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Department of Water Resources
Eastern Region

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JAN 14 2008
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	)	Subcase No. 01-323B
	)	
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.

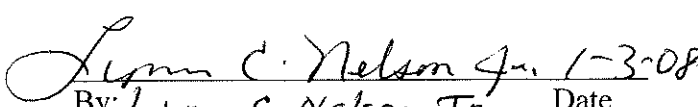
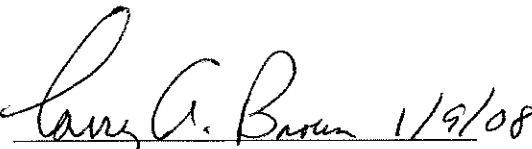
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

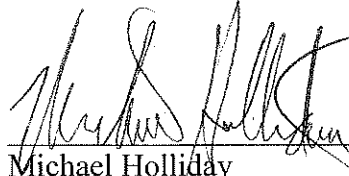
Lenroot Canal Company

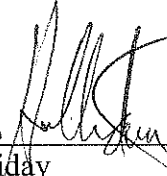
OBJECTOR:

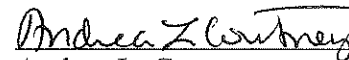
United States of America
Bureau of Land Management

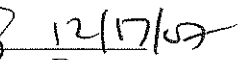
	
By: Lynn C. Nelson Jr.	Larry A. Brown, USDOJ
Title: President	Attorney for Objector
Date: 1-3-08	Date: 1/9/08

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

 12/21/2007
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

 12/17/07
Date

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

RIGHT NUMBER: 1-323B

NAME AND ADDRESS: LENROOT CANAL CO
C/O LYNN NELSON JR
617 W 7800 S
REXBURG ID 83440

MWA

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Jer

QUANTITY: 0.674 CFS

Adequate headgates and measuring devices shall be maintained in a manner that will provide the watermaster suitable control of the diversion.

The rights listed below are limited to a total combined annual diversion volume of 409.5 af. Combined Right Nos.: 1-149B, 1-150B, 1-151B, 1-182D, 1-187D, 1-251B, and 1-323B.

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION:

T04N R40E S8 SWNESW Within MADISON County

MB

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.674 CFS

PLACE OF USE:

3031 ACRES TOTAL

JAB

Place of use is within the area served by Lenroot Canal 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.

The rights listed below are limited to the irrigation of a combined total of 117 acres in a single irrigation season. Combined Right Nos.: 1-149B, 1-150B, 1-151B, 1-182D, 1-187D, 1-251B, and 1-323B.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Lenroot Canal.

Use of water under this water right will be regulated by the watermaster of
State Water District No. 1.

MMH

Jcn
MB

JAG

Lenroot Canal Co

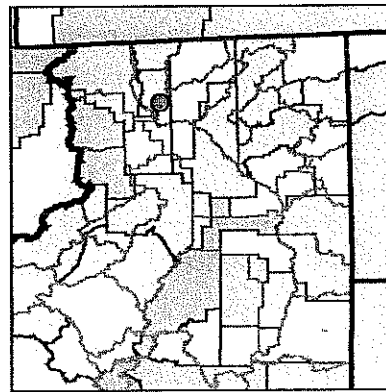
SRBA Recommendations: 1-97, 1-98, 1-99, 1-100, 1-101, 1-149B, 1-150B, 1-151B, 1-182D, 1-187D, 1-251B, 1-323B, 1-10014, 1-10015, 1-10016



