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NOV 25 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: 35-2009

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

RECEIVED

NOV 26 2003

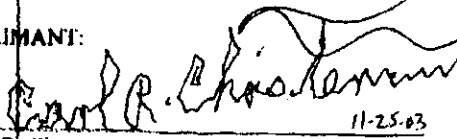
Department of Water Resources

This form is used to report the stipulated elements of one water right acquired under state law. 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; and 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.

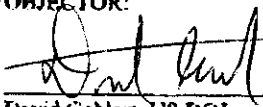
The parties and IDWR agree and stipulate that the claimants and elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:


Carl R. Christensen
Carl R. Christensen Bypass Trust, Trustee

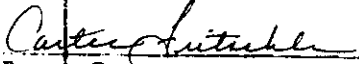
11-25-03
Date

OBJECTOR:

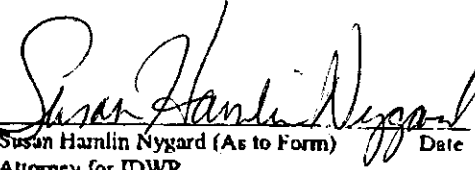

David Gehlert, US DOJ
Attorney for BOR

11/25/03
Date

IDWR CONCURRENCE:


Roxanne Brown
Senior Water Resource Agent, IDWR

11-24-03
Date


Susan Hamlin Nygard (As to Form)
Attorney for IDWR

11/24/03
Date

T055 R32E S07 SEW 40.0

T055 R32E S08 NENW 16.0

T055 R32E S08 MNW 36.0

T055 R32E S08 SEW 20.0

T055 R32E S08 SEW 1.0

T055 R32E S08 SEW 20.0

STOCKWATER Same as IRRIGATION

562 ACRES TOTAL

163 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described in a single irrigation season.

Rights 35-7990, 35-4179A, 35-4179B and 35-2084 when combined are limited to the irrigation of 232 total acres within the place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT IN 35-44179A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 163 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Aberdeen-Springfield Canal Co. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of approval, this water right is within State Water District No. 01.

The right holder shall maintain a measuring device and lockable controlling works of type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 cfs per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 70513 by July 8, 2004.

Failure of the right holder to comply with the conditions of transfer 70513 is cause for the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO COVERED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-44179A, 35-44179B, 35-08631 AND 35-12063

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.

CRE

Sh
DL
CA

CERTIFICATE OF MAILING

I certify that on 11/26, 2003, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

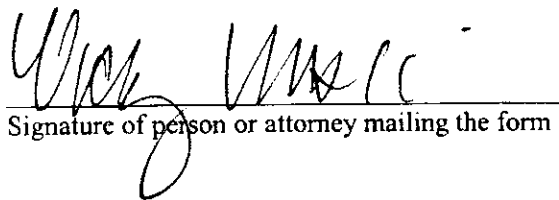
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Carl R. Christensen
Christensen Bypass Trust
1850 N. Andrew Lane
Kuna, ID 83634

United States Department of Justice
Environmental & Natural Resources Division
550 W Fort St, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Nov-26-03 3:00PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
259	11/26 2:59PM	0'55"	12087362121	Send	4 / 4	EC144	Completed

Total 0'55" Pages Sent: 4 Pages Printed: 0



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
JAWPENCE WASOJA

November 26, 2003

VIA FACSIMILE

Ms. Diana Delaney
Chief Deputy Clerk
SRBA Court
253 1st Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Page 1 of 1	7871	Date	11/26/03
To	208-327-1444	From	Vicki L. Music
Co. ID		Co.	
Phone #		Phone #	208-327-1444
Fax #		Fax #	

Re Subcase Nos. 35-2009 and 35-4179A
SF5s enclosed

Dear Diana,

Enclosed for filing with the Court are the SF5s referenced above. Due to their being faxed a few times, the recommendations are barely legible here so I will enclose legible copies with the originals to be mailed. If you have questions regarding these enclosures, please call me at the IDWR state office at (208) 327-7928.

Sincerely,

Vicki L. Music
Paralegal
Idaho Department of Water Resources

Enclosures

Natural Resources Director - Water Resources Unit
1301 South Oregon St., Boise, Idaho 83726-3000
Telephone: (208) 327-7928 Legal FAX: (208) 327-7929
Administrative FAX: (208) 327-7924