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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. 02-2269

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.

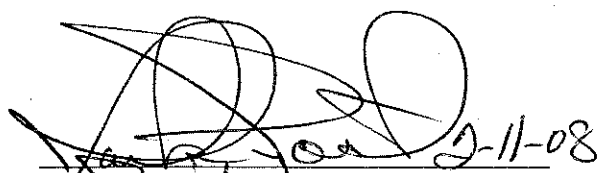
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

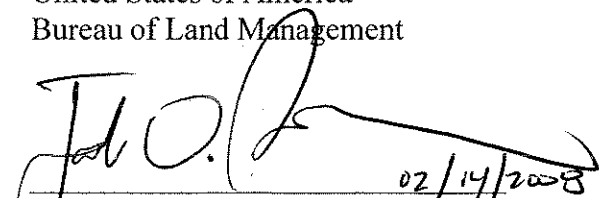
CLAIMANT:

South Elmore Irrigation Co.

OBJECTOR:

United States of America
Bureau of Land Management


By: Larry A. Brown Date: 2-11-08
Title: South Elmore Irrigation Co.

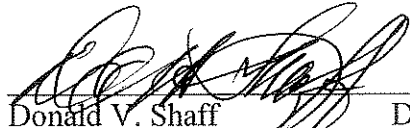

By: Larry A. Brown, USDOJ Date: 02/14/2008
Attorney for BLM 08
Jacob T. Horsman, USDOJ
Attorney for BLM

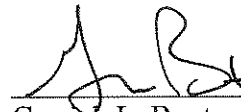
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IDWR Concurrence:

 1/10/08
Donald V. Shaff Date
Adjudication Bureau Chief

 1/7/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

01/04/2008

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

RIGHT NUMBER: 2-2269

NAME AND ADDRESS: SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME ID 83647

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 87.110 CFS
22,580.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 131.14 CFS. COMBINED RIGHT NOS.: 2-2210, 2-2269,
2-2345, 2-2367, 2-7255, 2-7263, & 2-7317.

USE OF THIS RIGHT WITH RIGHT NO. 2-2367 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 87.11 CFS.

PRIORITY DATE: 02/19/1964

POINT OF
DIVERSION:

T05S R07E S28 NESW Lot 2 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	87.110 CFS 22,580.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE
TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE
RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31
UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING
NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER
THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R06E S01 Lot 1 NENE	30.00	T05S R06E S01 Lot 2 NWNE	38.00
T05S R06E S01 SWNE	40.00	T05S R06E S01 SENE	39.00
T05S R06E S01 NESW	40.00	T05S R06E S01 NWSW	40.00
T05S R06E S01 SWSW	40.00	T05S R06E S01 SESW	40.00
T05S R06E S01 NESE	39.00	T05S R06E S01 NWSE	40.00
T05S R06E S01 SWSE	40.00	T05S R06E S01 SESE	39.00
T05S R06E S03 Lot 1 NENE	39.00	T05S R06E S03 Lot 2 NWNE	39.00
T05S R06E S03 SWNE	40.00	T05S R06E S03 SENE	40.00
T05S R06E S03 NESW	40.00	T05S R06E S03 NWSW	40.00
T05S R06E S03 SWSW	40.00	T05S R06E S03 SESW	40.00
T05S R06E S03 NESE	40.00	T05S R06E S03 NWSE	40.00
T05S R06E S03 SWSE	40.00	T05S R06E S03 SESE	39.00
T05S R06E S10 NENE	38.00	T05S R06E S10 NWNE	40.00
T05S R06E S10 SWNE	40.00	T05S R06E S10 SENE	40.00
T05S R06E S10 NENW	40.00	T05S R06E S10 NWNW	40.00

