

103
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
County of Twin Falls - State of Idaho

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**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. 27-12180

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.

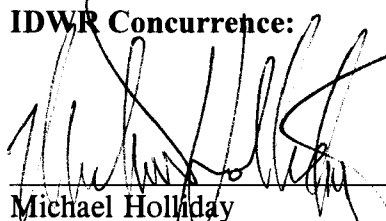
The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Gemco Limited Partnership

Robert L. Harris Oct. 28, 2011
Robert L. Harris Date
Attorney for Claimant/Objector

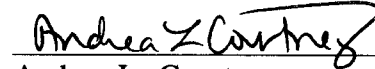
IDWR Concurrence:



Michael Holliday
Senior Water Resource Agent

11/3/2011

Date



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

10/19/11

Date

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

RIGHT NUMBER: 27-12180

NAME AND ADDRESS: GEMCO LIMITED PARTNERSHIP
PO BOX 4026
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS
27.10 AFY ~~19.000 AFY~~

PRIORITY DATE: 09/30/1905

POINT OF
DIVERSION:

T02S R35E S35 NESW Within BINGHAM County
T02S R35E S35 NESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.760 CFS ~~18.40 AFY~~ 26.50 AFY
COMMERCIAL	01/01 12/31	0.040 CFS 0.60 AFY

Industrial use is for production of liquid fertilizer.

Commercial use is for an office.

PLACE OF USE: INDUSTRIAL in BINGHAM County

T02S R35E S35	SENW	T02S R35E S35	NESW
T02S R35E S35	NWSW		

COMMERCIAL in BINGHAM County

T02S R35E S35	NESW
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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 remainder of this water use was forfeited for non-use from 1949 to 2007.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on November 10, 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:

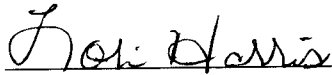
1. Original to:

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:

GEMCO LIMITED PARTNERSHIP
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

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



Signature of person or attorney