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DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 23 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**

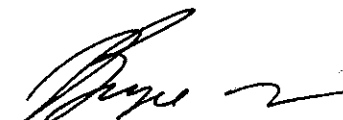
In Re SRBA	)	Subcase No. 63-32480
	)	<i>Uncontested Overlapping Right</i>
	)	<i>to 63-31937</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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:
Drainage Dist. No. 2

 _____ S. Bryce Farris Attorney for Claimant	6/14/10 _____ Date
--	--------------------------

DWR Concurrency:

Jan Shurte 6-17-10
Adjudication Supervisor Date

Nicholas B. Spencer 6-10-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-32480

NAME AND ADDRESS: DRAINAGE DISTRICT-NO 2 OF ~~ADA COUNTY~~
C/O BRYCE FARRIS
RINGERT LAW ~~RINGERT-CLARK CHARTERED~~
PO BOX 2773
BOISE ID 83701

SOURCE: UNNAMED DRAINS TRIBUTARY: BOISE RIVER

QUANTITY: 50.000 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION:

T04N R01W S5 NWSWSW Within ADA County

T04N R02W S10 SWNWSE Within CANYON County

This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SNNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	50.000 CFS

PLACE OF USE:

~~9381.5 ACRES TOTAL~~

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the digital boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the digital boundaries of the Canyon County Water Co Ltd.

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.

~~The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the boundaries of the Canyon County Water Co Ltd.~~

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

NBS
SBF
Q

CERTIFICATE OF MAILING

I certify that on June 22, 2010, 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:

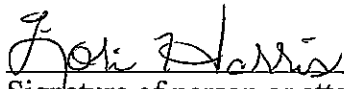
1. Original to:

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:

Drainage Dist. No. 2
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney