

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

SEP 17 2002

By \_\_\_\_\_ Clerk  
DISTRICT OF THE \_\_\_\_\_  
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.: 36-19B**

**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 per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Patrick D. Brown Date  
Attorney for Kingston Properties L.P.

Man J. Howard Date  
Attorney for North Snake Ground  
Water District

Maria Yvonne Anderson Date

|                      |                |                     |                |
|----------------------|----------------|---------------------|----------------|
| <u>Steve Chellum</u> | <u>8/23/02</u> | <u>Wick Spencer</u> | <u>8-22-02</u> |
| IDWR Concurrence     | Date           | Approved as to form | Date           |
|                      |                | Attorney for IDWR   |                |

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

08/21/2002

SEP 11 2002

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

RIGHT NUMBER: 36-19B

NAME AND ADDRESS: KINGSTON PROPERTIES LP  
477 SHOUP AVE STE 207  
IDAHO FALLS ID 83402

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.92 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR  
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY  
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION:

T07S R13E S11 SESENE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE   | PERIOD OF USE | QUANTITY  |
|------------------|---------------|-----------|
| FISH PROPAGATION | 01/01 12/31   | 1.920 CFS |
| IRRIGATION       | 02/15 11/30   | 1.920 CFS |
| STOCKWATER       | 01/01 12/31   | 0.050 CFS |

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS  
SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH PRIORITY  
DATES OF AUGUST 15, 2002, OR EARLIER.

PLACE OF USE: FISH PROPAGATION Within GOODING County

|               |      |                          |
|---------------|------|--------------------------|
| T07S R13E S27 | SWNW | T07S R13E S28 Lot 4 SWNE |
| T07S R13E S28 | SENE |                          |

IRRIGATION Within GOODING County

|                          |      |      |                          |      |      |
|--------------------------|------|------|--------------------------|------|------|
| T07S R13E S27            | SWNW | 24.0 | T07S R13E S27            | NWSW | 9.0  |
| T07S R13E S28 Lot 4 SWNE |      | 9.0  | T07S R13E S28            | SENE | 25.0 |
| T07S R13E S28            | NESE | 40.0 | T07S R13E S28 Lot 5 NWSE |      | 22.0 |

STOCKWATER Within GOODING County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T07S R13E S27            | SWNW | T07S R13E S27            | NWSW |
| T07S R13E S28 Lot 4 SWNE |      | T07S R13E S28            | SENE |
| T07S R13E S28            | NESE | T07S R13E S28 Lot 5 NWSE |      |

129 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 36-00003B, 36-00005B & 36-00019B.

08/21/2002

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

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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE PORTION OF THIS WATER RIGHT FOR FISH PROPAGATION PURPOSES SHALL NOT BE ASSERTED, DELIVERED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE IN ANY WAY OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE AND GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

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 FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

NBS

SCC

JB  
JPB  
mje

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

## CERTIFICATE OF SERVICE

I certify that on Sept 17, 2002, 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

Patrick D. Brown  
Hutchinson & Brown, LLP  
P.O. Box 207  
Twin Falls, ID 83303-0207

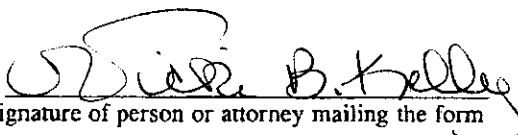
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

409 Matt J. Howard  
Beeman & Associates  
408 W. Jefferson  
Boise, ID 83702

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

Maria Yvonne Anderson  
1945 S. Weimaraner Way  
Meridian, ID 83642

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

  
Signature of person or attorney mailing the form