

COPY

DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
FILED _____

2007 NOV 28 PM 10 32

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. 63-2973
)
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

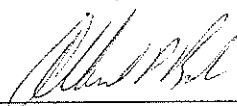
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Harris Family Ltd Partnership



Albert P Barker
Attorney

11-2-07

Date

OBJECTOR(s):

Harris Ranch Owners Association

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: 63-2973

NAME AND ADDRESS:

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

DALLAS H HARRIS
3051 S WISE WY
BOISE ID 83706

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

0.420 CFS

108.000 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 UNDER TRANSFER 5577 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2655.0 AF.~~

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 627.8 AF. COMBINED RIGHT NOS.: 63-3261, 63-7103~~

PRIORITY DATE:

12/28/1953

POINT OF DIVERSION:

T03N R03E S29 SENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.420 CFS

108.00 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.~~

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 38.0
	T03N R03E S20 NESW 7.0	
	T03N R03E S20 NWSW 24.0	
	<u>T03N R03E S20 SWSW 38.0</u>	T03N R03E S20 SWSW 36.0
	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 SESW 19.0
		T03N R03E S29 NENE 33.0
		T03N R03E S29 NWNE 38.0
		T03N R03E S29 CWNE 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
		T03N R03E S30 NENE 20.0
	<u>T03N R03E S30 Lot 9 NENE 27.0</u>	
		T03N R03E S30 NWNE 3.0
	<u>T03N R03E S30 Lot 9 NWNE 7.3</u>	
		T03N R03E S30 SENE 7.0
	<u>T03N R03E S30 Lot 8 SENE 7.0</u>	
	<u>355 ACRES TOTAL</u>	590 ACRES TOTAL

VLM
NBS
APS

This right is limited to the irrigation of 24 acres within the place of use described above in a single irrigation season.

Use of this right with Right Nos. 63-365, 63-7103 and 63-8627 is limited to the irrigation of a combined total of 355 acres in a single irrigation season.

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

~~USE OF THIS RIGHT WITH RIGHT NOS. 63-3261 AND 63-7103 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 139.5 ACRES IN A SINGLE IRRIGATION
SEASON.~~

~~USE OF THIS RIGHT WITH RIGHTS LISTED IN TRANSFER 5577 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 590.0 ACRES IN A SINGLE IRRIGATION
SEASON.~~

~~This right is limited to the irrigation of 80.5 acres within the place of use described above
in a single irrigation season.~~

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.

VLM
NBS
GMS

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

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

~~Failure of the right holder to comply with the conditions of Transfer 5577 is cause for the
Director to rescind approval of the transfer.~~

~~The right holder shall accomplish the change authorized by Transfer 5577 within one
year of the date of this approval.~~

~~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.~~

CERTIFICATE OF MAILING

I certify that on November 2, 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

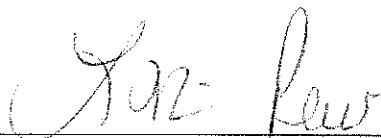
H & H Ranches
PO Box 125
Boise, ID 83701-0125

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