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Attorneys for Carlene Smith

Matt J. Howard (ISB # 5115)  
P. O. Box 190012  
Boise, ID 83719  
Tel: (208)333-0622  
Fax: (208)333-8409

Attorney for Batruels

RECEIVED  
SEP 23 2002

Department of Water Resources

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 Nos. 61-293B, 61-293D, 61-       |
|                | ) | 299, 61-303A, 61-303B, 61-304A, 61-304B, |
| Case No. 39576 | ) | 61-370, 61-2000B, 61-4038, 61-4113, 61-  |
|                | ) | 11921                                    |
|                | ) |                                          |
|                | ) | STIPULATION TO RESOLVE                   |
|                | ) | OBJECTIONS                               |
|                | ) |                                          |

COMES NOW, Carlene Smith ("Smith"), and Paul Batruel, Mary Batruel and Batruel Dairy ("Batruels"), parties to the above-captioned subcases (herein jointly referred to as "the parties"), by and through their attorneys of record, and hereby stipulate to the resolution of their respective objections/responses as follows:

1. The parties agree that Smith shall file the Motion to Amend Claim for water right no. 61-04038 which is attached hereto as Exhibit A, and that Batruel shall not oppose such Motion, and that Batruel shall not oppose the decree of water right no. 61-04038 as set forth in Exhibit A, *provided, however*, that in the event water right no. 61-04038, as described in Exhibit A, is subsequently changed through settlement with or action by IDWR or through judicial proceedings, Smith agrees that she will not

COPY

PS MB

allow any element of the water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; Smith, however, may without the prior approval of Batruels permit the location of the irrigated acres to be changed to other locations on Smith's land so long as the change does not increase the total number of irrigated acres set forth on Exhibit A hereto.

2. The parties agree that they will not oppose the decree of Water Right nos. 61-293B, 61-293D, 61-299, 61-303A, 61-303B, 61-304A, 61-304B, 61-370, 61-2000B, 61-4113, and 61-11921 as set forth in the Standard Forms Five for each of the above referenced water rights attached hereto as Exhibit B.
3. It is contemplated by the parties that Smith will file the Application for Transfer of Water Right no. 61-293D that is attached hereto as Exhibit C after water right no. 61-293D is decreed by the SRBA District Court. Batruels hereby agree that they shall not protest the Application for Transfer of Water Right no. 61-00293D.
4. Smith's objections to all of the water rights referenced in paragraph 2 above shall be dismissed with prejudice.
5. Batruels' objections and responses to all of the water rights referenced in paragraph 2 above shall be dismissed with prejudice.

RB CS MB

6. Smith agrees that she will file no additional objections or responses to any water right(s) currently recommended as either allowed or disallowed by IDWR to Batruel as the owner.
7. Batruels agree that they will file no additional objections or responses to any water right(s) currently recommended as either allowed or disallowed by IDWR to Smith as the owner.
8. The parties agree that they will make good faith efforts to obtain the signatures and concurrences of third parties and IDWR, as the case may be, on the Standard Forms Five referenced in paragraph 2, above. However, in the event, the parties are unable to obtain the required signatures and concurrences and the further legal action is required against such third parties and/or IDWR, this agreement and stipulation, including the exhibits hereto which are incorporated herein by reference, shall remain binding on the parties.
9. The parties agree that the priority dates for water right nos. 61-293B, 61-293C, and 61-293D should have the same priority date and be of equal priority. The parties further agree that the priority date for water right no. 61-11921 should have a priority date of at least one day senior to water rights nos. 61-293B, 61-293C, and 61-293D, and that water right no. 61-04038 should have a priority date of at least one day junior to water right nos. 61-293B, 61-293C, and 61-293D. The parties agree that the SRBA partial decrees entered for 61-293B, 61-293C, 61-293D, 61-04038 and 61-

Handwritten initials and signatures in the bottom right corner. There are three distinct marks: a stylized 'CS' at the top, a signature that appears to be 'MB' below it, and a large, loopy signature or set of initials to the left of the 'MB' signature.

11921 should contain the relative priority dates as set forth in this paragraph.

Carlene Smith 9/19/02  
Carlene Smith Date

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Attorney for Carlene Smith

Mary Batruel  
Mary Batruel Date

Paul Batruel 9-19-2002 9-19-2002  
Paul Batruel Date

Matt J. Howard 9-14-02  
Matt J. Howard Date  
Attorney for Batruels

CS MB

CERTIFICATE OF SERVICE

I certify that on the 20<sup>th</sup> day of September,  
2002, I served copies of this document, including all attachments by U.S.  
Mail to the following:

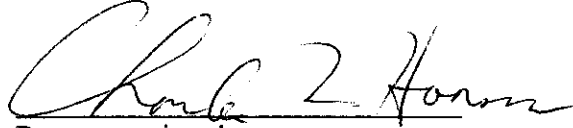
Larry Brown  
U. S. Department of Justice  
550 W. Fort Street, MSC 033  
Boise, ID 83724  
Of Attorneys for U. S. BLM

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Norman M. Semanko / Amy D. Chestnut  
Barker, Rosholt, Simpson, LLP  
P. O. Box 2139  
Boise, ID 83709  
Of Attorneys for Roger L. Jones and Fresh-Pak, Inc.

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

  
Person serving documents



# EXHIBIT A

PO CS MB

Charles L. Honsinger (ISB # 5240)  
Ringert Clark, Chartered  
P.O. Box 2773  
Boise, ID 83701  
Tel: (208) 342-4591  
Fax: (208) 342-4657

Attorneys for Claimant Carlene Smith

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 61-04038                       |
|            | ) |                                        |
|            | ) |                                        |
| Case 38576 | ) | STANDARD FORM 4                        |
|            | ) |                                        |
|            | ) | MOTION TO FILE AMENDED NOTICE OF CLAIM |
|            | ) |                                        |

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).  
I am an attorney representing Carlene Smith.

