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JAN 21 2003

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: 37-2676

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:

CLAIMANT:

Mildred Sweat
Mildred Sweat
Milford Date

Catherine L. Sweat 1-9-03
Catherine L. Sweat Date

OBJECTOR:

Larry A. Brown 1/13/03
Larry Brown FWP Date
Attorney for BLM

IDWR CONCURRENCE:

Steve Clelland 1-9-03
Steve Clelland Date
Senior Water Resource Agent, IDWR

Nicholas B. Spencer 1-9-03
Nicholas B. Spencer (As to Form) Date
Attorney for IDWR

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

RIGHT NUMBER: 37-2676

NAME AND ADDRESS:

CATHERINE L SWEAT
21292 HWY 26-93
CAREY ID 83320

CATHERINE L SWEAT
PO BOX 234
CAREY ID 83320

MILFORD SWEAT
21292 HWY 26-93
CAREY ID 83320

SOURCE: GROUND WATER

Tributary:

FWP

MS

QUANTITY: 1.850 CFS
277.200 AFY

1/3

SCC

NBS

CL.S

PRIORITY DATE: 12/11/1961

POINT OF DIVERSION:

T01S R22E S3 NESESE
Within BLAINE County

T01S R22E S3 NESESE
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/01 11/01

1.850 CFS

277.20 AFY

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

PLACE OF USE: IRRIGATION within BLAINE County

T01S R22E S03 SESW 13.0
T01S R22E S03 SWSE 26.0
T01S R22E S03 SESE 19.0

T01S R22E S10 NENE 2.6

T01S R22E S10 NWNE 33.0
T01S R22E S10 SENE 15.0
T01S R22E S10 NENW 36.0
T01S R22E S10 SENW 12.0
T01S R22E S10 SESW 20.0
T01S R22E S10 NESE 32.0
T01S R22E S10 NWSE 9.4
T01S R22E S10 SWSE 34.0

Fwp
MS

See
NBS
CLS.

T01S R22E S10 SESE 12.0

T01S R22E S15 NWNE 31.0
T01S R22E S15 SWNE 24.0
T01S R22E S15 NENW 31.0
T01S R22E S15 SENW 40.0
T01S R22E S15 NESW 40.0
T01S R22E S15 NWSE 19.0

434.4 ACRES TOTAL

449 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-7620 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 434.4 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92.4 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

~~USE OF THIS RIGHT WITH RIGHT NO. 37-7620 IS LIMITED TO THE IRRIGATION OF~~
~~A COMBINED TOTAL OF 449 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92.4 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

FWP

MS

see
NBS
CLS

13

CERTIFICATE OF MAILING

I certify that on Jan. 13, 200~~7~~³ 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

Milford
Mildred Sweat
Catherine L. Sweat
21292 Hwy. 26-93
Carey, ID 83320



Signature of person or attorney mailing the form