

COPY

RECEIVED

JUL 30 2002

Department of Water Resources

702 JUL 26 AM 10:39

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. 65-2601
)
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 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.

CLAIMANT(s):

JG Schwarz
Kristin Schwarz

JG Schwarz 6/30/02
JG Schwarz Date

Kristin Schwarz 6/30/02
Kristin Schwarz Date

STANDARD FORM 5 -65-2601

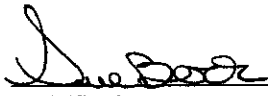
OBJECTOR:

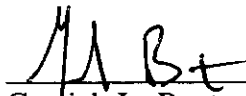
USDI - BLM

Larry Brown 7/22/02
Larry Brown Fwp Date
Dept of Justice

Attorney for USDI-BLM

IDWR Concurrence:

 7/24/02
IDWR Agent Date

 7/24/02
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on July 25, 2002 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:

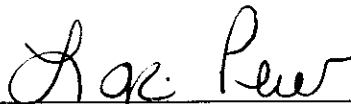
United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
999 18th Street, Suite N 945
Denver, CO 80202

(courtesy copy)

JG & Kristin Schwarz
6000 Big Willow Road
Payette, ID 83661

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

04/22/2002

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

RIGHT NUMBER: 65-2601

NAME AND ADDRESS: KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661JG SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

SOURCE: SUCKER CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 4.00 CFS

Fwp

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.5 AF PER ACRE AT FIELD HEADGATE. COMBINED RIGHT
NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126,
65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535,
65-10536, 65-07603, 65-07136.

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

PRIORITY DATE: 02/21/1955

POINT OF DIVERSION:

T08N R02W S10 NWNE Within PAYETTE County

T08N R02W S12 SWSW Within PAYETTE County

T08N R02W S12 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.190 CFS
		11.00 AFY
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R02W S02	SWNE	17.0	T08N R02W S02	SWNW	4.0
T08N R02W S02	SENE	10.0	T08N R02W S02	NESW	14.0
T08N R02W S02	NWSW	28.0	T08N R02W S02	NWSE	3.0
T08N R02W S03	SENE	12.0	T08N R02W S03 Lot 4 NWNW		4.0
T08N R02W S03	NESW	15.0	T08N R02W S03	SWSW	32.0
T08N R02W S03	SESW	36.0	T08N R02W S03	NESE	33.0
T08N R02W S03	NWSE	37.0	T08N R02W S03	SWSE	24.0
T08N R02W S03	SESE	8.0	T08N R02W S04	SWNE	2.0
T08N R02W S04	SENE	24.0	T08N R02W S04	NESW	22.0
T08N R02W S04	NWSW	23.0	T08N R02W S04	SWSW	38.0
T08N R02W S04	SESW	38.0	T08N R02W S04	NESE	7.0
T08N R02W S04	NWSE	23.0	T08N R02W S04	SWSE	21.0
T08N R02W S04	SESE	15.0	T08N R02W S05	SWSW	18.0
T08N R02W S05	SESW	21.0	T08N R02W S05	SWSE	27.0
T08N R02W S05	SESE	36.0	T08N R02W S07	NENE	19.0
~~T08N R02W S07~~	~~NWNE~~	~~19.0~~			
T08N R02W S07	SWNE	5.0	T08N R02W S08	NENE	4.0
T08N R02W S08	NWNE	10.0	T08N R02W S08	NENW	11.0
T08N R02W S08	NWNW	31.0	T08N R02W S09	NENE	3.0
T08N R02W S09	NENW	4.0	T08N R02W S09	NWNW	1.0
T08N R02W S10	NWNE	24.0	T08N R02W S10	SWNE	2.0
T08N R02W S10	NENW	25.0	T08N R02W S10	NWNW	30.0

JS
AB
JS KS
SB

T08N R02W S10	NENW	25.0	T08N R02W S10	NWNW	30.0
T08N R02W S10	SWNW	19.0	T08N R02W S10	SENW	24.0
T08N R02W S11	SWNE	6.0	T08N R02W S11	SWNW	12.0
T08N R02W S11	SENW	13.0	T08N R02W S11	NESE	22.0
T08N R02W S11	NWSE	14.0	T08N R02W S11	SESE	8.0
T08N R02W S12	NWSW	4.0	T08N R02W S12	SWSW	10.0
T09N R02W S34	SWNW	12.0	T09N R02W S34	NWSW	14.0
T09N R02W S34	SWSW	10.0			

STOCKWATER same as IRRIGATION

929 ACRES TOTAL

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-07603, 65-07136.~~

JS KS

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 181 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Fwp

JS SB. 23

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 FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Stockwater use is for 2000 range cattle.

EXPLANATORY MATERIAL: Decreed