POB, CS MB

My address is: RINGERT CLARK, CHARTERED, P.O. Box 2773, Boise, Idaho 83701  
My phone number is: 208/342-4591

### MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

Ms. Smith must amend her Amended Notice of Claim to the use of water in the SRBA because the original amended claim to this water right did not specify the correct priority date and source, and improperly listed points of diversion and other places and purposes of use. After negotiations with IDWR and the other Party to this subcase, it has been determined that the original amended claim to this water right does not reflect its historical use.

I have attached:

A fully completed amended Notice of Claim (available from IDWR).

#### VERIFICATION (Must be completed)

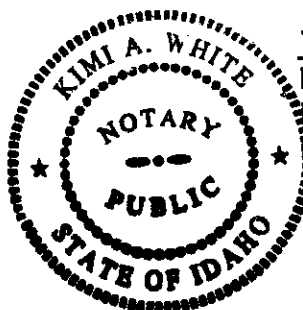
State of Idaho       )  
                                  )  
County of Ada       )

Charles L. Honsinger, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger  
Attorney signing in representative capacity

Subscribed and sworn to before me on September 19, 2002.

 Kimi A. White  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 01/01/04

RB CS MB

## CERTIFICATE OF MAILING

I certify that on September \_\_\_\_, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

Matt J. Howard  
Attorney at Law  
P.O. Box 190012  
Boise, ID 83719

---

Signature of person or attorney mailing form

RB CS MB

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

CIVIL CASE NUMBER: 39576

GENERAL ADJUDICATION  
S TO THE USE OF WATER FROM  
THE RIVER BASIN WATER SYSTEM

Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Write or print clearly

Name of Claimant (a) Carlene R. Smith Phone (208) 366-2711

Address Route 1, Box 420, Glens Ferry, ID Zip 83623

Date of Priority (Only one (1) per claim) January 2, 1898

Source of water supply (a) Sand Springs Gulch and/or Sand Springs  
to which is tributary (b) Little Canyon Creek and/or Sand Springs Gulch

Location of existing point of diversion is: Township 05S Range 10E Section 18.

1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Elmore  
Additional points of diversion if any: T05S, R10E, S.18 NESE; T05S, R10E, S.18, NWSE (Injection & Rediversion)

If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

Ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Diversion in Section 18, SWSE is

Gravity pipeline from Sand Springs Gulch to diversion pond with  
10 hp pump. Diversion in Section 18, NESW is 1/2 hp pump diverting  
water to stockyard.

EXHIBIT A

PS MB

1. Water is claimed for the following purposes:

|                       |                                           |                      |             |
|-----------------------|-------------------------------------------|----------------------|-------------|
|                       | (both dates are inclusive)                | (cfs)                | (acre feet) |
| for <u>Irrigation</u> | purposes from <u>3/15</u> to <u>11/15</u> | amount <u>.18cfs</u> | or _____    |
| for <u>Stockwater</u> | purposes from <u>1/1</u> to <u>12/31</u>  | amount <u>.04cfs</u> | or _____    |
| for _____             | purposes from _____ to _____              | amount _____         | or _____    |
| for _____             | purposes from _____ to _____              | amount _____         | or _____    |

2. Total quantity claimed (a) .18 cfs (cfs) and/or (b) \_\_\_\_\_ (acre feet)

3. Total consumptive use claimed is N/A acre feet per annum.

3. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater use for 400 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 05S | 10E | 18  |        |       |       |       |        |       |       |       | 3      |       |       | 12    |        |       | 2     |       | 17     |
| 05S | 10E | 19  |        |       |       |       | †      |       |       |       |        |       |       |       |        |       |       |       | 1      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 18

11. In which county (ies) are lands listed above as place of use located? Elmore

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
Water right no. 61-0293D or None ( )

14. Remarks:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

EXHIBIT A

RB CS MB

**Scale: 2 inches equals 1 mile**

A large grid of 10 rows and 16 columns of dashed lines for handwriting practice. Each cell contains a dashed cross shape, resembling a plus sign with longer horizontal and vertical strokes. The grid is designed to help children learn to write the letter 't' by tracing the dashed lines.

**Last Name**

Ident No.

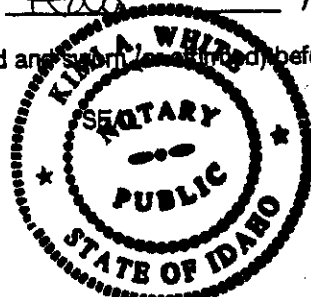
# EXHIBIT A

BS MB

5. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 61-4038  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

6. Signature (s)  
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled  
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.  
Number of attachments \_\_\_\_\_  
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.  
Signature of Claimant (s) [Signature] Date 09/19/02  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.  
Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Idaho )  
County of Ada ) ss.  
Subscribed and sworn to before me this 19th day of September 19 2002  
 Notary Public Kimm A. White  
Residing at Boise, Idaho  
My Commission Expires 04/01/04  
Please Print Name

17. Notice of Appearance:  
Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Date \_\_\_\_\_  
Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

EXHIBIT A PO CR MB

# EXHIBIT B

PO of MB

**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

Case No. 39576

Subcase No.: 61-00293D

**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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other

CC MB  
PB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

Carlene Smith 9-19-02  
Carlene Smith Date

IDWR Concurrence Date

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

APPROVED AS TO FORM BY:

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

PD as AMB

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

---

RIGHT NUMBER: 61-293D

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH      TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: .18 CFS

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

PRIORITY DATE: 1/01/1898

POINT OF DIVERSION: T05S R10E S18      NWSESE      Injection      Within ELMORE County  
T05S R10E S18      NWSSE      Rediversion      Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | .18 CFS         |
| STOCKWATER            | 1-01 12-31           | 0.04 CFS        |

PLACE OF USE:

IRRIGATION Within ELMORE County  
T05S R10E S19      NENW      40

STOCKWATER Use same as IRRIGATION

40 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 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 WATER 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:

BASIS OF CLAIM - decree

RB CS MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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

2. Copies to:

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

RB CS MB

**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.: <u>61-00299</u>    |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

---

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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other

CS  
MB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

Carlene Smith 9-19-02  
Carlene Smith Date

\_\_\_\_\_  
IDWR Concurrence Date

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

**APPROVED AS TO FORM BY:**

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

PB MB CS

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

---

RIGHT NUMBER: 61-299

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.6 CFS

PRIORITY DATE: 05/01/1871

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
3-15 11-15

QUANTITY  
0.60 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T05S R10E S7  | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17 | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17 | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18 | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18 | NWNE | 15 | T05S R10E S18 | NESW | 18 |

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 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 WATER 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.

