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AUG 13 2002

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

Case No. 39576

Subcase No.: 43-7178

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 and/or one federal reserved water right. 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; that 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:

Alan Goodman 8/6/02
Attorney for Date
Mark and Lonna Newcomb

OBJECTOR:

Larry A. Brown 8/12/02
Larry A. Brown, US DOJ Fwp Date
Attorney for BLM

IDWR CONCURRENCE:

Bruce Brown 8/12/02
Sr. Water Resource Agent Date

Candice Murphy 8/12/02
Approved as to form Date
Attorney for IDWR

07/17/2002

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

RIGHT NUMBER: 43-7178
NAME AND ADDRESS: MARK T NEWCOMB
251 E 200 S
RUPERT ID 83350

LONNA NEWCOMB
251 E 200 S
RUPERT ID 83350

SOURCE: GROUND WATER
QUANTITY: 1.12 CFS
224.0 AFY

TRIBUTARY:

RA
FWP *QA*

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~1996~~ 2356 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION:

T10S R26E S6 SWSNW Within CASSIA County
T10S R26E S6 NENWSE Within CASSIA County

gm *13*

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.120 CFS 224.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R26E S05 Lot 6 NWNW	14.0	T10S R26E S05 SWNW	12.0
T10S R26E S05 NWSW	17.0 ~~18.0~~	T10S R26E S05 SWSW	6.0 ~~6.4~~
T10S R26E S06 Lot 1 NENE	40.0	T10S R26E S06 Lot 2 NWNE	20.0
T10S R26E S06 SWNE	40.0 ~~17.0~~	T10S R26E S06 SENE	40.0
T10S R26E S06 Lot 3 NENW	37.0	T10S R26E S06 Lot 4 NWNW	30.0 ~~29.0~~
T10S R26E S06 Lot 5 SWNW	30.0 ~~29.0~~	T10S R26E S06 SENW	40.0 ~~36.0~~
T10S R26E S06 NESW	40.0 ~~37.0~~	T10S R26E S06 Lot 6 NWSW	32.0
T10S R26E S06 Lot 7 SWSW	27.0	T10S R26E S06 SESW	33.0 ~~30.0~~
T10S R26E S06 NESE	40.0	T10S R26E S06 NWSE	40.0 ~~9.6~~
T10S R26E S06 SWSE	28.0 ~~9.0~~	T10S R26E S06 SESE	23.0 ~~22.0~~

589 499 ACRES TOTAL

THE USE OF WATER WITHIN THE NWNW, SWNW, NWSW, AND SWSW, SECTION 5, T10S, R26E IS LIMITED TO THE W 1/2 OF THOSE PLACES OF USE.

USE OF THIS RIGHT WITH RIGHT NO. 43-10803 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 589 499 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 50.4 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.

07/17/2002

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

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON USE FROM 1983 TO 1994.~~

EXPLANATORY MATERIAL: License

Fwp aM RA

Sm^e JS

CERTIFICATE OF SERVICE

I certify that on Aug. 12, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Alan C. Goodman
P.O. Box D
Rupert, ID 83350

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form