

10/29/04

2004 OCT 29 AM 11:43

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

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. 63-3447D
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

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

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

James & Joan Stephens

claimant

Date

claimant

Date

OBJECTOR(s):

USDI/Bureau of Reclamation

David Gehlert

Date

Trial Attorney, General Litigation Section
U.S. Dept. of Justice

Boise Project Board of Control

Albert P. Barker

Date _____

Jan Shurte
Adjudication Supervisor

Jan Shurte

Adjudication Supervisor


Susan Hamlin Nygard Date 7/22/04
Deputy Attorney General

Susan Hamlin Nygard

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Oct. 26, 2004, 2003, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

James & Joan Stephens
~~3939 S Transport~~ 3040 Elder Street
~~Boise, ID 83705~~ Boise ID 83705 J.J. 345-7154

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Diane Berkson
Signature of person or attorney mailing the form

08/12/2003

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

2004 OCT 29 AM 11:43

RIGHT NUMBER: 63-3447D
NAME AND ADDRESS: JOAN STEPHENS
3939 S TRANSPORT
BOISE ID 83705

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

JAMES R STEPHENS
3939 S TRANSPORT
BOISE ID 83705

SOURCE: ASHTON GULCH CREEK TRIBUTARY: ROBIE CREEK

QUANTITY: 0.010 CFS
4.25 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .10 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 39.1 AF. COMBINED RIGHT NOS.:
63-3447B & 63-3447C.

PRIORITY DATE: 04/26/1965

POINT OF
DIVERSION: T04N R04E S30 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/15	0.010 CFS 4.25 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County
T04N R04E S30 Lot 1 NWNW 1.0 T04N R04E S30 Lot 2 SWNW 0.7

1.7 ACRES TOTAL

SF5 - 63-3447D

OK
Sehr
2004
Dmr

08/12/2003

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 15.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-3447B & 63-3447C

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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