

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.: 43-4173

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 initialling each of the attached pages.

CLAIMANT/OBJECTOR:

William T. Goodman 7-18-03
William T. Goodman Date
Attorney for Michael V. Nicholson

Michael V. Nicholson
7/19/03

IDWR CONCURRENCE:

[Signature] 7/21/03
Sr. Water Resource Agent Date

[Signature] 7/21/03
Approved as to form Date
Attorney for IDWR

04/25/2003

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

RIGHT NUMBER: 43-4173

NAME AND ADDRESS: MICHAEL V NICHOLSON
805 3RD ST
RUPERT ID 83350

SOURCE: CIRCLE CREEK
DRY CREEK
NORTH CREEK
SOUTH CREEK

TRIBUTARY: RAFT RIVER
TRIBUTARY: CIRCLE CREEK
TRIBUTARY: CIRCLE CREEK
TRIBUTARY: CIRCLE CREEK

QUANTITY: 4.640 CFS

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

PRIORITY DATE: ~~12/31/1995~~ 10/15/1992

POINT OF DIVERSION:

T155 R24E S30 NW1/4 Lot 3 Within CASSIA County Source: NORTH CREEK
T155 R24E S31 NW1/4 Within CASSIA County Source: CIRCLE CREEK
T155 R24E S31 SE1/4 Lot 1 Within CASSIA County Source: CIRCLE CREEK
T155 R24E S31 NW1/4 Lot 2 Within CASSIA County Source: SOUTH CREEK
T155 R24E S31 NW1/4 Within CASSIA County Source: DRY CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.640 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T155 R24E S30 Lot 4 SW1/4	18.0	T155 R24E S31	NENE	18.0	
T155 R24E S31	NENE	30.0	T155 R24E S31	SENE	25.0
T155 R24E S31	SENE	34.0	T155 R24E S31	NENE	37.0
T155 R24E S31 Lot 1 NW1/4	21.0	T155 R24E S31 Lot 2 SW1/4		7.0	
T155 R24E S31	SENE	15.0	T155 R24E S31	NENE	0.2
T155 R24E S32	NENE	1.0	T155 R24E S32	SW1/4	20.0

STOCKWATER Within CASSIA County

T155 R24E S30 Lot 3 NW1/4		T155 R24E S30 Lot 4 SW1/4	
T155 R24E S30	SENE	T155 R24E S31	NENE
T155 R24E S31	NENE	T155 R24E S31	SENE
T155 R24E S31	SENE	T155 R24E S31	NENE
T155 R24E S31 Lot 1 NW1/4		T155 R24E S31 Lot 2 SW1/4	
T155 R24E S31	SENE	T155 R24E S31	NENE
T155 R24E S32	NENE	T155 R24E S32	SW1/4
T155 R24E S32	NENE		

232 ACRES TOTAL

Water Right 43-4173

1

UH
10.1
M.D.

04/25/2003

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

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: Beneficial Use

Water Right 43-4173

2

DA JB
J.P.A.
M.V.N.

CERTIFICATE OF SERVICE

I certify that on July 22, 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

William T. Goodman
Goodman & Bollar Chartered
P.O. Box D
Rupert, ID 83350

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

Lore Rew
Signature of person or attorney mailing the form

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Jul-22-03 7:42AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
605	7/22 7:40AM	1'13"	12087362121	Send	5/ 5	EC144	Completed

Total 1'13" Pages Sent: 5 Pages Printed: 0



DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 20000, Boise, Idaho 83720-0000
Phone: (208) 327-7900 Fax: (208) 327-7905

WATER RESOURCES
DIVISION
FAX

FAX Transmittal Cover Sheet

Number of pages including this one _____

Date: 7/22/03
To: Charles Deane Court
Fax No.: _____
From: Vicki Kelly
Fax No.: _____
Phone No: 327-5456
Subject: SPE in 43-4173 (NICHOLSON) Trial set for
7/24/03 Please alert Robin - She knows this
SPE has been filed. Thanks you!! -V
As court records of use will be mailed today

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or map query system and can be accessed from the EDWR home page.

<http://www.idwr.state.id.us>

From this link, select "Snake River Basin Adjudication" around the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your point of interest, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.