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T05S R06E S10	SWNW	40.00	T05S R06E S10	SENW	40.00
T05S R06E S10	NESW	40.00	T05S R06E S10	NWSW	40.00
T05S R06E S10	SWSW	40.00	T05S R06E S10	SESW	40.00
T05S R06E S10	NESE	40.00	T05S R06E S10	NWSE	40.00
T05S R06E S10	SWSE	39.00	T05S R06E S10	SESE	39.00
T05S R06E S11	NENE	40.00	T05S R06E S11	SWNE	40.00
T05S R06E S11	SENE	40.00	T05S R06E S11	SWSW	39.00
T05S R06E S11	NESE	40.00	T05S R06E S11	NWSE	40.00
T05S R06E S11	SWSE	39.00	T05S R06E S11	SESE	39.00
T05S R06E S12	NENE	39.00	T05S R06E S12	NWNE	40.00
T05S R06E S12	SWNE	40.00	T05S R06E S12	SENE	39.00
T05S R06E S12	NENW	40.00	T05S R06E S12	NWNW	40.00
T05S R06E S12	SWNW	40.00	T05S R06E S12	SENW	40.00
T05S R06E S12	NESW	40.00	T05S R06E S12	NWSW	40.00
T05S R06E S12	SWSW	39.00	T05S R06E S12	SESW	39.00
T05S R06E S12	NESE	39.00	T05S R06E S12	NWSE	40.00
T05S R06E S12	SWSE	39.00	T05S R06E S12	SESE	38.00
T05S R06E S13	NENE	38.00	T05S R06E S13	NWNE	39.00
T05S R06E S13	SWNE	40.00	T05S R06E S13	SENE	39.00
T05S R06E S13	NENW	35.00	T05S R06E S13	NWNW	39.00
T05S R06E S13	SWNW	40.00	T05S R06E S13	SENW	40.00
T05S R06E S13	NESW	40.00	T05S R06E S13	NWSW	40.00
T05S R06E S13	SWSW	40.00	T05S R06E S13	SESW	40.00
T05S R06E S13	NESE	38.00	T05S R06E S13	NWSE	40.00
T05S R06E S13	SWSE	37.00	T05S R06E S13	SESE	39.00
T05S R06E S14	NENE	39.00	T05S R06E S14	NWNE	39.00
T05S R06E S14	SWNE	40.00	T05S R06E S14	SENE	40.00
T05S R06E S14	NENW	21.00	T05S R06E S14	NWNW	26.00
T05S R06E S14	SWNW	40.00	T05S R06E S14	SENW	40.00
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T05S R06E S14	SWSW	40.00	T05S R06E S14	SESW	40.00
T05S R06E S14	NESE	40.00	T05S R06E S14	NWSE	40.00
T05S R06E S14	SWSE	40.00	T05S R06E S14	SESE	40.00
T05S R06E S15	SWNE	36.00	T05S R06E S15	SENE	37.00
T05S R06E S15	SWNW	17.00	T05S R06E S15	SENW	2.00
T05S R06E S15	NESE	30.00	T05S R06E S15	NWSE	31.00
T05S R06E S15	SWSE	30.00	T05S R06E S15	SESE	30.00
T05S R06E S16	NENE	32.00	T05S R06E S16	SENE	32.00
T05S R06E S16	SWNE	32.00	T05S R06E S16	SENW	32.00

AB



T05S R06E S16	NESW	16.00	T05S R06E S16	NWSW	14.00
T05S R06E S16	NESE	6.00	T05S R06E S16	NWSE	11.00
T05S R06E S22	NENE	30.00	T05S R06E S22	SENE	30.00
T05S R06E S22	NESW	12.00	T05S R06E S22	NESW	19.00
T05S R06E S22	NWSW	19.00	T05S R06E S22	NWSW	4.00
T05S R06E S22	SWSW	21.00	T05S R06E S22	SESW	24.00
T05S R06E S22	NESE	30.00	T05S R06E S22	SESE	30.00
T05S R06E S23	NENE	40.00	T05S R06E S23	NWNE	40.00
T05S R06E S23	SWNE	30.00	T05S R06E S23	SENE	40.00
T05S R06E S23	NENW	40.00	T05S R06E S23	NWNW	40.00
T05S R06E S23	SWNW	40.00	T05S R06E S23	SENW	40.00
T05S R06E S23	NESE	35.00	T05S R06E S23	NWSE	14.00
T05S R06E S24	NENE	39.00	T05S R06E S24	SENE	19.00
T05S R06E S24	NENW	40.00	T05S R06E S24	NWNW	40.00
T05S R06E S24	SWNW	40.00	T05S R06E S24	SENW	24.00
T05S R06E S24	NWSW	35.00	T05S R07E S17	NESW	40.00
T05S R07E S17	NWSW	36.00	T05S R07E S17	NWSE	24.00
T05S R07E S18	NESE	22.00	T05S R07E S20	SWSW	20.00
T05S R07E S20	SESW	37.00	T05S R07E S20	NESE	39.00
T05S R07E S20	NWSE	40.00	T05S R07E S20	SWSE	39.00
T05S R07E S21	NENE	39.00	T05S R07E S21	NWNE	40.00
T05S R07E S21	SWNE	40.00	T05S R07E S21	SENE	34.00
T05S R07E S21	NESW	40.00	T05S R07E S21	NWSW	36.00
T05S R07E S22	NENW	40.00	T05S R07E S22	NWNW	40.00
T05S R07E S22	SWNW	40.00	T05S R07E S22	SENW	40.00

5645 ACRES TOTAL

Place of use does not include federal public lands.

