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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: 37-7620

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
MRS. R. D. 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: 37-7620

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:

POINT OF INJECTION INTO HUFF CREEK. POINT OF REDIVERSION FROM HUFF CREEK.

FWP

MS
CLB

SCC
NBS

QUANTITY: 3.310 CFS
0.000 AFY

Rights 37-2676, 37-2777, and 37-7620 when combined shall not exceed a total annual maximum diversion volume of 1520.4 af at the field headgate.

~~Rights 37-2676, 37-2777, and 37-7620 when combined shall not exceed a total annual maximum diversion volume of 1571.5 af at the field headgate.~~

PRIORITY DATE: 06/02/1977

POINT OF DIVERSION:

T01S R22E S3 NESESE
Within BLAINE County

T01S R22E S3 NESESE
Within BLAINE County

T01S R22E S3 NESESE Injection
Within BLAINE County

T01S R22E S3 NESESE Injection
Within BLAINE County

T01S R22E S10 SENW Rediversion
Within BLAINE County

T01S R22E S10 SESW Rediversion
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

SF5 Water Right No. 37-7620

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

IRRIGATION	04/15	10/31	3.310 CFS
IRRIGATION STORAGE	01/01	12/31	25.50 AFY
IRRIGATION FROM STORAGE	04/15	10/31	25.50 AFY
DIVERSION TO STORAGE	01/01	12/31	3.310 CFS

NB

FWP

*CL5
MS*

*SCC
NBS*

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

~~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

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

IRRIGATION STORAGE within BLAINE County

T01S R22E S10 SENW

T01S R22E S10 SESW

IRRIGATION FROM within BLAINE County
STORAGE

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 MC NBS
CHS
SCC
NBS

~~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. 37-2676 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 434.4 ACRES IN A SINGLE IRRIGATION SEASON.

~~USE OF THIS RIGHT WITH RIGHT NO. 37-2676 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 449 ACRES 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
Use of water under this water right will be regulated by the watermaster of State Water District No. 37-U.
This right when combined with all other rights shall provide no more than 3.5 afa per ac at the field headgate for irrigation of the lands above.
This right when combined with all other rights shall provide no more than 0.02 cfs per ac and nor exceed a combined annual maximum diversion volume of 1520.4 af at the field headgate for the lands above.
Right 37-2676 is also diverted through the points of diversion described above.

~~This right is for the use of trust water and is subject to review 20 years after the issue of the permit to determine availability of water and to re-evaluate the public interest. This right when combined with all other rights shall provide no more than 0.02 cfs per ac and nor exceed a combined annual maximum diversion volume of 1571.5 af at the field headgate for the lands above.~~

FWP

MS
CLS

[Handwritten signature]

SCC
NBS

CERTIFICATE OF MAILING

I certify that on Jan. 13, 200³2 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:

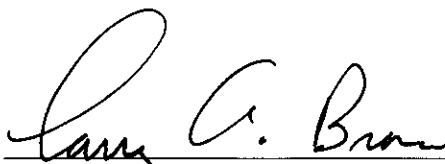
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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