

DISTRICT COURT Fifth Judicial District County of Twin Falls - State of Idaho APR 14 2008

**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. 01-10022 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:
Kite-Nord Canal Co.

OBJECTOR:

Wendell Hill
By: *Wendell Hill* Date _____
Title: *V.P. President*

Wydell Johnson _____ Date _____

**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. 01-10022

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:

Kite-Nord Canal Co.

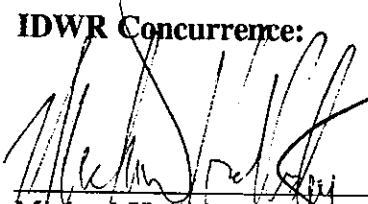
OBJECTOR:

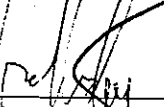
Verdole Hill
By: *VERDOL HILL* Date
Title: *VP RESIDENT*

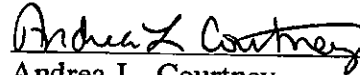
Wydele Johnson 4/3/08
Wydele Johnson Date

STANDARD FORM 5 - Water Right No. 01-10022

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

 4/3/2008
Date

 3/20/08
Andrea L. Courtney
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

7.000 CFS

~~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

NW 1/4 V.H. 22

~~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.

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 VEROALE 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:

06/01/1990

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

7.000 CFS~~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

MWA V.A. ON W.~~This right is a combination of old Right Nos. 1-718, 1-226A, 1-236B, and 1-137.~~This right is a combination of old Right Nos. 1-718, 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.



SRBA Recommendations: 1-242, 1-299, 1-10022

Service Area Boundary GIS Place of Use Illustration

Legend

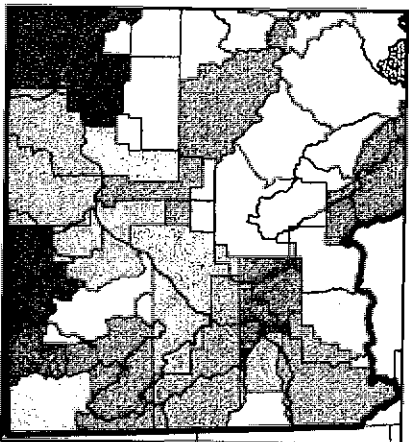
Service Area

Townships

PLS Sections

Quarter Quarters

V. H.
A
MVA

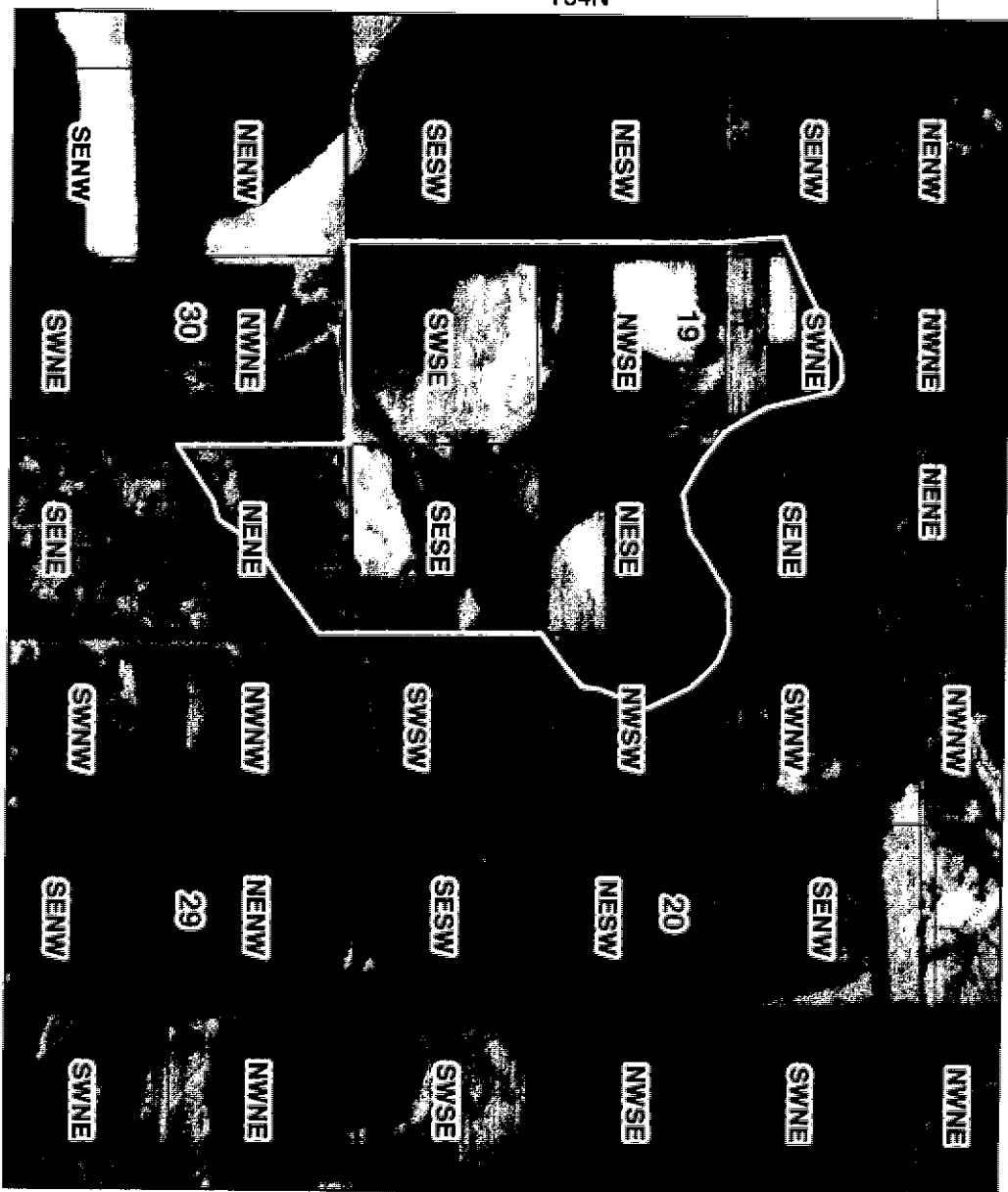


**Jefferson County
IDWR Basin 1**

Prepared by Danielle Favreau
On Friday, March 28, 2008
1987/88 Aerial Photography



T04N



R40E

CERTIFICATE OF MAILING

I certify that on April 10, 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:

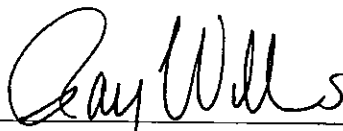
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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