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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. 47-4286
)
)
)
)
)
)

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.

CLAIMANTS:

Avelars Dairy

AVELAR'S DAIRY
JOE Avelar *5-29-09*
Date

OBJECTORS:

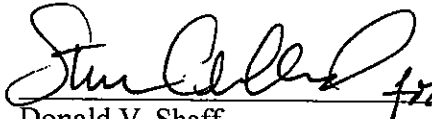
Twin Falls Canal Company

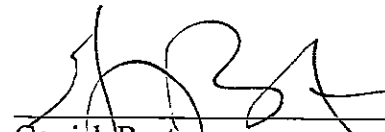
[Signature] *for Paul Arrington* *6/15/2009*
Paul Arrington, Attorney Date

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

STANDARD FORM 5 - 47-4286

J-E.A.
5-29-09

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

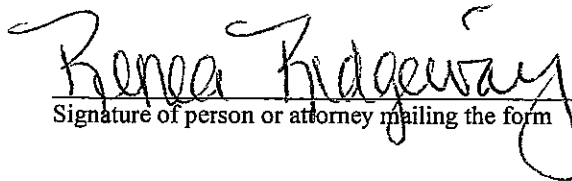
2. Copies to:

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

AVELARS DAIRY
3835 N 1300 E
BUHL, ID 83316



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 47-4286

NAME AND ADDRESS: AVELARS DAIRY
3835 N 1300 E
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: CEDAR DRAW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1920

POINT OF
DIVERSION:

T10S R15E S1 NESWNW End of Stream Flow Within TWIN FALLS County
T10S R15E S1 SWSENW Begin of Stream Flow Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in TWIN FALLS County

T10S R15E S01 SNNW T10S R15E S01 SENW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCC
JB

JE.A.
5-29-09