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MAY 06 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 14 2010

By _____ Clerk
_____ Deputy Clerk

**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	)	Subcase No.: 37-564
	)	
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 initialling each of the attached pages.

CLAIMANT/ OBJECTOR

Robert E. Williams III
Attorney for Lita West

Date

IDWR CONCURRENCE:

Douglas Jones
Technical Engineer 1

Date

IDWR CONCURRENCE:

Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

Date

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

RIGHT NUMBER: 37-564

NAME AND ADDRESS:

LITA WEST
PO BOX 100 PG-BOX-867
CAREY ID 83320 BELLEVUE ID 83313

SOURCE: LITTLE WOOD RIVER Tributary: MALAD RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/30/1882

POINT OF DIVERSION:

T01N R21E S30 NWSWB Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County
T01S R20E S13 Lot 1 NENE 4.1
T01S R20E S13 NENE 34.0
T01S R20E S13 SENE 8.3
T01S R20E S13 Lot 2 SENE 18.0
T01S R20E S13 Lot 3 NESE 8.7

T01S R21E S17 SESE 5.6

T01S R21E S18 Lot 3 NWSW 8.8
T01S R21E S18 Lot 4 SWSW 43.0
T01S R21E S18 SESW 36.0
T01S R21E S18 SWSW 12.0
T01S R21E S19 NENE 16.0
T01S R21E S19 NENE 29.0
T01S R21E S19 SENE 34.0
T01S R21E S19 SENE 37.0
T01S R21E S19 NENW 18.0
T01S R21E S19 Lot 1 NENW 28.0
T01S R21E S19 Lot 2 SENE 8.6
T01S R21E S19 SENE 16.0
T01S R21E S19 NESE 16.0
T01S R21E S20 NENE 16.0
T01S R21E S20 NENE 8.1
T01S R21E S20 SENE 40.0
T01S R21E S20 SENE 40.0
T01S R21E S20 NENW 14.0
T01S R21E S20 NENW 15.0

T01S R21E S20 NENE 14.0

Handwritten: J/ CB
New

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

T01S R21E S20 SWSW 40.0
T01S R21E S20 SESE 40.0
T01S R21E S20 NESW 40.0
T01S R21E S20 NWSW 40.0
T01S R21E S20 SESE 19.0
T01S R21E S20 SESE 24.0
T01S R21E S20 NESE 40.0
T01S R21E S20 NNESE 40.0
T01S R21E S20 SESE 16.0
T01S R21E S20 SESE 13.0

840.6 ACRES TOTAL

440.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 495 acres in a single irrigation season. Combined Right Nos.: 37-563, 37-564, 37-565, and 37-2595.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 37-563 & 37-565 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 37-563 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.

Handwritten signature/initials

CERTIFICATE OF SERVICE

I certify that on May 13, 2010, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Robert E. Williams III
Williams Meserby
P.O. Box 168
Jerome, ID 83338-0168

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Teri Harris

Signature of person or attorney mailing the form