

COPY

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MAY 07 2009

Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY - 6 2009
By _____ Clerk
Deputy Clerk

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. 01-327B

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:

Call Farms Partnership

OBJECTOR:

M. Evan Call

Patrick D. Brown

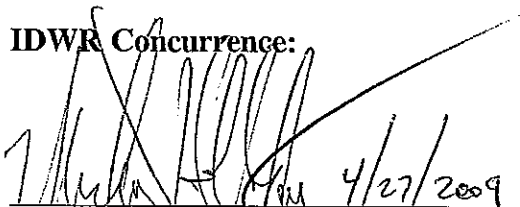
Attorney for Claimant

Date

M. Evan Call

Date

STANDARD FORM 5 – Water Right No. 01-327B

IDWR Concurrence:


Michael Holliday Date
Senior Water Resource Agent 4/27/2009



Garrick L. Baxter 4/30/09
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-327B

NAME AND ADDRESS:

CALL FARMS PARTNERSHIP
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS ID 83211

SOURCE: Source:
SNAKE RIVER

Tributary:
COLUMBIA RIVER

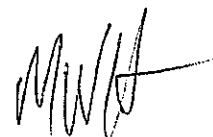
QUANTITY: 4.992 CFS

The rights listed below are limited to a total combined diversion rate of
12.625 cfs. Combined Right Nos.: 1-2D, 1-327B, 1-10216, 1-10217, and 1-10390.

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T09S R28E S22 NESE
Within POWER County



PURPOSE AND
PERIOD OF USE:

Purpose of use:
IRRIGATION

Period of use:
04/01 10/31

Quantity:
4.992 CFS



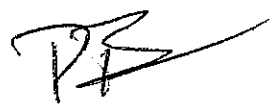
PLACE OF USE:

IRRIGATION within POWER County

T09S R28E S25 NWNE 0.9
T09S R28E S25 SWNE 7.5
T09S R28E S25 NENW 12.0
T09S R28E S25 NWNW 7.9
T09S R28E S25 SWNW 26.0
T09S R28E S25 SENW 13.0
T09S R28E S25 NESW 26.0
T09S R28E S25 NWSW 23.0
T09S R28E S25 SWSW 21.0
T09S R28E S25 SESW 23.0
T09S R28E S25 NWSE 9.6
T09S R28E S25 SWSE 1.8
T09S R28E S26 NENE 1.7
T09S R28E S26 NWNE 18.0
T09S R28E S26 SWNE 15.0
T09S R28E S26 SENE 1.6

~~T09S R28E S25 SWNW 25.0~~
~~T09S R28E S25 SENW 8.9~~

~~T09S R28E S25 SWSW 16.0~~
~~T09S R28E S25 SESW 21.0~~



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

T09S R28E S26 NENW 33.0
T09S R28E S26 NWNW 1.9
T09S R28E S26 SWNW 3.7
T09S R28E S26 SENW 17.0
T09S R28E S26 NESW 41.0
T09S R28E S26 NWSW 31.0
T09S R28E S26 SWSW 41.0
T09S R28E S26 SESW 41.0
T09S R28E S26 NESE 13.0
T09S R28E S26 NWSE 32.0
T09S R28E S26 SWSE 22.0
T09S R28E S26 SESE 18.0
T09S R28E S27 NENE 27.0
T09S R28E S27 NWNE 41.0
T09S R28E S27 SWNE 41.0
T09S R28E S27 SENE 30.0
T09S R28E S27 NENW 27.0
T09S R28E S27 NWNW 28.0
T09S R28E S27 SWNW 16.0
T09S R28E S27 SENW 37.0
T09S R28E S27 NESW 18.0
T09S R28E S27 NWSW 29.0
T09S R28E S27 SWSW 15.0
T09S R28E S27 SESW 16.0
T09S R28E S27 NESE 30.0
T09S R28E S27 NWSE 27.0
T09S R28E S27 SWSE 22.0
T09S R28E S27 SESE 39.0
T09S R28E S34 NENE 26.0
T09S R28E S34 NWNE 20.0
T09S R28E S34 NENW 12.0
T09S R28E S35 NENE 29.0
T09S R28E S35 NWNE 2.3
T09S R28E S35 NENW 17.0
T09S R28E S35 NWNW 38.0
T09S R28E S36 NWNW 7.6

1097.5 ACRES TOTAL

~~T09S R28E S26 NWNW 1.5~~
~~T09S R28E S26 SWNW 3.2~~

~~T09S R28E S26 NWSW 26.0~~

~~T09S R28E S26 SESW 40.0~~
~~T09S R28E S26 NESE 6.3~~
~~T09S R28E S26 NWSE 27.0~~
~~T09S R28E S26 SWSE 18.0~~
~~T09S R28E S26 SESE 19.0~~
~~T09S R28E S27 NENE 25.0~~

~~T09S R28E S27 NENW 23.0~~
~~T09S R28E S27 NWNW 24.0~~
~~T09S R28E S27 SWNW 17.0~~

~~T09S R28E S27 NESW 19.0~~
~~T09S R28E S27 NWSW 31.0~~
~~T09S R28E S27 SWSW 9.0~~
~~T09S R28E S27 SESW 13.0~~

~~T09S R28E S27 NWSE 26.0~~
~~T09S R28E S27 SWSE 21.0~~
~~T09S R28E S27 SESE 33.0~~
~~T09S R28E S34 NENE 24.0~~
~~T09S R28E S34 NWNE 6.2~~

~~T09S R28E S35 NENE 20.0~~
~~T09S R28E S35 NWNE 2.2~~

998.3 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 471 acres in a single irrigation season. Combined Right Nos.: 1-2D, 1-327B, 1-10216, and 1-10217.

The rights listed below are limited to the irrigation of a combined total of 1097.5 acres in a single irrigation season. Combined Right Nos.: 1-2D, 1-327B, 1-10216, 1-10217, 1-10390, 41-7008, and 41-10075.

This right is limited to the irrigation of 471 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 998.3 acres in a single irrigation season. Combined Right Nos.: 1-2D, 1-327B, 1-10216, 1-10217, 1-10390, 41-7008, and 41-10075.~~

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

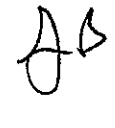
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

Right No. 1-10390 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

CERTIFICATE OF MAILING

I certify that on 5/5, 2009, 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:

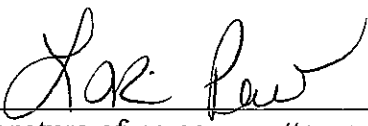
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CALL FARMS PARTNERSHIP
Represented by:
PATRICK D BROWN
HUTCHINSON & BROWN LLP
104 LINCOLN ST
PO BOX 207
TWIN FALLS, ID 83303-0207

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

M. EVAN CALL
4373 COLD WATER RD.
AMERICAN FALLS, ID 83211



Signature of person or attorney mailing the form