

RECEIVED

AUG 25 2008

DEPARTMENT OF
WATER RESOURCES

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. 02-10277

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.

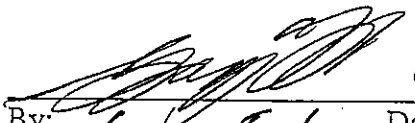
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

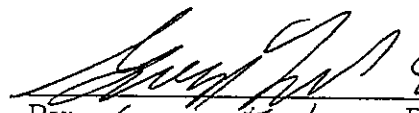
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

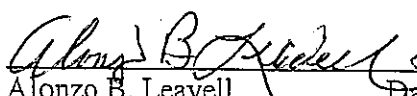
CLAIMANT(s):

Canyon Bend Ranch, LTD.

Neatherlin Family Limited
Partnership II

By:  Date: 8/11/08
Title: managing member

By:  Date: 8/11/08
Title: manager

By:  Date: 8/5/08
Alonzo B. Leavell

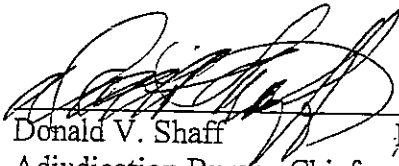
OBJECTOR:

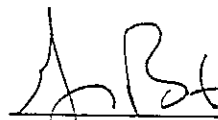
Bureau of Land Management

 4B 8/4/08

Larry A. Brown  Date
Attorney for BLM

IDWR Concurrence:

 1/10/08
Donald V. Shaff Date
Adjudication Bureau Chief

 11/7/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 2-10277

NAME AND ADDRESS: ALONZO B LEAVELL
PO BOX 54
GOODING ID 83330

CANYON BEND RANCH LTD
PO BOX 54
GOODING ID 83330

NEATHERLIN FAMILY LIMITED PARTNERSHIP II
PO BOX 54
GOODING ID 83330

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.420 CFS
96.20 AFY

PRIORITY DATE: 09/24/1969

POINT OF
DIVERSION:

T05S R10E S23 SENW Lot 2 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/15	0.420 CFS
		94.50 AFY
STOCKWATER	01/01 12/31	0.020 CFS
		1.70 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in ELMORE County

T05S R10E S14	NESW	6.50	T05S R10E S14 Lot 6 NESW	2.20
T05S R10E S14	SESW	4.00	T05S R10E S14 Lot 6 SESW	19.00
T05S R10E S14	NWSE	2.50	T05S R10E S14 Lot 7 NWSE	26.00
T05S R10E S14	SWSE	21.00	T05S R10E S23	NWNE 4.60
T05S R10E S23 Lot 1 NENW		21.00	T05S R10E S23 Lot 2 SENW	0.20

STOCKWATER in ELMORE County

T05S R10E S14	NESW	T05S R10E S14 Lot 6 NESW
T05S R10E S14	SESW	T05S R10E S14 Lot 6 SESW
T05S R10E S14	NWSE	T05S R10E S14 Lot 7 NWSE
T05S R10E S14	SWSE	T05S R10E S23
T05S R10E S23 Lot 1 NENW		T05S R10E S23 Lot 2 SENW

107 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 107 acres in a single irrigation season. Combined Right Nos.: 2-10275, 2-10277,

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

RIGHT NUMBER: 2-10277

NAME AND ADDRESS: ALONZO B LEAVELL
PO BOX 54
GOODING ID 83330CANYON BEND RANCH LTD
PO BOX 54
GOODING ID 83330NEATHERLIN FAMILY LIMITED PARTNERSHIP II
PO BOX 54
GOODING ID 83330

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.420 CFS
96.20 AFY

PRIORITY DATE: 09/24/1965

POINT OF
DIVERSION:

T05S R10E S23 SENW Lot 2 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/15	0.420 CFS 96.20 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.70 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S14	NESW	6.50	T05S R10E S14 Lot 6 NESW	2.20
T05S R10E S14	SESW	4.00	T05S R10E S14 Lot 6 SESW	19.00
T05S R10E S14	NWSE	2.50	T05S R10E S14 Lot 7 NWSE	26.00
T05S R10E S14	SWSE	21.00	T05S R10E S23	NWNE 4.60
T05S R10E S23 Lot 1 NENW		21.00	T05S R10E S23 Lot 2 SENW	0.20

STOCKWATER in ELMORE County

T05S R10E S14	NESW		T05S R10E S14 Lot 6 NESW	
T05S R10E S14	SESW		T05S R10E S14 Lot 6 SESW	
T05S R10E S14	NWSE		T05S R10E S14 Lot 7 NWSE	
T05S R10E S14	SWSE		T05S R10E S23	NWNE
T05S R10E S23 Lot 1 NENW			T05S R10E S23 Lot 2 SENW	

107 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 107 acres in a single irrigation season. Combined Right Nos.: 2-10275, 2-10277.

and 2-10279.

This right is limited to the irrigation of 21.0 acres within the place of use described above in a single irrigation season.

Place of use in NESW and SESW of Section 14 is unsurveyed accretion land adjacent to Lot 6.

OK
g/R
RL

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 - License

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

WBY
BF
BF
DN

CERTIFICATE OF MAILING

I certify that on 8/22, 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

NEATHERLIN FAMILY LTD
PARTNERSHIP II
P.O. BOX 54
GOODING, ID 83330

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

CANYON BEND RANCH LTD
LEAVELL, ALONZO B
P.O. BOX 54
GOODING, ID 83330


Signature of person or attorney mailing form