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Department of Water Resources

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Department of Water Resources
Eastern Region

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: 35-4275B

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 claimants and 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:

Aden Gunderson 6-3-02
Aden Gunderson Date

Brent G. Gunderson 6/3/02
Brent Gunderson Date

OBJECTOR:

Larry Brown 6/5/02
Larry Brown, US DOJ Date
Attorney for BLM

IDWR CONCURRENCE:

Ernie Carlsen 3/11/02
Ernie Carlsen Date
Water Rights Supervisor, IDWR

Candice M. McHugh 3/4/02
Candice M. McHugh (As to Form) Date
Attorney for IDWR

02/28/2002

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

RIGHT NUMBER: 35-4275B
 NAME AND ADDRESS: BRENT G GUNDERSON
 905 N 3600 E
 MENAN ID 83434

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
 28.00 AFY

JK FWP B&B u.s.

USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO A TOTAL COMBINED
 DIVERSION RATE OF 0.16 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
 VOLUME OF 36 AF.

PRIORITY DATE: 06/01/1938

POINT OF
DIVERSION:

T05N R38E S22 NWNW Lot 4 Within MADISON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

4/01 10/31

0.120 CFS
28.00 AFY

PLACE OF USE:

IRRIGATION Within MADISON County

T05N R38E S22 Lot 4 NWNW 9.0

9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-08657B IS LIMITED TO THE IRRIGATION OF
 A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 ACRES WITHIN THE PLACE OF USE
 DESCRIBED ABOVE 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.

*SOME
ENC*

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 35-08657B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
 DESCRIBED ABOVE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS
 ASSN.

SF5 35-4275B

CERTIFICATE OF MAILING

I certify that on June 5, 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:

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

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Aden Gunderson
c/o Nyle Raymond
3310 E. 750 N.
Menan, ID 83434

Brent Gunderson
905 N. 3600 E.
Menan, ID 83434



Signature of person or attorney mailing the form