

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. 01-10113

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.

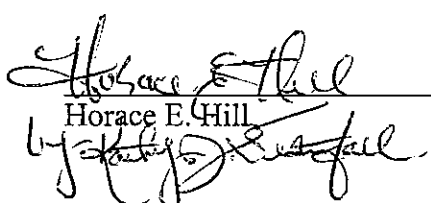
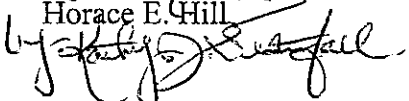
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

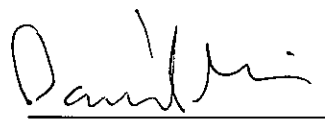
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

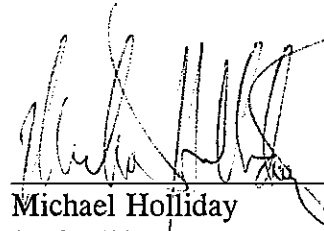
OBJECTOR:

United States of America
Bureau of Land Management

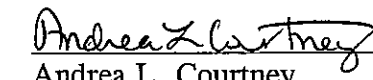

Horace E. Hill
by 
Date 7/3/08


Larry A. Brown, USDOJ
Attorney for BLM
David L. Negri
Date 7/8/08 fwp

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-10113

NAME AND ADDRESS:

HORACE E HILL
4263 W 6800 S
REXBURG ID 83440

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY: 0.720 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T05N R39E S35 SESENW
Within MADISON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.720 CFS

PLACE OF USE:

IRRIGATION within MADISON County

T05N R39E S27 SWSW 1.6 (Tract 41)

~~T05N R39E S28 SESW 1.6~~

T05N R39E S27 Lot 1 SWSW 28.0

~~T05N R39E S27 SWSW 28.0~~

T05N R39E S27 SESW 16.0

T05N R39E S34 Lot 7 NENW 15.0

T05N R39E S34 NWNW 1.0 (Tract 41)

~~T05N R39E S34 1.0~~

T05N R39E S34 Lot 8 NWNW 7.1

T05N R39E S34 SENW 1.4 (Tract 42)

~~T05N R39E S34 SWNE 1.4~~

T05N R39E S34 Lot 6 SENW 1.2

71.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.3 acres in a single irrigation season. Combined Right Nos.: 1-34B, 1-10110, 1-10111, 1-10115, 1-10116, and 1-10113.

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 - Decreed

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

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

This right is a split from former right 1-83B.

Water is delivered through Bannock Jim Canal to Hill Petinger Ditch.

CERTIFICATE OF MAILING

I certify that on July 8th, 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:

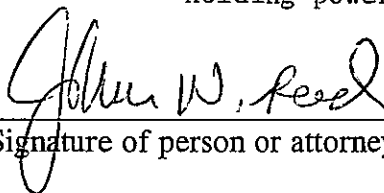
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

HORACE E. HILL
4263 W 6800 S
REXBURG, ID 83440

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

Gregory W. Moeller
Rigby, Andrus & Moeller, Chtd.
P.O. Box 250
Rexburg, Idaho 83440
Of Attorneys for Hill

Kathy Joy Westfall
5656 Sultana Ave.
Temple City, CA 91780
-holding power of attorney for Hill



Signature of person or attorney mailing the form

GENERAL POWER OF ATTORNEY
Durable - Comprehensive

RECEIVED
BLMISO MR
JUL 07 2008
9:00 A.M.

I, **Horace E. Hill**, of 4263 West 6800 South, Rexburg, Idaho 83440, hereby appoint my daughter, **Kathy Joy Westfall** of 5656 Sultana Ave., Temple City, California 91780, as my true and lawful attorney-in-fact for me and in my name, place and stead, and for my use and benefit:

TO EXERCISE, DO, OR PERFORM Any act, right, power, duty, or obligation whatsoever that I now have or may acquire the legal right, power, or capacity to exercise, do or perform in connection with, arising out of, or relating to any person, item, thing, transaction, property, real or personal, tangible or intangible, or matter whatsoever;

TO ENGAGE IN AND TRANSACT Any and all lawful business of whatever nature or kind for me and in my name;

TO SIGN, ENDORSE, EXECUTE, Acknowledge, assign, transfer, surrender, and deliver such contracts, agreements, deeds, conveyances, mortgages, deeds of trust, bills of sale, assignments, transfers, security agreements, financing statements, leases, rental agreements, documents of title, certificates of title, annuities, insurance policies, applications, endorsements, purchase orders, options, proofs of loss, claims, liens, releases, satisfactions, settlements, compromises, checks, drafts, savings certificates, certificates of deposit, promissory notes, commercial paper, stock certificates, bonds, warrants, dividends, proxies, transfers of stock certificates or bonds, or other instruments of any kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

AND WITHOUT LIMITING Any of the foregoing rights, powers, and privileges, to exercise any or all of the same in connection with or in furtherance of acting for me and on my behalf, in any or all of the following kinds of matters:

--Government Payments. To collect, manage and disburse social security benefits,

Medicare benefits, Medicaid benefits, or other government payments, entitlements or benefits, endorsing any checks for such payments, and arranging for automatic deposit of any such payments into a bank account on which my attorney-in-fact are authorized to draw checks.