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 - License

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

Approval of Transfer No 4881 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

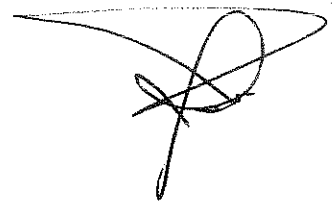
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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Failure of the right holder to comply with the conditions of Transfer No. 4881
is cause for the Director to rescind approval of the transfer.

A handwritten signature in the top right corner, consisting of a stylized 'A' followed by '08'.A circular stamp containing the letters 'JTH'.A large, stylized handwritten signature in the middle right section of the page.

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CERTIFICATE OF MAILING

I certify that on FEBRUARY 14TH, 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

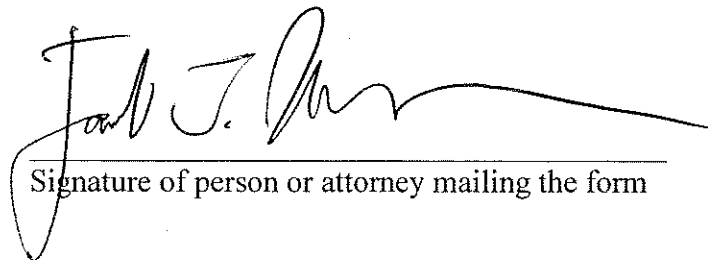
2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

SOUTH ELMORE IRRIGATION CO
P.O. BOX 396
MOUNTAIN HOME, ID 83647

Jay R. Friedly
Hall, Friedly & Ward
340 East 2nd North
Mountain Home, Idaho 83647

