



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Marcy 28, 2008

Idaho Department of Water Resources
ATTN: Michael Holliday
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: 01-10022 (Kite-Nord Canal Co.)

Dear Michael:

Enclosed for your signature and initials is the SF5 for Kite-Nord Canal Company. Please sign the cover sheet, initial the revised recommendation and the map. If it is convenient for them, perhaps the claimant and objector could come into Eastern and sign the SF5. Once the SF5 is signed, please return the original document to me, and I will file it with the SRBA Court.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray", is written over a horizontal line.

Ray Williams
Paralegal

Enclosure

In Re SRBA	)	Subcase No. 01-10022
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

1

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 3/20/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-10022

NAME AND ADDRESS:

KITE-NORD CANAL CO
C/O VERDALE HILL
4572 E 250 N
RIGBY ID 83442

SOURCE: Source:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 7.000 CFS ~~7.200 CFS~~

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T04N R40E S29 NENENW
Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	<u>7.000 CFS</u> ~~7.200 CFS~~
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE:

166 ACRES TOTAL

Place of use is within the area served by Kite-Nord 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.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AK

~~This right is a combination of old Right Nos. 1-71B, 1-226A, 1-226B, and 1-137.~~

This right is a combination of old Right Nos. 1-71B, 1-226A, and 1-137.

Stockwater use is for 300 range cattle.

Water is delivered through Kite-Nord Canal.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on _____, 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:

KITE-NORD CANAL CO.
C/O VERDALE HILL
4572 E 250 N
RIGBY, ID 83442

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

WYDELL JOHNSON
181 N 4600 E
RIGBY, ID 83442

Signature of person or attorney mailing the form