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APR 22 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 18 2008	
By _____	Clerk
Deputy Clerk	

**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. 67-10622
)
)
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)
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STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

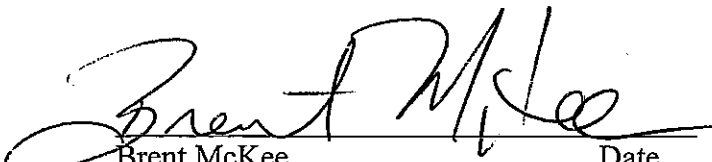
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

McKee Brothers, Inc.


Brent McKee
Claimant/Objector

Date

4-12-08

11/27/2007

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

RIGHT NUMBER: 67-10622

NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE ID 83610

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 1.230 CFS

PRIORITY DATE: 03/15/1937

POINT OF DIVERSION:

T14N R02W S1 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.230 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R02W S17	NWSW	20.00	T14N R02W S18	SWNE	30.00
T14N R02W S18	SENE	4.00	T14N R02W S18	NESW	2.00
T14N R02W S18	NESE	16.00	T14N R02W S18	NWSE	12.00

84 ACRES TOTAL

Right Nos. 67-464 and 67-10622 are limited to the irrigation of a combined total of 84.0 acres in a single irrigation season.

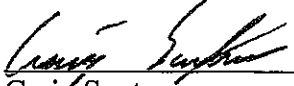
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

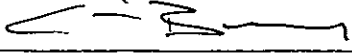
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through Schwenkfelder Ditch and then diverted through the Gladhard Ditch.

IDWR Concurrence:

 4-16-08
Craig Saxton Date
IDWR Agent

 2/26/08
Chris M. Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on April 16, 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:

McKee Brothers, Inc.
c/o Brent McKee
2980 Salubria Rd.
Cambridge, ID 83610

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



Signature of person or attorney mailing the form