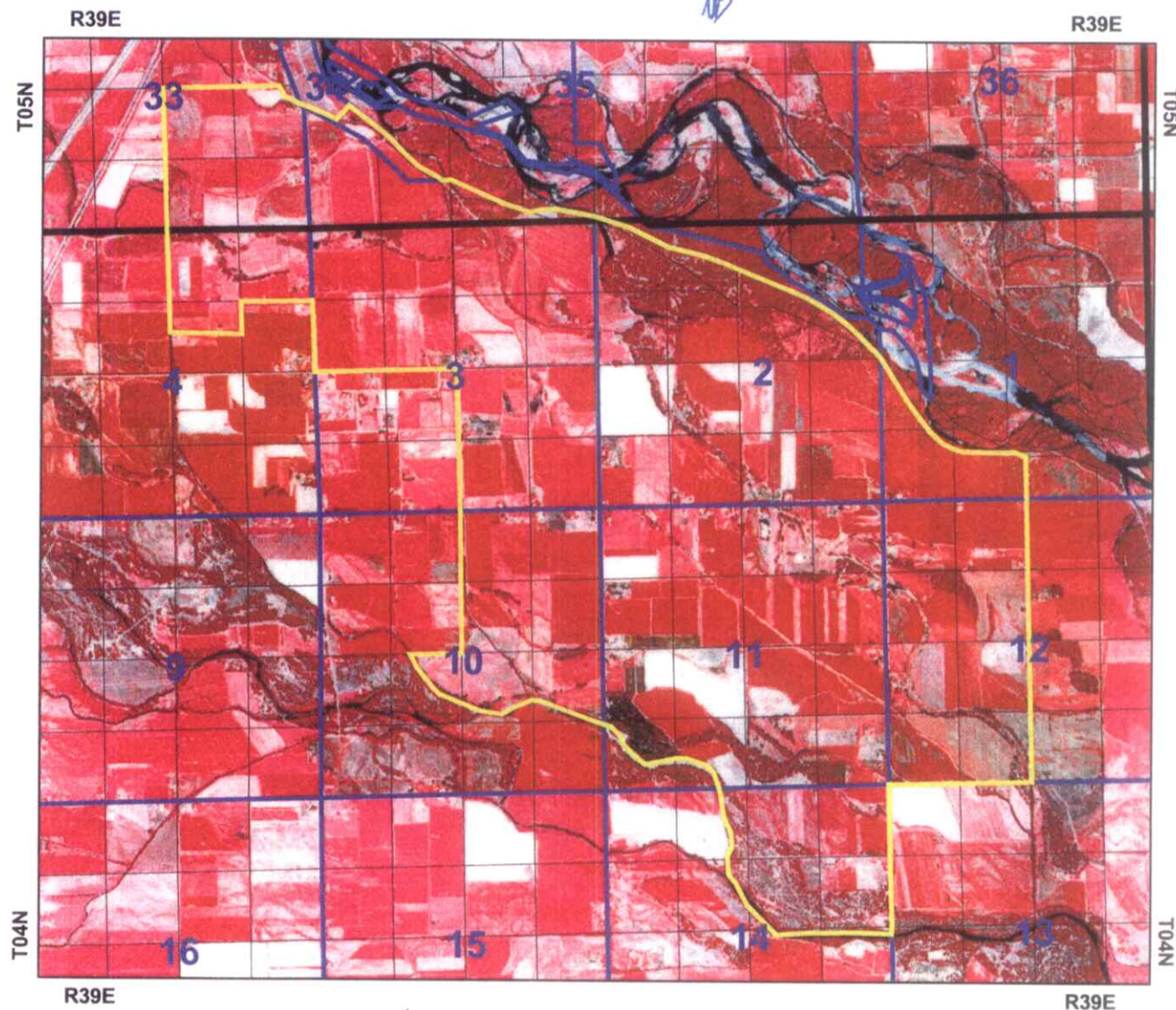
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1



0 1 2 Miles

Prepared by D. Favreau
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