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MAR 24 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

Case No. 39576

) Subcase Nos. 03-7005
)
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)
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)
)

STANDARD FORM 5

AMENDED 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):

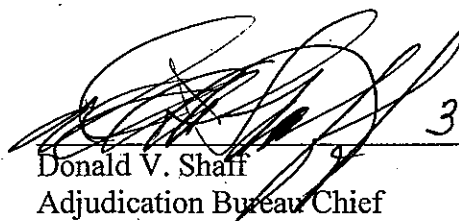
U.S. Department of Justice

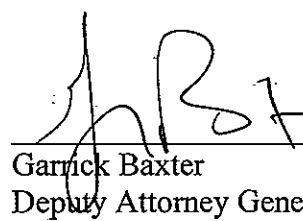
Larry C. Walker 3/6/08
Larry C. Walker Date
Attorney for Claimant

Larry A. Brown 3/19/2008
Larry Brown MB Date
Attorney for Objector

STANDARD FORM 5

IDWR Concurrence:

 3-10-08
Donald V. Shaff
Adjudication Bureau Chief Date

 3/10/08.
Garrick Baxter
Deputy Attorney General Date

02/01/2008

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

RIGHT NUMBER: 3-7005

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6.300 CFS
1,417.50 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 04/20/1970

POINT OF
DIVERSION:

T11N R06W S35 NWNW Lot 4 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

6.300 CFS
1,417.50 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.

PLACE OF USE:

9489 ACRES TOTAL

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.

Right Nos. 03-2006 and 03-7005 are limited to the irrigation of a combined total of 423 acres in a single irrigation season.

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, 67-2169H, 67-14621, 03-2006, & 03-7005.

This right is limited to the irrigation of 315 acres within the place of use described above in a single irrigation season.

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 - License

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

JS

RF

Loe

LE

MB



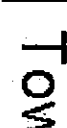
Weiser Irrigation Dist

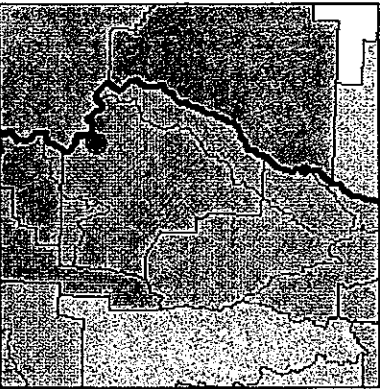
SRBA Recommendations: 3-2006, 3-7005, 67-8, 67-9, 67-10, 67-11, 67-12, 67-13B, 67-14, 67-15, 67-16, 67-17, 67-18, 67-19, 67-20, 67-21, 67-22, 67-2168B, 67-2169G, 67-14621

Handwritten signatures and initials:
JRS
JLB
Jew
MB

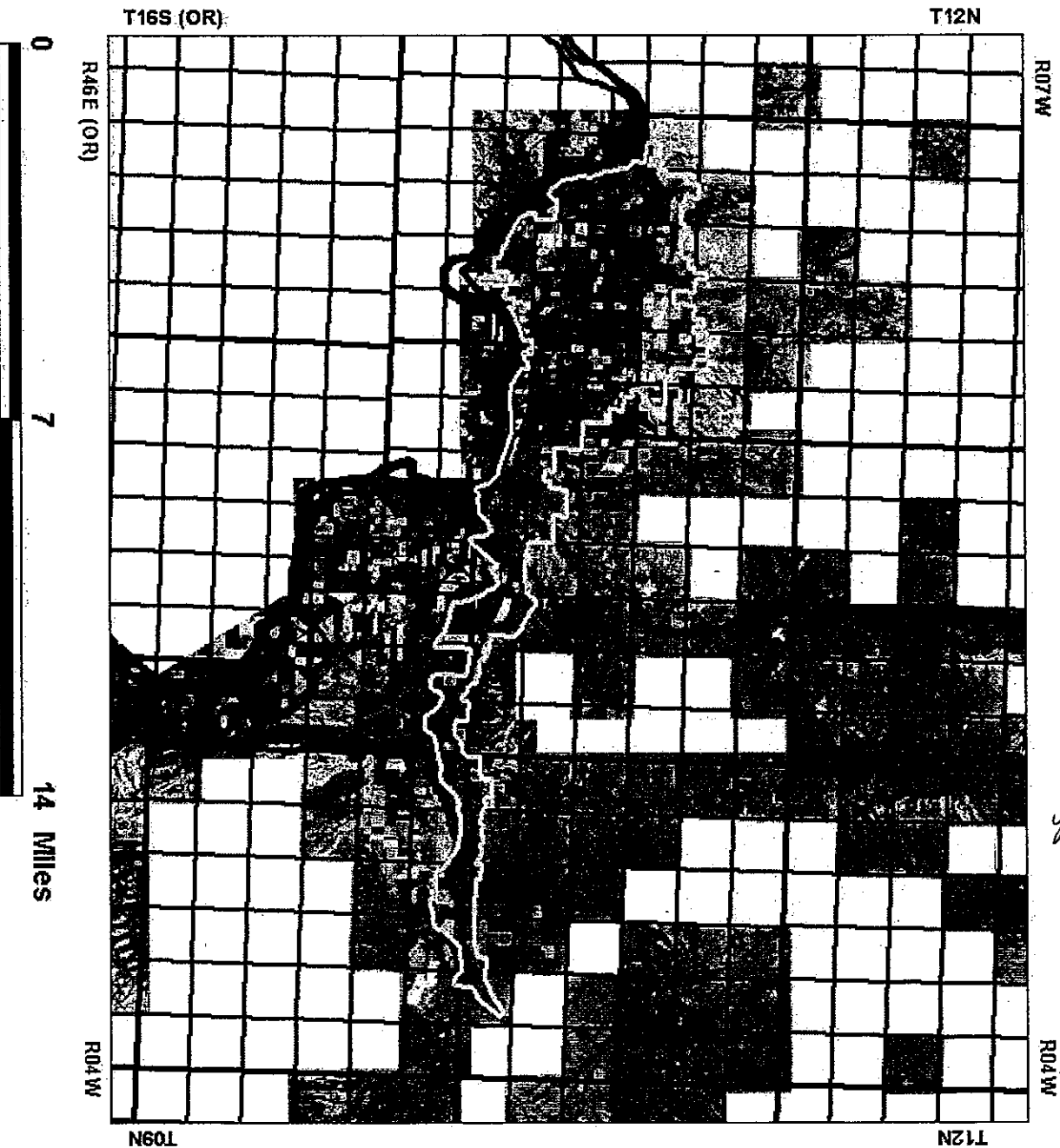
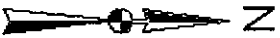
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections



Washington County
IDWR Basin 67



Prepared by D. Favreau
On Tuesday, December 19, 2006
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on Mar. 19, 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

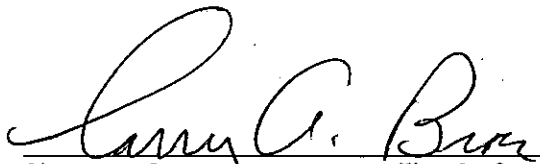
2. Copies to:

Lary C. Walker
232 E. Main St.
Weiser, ID 83672

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

Larry Brown
United States Department of Justice
Environment and natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form