

RECEIVED

JUN 07 2004

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: 35-13305

Case No. 39576

STANDARD FORM 5

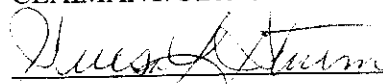
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

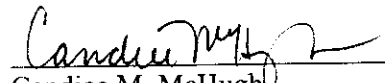
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

 5/26/04
Teresa L. Sturm Date
Attorney for Brenda Stolworthy

IDWR CONCURRENCE:


Don Shaff Date
Technical Support Section Manager, IDWR

 5/20/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 35-13305

NAME AND ADDRESS:

BRENDA STOLWORTHY
1230 N 375 E
SHELLEY ID 83274

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

8.650 CFS ~~7.750 CFS~~

1,856.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 9.62 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 2092 AF. COMBINED RIGHT NOS.: 35-7000B, 35-7368B,
35-7493 AND 35-13305

PRIORITY DATE:

08/16/1961

POINT OF DIVERSION:

T01N R36E S34 NWSENE

Within BINGHAM County

T01N R36E S34 NENWNW

Within BINGHAM County

T01N R36E S34 NWSSEW

Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

8.650 CFS 1,856.00 AFY

~~7.750 CFS~~ ~~1,856.00 AFY~~

PLACE OF USE:

IRRIGATION

within BINGHAM County

T01N R36E S27 NESW 4.0

T01N R36E S27 NWSW 4.0

T01N R36E S27 SWSW 36.0

T01N R36E S27 SESW 40.0

T01N R36E S27 NWSE 3.0

T01N R36E S27 SWSE 37.0

T01N R36E S33 NENE 1.0

T01N R36E S33 SENE 1.0

~~T01N R36E S27 SWSE 20.0~~

~~T01N R36E S27 SESW 37.0~~

~~T01N R36E S27 SWSE 19.0~~

~~T01N R36E S33 NENE 0.5~~

~~T01N R36E S33 SENE 5.2~~

~~T01N R36E S33 SESE 0.2~~

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

T01N R36E S34 NENE 27.0
T01N R36E S34 NWNE 39.0
T01N R36E S34 SWNE 35.0
T01N R36E S34 SENE 33.0
T01N R36E S34 NENW 40.0
T01N R36E S34 NWNW 37.0
T01N R36E S34 SWNW 32.0
T01N R36E S34 SENW 36.0
T01N R36E S34 NESW 34.0
T01N R36E S34 NWSW 24.0
T01N R36E S34 SWSW 28.0
T01N R36E S34 SESW 32.0

T01N R36E S34 NENE 26.0
T01N R36E S34 NWNE 40.0
T01N R36E S34 SWNE 33.0
T01N R36E S34 SENE 15.0
T01N R36E S34 NENW 41.0
T01N R36E S34 NWNW 36.0
T01N R36E S34 SWNW 37.0
T01N R36E S34 SENW 37.0
T01N R36E S34 NESW 21.0
T01N R36E S34 NWSW 26.0
T01N R36E S34 SWSW 31.0
T01N R36E S34 SESW 39.0

523 ACRES TOTAL

463.9 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 523 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 35-7000B, 35-7368B, 35-7493 AND 35-13305

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 463.9 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.

~~RECOMMENDED AS RIGHT NO. 35-7493. This is included for a~~
~~claim that is PROPOSED to be disallowed because the right claimed is~~
~~recommended pursuant to another right. The remark indicates the~~
~~water right number of the OTHER right that is proposed to be~~
~~recommended. If you are not mailed a notice of the recommendation of~~
~~the OTHER right, then the OTHER right is recommended in another~~
~~claimant's name.~~
~~RECOMMENDED AS RIGHT NO. 35-7493.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

CERTIFICATE OF MAILING

I certify that on May 28, 2004, 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

Teresa Sturm
Attorney for Brenda Stolworthy
P.O. Box 51219
528 Park Ave.
Idaho Falls, ID 83405-1219



Signature of person or attorney mailing the form