

COPY

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED

2008 AUG 10 10 32

**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. 67-229

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.

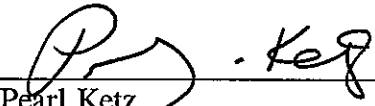
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Pine Creek Property Owners

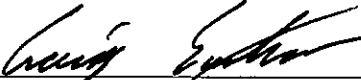
OBJECTOR(s):

State of Idaho on behalf of
Idaho Department of Lands

 8-1-2008
Date
Pearl Ketz
On behalf of Claimant

 8/1/08
Date
David Barber
Deputy Attorney General

IDWR Concurrence:

 8/1/08
IDWR Agent Date

 8/1/08
Chris M. Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Aug 1st, 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:

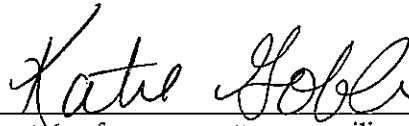
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

PINE CREEK PROPERTY OWNERS IRR
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE, ID 83610

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



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 67-229

NAME AND ADDRESS:

PINE CREEK PROPERTY OWNERS IRR
ASSN
C/O PEARL J KETZ
PO BOX 190
CAMBRIDGE ID 83610

SOURCE:

Source:

EAST PINE CREEK

Tributary:

PINE CREEK

QUANTITY:

0.420 CFS

84.000 AFY

The total instantaneous diversion of water from all points of diversion under Transfer No. 4236 shall not exceed 1.28 cfs.

PRIORITY DATE:

05/01/1908

POINT OF DIVERSION:

T16N R04W S25 NESW
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 SENE
Within WASHINGTON County

T16N R04W S35 NWSE
Within WASHINGTON County

T16N R04W S35 NWSE
Within WASHINGTON County

~~T16N R04W S36 SWNW~~
~~Within WASHINGTON County~~

CS CB DS
P9. K.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.420 CFS

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

PLACE OF USE: IRRIGATION within WASHINGTON County

T16N R04W S25 SWSW 5.0
T16N R04W S25 SESW 8.0
T16N R04W S35 SWNE 2.0
T16N R04W S35 SENE 10.0
T16N R04W S35 NESW 8.0
T16N R04W S35 SWSW 3.0
T16N R04W S35 SESW 3.0
T16N R04W S35 NWSE 4.0
~~T16N R04W S36 NENW 1.0~~
T16N R04W S36 NWNW 20.0

63 ACRES TOTAL

~~64 ACRES TOTAL~~

CS CB
P.J.K. PS

Right No. 67-00226 is limited to the irrigation of 17.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00220 is limited to the irrigation of 12.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00219 is limited to the irrigation of 14.0 acres within the place of use described above in a single irrigation season.

Right No. 67-00229 is limited to the irrigation of 21.0 acres within the place of use described above 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 - Decreed

Four (4) points of diversion are located within SENE, and two (2) points of diversion are located within NWSE, S35, T16N, R04W. A single point of diversion is located on or near the line between SENE, S35 and SWNE, S36, T16N, R04W. The system has a total of eight (8) points of diversion.

The change authorized by Transfer No. 4236 shall be accomplished within one (1) year of the date of this approval.

Irrigated acres described in S35, T16N, R04W, are located south of the access road.

Use of water under this water right will be regulated by the watermaster of State Water District No. 67.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right No. 67-00229 has been reduced by 0.40 cfs that has been lost through non-use.