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Department of Water Resources

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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

Case No. 39576

Subcase No.: 36-16126

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 water use described herein was originally claimed under water right claims 36-133 and 36-192. This use, however, has been determined not to be a part of water right nos. 36-133 and 36-192. Rather, it is a beneficial use right with a priority date junior to those rights. Accordingly it is being described under a separate water right number.

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.

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

Sam Woschey 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

Steve O'Connell 6/5/03
IDWR Concurrence Date

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

W. B. Spencer 6-5-03
Approved as to form Date
Attorney for IDWR

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

Steve Cell 6/5/03
IDWR Concurrence Date

Josephine P. Beeman 17 June 2003
Josephine P. Beeman Date
Attorney for North Snake Ground
Water District, May Farms & Faulkner
Land & Livestock

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: 36-16126

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

SOURCE: LOWER TUCKER SPRINGS
UPPER TUCKER SPRINGS

TRIBUTARY: RILEY CREEK
TRIBUTARY: RILEY CREEK

QUANTITY: 11.600 CFS

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

PRIORITY DATE: 12/01/1946

POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	12/01 02/14	11.600 CFS

PLACE OF USE: WILDLIFE Within GOODING County

T07S R13E S21 Lot 1 NENE	T07S R13E S22	NENW
T07S R13E S22 NWNW	T07S R13E S36	NESW
T07S R13E S36 SESW	T07S R13E S36	NWSE
T07S R13E S36 SWSE		

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

WATER RIGHT NO. 36-16126 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 SUBORDINATION SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON WATER RIGHT 36-16126 INCLUDING ANY TRANSFERS 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.

EXPLANATORY MATERIAL: Beneficial Use

5.26 CFS OF THIS RIGHT IS USED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

WATER IS DELIVERED THROUGH 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

L. R. Lew

Signature of person or attorney mailing the form