PO CS MB

EXPLANATORY MATERIAL:

BASIS OF CLAIM - decree

PD MB CS

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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

2. Copies to:

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

---

Signature of person or attorney mailing the form

PD MB CS

**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.: <u>61-00303A</u>   |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

---

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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or

PB CS MB

changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

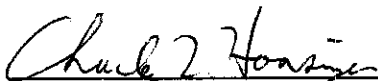
 9-19-02  
\_\_\_\_\_  
Carlene Smith Date

\_\_\_\_\_  
IDWR Concurrence Date

 9-19-2002  
\_\_\_\_\_  
Mary Batruel Date

 9-19-2002  
\_\_\_\_\_  
Paul Batruel Date

**APPROVED AS TO FORM BY:**

 09/19/02  
\_\_\_\_\_  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

 9-19-02  
\_\_\_\_\_  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy



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

---

RIGHT NUMBER: 61-303A

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: .3 CFS

PRIORITY DATE: 05/02/1892

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                  |
|-----------------------|----------------------|----------------------------------|
| IRRIGATION            | 3-15 11-15           | <del>1.20</del> CFS<br>30<br>C2X |

PLACE OF USE:

| <u>IRRIGATION Within ELMORE County</u> |      |    |               |      |    |
|----------------------------------------|------|----|---------------|------|----|
| T05S R10E S7                           | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17                          | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17                          | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18                          | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18                          | NWNE | 15 | T05S R10E S18 | NESW | 18 |

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15 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

RB CS MB

PROVISIONS NECESSARY FOR THE DEFINITION OF THE WATER 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: BASIS OF CLAIM - decree

RB CS MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

PB CS MB

**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

Case No. 39576

Subcase No.: 61-00304A

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

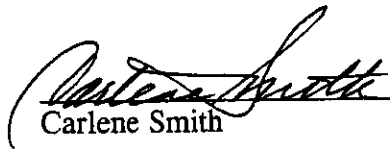
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other

PB [Signature] MB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

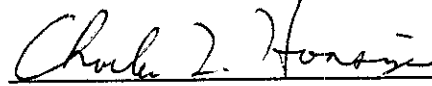
 9-19-02  
\_\_\_\_\_  
Carlene Smith Date

\_\_\_\_\_  
IDWR Concurrence Date

 9-19-2002  
\_\_\_\_\_  
Mary Batruel Date

 9-19-2002  
\_\_\_\_\_  
Paul Batruel Date

**APPROVED AS TO FORM BY:**

 09/19/02  
\_\_\_\_\_  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

 09-19-02  
\_\_\_\_\_  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy



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

---

RIGHT NUMBER: 61-304A

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 1.2 CFS

PRIORITY DATE: <sup>Vg</sup> 05/02/1892 <sub>07</sub> C. J. (on behalf of Carlene Smith)

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | 1.20 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within ELMORE County</u> |      |    |               |      |    |
|----------------------------------------|------|----|---------------|------|----|
| T05S R10E S7                           | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17                          | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17                          | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18                          | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18                          | NWNE | 15 | T05S R10E S18 | NESW | 18 |

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 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 WATER 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: BASIS OF CLAIM - decree

PB G M2

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

PB CF MB

**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

Case No. 39576

Subcase No.: 61-00370

**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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other

*Handwritten initials:* PB, J, MB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

Carlene Smith 9-19-02  
Carlene Smith Date IDWR Concurrence Date

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

APPROVED AS TO FORM BY:

Charles L. Honsinger 09/14/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

MB

PD

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

---

RIGHT NUMBER: 61-370

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENNS FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 CFS

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

PRIORITY DATE: 05/05/1892

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | 1.40 CFS        |
| STOCKWATER            | 11-01 3-31           | 0.10 CFS        |

PLACE OF USE:

IRRIGATION Within ELMORE County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T05S R10E S7  | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17 | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17 | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18 | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18 | NWNE | 15 | T05S R10E S18 | NESW | 18 |

STOCKWATER Use is in T05S R10E S7 SESE, S8 SESW, S18 NENE, SENE

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 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 WATER 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: BASIS OF CLAIM - decree

PB & MB

## CERTIFICATE OF SERVICE

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Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

---

Signature of person or attorney mailing the form

PB

G MB

**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

Case No. 39576

Subcase No.: 61-02000B

**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.

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PB CF MB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

Carlene Smith 9-19-02  
Carlene Smith Date

\_\_\_\_\_  
IDWR Concurrence Date

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

**APPROVED AS TO FORM BY:**

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

PB CS MB

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

---

RIGHT NUMBER: 61-2000B

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 2.056 CFS

USE OF THIS RIGHT WITH RIGHTS 61-02000A, 61-07236A and 61-07236B IS  
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.67 CFS.

PRIORITY DATE: 12/07/1903

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | 1.40 CFS        |
| STOCKWATER            | 11-01 3-31           | 0.10 CFS        |

PLACE OF USE:

IRRIGATION Within ELMORE County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T05S R10E S7  | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17 | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17 | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18 | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18 | NWNE | 15 | T05S R10E S18 | NESW | 18 |

STOCKWATER Use is in T05S R10 E S17 SWNW, NWSW, S18 NESW

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 63 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 WATER 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: BASIS OF CLAIM - license

PD CS MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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Twin Falls, ID 83303-2707

2. Copies to:

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

---

Signature of person or attorney mailing the form

PB CS MB

**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

Case No. 39576

Subcase No.: 61-04113

**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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other

PB GB MB

locations on claimant's land, and the change does not increase the total number of irrigated acres stipulated hereto.