--Financial Institution Transactions. Managing any checking account, savings account, or savings certificates or deposits, including drawing checks and withdrawing sums, renewing certificates, making deposits, or acquiring or opening additional certificates or accounts.

--Real Estate Transactions. Managing any real estate or interest therein owned by me; exercising the right to sell, lease, or mortgage the same for me; and repairing and maintaining such property.

--Securities Transactions. Managing any and all investments of mine in corporate stocks, bonds, or other interests, limited partnership interests, interests in limited liability companies, trust investments, or other forms of securities or investments; exercising the right to sell or transfer, receive and collect dividends or other returns, change investments, reinvest, buy and sell, transfer, change ownership, or change the titles of, stocks and bonds and any other financial instruments or evidences of investments; and hire, direct, and discharge brokers, brokerage firms, or other representatives.

--Business Operations. Managing any business or farming operations owned by me or in which I have an interest.

--Claims and Litigation. Pursuing any claims, actions, or causes of action which I may at any time have, including through litigation; defending any claims or litigation brought against me; and exercising the discretionary right and power to compromise and settle any or all claims by or against me.

--Borrowing and Selling. To borrow money, including on a secured basis, or sell assets, as is necessary or appropriate to provide for my support or to protect or preserve any of my assets and properties.

--Tax Returns. To prepare, sign and file for me, income tax returns, Federal and state, and to adjust or settle any problems arising or audits connected therewith.

--College Registration. To enroll, apply, or register for any college, university or trade school, and to apply for any scholarships, aid, or loans, both private or governmental.

--Planning for Personal and Health Care. My attorney-in-fact shall have the power to transfer property, establish special trusts, enter annuity contracts-- commercial or private, purchase life insurance policies, acquire medical insurance and nursing home insurance, and take any and all other steps and actions with the object of assuring that if I am confined to a hospital, nursing home, or similar facility, where extended care is required, or if extended care can be provided in my home or the home of a family member, that I will qualify, as appropriate, for medicaid or other government assistance, or have means provided to the extent of my resources, to assure support and maintenance in my home or in a substitute home or facility that may be required.

--Making Gifts to Charity and to Family. My attorney-in-fact shall have the power to make gifts to charity, consistent with the pattern I have established, and to make gifts to my children (or to the children of my children who may be deceased), in the same proportions as they shall receive under my Last Will and Testament existing at the time of the gifts.

I GRANT TO MY SAID ATTORNEY-IN-FACT Full power and authority to perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney-in-fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

THIS INSTRUMENT IS TO BE Construed and interpreted as a general power of attorney.

THIS IS A DURABLE POWER OF ATTORNEY And shall become effective upon execution of this document.

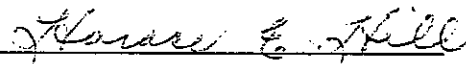
IF PROTECTIVE PROCEEDINGS Be commenced at any time by anyone, for my person or estate, I nominate my daughter, **Kathy Joy Westfall**, if she be qualified and willing to serve, as guardian of my person and as conservator of my estate.

DESIGNATION OF ALTERNATE AGENT If the person designated as my agent above is not available or becomes ineligible to act as my agent or loses the mental capacity to make decisions for me, or if I revoke that person's appointment or authority to act as my agent, then I designate and appoint the following person to serve as my agent:

(a) Alternate Agent is: **DeWayne Hill**
Tucson, Arizona

THIS POWER OF ATTORNEY should be interpreted to allow the attorney-in-fact to take the actions authorized herein on my behalf, without both being required to sign.

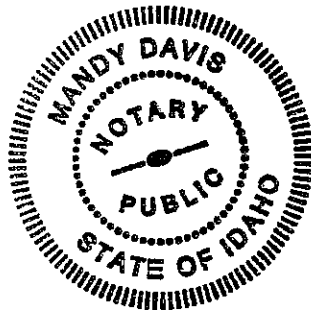
DATED this 27th day of April, 2006.


Horace E. Hill

Acknowledgment

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 27th day of April, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Horace E. Hill**, known to me to be the person whose name is subscribed to the within General Power of Attorney and acknowledged to me that he executed the same.



Mandy Davis
Notary Public for Idaho
Residing at St. Anthony, Idaho
My Commission Expires: 6-24-11