

**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: 29-2558

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 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:

Gary Hatch 2/3/04
Gary Hatch, President Date
Chesterfield Canal & Reservoir Co.

OBJECTOR:

Larry A. Brown 2/19/04
Larry Brown, USDOJ Date
Attorney for BLM

IDWR CONCURRENCE:

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

Candice M. McHugh 1-12-04
Candice M. McHugh (As to Form) Date
Attorney for IDWR

01/07/2004

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

RIGHT NUMBER: 29-2558
NAME AND ADDRESS: CHESTERFIELD CANAL & RESERVOIR CO
PO BOX 594
LAVA HOT SPRINGS ID 83246
SOURCE: TWENTYFOUR MILE CREEK
EAST FORK TWENTYFOUR MILE CREEK
TRIBUTARY: PORTNEUF RIVER
TRIBUTARY: TWENTYFOUR MILE CREEK
QUANTITY: 700.000 AFY
STORAGE CAPACITY 700 AF.
PRIORITY DATE: 05/12/1928
POINT OF DIVERSION:
T06S R39E S15 NWNWNW Within CARIBOU County
T06S R39E S16 SENENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER STORAGE	01/01 12/31	100.00 AFY
IRRIGATION STORAGE	04/01 10/31	700.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	100.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	700.00 AFY

PLACE OF USE:

1231.5 ACRES TOTAL

Place of use is within the area served by the Chesterfield Canal & Reservoir Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

The use of water under this right does not include a use on federal public land.

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

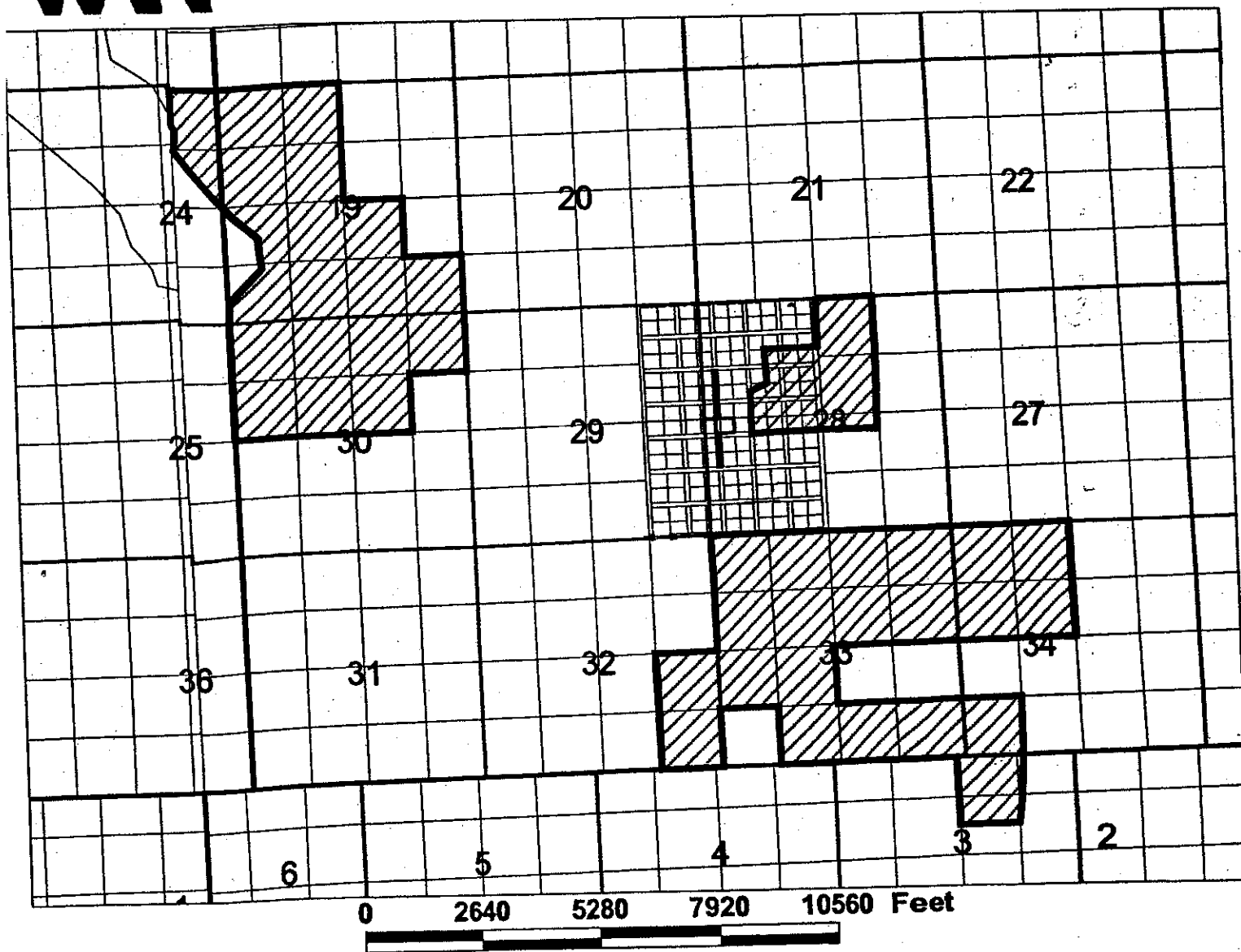
Department of Water Resources

Claim No.: 29-71

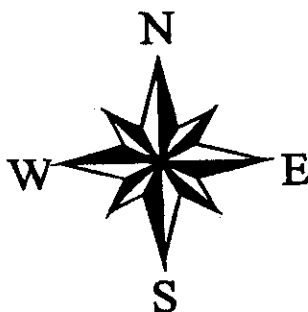
Fwp

29-2558

T06S R38E



-  Chesterfield reservoir.shp
-  Township/Range
-  Sections
-  QQ



Lars

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: January 2004

Emc

CERTIFICATE OF MAILING

I certify that on 2/9, 2004 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

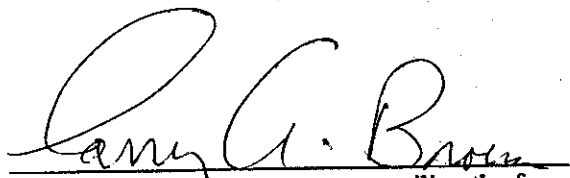
2. Copies to:

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

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Gary Hatch
Chesterfield Canal & Reservoir Co
P.O. Box 594
Lava Hot Springs, ID 83246

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form