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IDWR/North

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 73-12124

Case No. 39576

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.

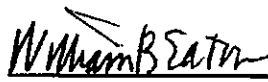
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Five E Group LLLP

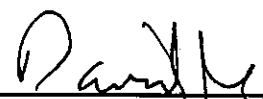
OBJECTOR:

United States of America


Five E Group LLLP
Pro Se

6/14/09

Date


David Negri, Attorney
Bureau of Land Management

7/2/09

Date

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

6-08-09

Date


Chris Bromley
Deputy Attorney General
Attorney for IDWR

6/2/09

Date

06/08/2009

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

RIGHT NUMBER: 73-12124

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GOLDBURG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.600 CFS

~~The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).~~

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above below.

PRIORITY DATE: 04/18/1905

POINT OF DIVERSION:

T12N R24E S5 SWNW Lot 7 Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.600 CFS
PLACE OF USE: IRRIGATION in CUSTER County		
T12N R23E S03 Lot 1 NENE	21.00	T12N R23E S03 Lot 2 NWNE 39.00
T12N R23E S03 SWNE	2.40	T12N R23E S03 Lot 3 NENW 28.00
T12N R23E S03 Lot 4 NWNW	0.10	T13N R23E S34 NESW 40.00
T13N R23E S34 NWSW	20.00	T13N R23E S34 SWSW 20.00
T13N R23E S34 SESW	40.00	T13N R23E S34 NESE 35.70
T13N R23E S34 NWSE	40.00	T13N R23E S34 SWSE 40.00
T13N R23E S34 SESE	40.00	T13N R23E S35 SWSW 12.00

378.2 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

~~Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.~~

~~Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.~~

~~The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.~~

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.

~~Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

W34
EP
B
DN
NB

CERTIFICATE OF MAILING

I certify that on 07/02, 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:

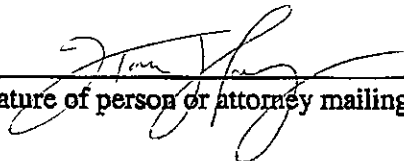
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706



Signature of person or attorney mailing form