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TWIN FALLS CO. IDAHO
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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. 63-184
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

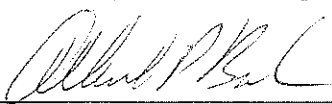
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

OBJECTOR:

Harris Family Ltd Partnership

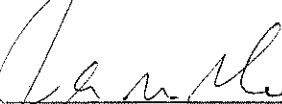


Albert P Barker
Attorney

11-2-07
Date

CLAIMANT(S)/OBJECTOR(s):

Harris Ranch Owners Association



John M Marshall
Attorney

10/19/07
Date

IDWR Concurrence:

Vicky L Music 9/20/07
Vicky L Music
Senior Water Resource Agent

Date

Nicholas B. Spencer 10-2-07
Nicholas B. Spencer
Deputy Attorney General

Date

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

RIGHT NUMBER: 63-184

NAME AND ADDRESS:

HARRIS RANCH OWNERS ASSOCIATION
C/O ASSOCIATION MANAGEMENT INC.
2242 RIVERWALK DRIVE, STE 220
BOISE ID 83705

DALLAS H HARRIS
3051 S WISE WAY
BOISE ID 83706

SOURCE:

Source:

BOISE RIVER

Tributary:

SNAKE RIVER

QUANTITY:

2.240 CFS

504.000 AFY

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2655 AF. COMBINED RIGHT NOS. 63-365, 63-2973, 63-2261 AND 63-7103.~~

PRIORITY DATE: 06/01/1869

POINT OF DIVERSION:

T03N R03E S33 Lot 9 SWSE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION 03/01 11/15 2.240 CFS 504.00 AFY

VLM
NBS
Jmm
gpb

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

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION within ADA County

~~T03N R03E S19 Lot 4 NESW 4.0~~
~~T03N R03E S19 Lot 5 SESE 1.0~~
~~T03N R03E S19 NESE 18.0~~
~~T03N R03E S19 SWSE 10.0~~
~~T03N R03E S19 SESE 28.0~~
~~T03N R03E S20 NESW 7.0~~
~~T03N R03E S20 NWSW 24.0~~
~~T03N R03E S20 SWSW 36.0~~
~~T03N R03E S20 SESE 20.0~~

VLM
NBS
Jmm
GAB

T03N R03E S20 SWSE 1.0

~~T03N R03E S20 SWNW 6.0~~
~~T03N R03E S20 NESE 18.0~~
~~T03N R03E S20 NWSW 31.0~~
~~T03N R03E S20 Lot 2 SWSW 1.0~~
~~T03N R03E S20 Lot 1 SESE 19.0~~

T03N R03E S29 NENE 33.0

~~T03N R03E S29 NWNE 38.0~~

T03N R03E S29 NWNE 36.0

~~T03N R03E S29 SWNE 17.0~~

T03N R03E S29 SWNE 33.0

T03N R03E S29 SENE 13.0

~~T03N R03E S29 NENW 15.0~~
~~T03N R03E S29 NNW 34.0~~
~~T03N R03E S29 Lot 5 SWNW 38.0~~
~~T03N R03E S29 SENW 15.0~~
~~T03N R03E S29 Lot 3 NESW 20.0~~
~~T03N R03E S29 Lot 4 NWSW 19.0~~
~~T03N R03E S29 Lot 4 SWSW 2.0~~
~~T03N R03E S29 Lot 3 SESE 8.0~~
~~T03N R03E S29 NESE 27.0~~

T03N R03E S29 NESE 16.0

~~T03N R03E S29 NWSE 38.0~~

T03N R03E S29 NWSE 37.0

~~T03N R03E S29 Lot 2 SWSE 17.0~~

T03N R03E S29 Lot 2 SWSE 18.0

~~T03N R03E S29 Lot 1 SESE 2.0~~

T03N R03E S29 Lot 1 SESE 1.0

~~T03N R03E S30 NENE 20.0~~

~~T03N R03E S30 NWNE 3.0~~

~~T03N R03E S30 SENE 7.0~~

188 ACRES TOTAL

590 ACRES TOTAL

Use of this right with Right No. 63-3261 is limited to the irrigation of a combined total of 147 acres in the place of use described above in a single irrigation season.

This right is limited to the irrigation of 112 acres within the place of use described above in a single irrigation season.

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

~~USE OF THIS RIGHT WITH RIGHT NOS. 63-365, 63-2973, 63-3261 AND 63-7103 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 590 ACRES.~~

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 right holder shall accomplish the change authorized by Transfer No. 5577 within one year of the date of its approval.~~

~~Failure of the right holder to comply with the conditions of Transfer No. 5577 is cause for the Director to rescind approval of the transfer.~~

VLM
NBS
Jm
APB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.

This right is also designated as Right No. 50 in the Boise River Stewart Decree and Boise River Water Distribution Report.

The right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

~~Prior to diversion of water under approval of Transfer No. 5577, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.~~

CERTIFICATE OF MAILING

I certify that on November 26, 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:

Albert P Barker
1010 W Jefferson, Suite 102
PO Box 2139
Boise, ID 83701-2139

John M Marshall
601 W Bannock St
PO Box 2720
Boise, ID 83701-2720

H & H Ranches
PO Box 125
Boise, ID 83701-0125

courtesy copy

Dallas H Harris
3051 S Wise way
Boise, ID 83706

courtesy copy

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



Signature of person mailing the form