Carlene Smith 9-19-02  
Carlene Smith Date

IDWR Concurrence Date

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

APPROVED AS TO FORM BY:

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

DB CS MB

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

---

RIGHT NUMBER: 61-4113

NAME AND ADDRESS: CARLENE SMITH  
RT 1 BOX 420  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: .80 CFS

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

PRIORITY DATE: 06/05/1928

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T05S R10E S5  | SWSE   | Within ELMORE County |
|                     | T05S R10E S8  | NENWSW | Within ELMORE County |
|                     | T05S R10E S8  | NWSWSW | Within ELMORE County |
|                     | T05S R10E S18 | SESE   | Within ELMORE County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 3-15 11-15           | .80 CFS         |
| STOCKWATER            | 11-01 3-31           | 0.04 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within ELMORE County</u> |      |    |               |      |    |
|----------------------------------------|------|----|---------------|------|----|
| T05S R10E S7                           | SESE | 16 | T05S R10E S8  | SESW | 16 |
| T05S R10E S17                          | NWNW | 39 | T05S R10E S17 | SWNW | 40 |
| T05S R10E S17                          | NWSW | 21 | T05S R10E S18 | SWNE | 31 |
| T05S R10E S18                          | NENE | 39 | T05S R10E S18 | SENE | 39 |
| T05S R10E S18                          | NWNE | 15 | T05S R10E S18 | NESW | 18 |

STOCKWATER Use is in T05S R10E S7 SESE, S8 SESW, S18 NENE, SENE

274 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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 WATER 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: BASIS OF CLAIM - decree

PB S MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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

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P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

PB CS MB

**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

Case No. 39576

) Subcase No.: 61-00293B  
)  
)  
)  
)  
)  
)

**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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other locations on claimant's land, which does not include public lands, and the change does not increase the total number of irrigated acres stipulated hereto.**

PD CS MB

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-2002  
Paul Batruel Date

Roger L. Jones Date  
Individually and on behalf of RJT Farming, Inc.

Carlene Smith 9-19-02  
Carlene Smith Date

Idaho Fresh-Pak, Inc. Date  
By: Ray Clement, President

U.S. Bureau of Land Management Date  
By:

IDWR Concurrence Date

**APPROVED AS TO FORM BY:**

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

Norman M. Semanko Date  
Of Attorneys for Roger L. Jones and  
Fresh-Pak, Inc.

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

Larry A. Brown Date  
Of Attorneys for U. S. BLM

Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

PB MB  
Rg

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

RIGHT NUMBER: 61-293B

NAME AND ADDRESS: BATRUEL DAIRY  
MARY N BATRUEL  
PAUL BATRUEL  
RT 1 BOX 428  
GLENNS FERRY, ID 83623

SOURCE: SAND SPRINGS GULCH

TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 0.575 CFS

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

PRIORITY DATE: 01/01/1898

POINT OF DIVERSION:

T05S R09E S12 SESE Within ELMORE County

T05S R10E S18 SWNW Lot 2 Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.575 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.575 CFS       |

PLACE OF USE:

IRRIGATION Within ELMORE County

|                 |      |      |               |               |      |      |      |
|-----------------|------|------|---------------|---------------|------|------|------|
| T05S R09E S13   | NWNE | 3.0  | T05S R09E S13 | SWNE          | 24.0 |      |      |
| T05S R09E S13   | LT2  | SENE | 9.0           | T05S R09E S13 | NENW | 19.5 |      |
| T05S R09E S13   |      | NWNW | 1.5           | T05S R09E S13 | SWNW | 1.0  |      |
| T05S R09E S13   |      | SENE | 19.0          | T05S R09E S13 | NESE | 36.0 |      |
| T05S R09E S13   |      | NWSE | 16.0          | T05S R09E S13 | SESE | 13.0 |      |
| T05S R10E S18   |      | SENE | 28.0          | T05S R10E S18 | LT3  | NWSW | 30.0 |
| T05S R10E S18   | LT4  | SWSW | 38.0          | T05S R10E S18 | NESE | 17.0 |      |
| T05S R10E S18   |      | NWSE | 40.0          |               |      |      |      |
| 295 ACRES TOTAL |      |      |               |               |      |      |      |

STOCKWATER Use same as IRRIGATION

USE OF THIS RIGHT WITH RIGHT NOS. 61-00303B, 61-00304B, 61-00308, 61-04132, 61-10834, 61-11921 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 328 ACRES 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed  
STOCKWATER USE INCLUDES USE FOR SMALL DAIRY AND LAND APPLICATION OF WASTE WATER WITHIN POU.

PB CS MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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Twin Falls, ID 83303-2707

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U. S. Department of Justice  
550 W. Fort Street, MSC 033  
Boise, ID 83724  
Of Attorneys for U. S. BLM

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Norman M. Semanko / Amy D. Chestnut  
Barker, Rosholt, Simpson, LLP  
P. O. Box 2139  
Boise, ID 83709  
Of Attorneys for Roger L. Jones and Fresh-Pak, Inc.

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batrue, Paul Batrue, and Batrue Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

PB MB  
Q

**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

Case No. 39576

) Subcase No.: 61-11921  
)  
)  
)  
)  
)  
)

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

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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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other locations on claimant's land, which does not include public lands, and the change does not increase the total number of irrigated acres stipulated hereto.

PB DS MB

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul Batruel 9-19-02  
Paul Batruel Date

Roger L. Jones Date  
Individually and on behalf of RJT Farming, Inc.

Carlene Smith 9-19-02  
Carlene Smith Date

Idaho Fresh-Pak, Inc. Date  
By: Ray Clement, President

U.S. Bureau of Land Management Date  
By:

IDWR Concurrence Date

**APPROVED AS TO FORM BY:**

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

Norman M. Semanko Date  
Of Attorneys for Roger L. Jones and  
Fresh-Pak, Inc.

