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OCT 09 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. 01-315

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:**

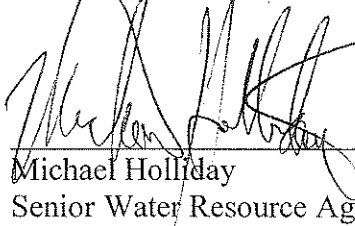
United States of America  
Bureau of Land Management

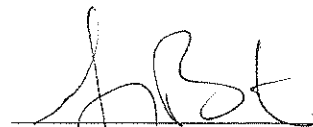
*Kerry Lundquist*  
By: *Kerry Lundquist*  
Title: *President*

*9-26-2007*  
Date

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

**IDWR Concurrence:**

 9/25/2007  
\_\_\_\_\_  
Michael Holliday Date  
Senior Water Resource Agent

 9/19/07  
\_\_\_\_\_  
Garrick L. Baxter Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 1-315

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

*MWH* *KC* *MB* *JB*

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 30.000 CFS

*JB*

PRIORITY DATE: 04/01/1939

POINT OF  
DIVERSION:

T04N R39E S13 NESESE Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

30.000 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:

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.

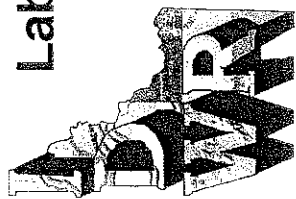
The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through East Labelle Canal.

# Labelle Irrigating Co

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



*Handwritten notes:*  
 12/23/07  
 [Signature]  
 [Signature]

Service Area Boundary  
 GIS Place of Use Illustration

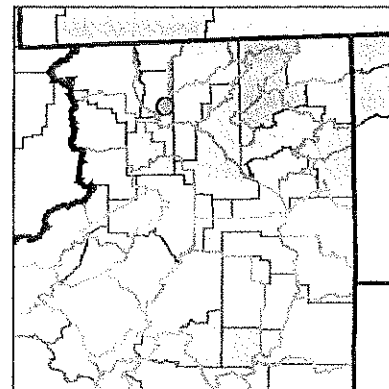
Legend

Service Area

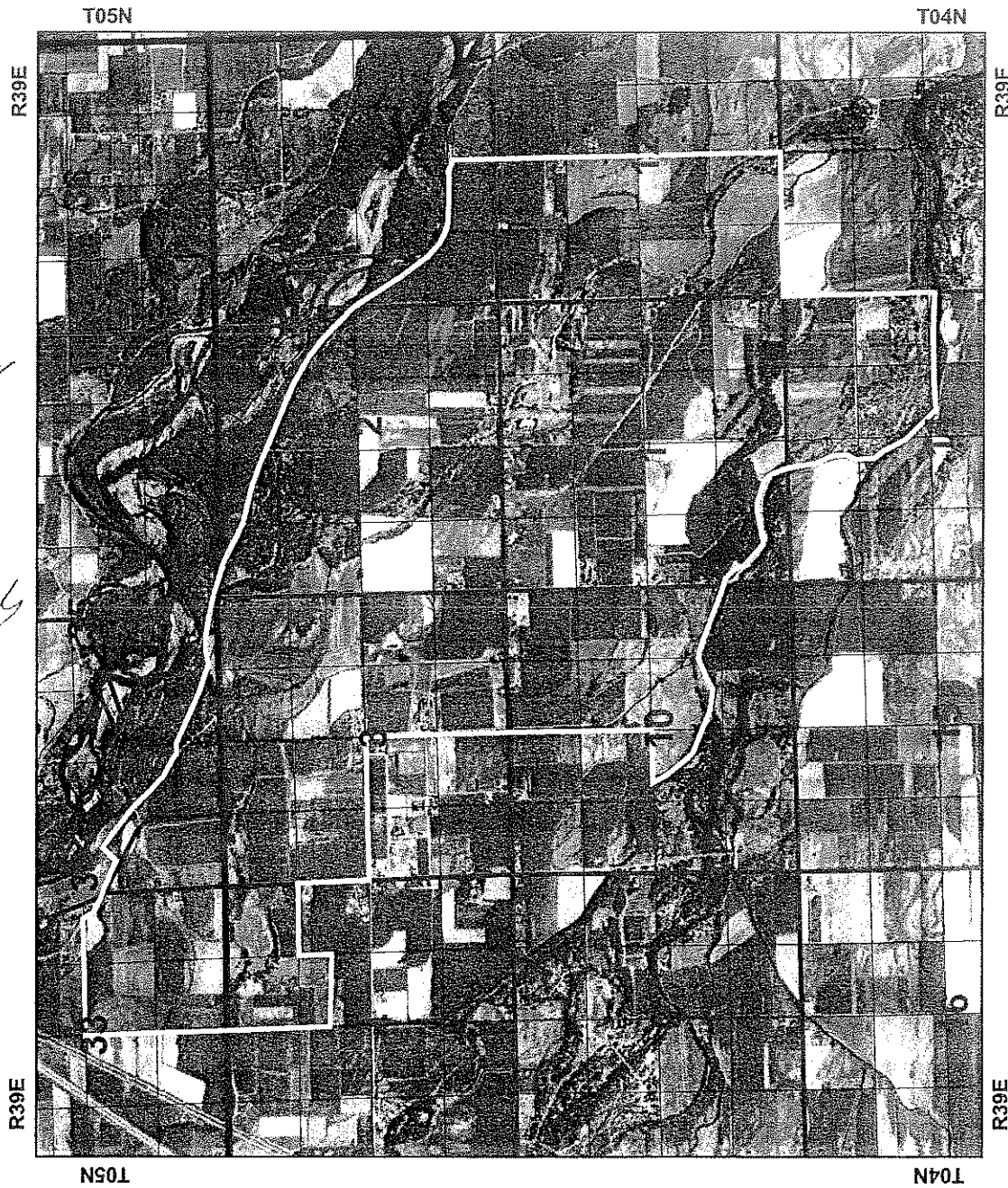
Townships

PLS Sections

Quarter Quarters



Jefferson, Madison Counties  
 IDWR Basin 1



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

## CERTIFICATE OF MAILING

I certify that on 10/16, 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:

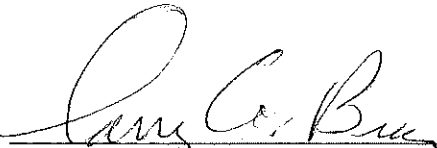
CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P. O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

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

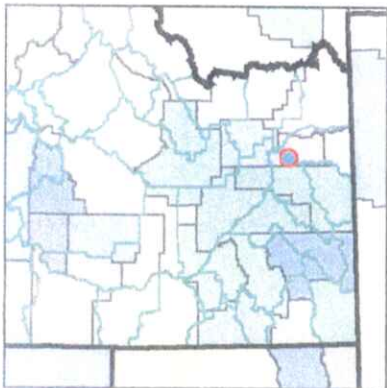
SRBA Recommendations: 1-93E, 1-94G, 1-244, 1-315

*JB* *MWA* *KL* *MS* *J*

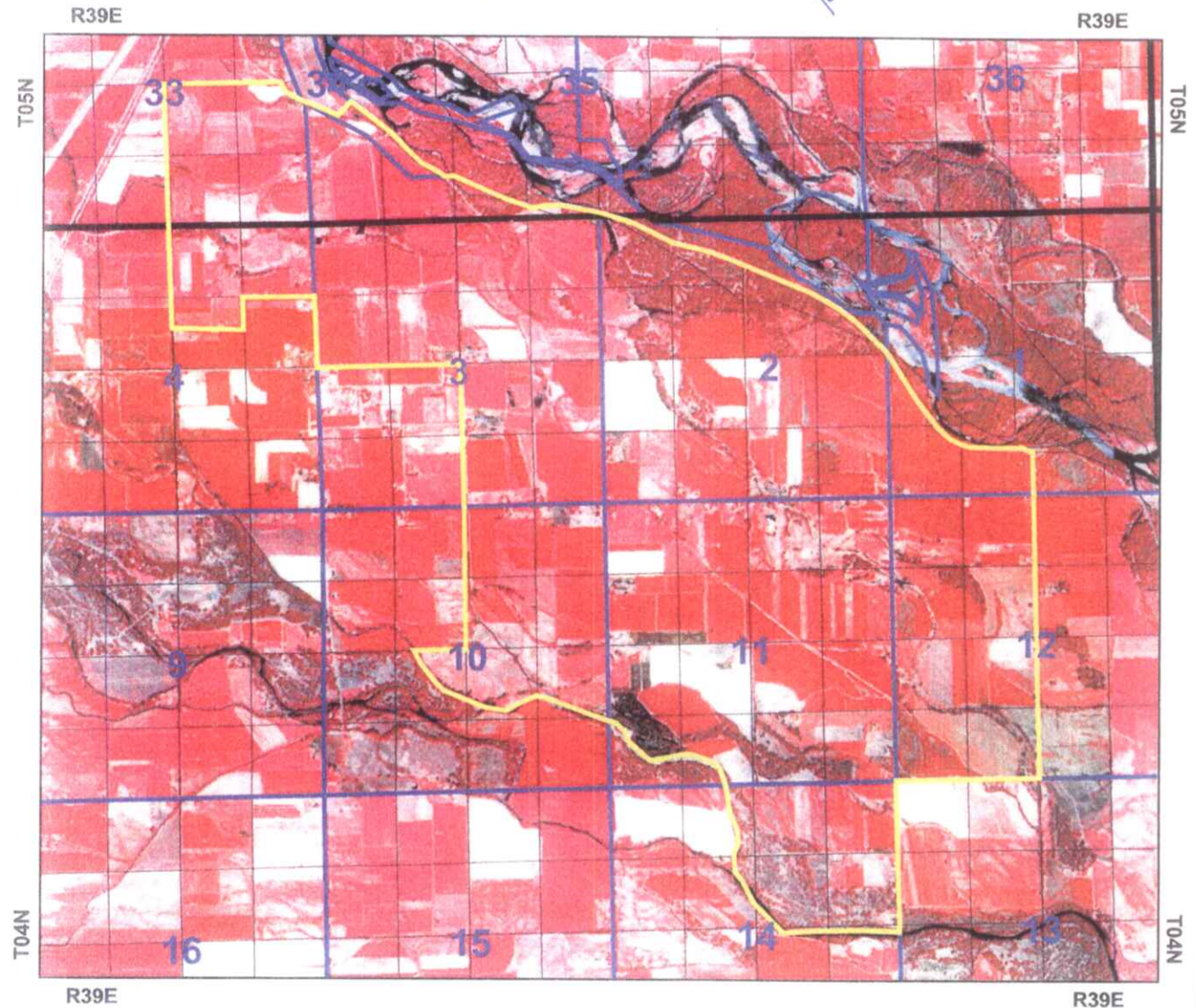
Service Area Boundary  
GIS Place of Use Illustration

## Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson, Madison Counties  
IDWR Basin 1



0 1 2 Miles

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