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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JUL 23 PM 2 12

**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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

04/25/2003

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

2003 JUL 23 PM 2 12

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: ~~10/31/1985~~ 10/15/1982

POINT OF DIVERSION:

T155 R24E S30 NW1/4SW Lot 3 Within CASSIA County Source: NORTH CREEK
T155 R24E S31 NW1/4NE Within CASSIA County Source: CIRCLE CREEK
T155 R24E S31 SE1/4NW Lot 1 Within CASSIA County Source: CIRCLE CREEK
T155 R24E S31 NW1/4SW Lot 2 Within CASSIA County Source: SOUTH CREEK
T155 R24E S31 NW1/4SE 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	SWNE	25.1
T155 R24E S31	SENE	34.0	T155 R24E S31	NENW	37.0
T155 R24E S31 Lot 1 NW1/4	21.0	T155 R24E S31 Lot 2 SW1/4		7.6	
T155 R24E S31	SE1/4	15.0	T155 R24E S31	NESE	0.3
T155 R24E S32	NENW	1.1	T155 R24E S32	SWNW	28.0

STOCKWATER Within CASSIA County

T155 R24E S30 Lot 3 NW1/4		T155 R24E S30 Lot 4 SW1/4	
T155 R24E S30	SESW	T155 R24E S31	NENE
T155 R24E S31	NENE	T155 R24E S31	SWNE
T155 R24E S31	SENE	T155 R24E S31	NENW
T155 R24E S31 Lot 1 NW1/4		T155 R24E S31 Lot 2 SW1/4	
T155 R24E S31	SE1/4	T155 R24E S31	NESE
T155 R24E S32	NENW	T155 R24E S32	SWNW
T155 R24E S32	NENW		

232 ACRES TOTAL

Water Right 43-4173

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U.H.
A.P.
M.D.N.

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 42B.

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

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UA AB
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 Rens
Signature of person or attorney mailing the form