

**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

Case No. 39576

SUBCASE NO: 29-226

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 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:

Val J. Davids 1/20/04
Val J. Davids Date

OBJECTOR:

Larry C. Brown 1/24/04
Larry Brown, USDOJ Date
Attorney for BLM CMB

IDWR CONCURRENCE:

Ernie Carlsen 1-13-04
Ernie Carlsen Date
Adjudication Supervisor, Eastern Region

Candice M. McHugh 1-6-04
Candice M. McHugh (As to Form) Date
Attorney for IDWR

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

RIGHT NUMBER: 29-226

NAME AND ADDRESS:

VAL J DAVIDS
1178 CHESTERFIELD RD
BANCROFT ID 83217

SOURCE:

Source:

JOE WILLEY CREEK

Tributary:

TWENTYFOURMILE CREEK

QUANTITY:

0.190 CFS

0.000 AFY

PRIORITY DATE:

05/01/1983

POINT OF DIVERSION:

~~T06S R39E S28 SESWSE Injection~~
~~Within CARIBOU County~~
~~T06S R39E S28 SWSSE~~
~~Within CARIBOU County~~

T06S R39E S28 SESWSE Injection
Within CARIBOU County

T06S R39E S28 SWSSE
Within CARIBOU County

T06S R39E S33 SNNWNE Rediversion
Within CARIBOU County

Handwritten signatures and initials:
JL
SM^c
EMC
JPC
CR

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

0.190 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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

PLACE OF USE: IRRIGATION within CARIBOU County

T06S R39E S33 NENE 39.0

T06S R39E S33 NWNE 31.0

T06S R39E S33 SWNE 33.0

T06S R39E S33 SENE 39.0

T06S R39E S33 NENW 1.7

T06S R39E S33 SENW 12.0

155.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9.4 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
CHESTERFIELD CANAL & IRRIGATION COMPANY.

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.

*Enc
of
file*

CERTIFICATE OF MAILING

I certify that on 1/23, 2004, I mailed the original and copies of this form, including all attachments, 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. Copy to:

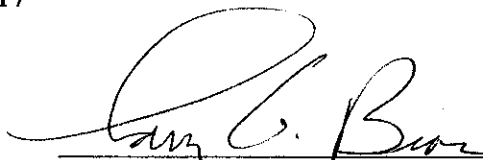
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Val J. Davids
1178 Chesterfield Rd
Bancroft, ID 83217



Signature of person or attorney mailing the form