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Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 8 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By _____ Clerk
Deputy Clerk

In Re SRBA

Subcase No.: 36-48A

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.

C. Nicholas Crema 4/16/02
C. Nicholas Crema Date
Deputy Attorney General, State of Idaho
Attorney for Idaho State Building Authority

John M. Marshall 4/30/02
John M. Marshall Date
Givens Pursley, LLP
Attorney for Cranney Bros.

Deborah E. Nelson 4/22/02
Deborah E. Nelson Date
Beeman & Associates, PC
Attorney for North Snake Ground Water Dist.

 4/2/02
IDWR Concurrence
Steve Clelland
Sr. Water Resource Agent

 4-2-02
Approved as to form
Nicholas B. Spencer
Deputy Attorney General, State of Idaho
Attorney for IDWR

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 8 2002

By SCC Clerk
NB

RIGHT NUMBER: 36-48A

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00049 &
36-15538

THE 1.1 CFS QUANTITY FOR IRRIGATION DESIGNATED UNDER THIS RIGHT IS BASED
ON THE REASONABLE AMOUNT THAT WOULD BE NEEDED TO SUPPLY A SURFACE
OR GRAVITY IRRIGATION SYSTEM. HOWEVER, THE ACTUAL MEANS OF
IRRIGATION INVOLVES SPRINKLERS OR ANOTHER IRRIGATION METHOD THAT
REQUIRES A SMALLER AMOUNT OF WATER. IN THE EVENT OF WATER
SHORTAGE, A DELIVERY CALL FOR WATER, OR OTHER ACTION TO ADMINISTER
WATER RIGHTS, THE WATER RIGHT HOLDER SHALL BE ENTITLED TO DIVERT NO
MORE THAN THE QUANTITY REASONABLY NECESSARY AT THAT TIME. THIS
QUANTITY MAY BE LESS THAN, AND SHALL NEVER BE GREATER THAN, THE 1.1 CFS
QUANTITY. A DIVERSION SYSTEM THAT USES MORE THAN 0.026 CFS PER ACRE
IS REASONABLE ONLY IF SUCH SYSTEM IS REQUIRED IN GOOD FAITH FOR
AGRICULTURAL IRRIGATION OF THE DESCRIBED PLACE OF USE.

PRIORITY DATE: 11/04/1885

POINT OF
DIVERSION:

T07S R13E S13 NWNWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/15 11/30	1.100 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED
PLACE OF USE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A DIVERSION RATE OF NO MORE THAN 0.026 CFS PER ACRE OF THIS RIGHT MAY
BE TRANSFERRED OR CHANGED SO AS TO CHANGE THE PLACE OF USE, PURPOSE
OF USE, OR PERIOD OF USE THEREOF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

03/08/2002

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.

SCC
NBS
DEN
CK
Jm

CERTIFICATE OF SERVICE

I certify that on May 6, 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:

Office of the Attorney General
C. Nicholas Krema
P.O. Box 83720, Rm 207
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Deborah E. Nelson
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

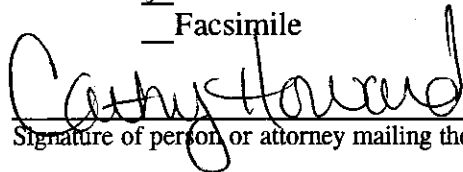
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John M. Marshall
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☐ Facsimile

IDWR Document Repository
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Boise, ID 83720-0098

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Signature of person or attorney mailing the form