

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

2063 MAR 20 AM 9 56

**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. 67-17

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:

Weiser Irrigation District

OBJECTOR(s):

Edward L. Pollard, Sr.

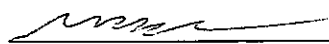
Lary C. Walker 3/6/08
Lary C. Walker Date
Attorney for Claimant


Shelley M. Davis
Attorney for Objector

2/15/08
Date

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IDWR Concurrence:

 3/10/08

Monica Van Bussum Date
IDWR Agent

 3/10/08

Garrick Baxter Date
Deputy Attorney General

STANDARD FORM 5

CERTIFICATE OF MAILING

I certify that on March 18, 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:

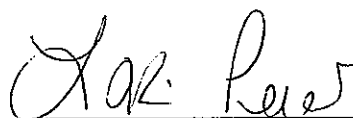
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Lary C. Walker
Attorney for Weiser Irrigation District
232 E. Main St.
Weiser, ID 83672

Shelley M. Davis
Attorney for Edward Pollard
P.O. Box 2139
Boise, ID 83701-2139

IDWR Repository
P.O. Box 83720
Boise, ID 83720-0098



Signature of person or attorney mailing the form

02/01/2008

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

RIGHT NUMBER: 67-17

NAME AND ADDRESS: WEISER IRRIGATION DIST
C/O JAY EDWARDS
PO BOX 591
WEISER ID 83672

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.000 CFS

PRIORITY DATE: 05/01/1894

POINT OF DIVERSION:

T11N R04W S35 NENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.000 CFS

PLACE OF USE:

9489 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9066 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, & 67-14621.

The rights listed below are limited to the irrigation of a combined total of 9489 acres in a single irrigation season. Combined Right Nos.: 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, 67-14621, 03-2006, & 03-7005.

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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water rights 67-2164B, 67-14353, and 67-14445 are private water rights delivered by and through the Weiser Irrigation District. This remark shall not modify or any way amend the elements 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