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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

SUBCASE NO: 31-11600

Case No. 39576

STANDARD FORM 5

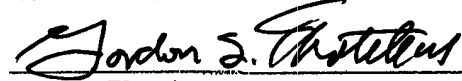
STIPULATED ELEMENTS OF A
WATER RIGHT

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 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.

CLAIMANT/ OBJECTOR:



Gordon Thatcher

Date 14 Mar 2002

Attorney for Don and Beverly Burtenshaw

IDWR CONCURRENCE:



3/14/02

~~Carter Fritschle~~

Roxanne Brown

Date

~~Adjudication Water Rights Supervisor, IDWR~~

3/13/02

Candice M. McHugh (As to Form)

Date

Attorney for IDWR

03/11/2002

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

RIGHT NUMBER: 31-11600

NAME AND ADDRESS: BEVERLY F BURTENSHAW

1603 N 1000 E

TERRETON ID 83450

DON M BURTENSHAW

1603 N 1000 E

TERRETON ID 83450-5033

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 13.150 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 25.36 CFS. COMBINED RIGHT NOS.: 31-124, 31-125,
31-126, 31-127, 31-128, 31-167, 31-238, 31-239 and 31-11600,

PRIORITY DATE: 05/01/1951

~~THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE
EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREASED AS ENLARGEMENTS PURSUANT TO
SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREASED AS ENLARGEMENTS
PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE
SUPERIOR RIGHT.~~

POINT OF
DIVERSION:

T09N R37E S9 NWNENE Within CLARK County
T09N R37E S17 NESWNE Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	13.150 CFS
STOCKWATER	04/01 10/31	0.580 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T09N R36E S01 Lot 2 NWNE	0.1	T09N R36E S01	SWNE	9.6
T09N R36E S01 Lot 3 NENW	5.0	T09N R36E S01 Lot 4 NWNW	SENW	5.9
T09N R36E S01	SWNW	T09N R36E S01	SESW	39.0
T09N R36E S01	NESW	T09N R36E S01	NWSW	40.0
T09N R36E S01	NWSW	T09N R36E S01	SESW	39.0
T09N R36E S01 Lot 6 NESE	14.0	T09N R36E S01	NWSE	34.0
T09N R36E S01	SWSE	T09N R36E S01 Lot 7 SESE	SESE	43.0
T09N R36E S12 Lot 1 NENE	42.0	T09N R36E S12	NWNE	40.0
T09N R36E S12	SWNE	T09N R36E S12 Lot 2 SENE	SENE	42.0
T09N R36E S12	NENW	T09N R36E S12	NWNW	33.0
T09N R36E S12	SWNW	T09N R36E S12	SESW	40.0
T09N R36E S12	NESW	T09N R36E S12	NWSW	36.0
T09N R36E S12	SWSW	T09N R36E S12	SESW	40.0
T09N R36E S12 Lot 3 NESE	42.0	T09N R36E S12	NWSE	40.0
T09N R36E S12	SWSE	T09N R36E S12 Lot 4 SESE	SESE	41.0
T09N R36E S13 Lot 1 NENE	42.0	T09N R36E S13	NWNE	27.0
T09N R36E S13	SWNE	T09N R36E S13 Lot 2 SENE	SENE	17.0
T09N R36E S13	NENW	T09N R36E S13	NWNW	40.0
T09N R36E S13	SWNW	T09N R36E S13	SESW	6.5
T09N R36E S13	NESW	T09N R36E S13	SESW	5.3
T09N R36E S13 Lot 3 NESE	40.0	T09N R36E S13	NWSE	32.0
T09N R36E S13	SWSE	T09N R36E S13 Lot 4 SESE	SESE	32.0
T09N R36E S24 Lot 1 NENE	10.0	T09N R36E S24	NWNE	26.0

SF5 31-11600

03/11/2002

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

T09N R37E S05	NWSW	8.1	T09N R37E S06	SWNE	1.7
T09N R37E S06 Lot 5	SNNW	4.9	T09N R37E S06	SENN	29.0
T09N R37E S06 Lot 5	SNNW	4.9	T09N R37E S06	SENN	29.0
T09N R37E S06	NESW	30.0	T09N R37E S06 Lot 6	NWSW	29.0
T09N R37E S06 Lot 7	SWSW	38.0	T09N R37E S06	SESW	41.0
T09N R37E S06	NESW	25.0	T09N R37E S06	NWSE	36.0
T09N R37E S06	SWSW	14.0	T09N R37E S06	SESE	0.3
T09N R37E S07	NNNW	0.5	T09N R37E S07	NENW	36.0
T09N R37E S07 Lot 1	NNNW	38.0	T09N R37E S07 Lot 2	SNNW	38.0
T09N R37E S07	SENN	28.0	T09N R37E S07	NESW	4.1
T09N R37E S07 Lot 3	NWSW	17.0	T09N R37E S07 Lot 4	SWSW	1.7
T09N R37E S07	SWSW	14.0	T09N R37E S07	SESE	9.3
T09N R37E S18	NENE	33.0	T09N R37E S18	NNNW	37.0
T09N R37E S18	SWNE	26.0	T09N R37E S18	SENE	19.0
T09N R37E S18	NENW	5.3	T09N R37E S18 Lot 1	NNNW	4.6
T09N R37E S18 Lot 2	SNNW	6.6	T09N R37E S18	SENN	11.0
T09N R37E S18	NESW	39.0	T09N R37E S18 Lot 3	NWSW	37.0
T09N R37E S18 Lot 4	SWSW	25.0	T09N R37E S18	SESW	19.0
T09N R37E S18	NESW	12.0	T09N R37E S18	NWSE	40.0
T09N R37E S18	SWSW	39.0	T09N R37E S18	SESE	31.0
T09N R37E S19	NENE	18.0	T09N R37E S19	NNNW	40.0
T09N R37E S19	SWNE	9.1	T09N R37E S19	SENE	3.9
T09N R37E S19	NENW	35.0	T09N R37E S19 Lot 1	NNNW	29.0
T09N R37E S19 Lot 2	SNNW	8.9	T09N R37E S19	SENN	7.3

STOCKWATER same as IRRIGATION

2382.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2382.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00124, 31-00125, 31-00126, 31-00127, 31-00128, 31-00167, 31-00238, 31-00239, 31-11600.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 857.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

~~THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 31-124, 31-125, 31-126, 31-127, 31-128, 31-167, 31-238, 31-239 PURSUANT TO SECTION 42-1426, IDAHO CODE.~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER IS FOR 3500 SHEEP, 2000 HEAD STOCK, 50 HORSES.

~~THIS RIGHT IS FOR AN ENLARGEMENT OF 857.8 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.~~

CERTIFICATE OF MAILING

I certify that on April 23, 2002 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

Gordon Thatcher
25 N. 2nd
P.O. Box 250
Rexburg, ID 83440-0250



Signature of person or attorney mailing the form