

**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: 29-94B
)
)
)

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/OBJECTOR:

Erma M. Banks 4-22-04
Erma M. Banks Date

IDWR CONCURRENCE:

Cindy E. Bird 4/22/04 Candice M. McHugh 4/22/04
Ernie Carlsen Date Candice M. McHugh Date
Adjudication Supervisor Eastern Region Attorney for IDWR

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

RIGHT NUMBER: 29-94B

NAME AND ADDRESS:

ERMA M BANKS
3229 BANKS RD
BANCROFT ID 83217

CB

SOURCE:

Source:
TOPONCE CREEK

Tributary:
PORTNEUF RIVER

POINT OF INJECTION INTO PORTNEUF RIVER. POINT OF REDIVERSION FROM
PORTNEUF RIVER.

QUANTITY:

2.000 CFS
0.000 AFY

~~1.160 CFS~~

MB
CB

PRIORITY DATE: 06/02/1905

POINT OF DIVERSION:

T06S R38E S24 NESWSE Injection
Within CARIBOU County

~~T06S R38E S24 NESWSE Injection~~
~~Within CARIBOU County~~

T06S R38E S33 SWESE
Within CARIBOU County

~~T06S R38E S24 NESWSE Injection~~
~~Within CARIBOU County~~

T06S R39E S19 NESWSW Rediversion
Within CARIBOU County

~~T06S R39E S19 NESWSW Rediversion~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

2.000 CFS

~~1.160 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

CB
EMB
CB

PLACE OF USE:

IRRIGATION

within CARIBOU County

~~T06S R39E S19 NWSE 2.1~~ 1.9
~~T06S R39E S19 SWSE 21.0~~ 24
~~T06S R39E S19 SESE 39.0~~
~~T06S R39E S30 NENE 39.0~~ 40
~~T06S R39E S30 NWNE 11.0~~ 13

~~T06S R39E S19 SESE 22.0~~

~~T06S R39E S30 NENE 36.0~~

118

~~112.1~~ ACRES TOTAL

~~58~~ ACRES TOTAL

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

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

CERTIFICATE OF MAILING

I certify that on 4-22, 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:

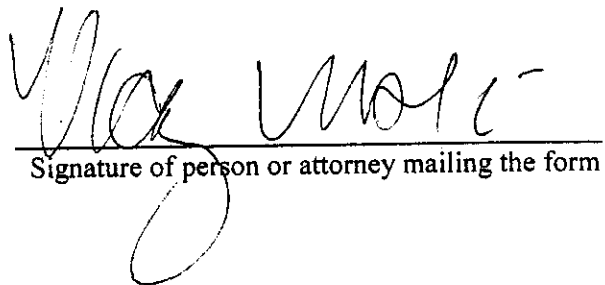
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Erma M. Banks
3229 Banks Rd.
Bancroft, ID 83217



Signature of person or attorney mailing the form