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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

Case No. 39576

Subcase No.: 36-133

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.

Ronda L. Crist 5-29-03
for Big Bend Irrigation, President Date
& Mining Co.

David Wascher 5-26-03
for Big Bend Irrigation, Sec. Date
& Mining Co.

David J. Barber 6/16/2003
David J. Barber Date
Attorney for Idaho Dept. of Fish & Game

Josephine P. Beeman Date
Josephine P. Beeman Date
Attorney for North Snake Ground
Water District, May Farms & Faulkner
Land & Livestock

JUN 17 2003

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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Ronda L. Crist 5-29-03
for Big Bend Irrigation, President Date
& Mining Co.

James Washburn 5-26-03
for Big Bend Irrigation, Sec. Date
& Mining Co.

David J. Barber Date
Attorney for Idaho Dept. of Fish & Game

Josephine P. Beeman
 Josephine P. Beeman Date 17
 Attorney for North Snake Ground
 Water District, May Farms & Faulkner
 Land & Livestock

17 June 2003

Steve Bell 6/5/03
IDWR Concurrence Date

Wick Spencer 6-5-03
Approved as to form Date
Attorney for IDWR

03/24/2003

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

RIGHT NUMBER: 36-133

NAME AND ADDRESS: BIG BEND IRRIGATION & MINING CO
C/O PAM WASCHER
PO BOX 334
HAGERMAN ID 83332-0334

SOURCE: UPPER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK

QUANTITY: 20.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 34.05 CFS INCLUDING CONVEYANCE LOSSES DURING THE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO 26.4 CFS FOR IRRIGATION USE, 1.03 CFS FOR STOCKWATER USE, 0.28 CFS FOR DOMESTIC USE AND 6.34 CFS FOR WILDLIFE USE.

USE OF THIS RIGHT WITH RIGHT NO. 36-192 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.31 CFS INCLUDING CONVEYANCE LOSSES DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT TOGETHER WITH ALL RIGHTS DELIVERED THROUGH THE BIG BEND DITCH SHALL NOT EXCEED 35 CFS.

NBS
sec
D/B

PRIORITY DATE: 12/17/1903

THE PORTION OF COMBINED WATER RIGHT NOS. 36-133 AND 36-192 IN EXCESS OF A TOTAL COMBINED DIVERSION RATE OF 19 CFS IS SUBORDINATED TO ALL GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

POINT OF DIVERSION:

T07S R13E S36 NWSESE Within GOODING County Source: UPPER TUCKER SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	1.030 CFS
DOMESTIC	01/01 12/31	0.280 CFS
WILDLIFE	02/15 11/30	6.340 CFS
WILDLIFE STORAGE	01/01 12/31	2.50 AFY
IRRIGATION	02/15 11/30	20.000 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T07S R13E S15	SWSW	T07S R13E S15	SESE
T07S R13E S16 Lot 6	SWSE	T07S R13E S16 Lot 6	SESE
T07S R13E S21 Lot 1	NENE	T07S R13E S21 Lot 1	NWNE
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
T07S R13E S22	NWNE	T07S R13E S22	SWNE
T07S R13E S22	SENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S22	SWNW
T07S R13E S22	SENE	T07S R13E S22	NESE
T07S R13E S22	NWSE	T07S R13E S22	SESE
T07S R13E S23	SWNW	T07S R13E S23	SENE

Water Right 36-133

03/24/2003

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

T07S R13E S23	NESW	T07S R13E S23	NWSW
T07S R13E S23	NWSE	T07S R13E S23	SWSE
T07S R13E S25	SWSW	T07S R13E S26	NWNE
T07S R13E S26	SWNE	T07S R13E S26	SWNW
T07S R13E S26	NWSW	T07S R13E S26	NWSE
T07S R13E S26	SWSE	T07S R13E S26	SESE
T07S R13E S27	NENE	T07S R13E S27	NWNE
T07S R13E S27	SWNE	T07S R13E S27	SENE
T07S R13E S27	NESE	T07S R13E S27	NWSE
T07S R13E S35	NENE	T07S R13E S35	NWNE
T07S R13E S35	SENE	T07S R13E S36	NENW
T07S R13E S36	NWNW	T07S R13E S36	SWNW
T07S R13E S36	SENW	T07S R13E S36	NESW
T07S R13E S36	NWSW	T07S R13E S36	SWSW
T07S R13E S36	SESW	T07S R13E S36	NWSE
T07S R13E S36	SWSE	T07S R13E S36	SESE
<u>DOMESTIC Within GOODING County</u>			
T07S R13E S21 Lot 5	SENE	T07S R13E S22	NENE
<u>WILDLIFE Within GOODING County</u>			
T07S R13E S21 Lot 1	NENE	T07S R13E S22	NENW
T07S R13E S22	NWNW	T07S R13E S36	NWNW
T07S R13E S36	NESW	T07S R13E S36	SESW
T07S R13E S36	NWSE	T07S R13E S36	SWSE
<u>WILDLIFE STORAGE Within GOODING County</u>			
T07S R13E S22	NENW		

NBS
See
D/B

PLACE OF USE IS WITHIN THE BOUNDARY OF THE BIG BEND IRRIGATION AND MINING CO.

USE OF THIS RIGHT WITH RIGHT NO. 36-00192 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

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

03/24/2003

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT AND WATER RIGHT NO. 36-192 SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. THE SUBORDINATIONS SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND WATER RIGHT NO. 36-192 INCLUDING ANY TRANSFERS OF THESE WATER RIGHTS.

NBS
Sec

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.

DJP

EXPLANATORY MATERIAL: Decreed

8.42 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THESE RIGHTS DURING THE IRRIGATION SEASON. THERE IS NO CONVEYANCE LOSS FOR WILDLIFE USE. DURING THE NON-IRRIGATION SEASON, 0.22 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE DOMESTIC WATER, AND 0.80 CFS OF THIS RIGHT AND RIGHT NO. 36-192 IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THE STOCK WATER.

WATER IS DELIVERED THROUGH THE BIG BEND DITCH.

CERTIFICATE OF SERVICE

I certify that on June 17, 2003, 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

John K. Simpson
P.O. Box 2139
Boise, ID 83701-2139

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

Josephine P. Beeman
409 West Jefferson St.
Boise, ID 83702

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

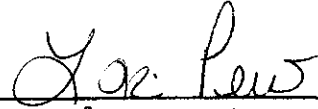
David J. Barber
State of Idaho
Attorney General's Office
P.O. Box 44449
Boise, ID 83711-4449

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

Courtesy copy to:

Big Bend Irrigation & Mining Co.
C/O Pam Wascher
P.O. Box 334
Hagerman, ID 83332-0334

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



Signature of person or attorney mailing the form