

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: 37-12833
)
)
)

) 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. 37-12833 recommended only a portion of what was claimed under claim nos. 37-12832 and 37-12833. The balance of claim nos. 37-12832 and 37-12833 is being recommended as water right nos. 37-20858, 37-20859, 37-20860 and 37-20861. SF5s for subcase no. 37-12832 and for the additional rights, 37-20858, 37-20859, 37-20860 and 37-20861 are being filed herewith. Together, the SF5s of 37-12833 and 37-12832, 37-20858, 37-20859, 37-20860 and 37-20861 resolve the claimant's objection to 37-12833. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The changes made to the original recommendation on 37-12833 are the addition of a point of diversion, a change in the year of priority and the addition of a combined use remark under the quantity element which links water right no. 37-12833 to 37-12832, 37-20858, 37-20859, 37-20860 and 37-20861. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:


Robert E. Williams

2/5/03
Date

Attorney for Big Sky Dairy

IDWR CONCURRENCE:


Carter Fritschle

1-30-03
Date

Adjudication Supervisor, IDWR


Nicholas B. Spencer (As to Form)

1-30-03
Date

Attorney for IDWR

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

RIGHT NUMBER: 37-12833
NAME AND ADDRESS: BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS

RIGHT NOS. 37-12832, 37-12833, 37-20858, 37-20859, 37-20860 AND 37-20861
ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.21 CFS.

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

CA
NBS

PRIORITY DATE: ~~03/31/1978~~ 01/01/1977

POINT OF DIVERSION:

T05S R15E S16 SWSWSE Within GOODING County

T05S R15E S21 SWNWNE 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	0.170 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T05S R15E S16 SWSE

DOMESTIC Within GOODING County

T05S R15E S16 SWSE

T05S R15E S21 NWNE

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. 37-4335.

CERTIFICATE OF MAILING

I certify that on February 15, 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

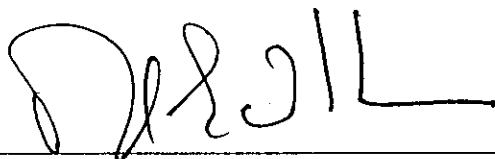
2. Copies to:

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

Robert E. Williams
Attorney for Big Sky Dairy
P.O. Box 168
Jerome, ID 83338

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



Signature of person or attorney mailing the form