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OCT 10 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Fifth Judicial District
County of Twin Falls - State of Idaho

OCT - 9 2008

SUBCASE: 63-02397

STANDARD FORM 5

COPY

Case No. 39576

Clerk

Duty Clerk

STIPULATED ELEMENTS OF A WATER
RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Diller Miller Land Company, LLC
451 E. Glendale Ave.
Phoenix, AZ 85020

Stephen J. Miller 15 Jun 08
Stephen J. Miller Date
Managing Rep.

OBJECTOR:

Wider Irrigation District
709 Cleveland Blvd.
Caldwell, ID 83605

Albert P. Barker 6/6/08
Albert P. Barker Date

RESPONDENT: Bureau of Reclamation

[Signature] 9/22/08
Date

IDWR CONCURRENCE:

[Signature] 10-1-08
Date

12/14/2006

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

RIGHT NUMBER: 63-2397

NAME AND ADDRESS: DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX AZ 85020

SOURCE: MAMMEN GULCH

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS
630.00 AFY

The source of this right is waste water. The wasting of water may be discontinued at any time. *SM FOR*

This right when combined with Right No. 63-11698 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/29/1926

POINT OF
DIVERSION: T04N R05W S11 SWSE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.000 CFS 630.00 AFY

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R05W S11	NESE	40.00	T04N R05W S11	NWSE	20.00
T04N R05W S11	SWSE	40.00	T04N R05W S11	SESE	40.00

140 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 42-1012(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

CERTIFICATE OF MAILING

I certify that on Oct. 8, 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:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

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

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

DILLER MILLER LAND COMPANY LLC
451 E GLENDALE AVE
PHOENIX, AZ 85020

Deserae P. Kramer
Signature of person or attorney mailing the form