



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

January 22, 2009

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase No. 01-71B (Table Rock Estates Irrigation)

Dear Rob:

I am enclosing an 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 recommendation. After signature, please file the original SF5 with the SRBA Court and provide copies to the parties. If you prefer to return the original SF5 to me for filing, I'd be happy to do so.

If you should have any questions or comments, please don't hesitate to contact me at 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. 01-71B
	)	
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:

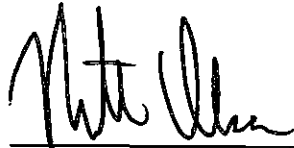
Table Rock Estates Irrigation Assn., Inc.

OBJECTOR:

Wydell Johnson

Robert L. Harris
Attorney for Claimant

Date

 1/20/09

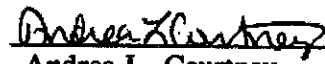
Nathan M. Olsen
Attorney for Objector

Date

IDWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent 12/17/2008



Andrea L. Courtney Date
Deputy Attorney General 12/16/08
Attorney for IDWR

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

RIGHT NUMBER: 1-71B

NAME AND ADDRESS: TABLE ROCK ESTATES IRR ASSOC INC
4647 E 185 N
RIGBY ID 83442

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

QUANTITY: ~~0.52 CFS~~ 0.230 CFS

PRIORITY DATE: 06/01/1890

POINT OF
DIVERSION:

T04N R40E S29 NENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.230 CFS
		0.620 CFS

PLACE OF USE: IRRIGATION in JEFFERSON County

T04N R40E S29	NWNE	9.00	T04N R40E S29	SWNE	39.00
T04N R40E S29	NENW	22.00	T04N R40E S29	NWNW	34.00

104 ACRES TOTAL

This right is limited to the irrigation of ~~15.5 acres~~ 5.8 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 104 acres in a single irrigation season. Combined Right Nos.: 01-35C, 01-71B, 01-177C, 01-10470.

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 - Decreed

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

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

This right is a split from former right 1-71C.

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:

TABLE ROCK ESTATES IRR. ASSN., INC.

Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

WYDELL JOHNSON

Represented by:
NATHAN M. OLSEN
2105 CORONADO ST.
IDAHO FALLS, ID 83404-7495

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

Signature of person or attorney mailing form