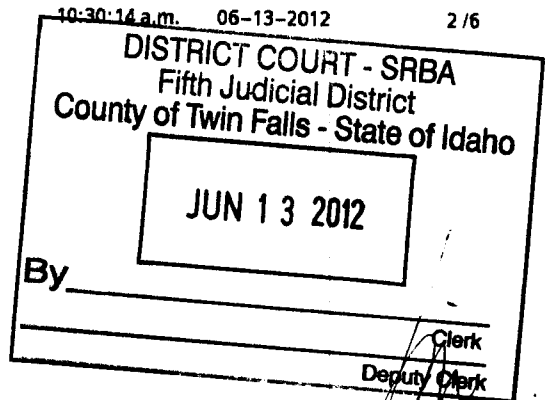




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

SUBCASE NO: 02-10300
(SPLIT INTO 02-10300A & 02-10300B)

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. 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; and 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.

To resolve the objection, the whole of water right 02-10300 was split into two water rights and renumbered as 02-10300A and 02-10300B. The parties and IDWR agree and stipulate that water right 02-10300 should be disallowed. Water rights 02-10300A and 02-10300B now supersede right 02-10300. The parties and IDWR have further have indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANT/OBJECTOR:

Cottonwood Mutual Canal Company

Daniel V. Steenson 6-12-12
Daniel V. Steenson, Attorney Date

OBJECTOR:

Black Mesa Farms, LLC

Michael C. Creamer 6/13/12
Michael C. Creamer, Attorney Date

IDWR CONCURRENCE:

Carter Fritschle 6-13-12
Carter Fritschle Date
Senior Water Resource Agent

IDWR CONCURRENCE:

Garrick L. Baxter 6/13/12
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

Standard Form 5 02-10300 (Now 02-10300A & 02-10300B)

06/12/2012

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
2-10300	BLACK MESA FARMS LLC PO BOX 82 GLENNS FERRY ID 83623 COTTONWOOD MUTUAL CAVAL CO C/O RINGERT CLARK CHARTERED PO BOX 2773 BOISE ID 83701 WESLEY R WOOTAN PO BOX 836 GLENNS FERRY ID 83623 CHRISTINE W WOOTAN PO BOX 836 GLENNS FERRY ID 83623 DON J BRYANT PO BOX 215 GLENNS FERRY ID 83623 BRENDA BRYANT PO BOX 215 GLENNS FERRY ID 83623	Disallowed	Recommended as Right Nos. 2-10300A and 2-10300B.

MCC
DKS
AB
ct

06/12/2012

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

RIGHT NUMBER: 2-10300A

NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGBERT STARR LAM CHARTERED
PO BOX 2773
BOISE ID 83701

CHRISTINE N. MOOTAN
PO BOX 636
GLENN FERRY ID 83623

BLACK HERR-PAINE LLC
PO BOX 82
GLENN FERRY ID 83623

WESLEY R. MOOTAN
PO BOX 636
GLENN FERRY ID 83623

DON J. BRYANT
PO BOX 215
GLENN FERRY ID 83623

BRENDA BRYANT
PO BOX 215
GLENN FERRY ID 83623

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.000 CFS
1,338.95 AFY

~~The rights listed below are limited to a total combined diversion rate of 80.24 cfs. Combined Right Nos. 2-103, 2-1021, and all parts of base right 2-2000 including 2-2000B, 2-2000C, 2-2000D, 2-10107, 2-10109, 2-10109, 2-10109, 2-10109, 2-10200, 2-10200 and 2-10300.~~

Right nos. 2-10300A and 2-10300B are limited to a total combined diversion rate of 8.00 cfs and a total combined annual diversion volume of 1800.0 AFY.

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION:

T06S R11E S9 NWSW Lot 6 Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	8.000 CFS 1,338.95 AFY
PLACE OF USE: IRRIGATION in ELMORE County		
T06S R10E S14 NENE	40.00	T06S R10E S14 NENE 40.00
T06S R10E S14 SENE	40.00	T06S R10E S14 SENE 40.00
T06S R10E S14 NWNW	40.00	T06S R10E S14 NWNW 40.00
T06S R10E S14 SWNW	40.00	T06S R10E S14 SWNW 40.00
T06S R10E S14 NBSW	39.00	T06S R10E S14 NBSW 39.00
T06S R10E S14 NWSB	10.00	

428 ACRES TOTAL

~~this right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.~~

AVS
HCE
JB
CF

06/12/2012

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

RIGHT NUMBER: 2-10300B

NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGERT LAW CHARTERED
PO BOX 2773
BOISE ID 83701

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.000 CFS

Right nos. 2-10300A and 2-10300B are limited to a total combined diversion rate of 8.00 cfs and a total combined annual diversion volume of 1600.0 AF.

PRIORITY DATE: 05/10/1965

POINT OF DIVERSION:

T06S R11E S9 N4SW Lot 6 Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

8.000 CFS

PLACE OF USE:

IRRIGATION in ELMORE County

T06S R10E S14	N4NW	40.00	T06S R10E S14	N4NE	40.00
T06S R10E S14	S4NE	40.00	T06S R10E S14	S4NE	40.00
T06S R10E S14	N4NW	40.00	T06S R10E S14	N4NW	40.00
T06S R10E S14	S4NW	40.00	T06S R10E S14	S4NW	40.00
T06S R10E S14	N4SW	39.00	T06S R10E S14	N4SW	39.00
T06S R10E S14	N4SE	30.00			

428 ACRES TOTAL

Right nos. 2-10300A and 2-10300B are limited to the irrigation of 400 acres within the place of use described above 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

KCC
DVS
JO
CT

CERTIFICATE OF SERVICE

I certify that on JUNE 13, 2012, 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

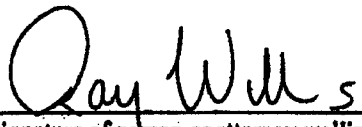
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Daniel V. Steenson
Ringert Law, Chtd.
P.O. Box 2773
Twin Falls, ID 83301

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

Michael C. Creamer
Givens Pursley, LLP
P.O. Box 2720
Boise, ID 83701-2720

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



Signature of person or attorney mailing the form