

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. 47-17104
(Split from 47-7464)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

NOV 10 2010

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.

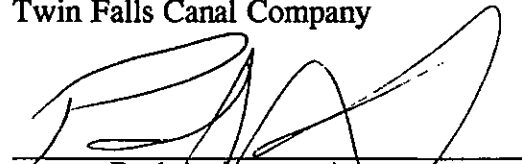
CLAIMANT:

Robert & Kathi Meyers Ltd.


Michael Creamer, Attorney Date

OBJECTORS:

Twin Falls Canal Company


Paul Arrington, Attorney

07/21/2010

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

RIGHT NUMBER: 47-17104

NAME AND ADDRESS: ROBERT & KATHI MEYERS LTD FAMILY PARTNERSHIP
3024 WOODRIDGE DRIVE
TWIN FALLS ID 83301

SOURCE: CEDAR DRAW

TRIBUTARY: SNAKE RIVER

The source of this right includes waste water. All waste water is subject to the right of the original appropriator, in good faith and in compliance with state laws, including 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 before it becomes part of the public water supply.

Prior to the diversion and use of water under this approval, the right holder shall comply with all Idaho Department of Fish and Game permitting and/or fish screening and/or fish passage requirements.

QUANTITY: 5.000 CFS

Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

PRIORITY DATE: 03/06/1978

POINT OF DIVERSION:

T09S R15E S14 NWSWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	5.000 CFS

PLACE OF USE: RECREATION in TWIN FALLS County

T09S R15E S12 Lot 6 NESW	T09S R15E S12 Lot 10 NWSW
T09S R15E S12 SWSW	T09S R15E S12 SESW

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

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

The right holder shall accomplish the change authorized by this transfer within one (1) year 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.

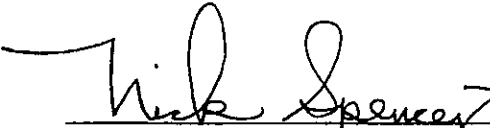
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

IDWR Concurrence:


Steve Clelland
Senior Water Agent

9/13/10
Date


Nicholas Spencer
Deputy Attorney General

9-13-10
Date

CERTIFICATE OF MAILING

I certify that on Nov 9, 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:

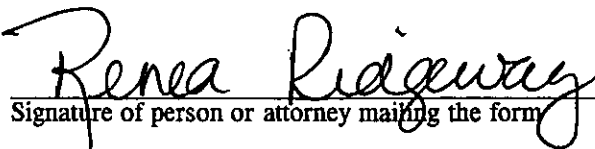
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

ROBERT & KATHI MEYERS LTD
FAMILY PARTNERSHIP
3024 WOODRIDGE DRIVE
TWIN FALLS, ID 83301

Twin Falls Canal Company
Represented by Paul Arrington
PO Box 485
Twin Falls, ID 83303-0485

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


Signature of person or attorney mailing the form