Charles L. Honsinger 09/14/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

Larry A. Brown Date  
Of Attorneys for U. S. BLM

Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

*PB* *CS* *MR*

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

RIGHT NUMBER: 61-11921

NAME AND ADDRESS: BATRUEL DAIRY  
MARY N BATRUEL  
PAUL BATRUEL  
RT 1 BOX 428  
GLENNS FERRY, ID 83623

SOURCE: SAND SPRING GULCH TRIBUTARY: LITTLE CANYON CREEK

QUANTITY: 1.24 CFS

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

PRIORITY DATE: 12/31/1897

POINT OF DIVERSION: T05S R09E S12 SESE Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 03-15 11-15   | 1.16 CFS |
| STOCKWATER     | 01-01 12-31   | 0.02 CFS |
| DOMESTIC       | 01-01 12-31   | 0.06 CFS |

PLACE OF USE:

| IRRIGATION Within ELMORE County |      |      |                             |
|---------------------------------|------|------|-----------------------------|
| T05S R09E S13                   | NWNE | 3.0  | T05S R09E S13 SWNE 24.0     |
| T05S R09E S13 LT2               | SENE | 16.0 | T05S R09E S13 NENW 19.5     |
| T05S R09E S13                   | NWNW | 1.5  | T05S R09E S13 SWNW 1.0      |
| T05S R09E S13                   | SENE | 19.0 | T05S R09E S13 NESE 39.0     |
| T05S R09E S13                   | NWSE | 16.0 | T05S R09E S13 SESE 13.0     |
| T05S R10E S18                   | SENE | 30.0 | T05S R10E S18 LT3 NWSW 39.0 |
| T05S R10E S18 LT4               | SWSW | 38.0 | T05S R10E S18 NESE 17.0     |
| T05S R10E S18                   | NWSE | 40.0 |                             |
| 316 ACRES TOTAL                 |      |      |                             |

STOCKWATER Use same as IRRIGATION

| DOMESTIC Use  |            |               |            |
|---------------|------------|---------------|------------|
| T05S R09E S13 | SWNE       | T05S R09E S13 | LOT 2 SENE |
| T05S R10E S18 | LOT 3 NWSW |               |            |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 58  
ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A  
SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 61-00293B, 61-  
00303B, 61-00304B, 61-00308, 61-04132, 61-10834 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 328  
ACRES IN A SINGLE IRRIGATION SEASON.

PB CS MB

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.

THE QUANTITY OF WATER FOR STOCKWATER USE SHALL BE MEASURED AT THE POINT WHERE THE WATER ENTERS THE DIVERSION POND LOCATED IN T05S R09E S13 SENE

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER USE INCLUDES USE FOR SMALL DAIRY AND LAND APPLICATION OF WASTE WATER WITHIN POU.  
DOMESTIC USE FOR 3 HOUSES

POB MB  
CR

## CERTIFICATE OF SERVICE

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Ringert Clark, Chtd  
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Boise, ID 83701  
Of Attorneys for Carlene Smith

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Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

---

Signature of person or attorney mailing the form

PB MB  
CS

**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

Case No. 39576

Subcase No.: 61-00303B

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

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PB DS MB

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul V Batruel 9-19-2002  
Paul Batruel Date

Carlene Smith 9-19-02  
Carlene Smith Date

U.S. Bureau of Land Management Date  
By:

\_\_\_\_\_  
IDWR Concurrence Date

**APPROVED AS TO FORM BY:**

Matt J. Howard 9-19-02  
Matt J. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

\_\_\_\_\_  
Larry A. Brown Date  
Of Attorneys for U.S. BLM

Charles L. Honsinger 09/19/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

PB [Signature] MB

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

RIGHT NUMBER: 61-303B

NAME AND ADDRESS: MARY BATRUEL  
PAUL BATRUEL  
BATRUEL DAIRY  
RT 1 BOX 428  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.2 CFS

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

PRIORITY DATE: 05/02/1892

POINT OF DIVERSION: T05S R10E S8      NENWSW      Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03-15 11-15          | 0.20 CFS        |
| STOCKWATER            | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

|                                 |      |    |               |
|---------------------------------|------|----|---------------|
| IRRIGATION Within ELMORE County |      |    |               |
| T05S R10E S18                   | SENW | 28 | T05S R10E S18 |
| T05S R10E S18                   | NWSE | 40 | NESE 17       |

STOCKWATER Use same as IRRIGATION

85 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10  
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.

PD [Signature] MB

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT  
FOR STOCKWATER USE IS NOT A DETERMINATION OF  
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - decree

PB Q MB

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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P. O. Box 2773  
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Barker, Rosholt, Simpson, LLP  
P. O. Box 2139  
Boise, ID 83709  
Of Attorneys for Roger L. Jones and Fresh-Pak, Inc.

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

---

Signature of person or attorney mailing the form

**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

Case No. 39576

Subcase No.: 61-00304B

**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 agree and stipulate that the elements of this water right should be described in accordance with the attached pages, which have been initialed by the parties. Each party shall bear such party's own costs and attorney fees in the above-captioned matter. In the event IDWR does not indicate its concurrence with this Standard Form 5, and the elements of this water right are subsequently changed through settlement with IDWR or through judicial proceedings, the claimant of the water right hereby agrees that claimant will not allow any element of this water right to be increased (i.e. increases to quantity, purposes of use, season of use, number of irrigated acres, or changes to a more senior priority date or different points of diversion) unless expressly agreed to in writing by the parties; claimant, however, may without the prior approval of the parties hereto permit the location of the irrigated acres to be changed to other locations on claimant's land, which does not include public lands, and the change does not increase the total number of irrigated acres stipulated hereto.

