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DEC - 8 2003

Department of Water Resources

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

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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

SUBCASE NO: 35-2009

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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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

11-26-03
Date

Susan Hamlin Nygard (As to Form)

Attorney for IDWR

11/26/03
Date

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

RIGHT NUMBER: 35-2009

NAME AND ADDRESS:

CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KUNA ID 83634

SOURCE:

SOURCE:

Tributary:

SPRING

SNAKE RIVER

UNNAMED DRAIN

Point of injection and point of rediversion are from an unnamed drain

QUANTITY:

1.600 CFS

320.000 AFY

0.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

USE OF THIS RIGHT WITH RIGHT NO. 35-04175A-15 LIMITED TO A TOTAL COMBINED DIVERSION RATE ON 3-44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 600 AF.

PRIORITY DATE:

03/02/1908

POINT OF DIVERSION:

T050 R11E S2 NWSEW
WITHIN BINGHAM COUNTY

T058 R31E S2 NWSEW Injection
WITHIN BINGHAM COUNTY

T050 R32E S6 NWSEW
WITHIN BINGHAM COUNTY

T055 R32E S6 NWSEW Lot 6 Rediversion
WITHIN BINGHAM COUNTY

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.600 CFS

320.00 AFY

STOCKWATER

01/01 12/31

0.160 CFS

14.60 AFY

PLACE OF USE:

IRRIGATION

within BINGHAM County

T055 R32E S05 N1SW 31.0

T050 R32E S05 N1SW 12.0

T055 R32E S05 NW1W 38.0

T055 R32E S05 SW1W 39.0

T055 R32E S05 SE1W 6.0

T050 R32E S05 SE1W 12.0

T058 R32E S05 NW1E 7.0

T055 R32E S06 N1SW Lot 1 1.0

T058 R32E S06 NW1E Lot 2 20.0

T055 R32E S06 SW1E 4.0

T055 R32E S06 SW1E 40.0

T055 R32E S06 SE1E 40.0

T059 R32E S07 NW1E 40.0

T055 R32E S07 NW1E 40.0

T055 R32E S07 NW1W 40.0

T058 R32E S07 NW1W Lot 1 40.0

T055 R32E S07 SW1W Lot 2 40.0

CRC

OK

cf

~~T055 R32E S07 SEW 40.0~~

~~T055 R32E S08 NENW 16.0~~

~~T055 R32E S08 NENW 38.0~~

~~T055 R32E S08 SEW 20.0~~

~~T055 R32E S08 SEW 1.0~~

~~STOCKWATER Same as IRRIGATION~~

~~542 ACRES TOTAL~~

~~144 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 35-2000 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 NO. 35-04179A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 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 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 73513 by July 8, 2004.

Failure of the right holder to comply with the conditions of transfer 73513 is cause the Director to rescind approval of the transfer.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DECREEED ABOVE 35-04179A, 35-04179B, 35-04631 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

John
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

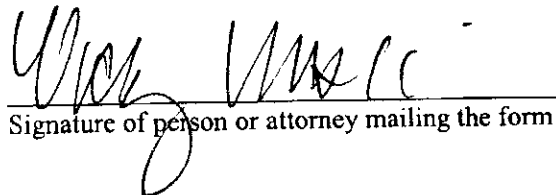
2. Copies to:

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