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



Signature of person or attorney mailing the form

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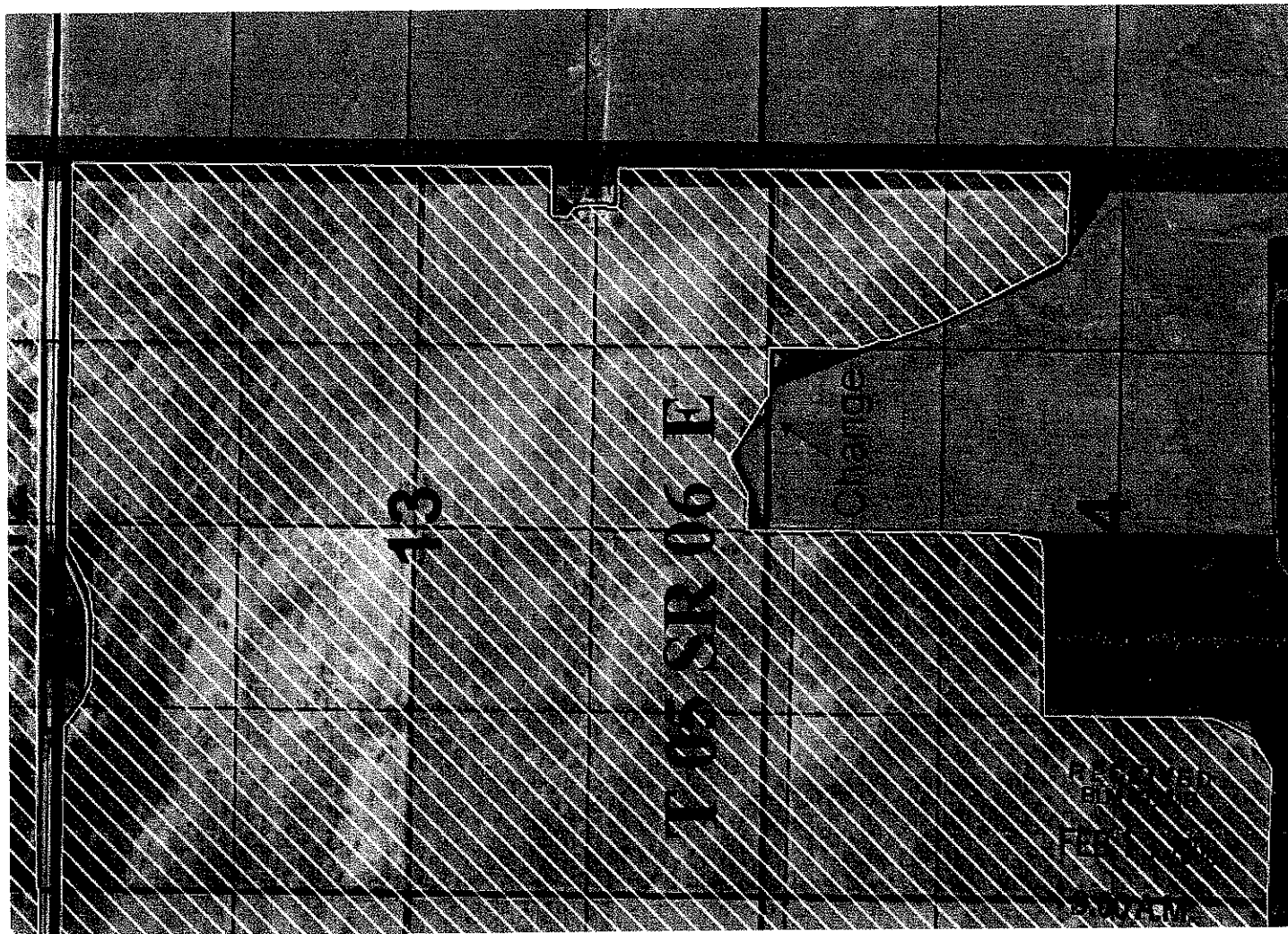
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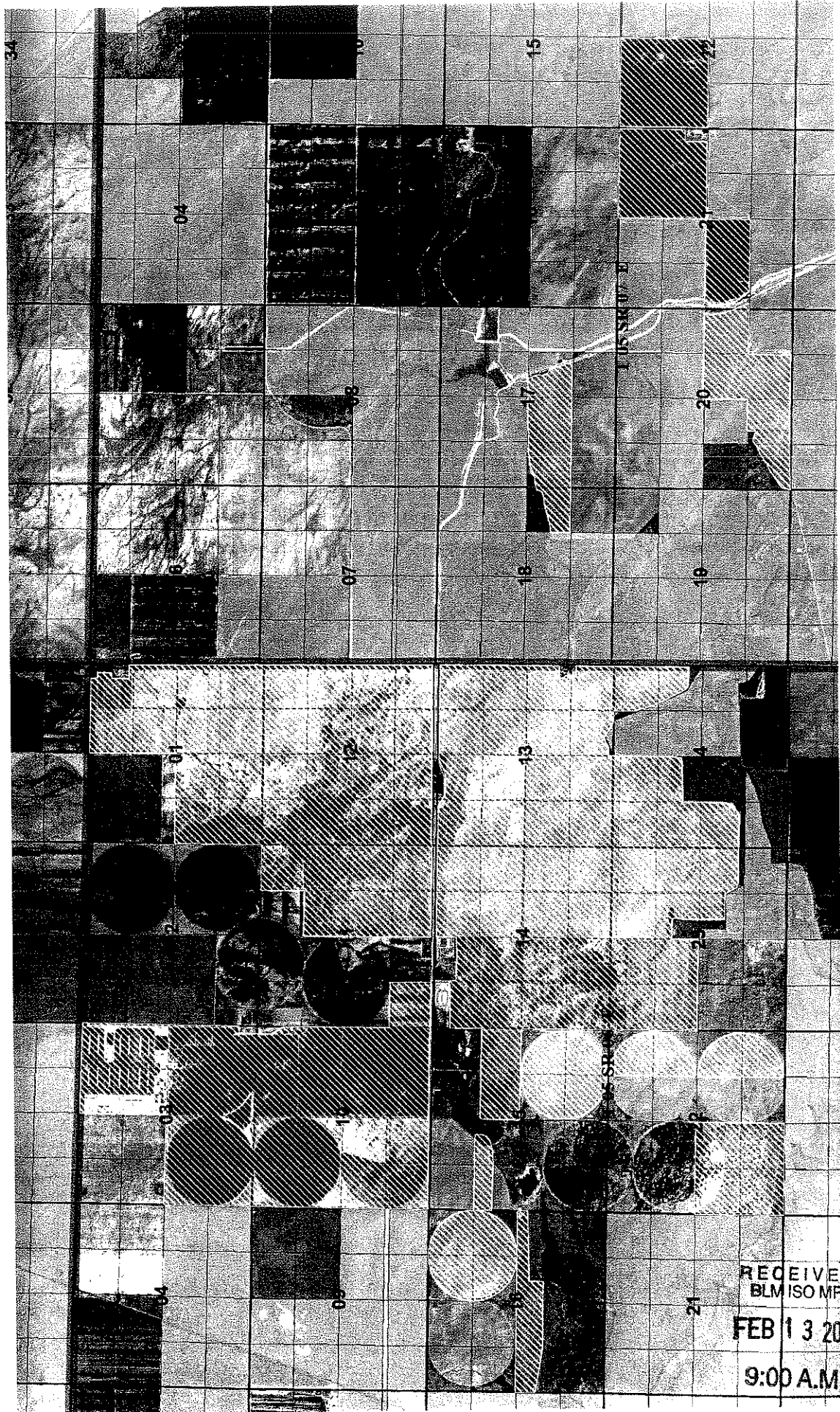
02-02269; Detail

White simple hatch is the proposed shapefile that excludes BLM.

Purple line is the recommended shapefile.



02-02269; Overview



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