PB  
MB

Mary Batruel 9-19-2002  
Mary Batruel Date

Paul V Batruel 9-19-2002  
Paul Batruel Date

Carlene Smith 9-19-02  
Carlene Smith Date

U.S. Bureau of Land Management Date  
By:

\_\_\_\_\_  
IDWR Concurrence Date

**APPROVED AS TO FORM BY:**

Matt L. Howard 9-19-02  
Matt L. Howard Date  
Attorney for Mary Batruel, Paul Batruel,  
and Batruel Dairy

\_\_\_\_\_  
Larry A. Brown Date  
Of Attorneys for U.S. BLM

Charles L. Honsinger 09/14/02  
Charles L. Honsinger Date  
Of Attorneys for Carlene Smith

\_\_\_\_\_  
Candice McHugh Date  
Idaho Deputy Attorney General, IDWR

*Handwritten initials: PB, MB, and a signature.*

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

RIGHT NUMBER: 61-304B

NAME AND ADDRESS: MARY BATRUEL  
PAUL BATRUEL  
BATRUEL DAIRY  
RT 1 BOX 428  
GLENN'S FERRY, ID 83623

SOURCE: LITTLE CANYON CREEK      TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

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

PRIORITY DATE: 05/07/1892

POINT OF DIVERSION: T05S R10E S8      NENWSW      Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03-15 11-15          | 0.80 CFS        |
| STOCKWATER            | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

|                                   |      |    |               |
|-----------------------------------|------|----|---------------|
| IRRIGATION Within ELMORE County   |      |    |               |
| T05S R10E S18                     | SENW | 28 | T05S R10E S18 |
| T05S R10E S18                     | NWSE | 40 | NESE 17       |
| STOCKWATER Use same as IRRIGATION |      |    |               |

85 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40  
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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT  
FOR STOCKWATER USE IS NOT A DETERMINATION OF  
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - decree

PB MB  
CS

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, via first-class U. S. mail at the addresses provided below:

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

2. Copies to:

Larry Brown  
U. S. Department of Justice  
550 W. Fort Street, MSC 033  
Boise, ID 83724  
Of Attorneys for U. S. BLM

Charles L. Honsinger  
Ringert Clark, Chtd  
P. O. Box 2773  
Boise, ID 83701  
Of Attorneys for Carlene Smith

Norman M. Semanko / Amy D. Chestnut  
Barker, Rosholt, Simpson, LLP  
P. O. Box 2139  
Boise, ID 83709  
Of Attorneys for Roger L. Jones and Fresh-Pak, Inc.

Matt J. Howard  
Attorney at Law  
P. O. Box 190012  
Boise, ID 83719  
Attorney for Mary Batruel, Paul Batruel, and Batruel Dairy

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

\_\_\_\_\_  
Signature of person or attorney mailing the form

PB  
CC  
MB

# EXHIBIT C

PB  
MB G

ge \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of applicant Carlene R. Smith Phone (208) 366-2711  
Post Office address Route 1, Box 420, Glenns Ferry, ID 83623

PURPOSE OF TRANSFER

1. ☐ Change point of diversion    ☒ Add diversion point(s)    ☒ Change place of use  
☐ Change nature of use    ☐ Change period of use    ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes The land to which this water right is appurtenant has been sold. The water right has been retained by the seller and must be transferred onto the seller's lands.  
See attached deeds.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------|----------|--------------------|---------------|---------------|
| 61-293D      | 1/1/1898 | .18 cfs            | Irrigation    | 3/15 to 11/15 |
|              |          | .04 cfs            | *Stockwater   | 1/1 to 12/31  |
|              |          |                    |               | to            |
|              |          |                    |               | to            |
2. Total amount of water being transferred .18 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Sand Springs Gulch tributary to Little Canyon Creek
4. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion      |
|-----|----|----|----|------|------|------|--------|-------------------------------|
|     |    | SW | SE | 18   | 05S  | 10E  | Elmore | Irrigation pipeline (gravity) |
|     |    | NE | SW | 18   | 05S  | 10E  | Elmore | Stockwater pump               |
|     | NW | SE | SE | 18   | 05S  | 10E  | Elmore | Injection                     |
|     | NW | SE | SE | 18   | 05S  | 10E  | Elmore | Rediversion                   |

Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 05S  | 10E  | 18   |      |      |      |      |      |      |      |      | 3    |      |      | 12   |      |      | 2    |      | 17     |
| 05S  | 10E  | 19   |      |      |      |      | 1    |      |      |      |      |      |      |      |      |      |      |      | 1      |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 18

\* Stockwater Place of Use is T05S R10E Sec. 18, NESW

EXHIBIT B *POB MB AS*

**PART 1**

**6. General information:**

- a. Description of diversion system Stockwater pump (1/2 hp) in Sand Springs Gulch diverts water to stockyard in S.18 NESW. Irrigated acres served by gravity-fed irrigation pipe diverting from Sand Springs Gulch to relift pond with 10 hp pump.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:  
The land will either cease to be irrigated, or may be irrigated pursuant to other water rights held by the owner.
- d. Remarks:  
This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season. This water right is used in conjunction with water right no. 61-4038.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*PB MB QZ*

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

*(Attach one copy for each right)*

**DESCRIPTION OF RIGHT AS RECORDED** Please see attached Standard Form 5 for Water Right No. 61-293D, or decree for Water Right No. 62-293D as applicable.

Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

i. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

j. Date of priority \_\_\_\_\_

k. Water is used for the following purpose:

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

l. Total amount of water under right \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

PB MB (S)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

\_\_\_\_\_ If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

PB MB CS

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 3** Please see attached aerial photograph.

