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FEB - 6 2003

Department of Water Resources



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February 5, 2003

Clerk of the Court
Attn: Janet
Snake River Basin Adjudication
PO Box 2707 - 253 3rd Ave N
Twin Falls ID 83303-2707

Re: *Water Rights Nos. 37-12831; 37-12832; 37-12833; 37-20858; 37-20859; 37-20860; 37-20861 and 37-20862*

Dear Clerk:

Please find enclosed the SF5s for Water Rights Nos. 37-12831; 37-12832; 37-12833; 37-20858; 37-20859; 37-20860; 37-20861 and 37-20862. The filing of the enclosed SF5s effectively resolves the objections of Big Sky Dairy with regard to the partial decrees issued for Water Rights Nos. 37-12831; 37-12832 and 37-12833. Please see that the enclosed SF5s are appropriately filed. Thank you for your courtesies.

Very truly yours,

FREDERICKSEN, WILLIAMS & MESERVY



ROBERT E. WILLIAMS

REW/bsb

Encl.

cc: Nicolas Spencer
Carter Fritschle
Chuck Brockway, Jr.
Client

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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: 37-12831
	)	
	)	
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.

The Director's Report for water right no. 37-12831 recommended only a portion of what was claimed under claim no. 37-12831. The balance of claim no. 37-12831 is being recommended as water right no. 37-20862 and an SF5 for 37-20862 is being filed herewith. Together, the SF5s of 37-12831 and 37-20862 resolve the claimant's objection to 37-12831. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The only change made to the original recommendation is the addition of a combined use remark under the quantity element which links water right no. 37-12831 and 37-20862. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Robert E. Williams 01/15/03
Robert E. Williams Date
Attorney for Big Sky Dairy.

IDWR CONCURRENCE:

<u>Carter Fritschle</u> <u>1-30-03</u>		<u>Nicholas B. Spencer</u> <u>1-30-03</u>
Carter Fritschle	Date	Nicholas B. Spencer (As to Form)
Adjudication Supervisor, IDWR		Attorney for IDWR

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

RIGHT NUMBER: 37-12831
NAME AND ADDRESS: BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS

RIGHT NOS. 37-12831 AND 37-20862 ARE LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

CA
NBS
New

PRIORITY DATE: 01/01/1940

POINT OF DIVERSION:

T05S R15E S21 SENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T05S R15E S21 NESW

DOMESTIC Within GOODING County

T05S R15E S21 NESW

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 QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A PORTION OF OLD RIGHT NO. 37-4334.

CERTIFICATE OF MAILING

I certify that on February 5, 2003 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

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

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Signature of person or attorney mailing the form