

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: 37-20858

Case No. 39576

STANDARD FORM 5

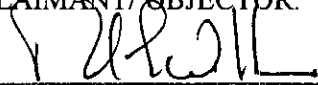
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

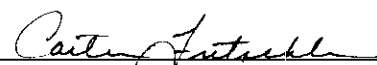
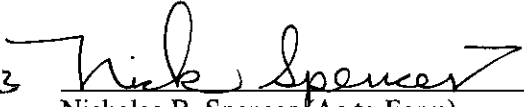
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The Director's Reports for water right nos. 37-12832 and 37-12833 recommended only a portion of what was claimed under claim nos. 37-12832 and 37-12933. The balance of these two claims is being recommended here as water right no. 37-20858 and as water right nos. 37-20859, 37-20860 and 37-20861. This SF5, together with the SF5s of subcase nos. 37-12832, 37-12833 and the SF5s of new water right nos. 37-20859, 37-20860 and 37-20861, which are being filed herewith, resolve the claimant's objections to 37-12832 and 37-12833. 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:

 2/05/03
Robert E. Williams Date
Attorney for Big Sky Dairy.

IDWR CONCURRENCE:

 1-30-03  1-30-03
Carter Fritschle Date Nicholas B. Spencer (As to Form) Date
Adjudication Supervisor, IDWR Attorney for IDWR

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

RIGHT NUMBER: 37-20858

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: 01/01/1971

POINT OF DIVERSION:

T05S R15E S16 SWSWSE Within GOODING County

T05S R15E S21 SWNWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.040 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T05S R15E S16 SWSE

cf
NBS
new

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

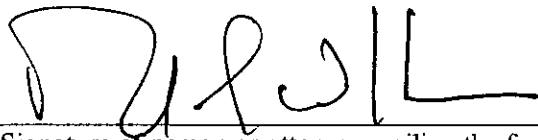
2. Copies to:

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