- A.** Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

**SCALE:** 2 inches equal 1 mile. Draw plan in ink.

PB MB CS

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | <u>New Nature of Use</u> | <u>Amount</u><br><u>(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|---|--------------------------|-------------------------------------|------------------------|----------------------|
|   |                          |                                     |                        | _____ to _____       |
|   |                          |                                     |                        | _____ to _____       |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

\_\_\_\_\_  
(Signature of Applicant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \_\_\_\_\_

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

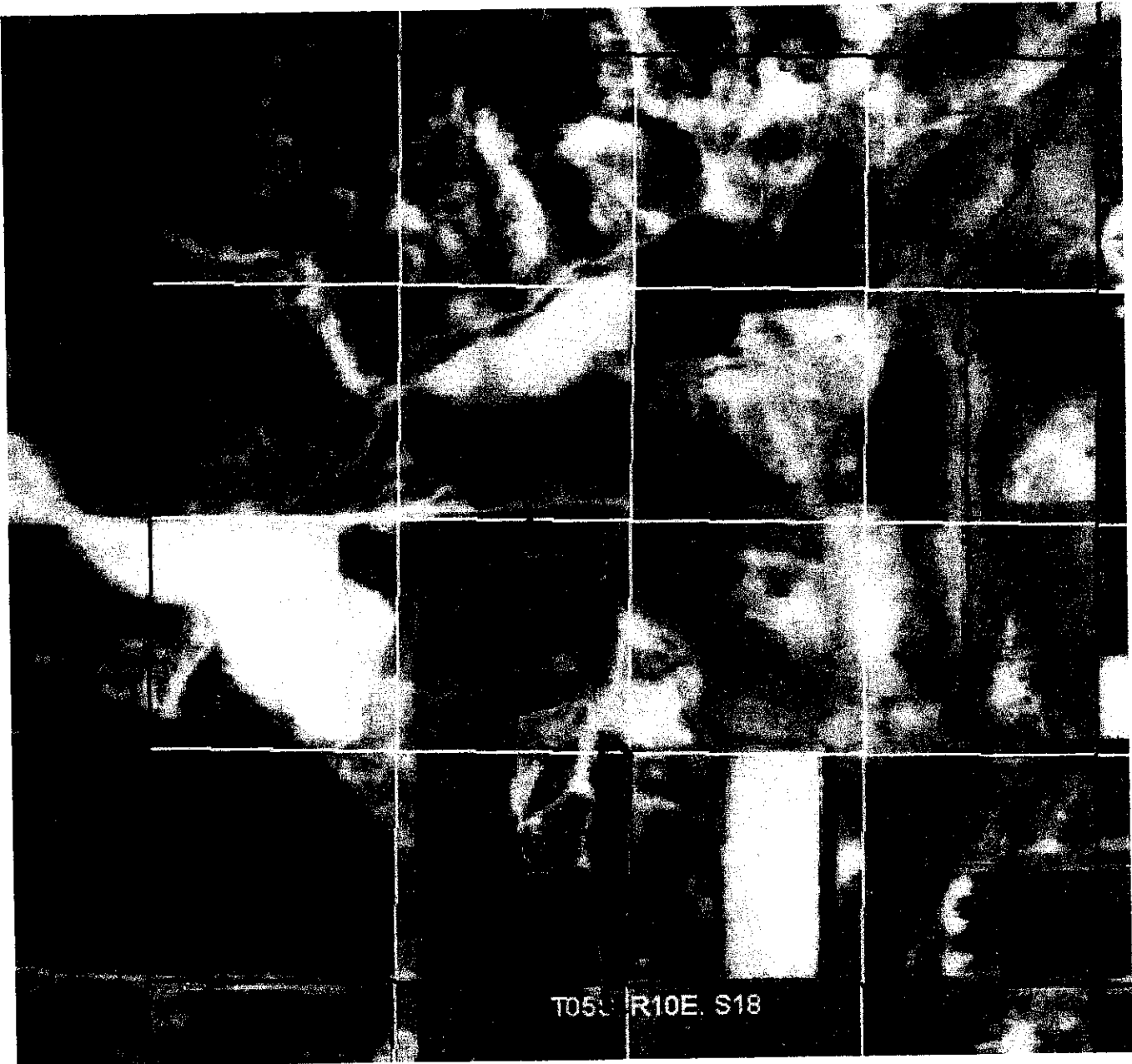
Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

PB MB



Proposed Place of Use  
X Proposed Points of Diversion

PB MB

# WARRANTY DEED

For Value Received CHARLES H. PARMLEY AND EDNA PARMLEY, husband and wife, and VERNON C. PARMLEY AND MARVA PARMLEY, husband and wife, all of Glens Ferry, Elmore County, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

RICHARD P. VINER AND CARLENE R. VINER, husband and wife, of Glens Ferry, Elmore County, Idaho,

the grantee s, the following described premises, situated in Elmore County, State of Idaho, to-wit:

In Township 5 South, Range 10 East, Boise Meridian, County of Elmore, State of Idaho:

SE 1/4 SE 1/4 of Section 7; SW 1/4 SW 1/4 of Section 8; W 1/2 W 1/2 of Section 17; NE 1/4, E 1/2 SW 1/4, S 1/2 SE 1/4 of Section 18; E 1/2 NW 1/4 and Lots 1 and 2 of Section 19;

In Township 2 South Range 10 East, Boise Meridian, County of Elmore, State of Idaho;

E 1/2 NE 1/4 of Section 19; N 1/2, N 1/2 SE 1/4, NE 1/4 SW 1/4 of Section 20; S 1/2 NW 1/4; NW 1/4 SW 1/4 of Section 21.

Together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

Together with all Taylor grazing rights appurtenant to said property and presently licensed by the Bureau of Land Management in Boise, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.  
Dated: December 18, 1972.

STATE OF IDAHO  
County of Elmore

I hereby certify that this instrument is a true and correct copy of the original now on file or of record in this office.

Dated 9-18-02

GAIL L. BEST

Clerk  
Ex-officio Auditor and Recorder

STATE OF IDAHO, COUNTY OF JEROME

On this 15th day of December, 1972, before me, a notary public in and for said State, personally appeared

CHARLES H. PARMLEY AND EDNA PARMLEY, husband and wife, and VERNON C. PARMLEY AND MARVA PARMLEY, hus. & wife

known to me to be the person s who se name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at Jerome

Notary Public,  
Idaho

STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.

at 20 minutes past 4 o'clock p.m., this 20th day of April, 1978, in my office, and duly recorded in Book of Deeds at page

DEAN SANGREY

Ex-Officio Recorder.

