

DEPARTMENT OF
WATER RESOURCES

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

2009 JUN 22 PM 12 50

**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. 47-7099

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:

Valley Trout Farms, Inc.

OBJECTORS:

Twin Falls Canal Company

Vally Trout Farms Inc
by Kenneth E. Lee Date _____


Paul Arrington, Attorney

STANDARD FORM 5 - 47-7099

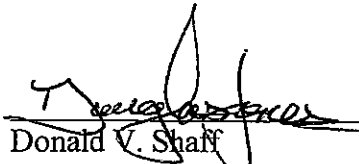
RESPONDENT:

IGWA, Inc.

~~Randall C. Budge, Attorney~~

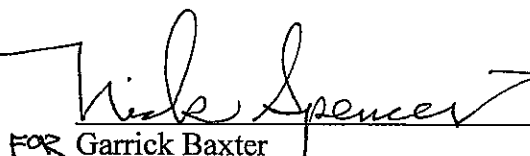
~~Date~~

IDWR Concurrence:

for  6/15/09

Donald V. Shaff
Adjudication Bureau Chief

Date

 6-17-09

FOR Garrick Baxter

Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on June 19, 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

VALLEY TROUT FARM INC
1128 E 4150 N
BUHL, ID 83316

Kenneth Ellis
13427 W. Silverbrook Dr.
Boise, ID 83713
Renee Budge

Signature of person or attorney mailing the form

05/12/2009

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

RIGHT NUMBER: 47-7099

NAME AND ADDRESS: VALLEY TROUT FARM INC
1128 E 4150 N
BUHL ID 83316

SOURCE: MUD CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 40.000 CFS

PRIORITY DATE: 05/25/1970

POINT OF
DIVERSION:

T09S R14E S33 SESENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

01/01 12/31

40.000 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T09S R14E S33 SENW

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

The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Records Office as Instrument No 180224.

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

Measuring devices of a type approved by the Dept. shall be permanently maintained at the points of effluent discharge.

Source is also known as N Coulee.