

**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.: 43-339

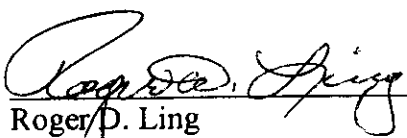
**STANDARD FORM 5**

**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.

  
Roger D. Ling  
Attorney for Claimant

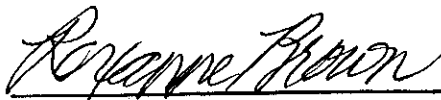
Date

7/22/02

  
Larry A. Brown  
Attorney for U.S. Dept. of Justice

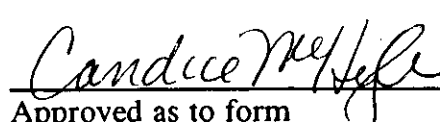
Date

7/25/02

  
IDWR Concurrence  
Sr. Water Resource Agent

Date

7/24/02

  
Approved as to form  
Attorney for IDWR

Date

7/24/02

07/08/2002

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

RIGHT NUMBER: 43-339  
NAME AND ADDRESS: DOUGLAS WARD  
PO BOX 102  
ALMO ID 83312

SOURCE: SPRINGS  
QUANTITY: 1.94 CFS  
PRIORITY DATE: 04/30/1885

TRIBUTARY: CASSIA CREEK

POINT OF DIVERSION:

T13S R24E S33 NESENE Within CASSIA County  
T13S R24E S34 SENWSW Within CASSIA County  
T13S R24E S34 NESESW Within CASSIA County  
T13S R24E S34 NWSESW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 1.940 CFS       |

PLACE OF USE: IRRIGATION Within CASSIA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T13S R24E S33 | NENE | 13.0 | T13S R24E S33 | SENE | 21.0 |
| T13S R24E S34 | NENW | 1.5  | T13S R24E S34 | NWNW | 14.0 |
| T13S R24E S34 | SWNW | 38.0 | T13S R24E S34 | SENE | 23.0 |
| T13S R24E S34 | NESW | 33.0 | T13S R24E S34 | NWSW | 4.5  |
| T13S R24E S34 | SESW | 10.0 |               |      |      |

223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. ~~43-238, 43-239, 43-240, AND 43-241~~ 43-338, 43-339, 43-340, AND 43-341.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 97 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 204.

EXPLANATORY MATERIAL: Decreed

# CERTIFICATE OF SERVICE

I certify that on July 25, 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

Roger D. Ling  
Ling & Robinson  
P.O. Box 396  
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