By

Fees \$ 1.00

Mail to:

Deputy

CERTIFIED COPY

180535

## QUITCLAIM DEED

### For Value Received

I, RICHARD P. VINER, an unmarried man,  
do hereby convey, release, remise and forever quit claim unto CARLENE R. VINER, an unmarried woman,  
whose address is Route 1, B. x 420, Glenns Ferry, Idaho 83623,  
the following described premises situated in Elmore County, Idaho, to-wit:

In Township 5 South, Range 10 East, Boise Meridian,  
Elmore County, Idaho:

SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7;  
SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8;  
W $\frac{1}{2}$ W $\frac{1}{2}$  of Section 17;  
NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 18;  
E $\frac{1}{2}$ NW $\frac{1}{4}$  and Lots 1 and 2 of Section 19.

In Township 2 South, Range 10 East, Boise Meridian,  
Elmore County, Idaho:

E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 19;  
N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20;  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21.

Together with all water, water rights, ditches and  
rights of way for ditches, all mineral and geothermal  
rights, all Taylor grazing rights appurtenant to said  
property and presently licensed by the Bureau of Land  
Management in Boise, Idaho, and the State of Idaho Land  
Lease appurtenant thereto, and together with all  
tenements, houses, outbuildings and appurtenances  
located thereon.

## WARRANTY DEED

THIS DEED is made by *CARLENE R. SMITH*, Grantor, (Ray Smith, her husband, concurring herein) to *R.J.T. FARMING, INC.*, whose address is P.O. Box 475, Rupert, Idaho 83350,

NOW, THEREFORE, Grantor does hereby grant, convey, assign, transfer and set over unto Grantee, a fee simple interest in and to the following described real property, situate in the County of Elmore, State of Idaho, described as:

Parcels 1 and 3, as described in the attachment hereto, in Section 18, and E1/2NW1/4 and Lots 1 and 2 in Section 19 (save and excepting parcel 2 thereof, which Grantor is retaining), all in Township 5 South, Range 10 East, Boise Meridian,

TOGETHER with all and singular the tenements, hereditaments, or appurtenances relating thereto; RESERVING 49% of the mineral rights thereon, TOGETHER with the easements and rights granted herein, and SUBJECT to the reservations contained herein.

Included in this sale are the following items:

1. Deutsch Diesel engine and pump located on Little Canyon Creek;
2. 100 hp electric motor and pump located in Section 19;
3. Nine Wade-Rain wheel lines;
4. Two handlines;
5. One-fourth mile, more or less, of portable mainline..
6. Easements granted herein include: a right of ingress and egress to the irrigation system for the operation and maintenance thereof, at designated access points as depicted in the attached map of the premises. These are generally listed as follows: a) Access through horse pasture to maintain mainline; b) Access across back behind feedlot to maintain the mainline; c) Access to corner by mobile home to maintain mainline and valve; d) Access to Diesel pump located on Little Canyon Creek in Section 18.

In addition, the road through Section 18 from the county road to the feedlot shall be considered a joint easement as necessary to facilitate both parties' use of their premises for agricultural purposes, and all expenses of maintenance and upkeep shall be borne equally between the parties. The easement through Section 18 is described in the Easement Description attached hereto.

WARRANTY DEED--1

PB MB CS

Further, Buyer agrees to maintain and care for Grantor's premises, not to commit waste on the same, and to leave the same in as good condition as it was previously, after the conclusion of any necessary repairs.

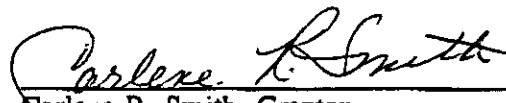
E. Further included in this sale are all water rights and ditch rights for the irrigation of the property being sold. Grantor, however, retains so much of the water rights in Sand Springs Gulch as are necessary for the irrigation of the pasture ground, yards, and livestock water in the Gulch and for Grantor's feedlot.

With reference to the rights retained, Grantor retains the water right in the Sand Springs Gulch water for the lower portion of the Gulch as evidenced by court decrees pertaining thereto, as memorialized in Claim No. A61-04038 as filed in the Snake River Basin Adjudication, and a supplemental right from the water right for the upper portion of the Gulch. Grantor is further retaining nine miner's inches of water under Claim No. A61-00293A, and the parties shall execute such documents as are necessary to consummate such transfer, including all rights pertaining to stock water. The remainder of the water shown in Claim No. A61-00293A is being transferred to Buyer.

It is further understood that the water rights herein transferred by Grantor to Buyer, shall be processed to effectuate the transfer or retention, as the case may be of the appropriate rights. Grantor further represents that the water rights in Sand Springs Gulch have been in litigation for some time because of the refusal of Batruels, adjoining landowners, to comply with orders of the Court.

GRANTOR COVENANTS that she is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record or disclosed, and that she will defend generally the title to the property against all claims and demands, excepting those specifically mentioned herein.

Dated this 29<sup>th</sup> day of December, 1997.

  
\_\_\_\_\_  
Carlene R. Smith, Grantor

  
\_\_\_\_\_  
Ray Smith, concurring herein

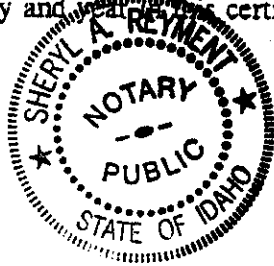
WARRANTY DEED--2



State of Idaho )  
 ) ss.  
County of Elmore )

On this 29th day of December, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Carlene R. Smith and Ray Smith, her husband, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and date this certificate first above written.



Sheryl A. Bennett  
Notary Public for Idaho  
Residing at: Mountain Home  
My commission expires: 12-27-99

WARRANTY DEED--3

PO MB E