

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: 37-12832

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.

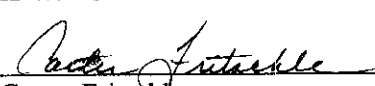
The Director's Report for water right no. 37-12832 recommended only a portion of what was claimed under claim nos. 37-12832 and 37-12833. The balance of claim nos. 37-12832 and 37-12833 is being recommended as water right nos. 37-20858, 37-20859, 37-20860 and 37-20861. SF5s for subcase no. 37-12833 and for the new rights, 37-20858, 37-20859, 37-20860 and 37-20861 are being filed herewith. Together, the SF5s of 37-12832 and 37-20858, 37-20859, 37-20860 and 37-20861 resolve the claimant's objection to 37-12832. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The changes made to the original recommendation on 37-12832 are the addition of a point of diversion and the addition of a combined use remark under the quantity element which links water right no. 37-12832 to 37-12833, 37-20858, 37-20859, 37-20860 and 37-20861. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

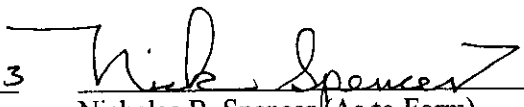
  
Robert E. Williams  
Attorney for Big Sky Dairy.

2/5/03  
Date

IDWR CONCURRENCE:

  
Carter Fritschle  
Adjudication Supervisor, IDWR

1-30-03  
Date

  
Nicholas B. Spencer (As to Form)  
Attorney for IDWR

1-30-03  
Date

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

RIGHT NUMBER: 37-12832

NAME AND ADDRESS: BIG SKY DAIRY  
1700 E 2428 S  
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

RIGHT NOS. 37-12832, 37-12833, 37-20858, 37-20859, 37-20860 AND 37-20861  
ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.21 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/31/1919

POINT OF DIVERSION:

T05S R15E S16 SWSWSE Within GOODING County

T05S R15E S21 SWNWNE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.040 CFS       |
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |

PLACE OF USE: STOCKWATER Within GOODING County

T05S R15E S16 SWSE

DOMESTIC Within GOODING County

T05S R15E S21 NWNE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A PORTION OF OLD RIGHT NO. 37-4335.

## CERTIFICATE OF MAILING

I certify that on February 5, 2003 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

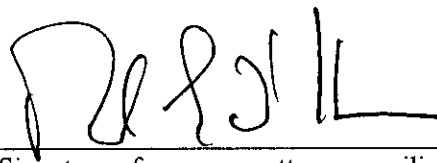
2. Copies to:

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

United States Dept. of Justice  
Environment & Nat'l Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

Robert E. Williams  
Attorney for Big Sky Dairy  
P.O. Box 168  
Jerome, ID 83338



Signature of person or attorney mailing the form