

101

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

APR 20 2011

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 Case No. 39576 _____	)))))))	Subcase No. 79-14233 (Split from 79-4001) STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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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(s):
 Killgore's Salmon River Fruit Co.

_____ S. Bryce Farris, Attorney	Date	4/4/11
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IDWR Concurrence:

 4-18-11
Carter Fritschle Date
Water Rights Adjudication Section Manager

 4/18/11
Andrea L. Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on April 19, 2011, 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

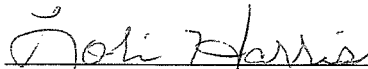
2. Copies to:

DARYL K MULLINIX
LINDA L MULLINIX
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

KILLGORE'S SALMON RIVER
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

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

Courtesy Copy:
Linda & Daryl Mullinix
521 Park St.
Grangeville, ID 83530



Signature of person mailing the form

12/09/2010

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

RIGHT NUMBER: 79-14233

NAME AND ADDRESS: KILLGORES SALMON RIVER FRUIT CO
3252 WATER FRONT DR
WHITE BIRD ID 83554

SOURCE: JOE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.200 CFS

Right Nos. 79-14231 and 79-14233 are limited to a total combined diversion rate of 2.20 cfs and to a total combined annual diversion volume of 440.0 AF.

PRIORITY DATE: 04/01/1965

POINT OF
DIVERSION:

T27N R01E S23 NWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	02/15 11/30	2.200 CFS
PLACE OF USE:	<u>IRRIGATION in IDAHO County</u>		
	T27N R01E S23 NENE	3.60 T27N R01E S23 Lot 1 NENE	31.00
	T27N R01E S23 NWNE	5.20 T27N R01E S23 Lot 5 NWNE	6.50
	T27N R01E S23 SWNE	1.00 T27N R01E S23 Lot 5 SWNE	16.70
	T27N R01E S23 Lot 6 SENE	19.00 T27N R01E S24 NWNW	1.00
	T27N R01E S24 Lot 2 NWNW	14.00 T27N R01E S24 Lot 2 SWNW	12.00

110 ACRES TOTAL

Right Nos. 79-14231 and 79-14233 are limited to the irrigation of a combined total of 110 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 - Beneficial Use

This right is a split from former right no. 79-4001.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.