

**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. 01-119**
)
)
) **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:

Lowder Sough Canal Co.

Carl R. Nathan C.R.
Lois Poole LP

Lois Poole

Date

Title:

Secretary

6-20-08

OBJECTOR:

United States of America
Bureau of Reclamation

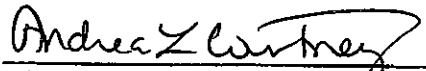
David W. Gehlert *6/3/08*

David W. Gehlert, USDOJ Date
Attorney for Objector

IDWR Concurrence:

 8/28/2008

Michael Holliday / Date
Senior Water Resource Agent

 8/28/08

Garrick L. Baxter / Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 1-119

NAME AND ADDRESS: LOWDER SLOUGH CANAL CO
C/O LOIS POOLE
4483 E 400 N
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 26.000 CFS

PRIORITY DATE: 06/01/1890

POINT OF
DIVERSION:

T04N R40E S29 NENEW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	10.000 CFS
IRRIGATION	04/01 10/31	26.000 CFS

PLACE OF USE:

987 ACRES TOTAL

Place of use is within the area served by Lowder Slough Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Diversion of this right is restricted to exclude 150 consecutive days during the period from November 1 through April 30 pursuant to United States Contract No. 14-06-W-34 between the United States and Lowder Slough Canal Company, Ltd. or as such contract may be amended, unless the United States agrees in writing not to enforce the winter water savings provision of the contract for a given period of time.

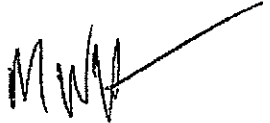
Diversion of this right for stockwater unpurposed between November 1 and April 30 is subject to the provisions for saving water as recognized in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1969) and Aberdeen-Springfield Canal Co. vs. Eagle, Supplemental Decree (Idaho 7th Judicial Dist., March 12, 1969).

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

Stockwater use is for 980 range cattle and 320 dairy cattle.

Water is delivered through Lowder Slough Canal.

A handwritten signature or set of initials, possibly 'MWA', followed by a long diagonal line extending upwards and to the right.

CERTIFICATE OF MAILING

I certify that on August 28, 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

via fax & mail

2. Copies to:

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

LOWDER SLOUGH CANAL CO.
C/O LOIS POOLE
4483 E 400 N
RIGBY, ID 83442

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form