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MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

) Subcase Nos. 67-408
)
)
)
)
)
)
)

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:

Hornet Creek Water Storage Assn Ltd.

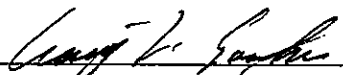
OBJECTOR(s):

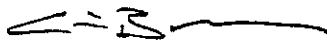
United States on behalf of
Bureau of Land Management

Jack Rubelt 5-20-09
Jack Rubelt, Secretary Date
Claimant

David Negri 5/27/09
David Negri, Attorney Date

IDWR Concurrence:

 5-27-09
IDWR Agent Date

 5/27/09
Chris M. Bromley Date
Deputy Attorney General

04/28/2009

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

RIGHT NUMBER: 67-408

NAME AND ADDRESS: HORNET CREEK WATER STORAGE ASSN LTD
C/O JACK RUBELT SECRETARY
2280 OLD HORNET RD
COUNCIL ID 83612-5033

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 270.000 AFY

PRIORITY DATE: 05/28/1909

POINT OF DIVERSION:

T17N R03W S20 SWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	270.00 AFY
IRRIGATION FROM STORAGE	05/01 10/15	270.00 AFY

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

CLS
CB
DW JR
MB

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



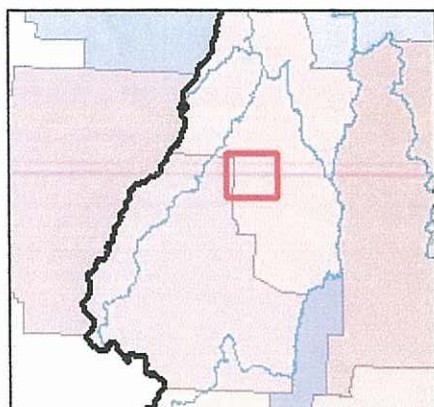
Hornet Creek Water Storage Assn Ltd

Adjudication Recommendations: 67-408, 67-409

Irrigation From Storage Service Area Boundary
GIS Place of Use Illustration

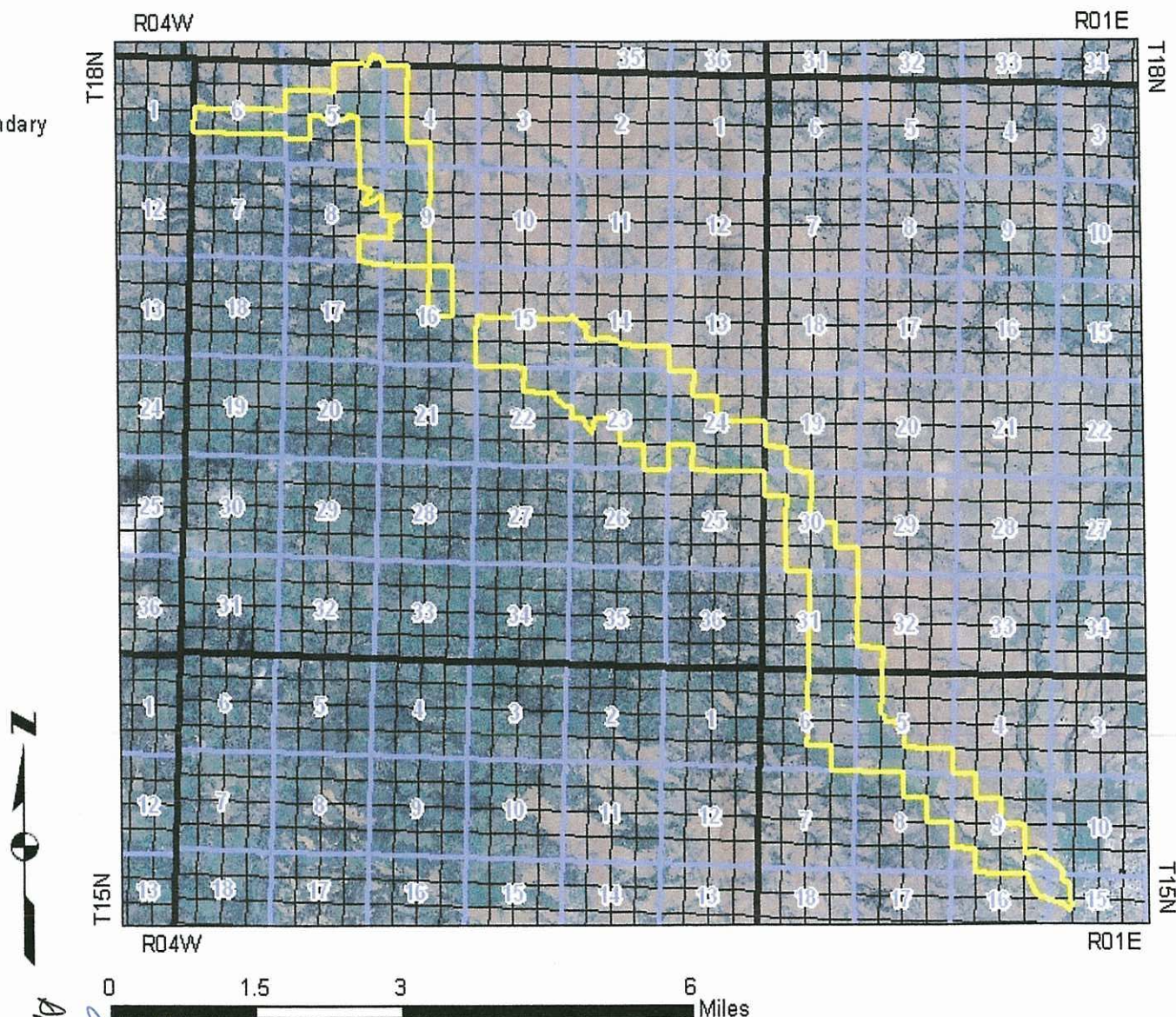
Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams, Washington Counties
IDWR Basin 67

Prepared by Craig Saxton
On May 07, 2009
2004 Aerial Photography



CERTIFICATE OF MAILING

I certify that on 5/28, 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:

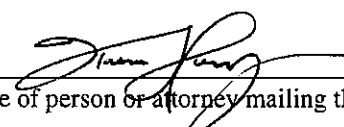
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

HORNET CREEK WATER STORAGE
ASSN LTD
C/O JACK RUBELT SECRETARY
2280 OLD HORNET RD
COUNCIL, ID 83612-5033

UNITED STATES OF AMERICA
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



Signature of person or attorney mailing the form