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Department of Water Resources

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DISTRICT COURT-SRBA

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. 65-7136

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

Kristin Schwarz

STANDARD FORM 5 -65-7136

OBJECTOR:

USDI - BLM

Larry Brown FWP

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

Har. Lew

Signature of person or attorney mailing the form

04/23/2002

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

RIGHT NUMBER: 65-7136

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

SOURCE: DRY CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 5.60 CFS
980.0 AFY*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, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

PRIORITY DATE: 05/12/1970

POINT OF DIVERSION:

T09N R02W S27 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	400.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	400.00 AFY
IRRIGATION	03/01 11/15	5.600 CFS 980.00 AFY
DIVERSION TO STORAGE	11/15 03/01	5.600 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
T08N R02W S10	SWNW	19.0	T08N R02W S10	SENE	24.0
T08N R02W S34	SWNW	12.0	T08N R02W S34	SWNW	12.0
T08N R02W S34	SWNW	12.0	T08N R02W S34	SWNW	12.0

SB
JCS
KS
AB

T08N R02W S34 NWSW 14.0 T08N R02W S34 NWSW 14.0
T08N R02W S34 SWSW 10.0

IRRIGATION STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION
DIVERSION TO STORAGE 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, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076,
65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

EXPLANATORY MATERIAL: License