Service Area Boundary
GIS Place of Use Illustration

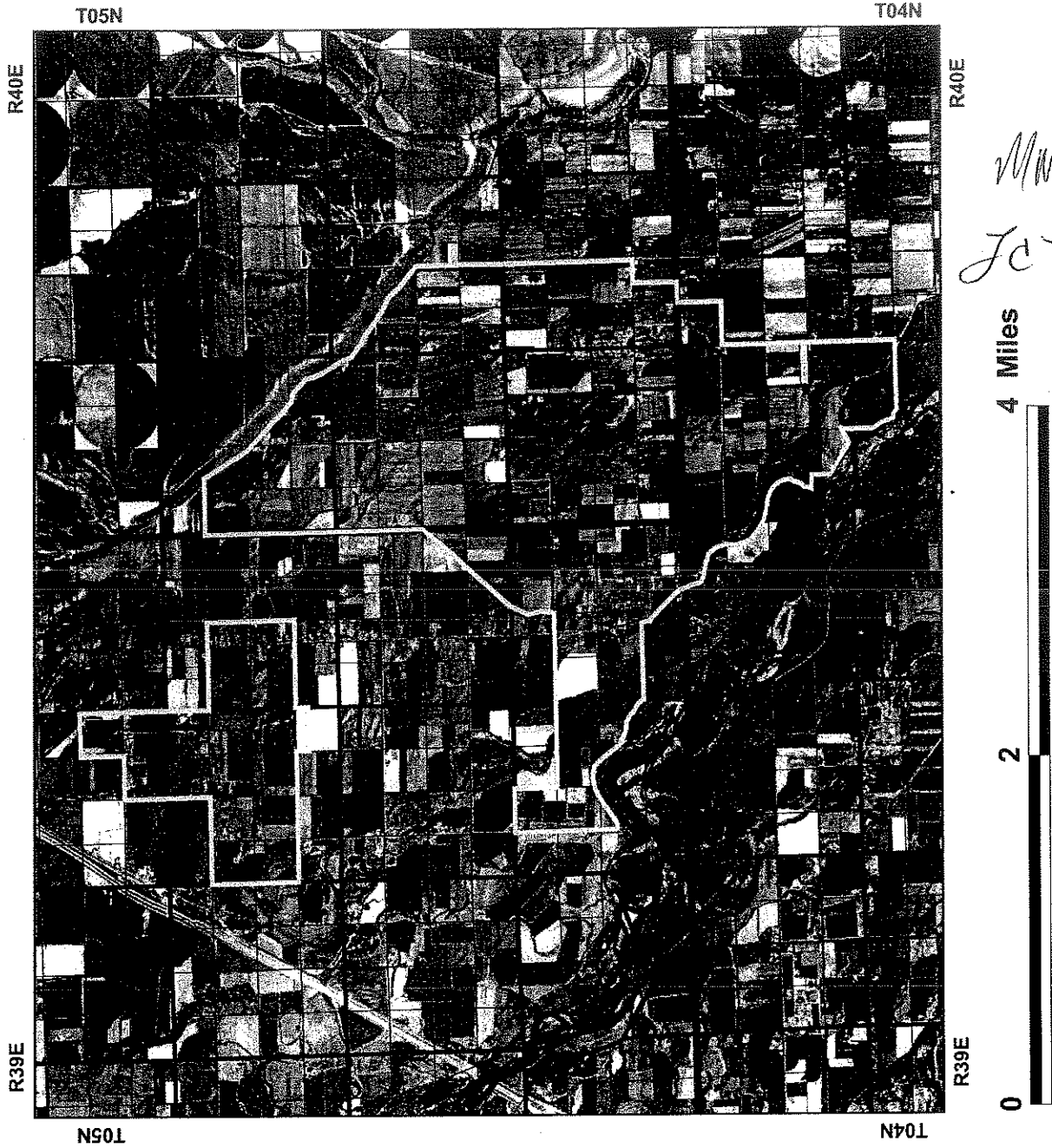
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 1

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



CERTIFICATE OF MAILING

I certify that on Jan. 9, 2008 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:

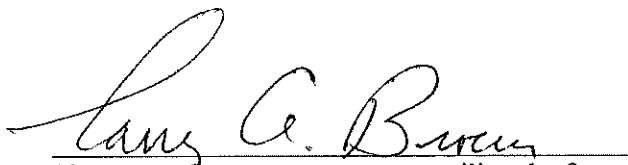
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

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

LENROOT CANAL CO.
C/O LYNN NELSON JR.
617 W. 7800 S.
REXBURG, ID 83440

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing the form