

COPY RECEIVED
JUL 02 2009

JUL 02 2009

DEPARTMENT OF
WATER RESOURCES

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

2009 JUL 1 AM 10 29

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. 47-7026

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:

Independent Meat Company

OBJECTORS:

Twin Falls Canal Company



Timothy J. Stover



Date

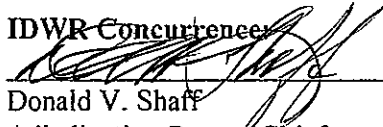
Date _____

Paul Arrington, Attorney Date 6/24/08

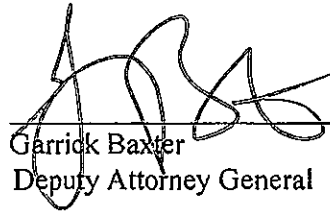
Date _____

STANDARD FORM 5 - 47-7026

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

6-26-09
Date


Garrick Baxter
Deputy Attorney General

6/29/09
Date

CERTIFICATE OF MAILING

I certify that on Aug 3rd, 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:

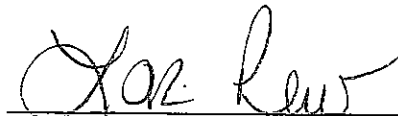
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

INDEPENDENT MEAT CO
Represented by:
TIMOTHY J STOVER
WORSE FITZGERALS & STOVER, PLLC
PO BOX 5226
TWIN FALLS, ID 83303-5226

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



Signature of person or attorney mailing the form

05/04/2009

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

RIGHT NUMBER: 47-7026

NAME AND ADDRESS: INDEPENDENT MEAT CO
PO BOX EE
TWIN FALLS ID 83301

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 1.500 CFS
489.00 AFY

PRIORITY DATE: 03/19/1968

POINT OF
DIVERSION:

T10S R17E S27 NWSWNE Within TWIN FALLS County
T10S R17E S27 NWSWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COOLING	01/01 12/31	0.400 CFS 289.00 AFY
IRRIGATION	04/01 10/15	1.100 CFS 200.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in TWIN FALLS County

T10S R17E S27 SWNE 25.00 T10S R17E S27 SENE 30.00

COOLING in TWIN FALLS County

T10S R17E S27 NENE

55 ACRES TOTAL

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 County Records Office as Instrument No. 2009-013777.

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

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.