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JUL 14 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 10 2008

By

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

Subcase No. 63-32163

Case No. 39576

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:

L.G. Davison & Sons, Inc.

OBJECTOR:

USDA Forest Service

L. G. Davison & Sons, Inc.
by L. E. Davison 6-27-08
By: _____ Date
Title: *Pres*

David Negri 6/20/08
By: _____ Date
David L. Negri, USDOJ
Attorney for Objector

STANDARD FORM 5 - 63-32163

IDWR Concurrence:

Sandy Egbert 6-17-08
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 6-17-08
Nicholas B. Spencer Date
Deputy Attorney General

Standard Form 5 - 63-32163

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

RIGHT NUMBER: 63-32163

NAME AND ADDRESS:

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-8435

SOURCE:

Source:
LONG GULCH CREEK

Tributary:

SOUTH FORK BOISE RIVER

QUANTITY:

5.340 CFS

~~5.470 CFS~~

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

Right Nos. 63-97 and 63-32163 are limited to a total combined diversion rate of 8.72 cfs.

PRIORITY DATE:

08/08/1898

POINT OF DIVERSION:

T02N R06E S2 SWNE
Within ELMORE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

5.340 CFS

~~5.470 CFS~~

STOCKWATER

01/01 12/31

0.140 CFS

PLACE OF USE:

IRRIGATION

within ELMORE County

T02N R06E S02 Lot 3 NENW 1.1

T02N R06E S02 Lot 4 NWNW 13.0

T02N R06E S02 Lot 4 SWNW 1.1

~~T02N R06E S02 SENW 6.6~~

T03N R06E S34 NENE 8.7

T03N R06E S34 Lot 2 SWNE 14.0

T03N R06E S34 Lot 1 SENE 25.0

T03N R06E S35 NWNW 6.4

T03N R06E S35 SWNW 26.0

T03N R06E S35 NESW 4.0

T03N R06E S35 Lot 1 NWSW 16.0

T03N R06E S35 Lot 2 SWSW 5.1

STOCKWATER Same As IRRIGATION

120.4 ACRES TOTAL

~~127 ACRES TOTAL~~

Right Nos. 63-32163 and 63-97 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.

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

Historically the water from Long Gulch Creek has been used at the first part of the season. When Long Gulch dries up water is taken from Smith Creek.

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.

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

The places of use for this water right do not include any Federal land

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

Stockwater use is for 600 head range cattle.

R.D.

CERTIFICATE OF MAILING

I certify that on July 8, 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:

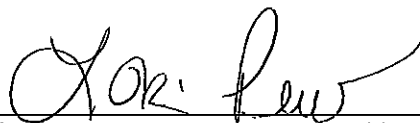
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE, ID 83647-8435



Signature of person or attorney mailing the form