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JUN 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 19 AM 10 01

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. 47-2244
)
)
)
)
)
)

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.

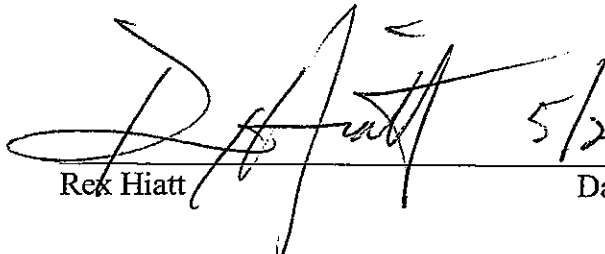
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:

OBJECTORS:

Twin Falls Canal Company


Rex Hiatt

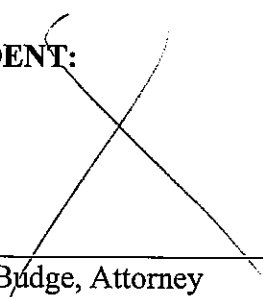
5/25/09
Date


Paul Arrington, Attorney

6/15/2009
Date

RESPONDENT:

IGWA, Inc.

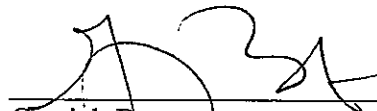


Randall C. Budge, Attorney Date

IDWR Concurrence:

 for 6/15/09

Donald V. Shaff Date
Adjudication Bureau Chief

 6/16/09

Garrick Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on June 18, 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

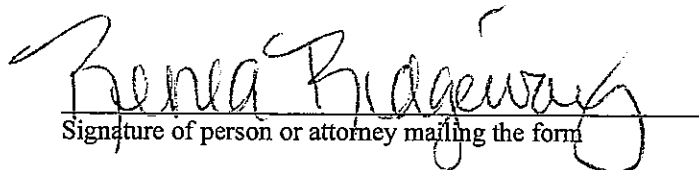
2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

~~IGWA INC
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391~~

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

REX J HIATT
19950 HWY 30
BUHL, ID 83316


Signature of person or attorney mailing the form

05/07/2009

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

RIGHT NUMBER: 47-2244

NAME AND ADDRESS: REX J HIATT
19950 HWY 30
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 01/20/1948

POINT OF
DIVERSION:

T09S R14E S27 SWSWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in TWIN FALLS County</u>		
	T09S R14E S27 NWNE 39.00	T09S R14E S27 SWNE 39.00	
	T09S R14E S27 SENE 12.00	T09S R14E S27 NENW 28.00	
	T09S R14E S27 SENW 38.00	T09S R14E S27 NESW 40.00	
	T09S R14E S27 SESW 4.00	T09S R14E S27 NWSE 38.00	

238 ACRES TOTAL

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

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

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 - License

Source is also known as Wilson Creek or the L coulee.

Use of this right is combined with water from Twin Falls Canal Co.