

COPY

RECEIVED

MAY 14 2002

Department of Water Resources

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

MAY - 8 2002

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

Clerk

Deputy Clerk

In Re SRBA

Subcase No.: 36-49

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

C. Nicholas Krema 4/16/02
C. Nicholas Krema Date
Deputy Attorney General, State of Idaho
Attorney for Idaho State Building Authority

John M. Marshall 4/30/02
John M. Marshall Date
Givens Pursley, LLP
Attorney for Cranney Bros.

Deborah E. Nelson 4/22/02
Deborah E. Nelson Date
Beeman & Associates, PC
Attorney for North Snake Ground Water Dist.


IDWR Concurrence
Steve Clelland
Sr. Water Resource Agent

4/2/02
Date


Approved as to form
Nicholas B. Spencer
Deputy Attorney General, State of Idaho
Attorney for IDWR

4-2-02
Date

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

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

MAY - 8 2002

By _____

SCC Clerk
RBS Clerk

RIGHT NUMBER: 36-49
NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: FLORENCE LIVESTOCK SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.580 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00048A & 36-15538.

DIVERSION OF THIS RIGHT AND THE DIVERSION OF THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 6.58 CFS DURING THE IRRIGATION SEASON. COMBINED RIGHTS NOS. 36-15532 & 36-15533. THE 6.58 CFS QUANTITY FOR IRRIGATION DESIGNATED UNDER THIS RIGHT IS BASED ON THE REASONABLE AMOUNT THAT WOULD BE NEEDED TO SUPPLY A SURFACE OR GRAVITY IRRIGATION SYSTEM. HOWEVER, THE ACTUAL MEANS OF IRRIGATION INVOLVES SPRINKLERS OR ANOTHER IRRIGATION METHOD THAT REQUIRES A SMALLER AMOUNT OF WATER. IN THE EVENT OF WATER SHORTAGE, A DELIVERY CALL FOR WATER, OR OTHER ACTION TO ADMINISTER WATER RIGHTS, THE WATER RIGHT HOLDER SHALL BE ENTITLED TO DIVERT NO MORE THAN THE QUANTITY REASONABLY NECESSARY AT THAT TIME. THIS QUANTITY MAY BE LESS THAN, AND SHALL NEVER BE GREATER THAN, THE 6.58 CFS QUANTITY. A DIVERSION SYSTEM THAT USES MORE THAN 0.026 CFS PER ACRE IS REASONABLE ONLY IF SUCH SYSTEM IS REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE DESCRIBED PLACE OF USE.

PRIORITY DATE: 04/01/1900

POINT OF
DIVERSION:

T07S R13E S12 SESENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02/15 11/30	6.580 CFS
STOCKWATER	01/01 12/31	0.070 CFS
DOMESTIC	01/01 12/31	0.060 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

STOCKWATER Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
---------------	------	---------------	------

DOMESTIC Within GOODING County

T07S R13E S11	NESE	T07S R13E S11	SESE
---------------	------	---------------	------

178.5 ACRES TOTAL

03/08/2002

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

USE OF THIS RIGHT WITH RIGHT NOS. 36-00048A & 36-15538 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGLE IRRIGATION SEASON.

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

A DIVERSION RATE OF NO MORE THAN 0.026 CFS PER ACRE OF THIS RIGHT MAY BE TRANSFERRED OR CHANGED SO AS TO CHANGE THE PLACE OF USE, PURPOSE OF USE, OR PERIOD OF USE THEREOF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

See
NBS
DEN
OK
Jmm

CERTIFICATE OF SERVICE

I certify that on May 6,, 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:

Office of the Attorney General
C. Nicholas Krema
P.O. Box 83720, Rm 207
Boise, ID 83720-0010

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

Deborah E. Nelson
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

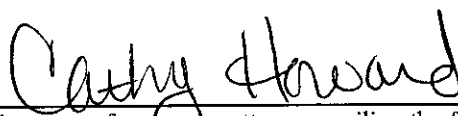
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83702

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

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

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



Signature of person or attorney mailing the form