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Department of Water Resources  
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DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO

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. 65-3126      |
|                | ) |                          |
| 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

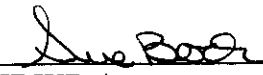
STANDARD FORM 5 -65-3126

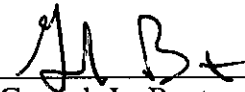
**OBJECTOR:**

USDI - BLM

Larry C. Brown 7/22/02  
Larry Brown 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 18<sup>th</sup> 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: 65-3126

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

JG SCHWARZ  
6000 BIG WILLOW RD  
PAYETTE ID 83661

SOURCE: BIG WILLOW CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.80 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 THE FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

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

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T08N R02W S2 SWSW Within PAYETTE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY               |
|----------------|---------------|------------------------|
| IRRIGATION     | 03/15 11/15   | 1.800 CFS              |
| STOCKWATER     | 01/01 12/31   | 0.190 CFS<br>11.00 AFY |

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 |
| <del>T08N R02W S07</del> | <del>NWNE</del> | <del>19.0</del> |                     |      |      |
| 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 |
| T08N R02W S10            | SWNW            | 19.0            | T08N R02W S10       | SENE | 24.0 |
| T09N R02W S34            | SWNW            | 12.0            | T09N R02W S34       | NWSW | 14.0 |
| T09N R02W S34            | SWSW            | 10.0            |                     |      |      |

*SB.*  
*JS*  
*KS*

T09N R02W S34 SWSW 10.0

STOCKWATER same as IRRIGATION

840 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 929 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136.

*JY KS.*

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 116 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*SB 13 13*

*Fwp*

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.

EXPLANATORY MATERIAL: Decreed