

COPY

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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 28 2009

By

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

Clerk

Deputy Clerk

In Re SRBA

Subcase Nos. 02-10171

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.

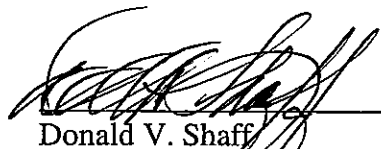
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Howard Field

Josephine Beeman 22 May 2009
Josephine Beeman, Attorney Date

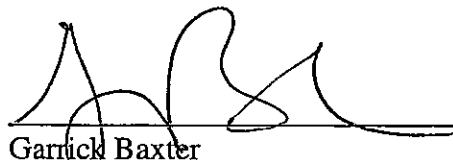
IDWR Concurrence:



Donald V. Shaff
Adjudication Bureau Chief

5-22-09

Date



Garrick Baxter
Deputy Attorney General

5/22/09

Date

05/22/2009

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

RIGHT NUMBER: 2-10171

NAME AND ADDRESS: HOWARD J FIELD
23608 FIELD LN
GRAND VIEW ID 83624-5054

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.740 CFS

The rights listed below are limited to a total combined diversion rate of 9.10 cfs and to a total combined annual diversion volume of ~~1936-2~~ 1809 AF. Combined Right Nos.: 2-10167, 2-10169, 2-10171, and 2-10298.

PRIORITY DATE: 03/15/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05S R04E S34 NWSW Lot 10 Within OWYHEE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/15 10/31

1.740 CFS

PLACE OF USE: IRRIGATION in OWYHEE County

T05S R03E S23	NWSW 15.00 <u>14.00</u>	T05S R03E S23	SWSW 40.00 <u>39.00</u>
T05S R03E S23	SESW 26.00	T05S R03E S23	SWSE 2.20
T05S R03E S26	NWNE 31.00 <u>26.00</u>	T05S R03E S26	SWNE 36.00 <u>26.00</u>
T05S R03E S26	NENW 40.00	T05S R03E S26	NWNW 37.00
T05S R03E S26	SWNW 35.00	T05S R03E S26	SENW 40.00
T05S R03E S26	NESW 40.00	T05S R03E S26	NWSW 27.00
T05S R03E S26	SWSW 1.80	T05S R03E S26	SESW 27.00 <u>26.00</u>
T05S R03E S26	NWSE 28.00 <u>22.00</u>	T05S R03E S26	SWSE 4.40

430.4 402.0 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~430.4~~ 402.0 acres in a single irrigation season. Combined Right Nos.: 2-10167, 2-10169, 2-10171, 2-10298.

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.

This right is based upon an enlargement of Right No. 2-10169 formerly 2-7357 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of ~~90.4~~ 62.0 acres within the place of use described for this right.

CERTIFICATE OF MAILING

I certify that on 5/27, 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:

HOWARD J FIELD
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

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

HOWARD J FIELD
23608 FIELD LN
GRAND VIEW, ID 83624-5054



Signature of person or attorney mailing the form