



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

August 28, 2008

G. Darwin Symms, II
14068 Sunnyslope Road
Caldwell, ID 83605

RE: SRBA Subcase Nos. 63-27265, 63-28920 & 63-28946

Dear Mr. Symms:

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original documents to me. I will obtain the remaining signature, file the original documents with the SRBA Court and provide copies to the parties.

If you have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 63-27265
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	<i>(Previously Disallowed)</i>

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:
Lizard Partnership

OBJECTOR:
Symms Fruit Ranch, Inc.

G. Darwin Symms II Date
Attorney for Claimant

G. Darwin Symms II Date
Attorney for Objector

STANDARD FORM 5 – Water Right No. 63-27265

IDWR Concurrence:

Kay Walker Date
Senior Water Resource Agent

Andrea L. Courtney 8/26/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-27265

NAME AND ADDRESS: LIZARD PARTNERSHIP
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.240 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

PRIORITY DATE: 05/01/1930

POINT OF DIVERSION:

T03N R04W S14 SESWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.240 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S22	NWNE	36.00	T03N R04W S22	SWNE	6.00
T03N R04W S22	NENW	21.00	T03N R04W S22	SENE	1.00

64 ACRES TOTAL

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 - Beneficial Use

Right No. 63-28920 is also diverted through point of diversion described above.

Use of this right is combined with water from Wilder Irrigation District.

CERTIFICATE OF MAILING

I certify that on _____, 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:

LIZARD PARTNERSHIP
SYMMS FRUIT RANCH, INC.

Represented by:
G. DARWIN SYMMS II
14068 SUNNYSLOPE RD.
CALDWELL, ID 83605

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

Signature of person or attorney mailing the form

**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. 63-28920
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	<i>(Previously Disallowed)</i>

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:

Frances S. Symms

OBJECTOR:

Symms Fruit Ranch, Inc.

G. Darwin Symms II Date
Attorney for Claimant

G. Darwin Symms II Date
Attorney for Objector

STANDARD FORM 5 – Water Right No. 63-28920

IDWR Concurrence:

Kay Walker
Senior Water Resource Agent

Andrea L. Courtney 8/26/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-28920

NAME AND ADDRESS: FRANCES S SYMMS
2033 S SPRINGBROOK
BOISE ID 83706

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.240 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre at the field headgate.

PRIORITY DATE: 07/08/1918

POINT OF DIVERSION:

T03N R04W S14 SESWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>0.240 CFS</u>

PLACE OF USE: IRRIGATION in CANYON County

T03N R04W S14 SWSW 12.00

12 ACRES TOTAL

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 - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

Right No. 63-27265 is also diverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on _____, 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:

FRANCES S. SYMMS
SYMMS FRUIT RANCH, INC.
Represented by:
G. DARWIN SYMMS II
14068 SUNNYSLOPE RD.
CALDWELL, ID 83605

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

Signature of person or attorney mailing the form

**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. 63-28946
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
_____	)	<i>(Previously Disallowed)</i>

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.

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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:

Symms Fruit Ranch, Inc.

G. Darwin Symms II Date
Attorney for Claimant/Objector

STANDARD FORM 5 – Water Right No. 63-28946

IDWR Concurrence:

Kay Walker
Senior Water Resource Agent

Andrea L. Courtney 8/26/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-28946

NAME AND ADDRESS: SYMMS FRUIT RANCH INC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
217.200 AFY

PRIORITY DATE: 01/01/1914

POINT OF DIVERSION:

T03N R04W S23 SWSWSW Within CANYON County

T03N R04W S23 SWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>COMMERCIAL</u>	<u>01/01 12/31</u>	<u>0.300 CFS</u>
		<u>217.20 AFY</u>
<u>Commercial use is for fruit packing plant.</u>		

PLACE OF USE: COMMERCIAL in CANYON County

T03N R04W S23 SWSW

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 - Beneficial Use

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

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Signature of person or attorney mailing the form