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Department of Water Resources
Adjudication Bureau

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JUN 03 1996

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	)	Sub-case No. 57-02203A
	)	(Water Right No. 57-02203)
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 57-02203A.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), the J.R. Simplot Company, and Little Valley Mutual Irrigation Company (the Claimant) stipulate and agree that:

1. The Standard Form 5 for Subcase no. 57-02203A (and water right no. 57-02203), attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed to by IDWR and the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of

resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for resolution, either through settlement or litigation, of any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 31 day of May, 1996.

Sam Ward president
~~Brad Fowers~~ SAM WARD, President
Little Valley Mutual Irrigation Co.
P.O. Box 160
Grandview, ID 83624

Dated this 31 day of MAY, 1996.

J.R. SIMPLOT COMPANY

By *Gray A. Young*
Gray A. Young, ASSISTANT GENERAL COUNSEL
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707-0027

Dated this 17th day of May, 1996.

Charles L. Honsinger

Charles L. Honsinger
Deputy Attorney General
Idaho Department of Water Resources

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

) STANDARD FORM 5
)
)

) SUBCASE NO: 57-02203A
) (Water Right No. 57-02203)
) (ONE NUMBER ONLY)
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

This form is used to report the stipulated elements of one water right under state law or one water right acquired under 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; 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.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

WATER RIGHT NUMBER:

IDWR and the parties stipulate that the correct water right number for this right is 57-02203. It is not 57-02203A.

This stipulation is intended to resolve any confusion that may arise regarding the proper number for this water right. Both Little Valley Mutual Irrigation Co. and J.R. Simplot Co. filed claims to water right no. 57-02203. To avoid confusion, IDWR designated the claim by J.R. Simplot Co. as 57-02203 and the claim by Little Valley Mutual Irrigation Co. as 57-02203A. In the Director's Report for Reporting Area 2 (Basin 57), IDWR recommended a water right in the name of J.R. Simplot Co. (57-02203) and recommended disallowal of the claim by Little Valley Mutual Irrigation Co. (57-02203A). Little Valley Mutual Irrigation Co. subsequently filed an objection to the recommended disallowal of their claim, thus creating subcase no. 57-02203A. Through the objection and negotiation process, IDWR and the parties were able to address the merits of the dispute and resolve their differences. The concern now is that the proper water right number be assigned to the claimant's water right.

IDWR and the parties agree that the correct number should be 57-02203. This is appropriate for two reasons. First, IDWR has a notice of claim in the name of Little Valley Mutual Irrigation Co. on file for this water right under no. 57-02203. Adding another number (i.e. 57-02203A) to identify the same right would create confusion for those who rely on IDWR's data base. Second, a change in water right numbers would force IDWR to change its recommendation to allow claim no. 57-02203 and disallow 57-02203A. Therefore, for the convenience of IDWR, the parties and those who rely on IDWR's database, the correct number to represent this water right is 57-02203. For these same reasons, 57-02203A should remain disallowed.

1. The **name and address** of the claimant are:

LITTLE VALLEY MUTUAL IRRIGATION COMPANY
C/O BRAD FOWERS
P.O. BOX 160
GRANDVIEW, ID 83624

Required Statement: IDWR and the parties stipulate that this is the correct description of the name and address of the claimant.

2. The **source** of water is:

GROUNDWATER

Required Statement: IDWR and the parties stipulate that this is the correct description of the source of the water.

3. The **quantity** of water used in cubic feet per second (CFS) or the quantity of water stored in acre-feet per year (AFY) is:

IRRIGATION	2.04 CFS
DOMESTIC	0.04 CFS
TOTAL	2.04 CFS

THIS RIGHT AND RIGHT NO. 57-02202 ARE LIMITED TO A COMBINED TOTAL ANNUAL DIVERSION VOLUME OF 1372.5 AFY.

Required Statement: IDWR and the parties stipulate that this is the correct description of the quantity of water used.

4. The **priority date** is:

05/14/1952

Required Statement: IDWR and the parties stipulate that this is the correct description of the priority date.

5. The legal description of the **point(s) of diversion**; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T06S R04E S14 SWNWNE

Required Statement: IDWR and the parties stipulate that this is the correct description of the point of diversion. The claim is not for an instream flow.

6. The **purpose of use** is:

IRRIGATION
DOMESTIC

Required Statement: IDWR and the parties stipulate that this is the correct description of the purpose of use.

