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

2003 DEC 3 AM 10 32

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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: 35-4179A

Case No. 39576

STANDARD FORM 5

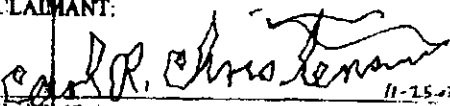
STIPULATED ELEMENTS OF A
WATER RIGHT

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

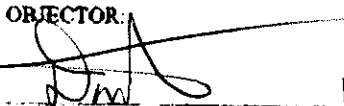
The parties and IDWR agree and stipulate that the claimants and elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:


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

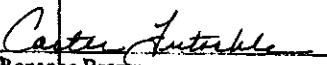
11-25-03
Date

OBJECTOR:

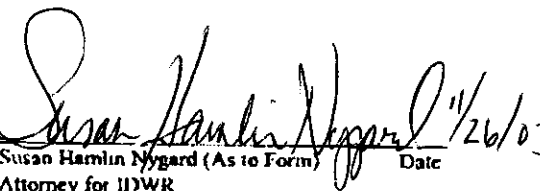

David Gehlert, US DOJ
Attorney for BOR

11/25/03
Date

IDWR CONCURRENCE:


for Roxanne Brown
Senior Water Resource Agent, IDWR

11-26-03
Date


Susan Hamlin Nygard (As to Form)
Attorney for IDWR

11/26/03
Date

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11/14/2003

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

RIGHT NUMBER: 35-4179A

NAME AND ADDRESS: CARL R CHRISTENSEN
CHRISTENSEN BYPASS TRUST
1850 N ANDREW LANE
KLING TO A1614

SOURCE: UNNAMED DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.040 CFS
284.000 APY

The total instantaneous diversion of water from all points of diversion under Right 35-4179A shall not exceed 1.04 cfs, nor total annual volume of 284 af.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION:
T055 R32E S6 NW1/4 Within BINGHAM County
T055 R32E S6 SW1/4 Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.040 CFS 284.00 APY

PLACE OF USE: IRRIGATION Within BINGHAM County

T055 R32E S05	NW1/4	31.0	T055 R32E S05	NW1/4	38.0
T055 R32E S05	SW1/4	39.0	T055 R32E S05	SE1/4	4.0
T055 R32E S06 Loc 1	NW1/4	1.0	T055 R32E S06 Loc 2	NW1/4	28.0
T055 R32E S06	SW1/4	4.0	T055 R32E S06	SW1/4	40.0
T055 R32E S06	SE1/4	40.0	T055 R32E S07	NW1/4	40.0
T055 R32E S07	NW1/4	40.0	T055 R32E S07	SE1/4	40.0
T055 R32E S07 Loc 1	NW1/4	40.0	T055 R32E S07 Loc 2	SW1/4	40.0
T055 R32E S07	SE1/4	40.0	T055 R32E S08	NW1/4	16.0
T055 R32E S08	NW1/4	18.0	T055 R32E S08	SW1/4	20.0
T055 R32E S08	SE1/4	1.0			

542 ACRES TOTAL

This right is limited to the irrigation of 71 acres within the place of use described above in a single irrigation season.

Rights 35-7530, 35-4179A, 35-4179B and 35-2808 when combined are limited to the irrigation of 232 total 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(b), Idaho Code.

C.R.E.

shw

ct

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EXPLANATORY MATERIAL: Beneficial Use

Rights 35-61788, 35-6631 and 35-12863 are also diverted through the point of diversion described above.

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 this approval, this water right is within State Water District No. 01.

The right holder shall maintain a measuring device and lockable controlling works of a 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 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 70511 by July 8, 2004.

Failure of the right holder to comply with the conditions of transfer 70511 is cause for the Director to rescind approval of the transfer.

ERE

shu

C1

D6

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

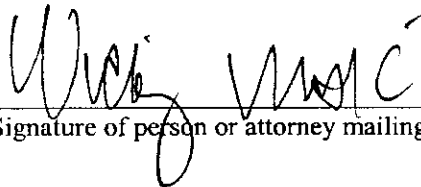
2. Copies to:

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