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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.** 47-4371 **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:

Gary Eugene Harms — Date: 5-14-09

OBJECTORS:
Twin Falls Canal Company

Paul Arrington, Attorney — Date: 6/15/2009

RESPONDENT:
IGWA, Inc.

Randall C. Budge, Attorney Date

IDWR Concurrence:

Donald V. Shaff for 6/5/09
Adjudication Bureau Chief Date

Garrick Baxter 6/16/09
Deputy Attorney General Date

STANDARD FORM 5 – 47-4371

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

GARY EUGENE HARMS
4456 N 1280 E
BUHL, ID 83316

Signature of person or attorney mailing the form

STANDARD FORM 5 – 47-4371

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-4371

NAME AND ADDRESS: GARY EUGENE HARMS
4456 N 1280 E
BUHL ID 83316

SOURCE: UNNAMED STREAM TRIBUTARY: MUD CREEK

QUANTITY: 0.100 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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

PRIORITY DATE: 12/31/1945

POINT OF DIVERSION:

T09S R14E S15 NESENE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S15 SENE 5.00

STOCKWATER in TWIN FALLS County

T09S R14E S15 SENE

5 ACRES TOTAL

Right Nos. 47-4066 and 47-4371 are limited to the irrigation of a combined total of 27 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use 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.

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 - Beneficial Use

Stockwater use is for 40 range cattle.