

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322
UNCLAS

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. 63-365

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.

CLAIMANT(s)/OBJECTOR(s):

Harris Family Ltd Partnership

OBJECTOR(s):

Harris Ranch Owners Association

Albert P Barker
Attorney

Date _____

~~John M Marshall~~
Attorney

~~Date~~

Not an
objector

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: 63-365

NAME AND ADDRESS:

DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE ID 83716

SOURCE:

Source:

WARM SPRINGS CREEK

Tributary:

BOISE RIVER

QUANTITY:

7.100 CFS

1,597.500 AFY

~~10.700 CFS~~

~~2,593.600 AFY~~

Use of this right with rights listed below is limited to a total combined diversion rate of 7.1 cfs and to a total combined annual diversion volume of 1597.5 AF. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627.

~~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.: 63-184, 63-2973, 63-3261 AND 63-7103.~~

PRIORITY DATE:

07/02/1902

POINT OF DIVERSION:

T03N R03E S20 NESW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

7.100 CFS 1,597.50 AFY

~~10.700 CFS 2,593.60 AFY~~

VLM
NBS
APB

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

PLACE OF USE:	IRRIGATION	within ADA County
	T03N R03E S19 Lot 4 NESW 4.0	
	<u>T03N R03E S19 Lot 5 SESW 0.5</u>	~~T03N R03E S19 Lot 5 SESW 1.0~~
	T03N R03E S19 NESE 18.0	
	<u>T03N R03E S19 SWSE 15.7</u>	~~T03N R03E S19 SWSE 10.0~~
	<u>T03N R03E S19 SESE 32.5</u>	~~T03N R03E S19 SESE 28.0~~
	T03N R03E S20 NESW 7.0	
	T03N R03E S20 NWSW 24.0	
	<u>T03N R03E S20 SWSW 38.0</u>	~~T03N R03E S20 SWSW 26.0~~
	T03N R03E S20 SESW 20.0	
		~~T03N R03E S20 SWSE 1.0~~
		~~T03N R03E S28 SWNW 6.0~~
		~~T03N R03E S28 NESW 18.0~~
		~~T03N R03E S28 NWSW 31.0~~
		~~T03N R03E S28 Lot 2 SWSW 1.0~~
		~~T03N R03E S28 Lot 1 SESE 19.0~~
		~~T03N R03E S29 NENE 33.0~~
		~~T03N R03E S29 NWNE 38.0~~
		~~T03N R03E S29 SWNE 17.0~~
		~~T03N R03E S29 SENE 13.0~~
		~~T03N R03E S29 NENW 15.0~~
	<u>T03N R03E S29 NENW 16.7</u>	
	T03N R03E S29 NWNW 34.0	
	T03N R03E S29 Lot 5 SWNW 38.0	
	<u>T03N R03E S29 SENW 17.3</u>	~~T03N R03E S29 SENW 15.0~~
	<u>T03N R03E S29 Lot 3 NESW 19.0</u>	~~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 SESW 8.0	
		~~T03N R03E S29 NESE 27.0~~
		~~T03N R03E S29 NWSE 38.0~~
		~~T03N R03E S29 Lot 2 SWSE 17.0~~
		~~T03N R03E S29 Lot 1 SESE 2.0~~
	<u>T03N R03E S30 NENE 27.0</u>	~~T03N R03E S30 NENE 20.0~~
	<u>T03N R03E S30 NWNE 7.3</u>	~~T03N R03E S30 NWNE 3.0~~
	T03N R03E S30 SENE 7.0	

VLM
NBS
GAB

355 ACRES TOTAL

590 ACRES TOTAL

Use of this right with Right Nos. 63-2973, 63-7103 and 63-8627 is limited to the irrigation of a combined total of 355 acres in a single irrigation season.

This right is limited to the irrigation of 355 acres within the place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT NOS. 63-184, 63-2973, 63-3261 AND 63-7103 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 590 ACRES IN A SINGLE IRRIGATION SEASON.

This right is limited to the irrigation of 533 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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of this right is combined with water from Boise-Kuna Irrigation District.

~~Use of water under this water right will be regulated by the watermaster of State Water District No. 63-T, Warm Springs Creek.~~

~~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.~~

~~Prior to diversion of water under 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.~~

VHM
NBS
CPS

CERTIFICATE OF MAILING

I certify that on November 28, 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