



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

October 1, 2008

David W. Gehlert
Natural Resources Section
Environment & Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 63-2758B (Pline Farms, Inc.)

Dear David:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line and initial the revised recommendation. After signature, please file the original document with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

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. 63-2758B
	)	
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.

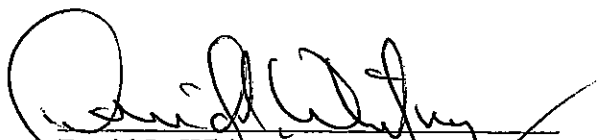
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Pline Farms, Inc.

OBJECTOR:

Nampa & Meridian Irrigation Dist.


David L. Whitney Date 7-16-08
Attorney for Claimant/Objector

 9/2/08
S. Bryce Farris Date
Attorney for Objector


Clinton C. Plaine, President

RESPONDENT:

Bureau of Reclamation

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Vicky L. Music 9-26-08
Vicky L. Music Date
Senior Water Resource Agent

Andrea L. Courtney 8/29/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-2758B

NAME AND ADDRESS:

PLINE FARMS INC
6805 LAKE HAZEL RD
NAMPA ID 83687

SOURCE:

Source:
GROUND WATER

Tributary:

Source:
INDIAN CREEK

Tributary:
BOISE RIVER

To the extent the source of this water right from Indian Creek includes waste water, the wasting of water may be discontinued at anytime, in compliance with state law.

QUANTITY:

3.680 CFS
828.000 AFY

2.780 CFS
535.500 AFY

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

The quantity of water under this right consists of 1 cfs from Indian Creek and 2.9 cfs from 9 wells.

~~The quantity of water under this right consists of .61 cfs from Indian Creek and 1.77 cfs from 10 wells.~~

PRIORITY DATE: 01/24/1949

POINT OF DIVERSION:

T02N R01W S5 SWNE
Within CANYON County

~~T03N R01W S5 NWNW~~
~~Within CANYON County~~

T02N R01W S5 NWNW
Within CANYON County

T02N R01W S5 SENW
Within CANYON County

T02N R01W S5 SENW
Within CANYON County

T02N R01W S5 NESW
Within CANYON County

T02N R01W S6 NENE
Within CANYON County

T03N R01W S31 SESE
Within CANYON County

T03N R01W S32 SWSW
Within CANYON County

T03N R01W S32 SWSW
Within CANYON County

T03N R01W S32 SESW
Within CANYON County

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

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/01 11/15	3.680 CFS 828.00 AFY
			~~2.780 CFS 535.50 AFY~~
	STOCKWATER	01/01 12/31	
PLACE OF USE:			
	IRRIGATION	within CANYON County	
	<u>T02N R01W S05 NENW 32.0</u>		~~T02N R01W S05 NENW 35.3~~
	<u>T02N R01W S05 NWNW 37.0</u>		~~T02N R01W S05 NWNW 40.0~~
	<u>T02N R01W S05 SWNW 35.0</u>		
	<u>T02N R01W S05 SENW 34.0</u>		
	<u>T02N R01W S05 NESW 14.5</u>		
	<u>T02N R01W S05 NWSW 2.0</u>		
	<u>T02N R01W S06 NENE 5.0</u>		~~T02N R01W S06 NENE 8.1~~
	<u>T03N R01W S31 SWSE 5.0</u>		~~T03N R01W S31 SWSE 7.6~~
	<u>T03N R01W S31 SESE 14.5</u>		~~T03N R01W S31 SESE 22.0~~
	<u>T03N R01W S32 SWSW 5.0</u>		~~T03N R01W S32 SWSW 6.0~~
	STOCKWATER Same As IRRIGATION		
	<u>184 ACRES TOTAL</u>		~~119 ACRES TOTAL~~

A.M.
C.P.
VLM

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

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

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

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

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

Stockwater use is for 200 head cattle.

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:

NAMPA & MERIDIAN IRRIGATION DIST.

Represented by:
DANIEL V. STEENSON
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

PLINE FARMS, INC.

Represented by:
DAVID L. WHITNEY
P.O. BOX 26
CALDWELL, ID 83606-0026

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

Signature of person or attorney mailing form