7. The period of year when the water is to be used:

IRRIGATION	03-15 TO 11-15
DOMESTIC	01-01 TO 12-31

Required Statement: IDWR and the parties stipulate that this is the correct description of the period of year when the water is to be used.

8. The legal description of the place of use or of the reservation is:

T06S	R04E	S10	SWSW	39	ACRES
T06S	R04E	S10	SESW	31	ACRES
T06S	R04E	S10	SWSE	39	ACRES
T06S	R04E	S10	SESE	39	ACRES
T06S	R04E	S11	SWNW	39	ACRES
T06S	R04E	S11	NESW	26	ACRES
T06S	R04E	S11	NWSW	39	ACRES
T06S	R04E	S11	SWSW	39	ACRES
T06S	R04E	S11	SESW	26	ACRES
T06S	R04E	S11	SESE	35	ACRES
T06S	R04E	S13	NWNW	35	ACRES
T06S	R04E	S13	SWNW	26	ACRES
T06S	R04E	S13	SESW	23	ACRES
T06S	R04E	S13	NESW	39	ACRES
T06S	R04E	S13	SESW	31	ACRES
T06S	R04E	S13	SWSE	21	ACRES
T06S	R04E	S14	NENE	6	ACRES
T06S	R04E	S14	NWNE	31	ACRES
T06S	R04E	S14	SWNE	40	ACRES
T06S	R04E	S14	NENW	37	ACRES
T06S	R04E	S14	NWNW	39	ACRES
T06S	R04E	S14	SWNW	39	ACRES
T06S	R04E	S14	SESW	29	ACRES
T06S	R04E	S14	NESW	34	ACRES
T06S	R04E	S14	NWSW	39	ACRES
T06S	R04E	S14	SWSW	40	ACRES
T06S	R04E	S14	SESW	30	ACRES
T06S	R04E	S15	NENE	36	ACRES
T06S	R04E	S15	NWNE	27	ACRES
T06S	R04E	S15	SWNE	39	ACRES
T06S	R04E	S15	SENE	38	ACRES
T06S	R04E	S15	NENW	37	ACRES
T06S	R04E	S15	NWNW	39	ACRES
T06S	R04E	S15	SWNW	38	ACRES
T06S	R04E	S15	SESW	39	ACRES
T06S	R04E	S15	NESW	40	ACRES
T06S	R04E	S15	NWSW	40	ACRES
T06S	R04E	S15	SWSW	40	ACRES
T06S	R04E	S15	SESW	37	ACRES

T06S	R04E	S15	NESE	39	ACRES
T06S	R04E	S15	NWSE	39	ACRES
T06S	R04E	S15	SWSE	39	ACRES
T06S	R04E	S15	SESE	39	ACRES
T06S	R04E	S16	NENE	40	ACRES
T06S	R04E	S16	NWNE	40	ACRES
T06S	R04E	S16	SWNE	40	ACRES
T06S	R04E	S16	SENE	36	ACRES
T06S	R04E	S16	NENW	40	ACRES
T06S	R04E	S16	NWNW	40	ACRES
T06S	R04E	S16	SWNW	40	ACRES
T06S	R04E	S16	SENW	40	ACRES
T06S	R04E	S16	NESW	32	ACRES
T06S	R04E	S16	NWSW	32	ACRES
T06S	R04E	S16	SESW	23	ACRES
T06S	R04E	S16	NESE	40	ACRES
T06S	R04E	S16	NWSE	14	ACRES
T06S	R04E	S16	SWSE	39	ACRES
T06S	R04E	S16	SESE	39	ACRES
T06S	R04E	S22	NENE	40	ACRES
T06S	R04E	S22	NWNE	40	ACRES
T06S	R04E	S22	SWNE	37	ACRES
T06S	R04E	S22	SENE	37	ACRES
T06S	R04E	S22	NWNW	40	ACRES
T06S	R04E	S22	NESW	40	ACRES
T06S	R04E	S22	NWSW	40	ACRES
T06S	R04E	S22	SWSW	31	ACRES
T06S	R04E	S22	SESW	40	ACRES
T06S	R04E	S22	NESE	37	ACRES
T06S	R04E	S22	NWSE	37	ACRES
T06S	R04E	S22	SWSE	40	ACRES
T06S	R04E	S22	SESE	40	ACRES
T06S	R04E	S23	NENE	29	ACRES
T06S	R04E	S23	NWNE	39	ACRES
T06S	R04E	S23	SWNE	39	ACRES
T06S	R04E	S23	SENE	39	ACRES
T06S	R04E	S23	NENW	40	ACRES
T06S	R04E	S23	NWNW	40	ACRES
T06S	R04E	S23	SWNW	40	ACRES
T06S	R04E	S23	SENW	40	ACRES
T06S	R04E	S23	NESW	38	ACRES
T06S	R04E	S23	NWSW	39	ACRES
T06S	R04E	S23	SWSW	39	ACRES
T06S	R04E	S23	SESW	39	ACRES
T06S	R04E	S23	NESE	39	ACRES
T06S	R04E	S23	NWSE	39	ACRES
T06S	R04E	S23	SWSE	37	ACRES
T06S	R04E	S23	SESE	38	ACRES
T06S	R04E	S24	SWNW	33	ACRES
T06S	R04E	S24	NESW	40	ACRES
T06S	R04E	S24	NWSW	40	ACRES

