

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

SEP 17 2002

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.: 36-5B

Case No. 39576

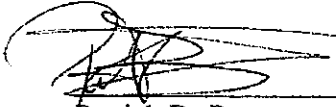
STANDARD FORM 5

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.

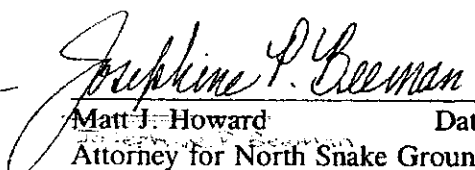
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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.


Patrick D. Brown

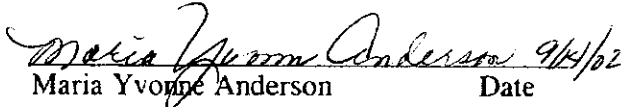
8/26/02
Date

Attorney for Kingston Properties L.P.


Matt J. Howard

9/04/02
Date

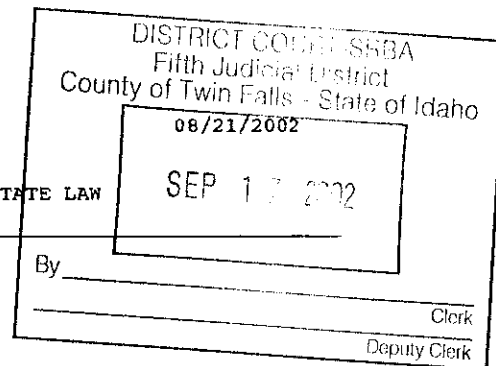
Attorney for North Snake Ground
Water District


Maria Yvonne Anderson

9/4/02
Date

<u>Steve Chell</u>	<u>8/23/02</u>	<u>Wick Spencer</u>	<u>8-22-02</u>
IDWR Concurrence	Date	Approved as to form Attorney for IDWR	Date

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



RIGHT NUMBER: 36-5B

NAME AND ADDRESS: KINGSTON PROPERTIES LP
477 SHOUP AVE STE 207
IDAHO FALLS ID 83402

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.40 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION:

T07S R13E S11 SESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	1.400 CFS
IRRIGATION	02/15 11/30	1.400 CFS
STOCKWATER	01/01 12/31	0.050 CFS

THE PORTION OF THIS RIGHT FOR FISH PROPAGATION PURPOSES IS SUBORDINATED TO ALL GROUND AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF AUGUST 15, 2002, OR EARLIER.

PLACE OF USE: FISH PROPAGATION Within GOODING County

T07S R13E S27	SWNW	T07S R13E S28 Lot 4 SWNE
T07S R13E S28	SENE	

IRRIGATION Within GOODING County

T07S R13E S27	SWNW	24.0	T07S R13E S27	NWSW	9.0
T07S R13E S28 Lot 4 SWNE		9.0	T07S R13E S28	SENE	25.0
T07S R13E S28	NESE	40.0	T07S R13E S28 Lot 5 NWSE		22.0

STOCKWATER Within GOODING County

T07S R13E S27	SWNW	T07S R13E S27	NWSW
T07S R13E S28 Lot 4 SWNE		T07S R13E S28	SENE
T07S R13E S28	NESE	T07S R13E S28 Lot 5 NWSE	

129 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00003B, 36-00005B & 36-00019B.

08/21/2002

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

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

THE PORTION OF THIS WATER RIGHT FOR FISH PROPAGATION PURPOSES SHALL NOT BE ASSERTED, DELIVERED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE IN ANY WAY OR OTHERWISE RESULT IN, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE AND GROUND WATER RIGHTS EXISTING AS OF AUGUST 15, 2002.

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.

*NBS**See
JPB
mja*

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

CERTIFICATE OF SERVICE

I certify that on Sept 17, 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:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Patrick D. Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, ID 83303-0207

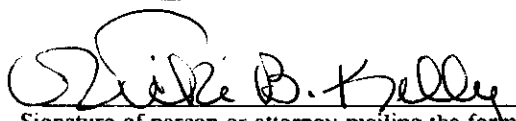
☐ Overnight Mail
☒ Regular Mail
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☐ Facsimile

Matt J. Howard
Beeman & Associates
408 W. Jefferson
Boise, ID 83702

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

Maria Yvonne Anderson
1945 S. Weimaraner Way
Meridian, ID 83642

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


Signature of person or attorney mailing the form