

RECEIVED

JUL 15 2003

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.: 43-259

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.

CLAIMANT:

Diane Higley 6-24-03
Diane Higley Date

CLAIMANT:

Mark C. Higley 6-24-03
Mark C. Higley Date

OBJECTOR:

Jason D. Walker 7/1/03
Jason D. Walker Date
Attorney for Jeff Sessions

IDWR CONCURRENCE:

[Signature]
Adjudication Supervisor

6/18/03
Date

Nick Spencer
Approved as to form
Attorney for IDWR

6-20-03
Date

06/16/2003

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

RIGHT NUMBER: 43-259
NAME AND ADDRESS: DIANE HIGLEY
3951 S 5500 W
HOOPER UT 84315
MARK L HIGLEY
3951 S 5500 W
HOOPER UT 84315

SOURCE: SPRING

TRIBUTARY: ROUND MOUNTAIN CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/24/1911

POINT OF DIVERSION: T16S R27E S2 SWSNW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
1.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S34	NESW	20.0	T15S R27E S34	NWSW	10.0
T15S R27E S34	SESW	16.0	T15S R27E S34	NWSE	38.0
T15S R27E S34	SWSE	40.0	T15S R27E S34	SESE	24.0
T16S R27E S02 Lot 4	NWNW	37.0	T16S R27E S02	SWNW	40.0
T16S R27E S03 Lot 1	NENE	38.0	T16S R27E S03 Lot 2	NWNE	27.0
T16S R27E S03	SWNE	40.0	T16S R27E S03	SENE	40.0

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00260 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-02401, 43-00260, 43-00037, 43-00286A, 43-00084, 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

Handwritten signature and initials:
NBS
AH

06/16/2003

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS KELSO SPRING.

RIGHT NUMBER 43-00260 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Jf NBS *ADW*
LAH *ADH*

CERTIFICATE OF SERVICE

I certify that on July 14, 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

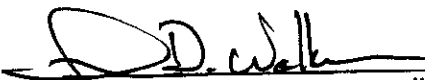
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Diane & Mark L. Higley
3951 S. 5500 W.
Hopper, UT 84315

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

Jason D. Walker
Ling & Robinson
P.O. Box 396
Rupert, ID 83350

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


Signature of person or attorney mailing the form