T06S	R04E	S24	SWSW	39	ACRES
T06S	R04E	S24	SESW	39	ACRES
T06S	R04E	S24	NWSE	40	ACRES
T06S	R04E	S24	SWSE	39	ACRES
T06S	R04E	S26	NWNE	37	ACRES
T06S	R04E	S26	SWNE	39	ACRES
T06S	R04E	S26	NENW	37	ACRES
T06S	R04E	S26	NWNW	40	ACRES
T06S	R04E	S26	SWNW	40	ACRES
T06S	R04E	S26	SENW	39	ACRES
T06S	R04E	S26	NESW	39	ACRES
T06S	R04E	S26	NWSW	40	ACRES
T06S	R04E	S26	SWSW	38	ACRES
T06S	R04E	S26	SESW	38	ACRES
T06S	R04E	S26	NWSE	39	ACRES
T06S	R04E	S26	SWSE	38	ACRES
T06S	R04E	S27	NENE	40	ACRES
T06S	R04E	S27	NWNE	37	ACRES
T06S	R04E	S27	SWNE	39	ACRES
T06S	R04E	S27	SENE	40	ACRES
T06S	R04E	S27	NENW	40	ACRES
T06S	R04E	S27	NWNW	34	ACRES
T06S	R04E	S27	NESE	40	ACRES
T06S	R04E	S27	SESE	40	ACRES

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 235.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHTS HAVE BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT, RIGHT NO. 57-02202 AND THE BASIN 02 RIGHTS. USE OF THIS RIGHT WITH RIGHT NO. 57-02202, AND THE AFOREMENTIONED BASIN 02 RIGHTS IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4189 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: IDWR and the parties stipulate that the place of use is located in Owyhee County, Idaho. IDWR and the parties stipulate that Little Valley Mutual Irrigation Company does not hereby waive any claim to the full diversion rate licensed under any Basin 02 rights owned by Little Valley Mutual Irrigation Company.

9. The annual volume of consumptive use is:

822.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 57-02202, AND THE AFOREMENTIONED BASIN 02 RIGHTS IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE VOLUME OF 14,661.5 AFY.

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

10. Other matters necessary to define this water right:

NONE.

These matters are necessary because:

These matters do not fall within the 9 elements listed above because: Not Applicable

Signatures and Addresses of Parties and their Attorney of Record
(attach additional page if necessary):

I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name: Little Valley Mutual Irrigation Co.

Address: P.O. Box 160

City/State: Grandview, ID 83624

Attorney of Record: Daniel V. Steenson

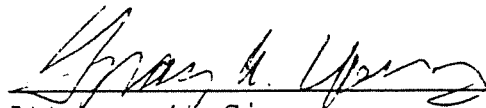
 5/31/86
Attorney's Signature Date

Name: J.R. Simplot Company

Address: P.O. Box 27

City/State: Boise, ID 83707-0027

Attorney of Record: Gray A. Young

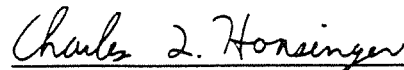
 5/31/96
Attorney's Signature Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Charles L. Honsinger

 05/31/96
Attorney's Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on May 31, 1996, 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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

Daniel V. Steenson
Ringert Clarke
P.O. Box 2773
Boise, ID 83701-2773

Gray A. Young
J.R. Simplot Co.
P.O. Box 27
Boise, ID 83707



Signature of person or attorney mailing the form