

In Re SRBA	)	Subcase No.: 36-7135
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

Roger D. Ling Date 2/9/05
Attorney for School District No. 331

Steve O'Neil 2/4/05
Sr. Water Resource Agent Date


 Approved as to form _____ Date 2-4-05
 Attorney for IDWR

02/04/2005

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

RIGHT NUMBER: 36-7135
NAME AND ADDRESS: MINIDOKA COUNTY SCHOOL DISTRICT # 331
633 FREMONT AVE
RUPERT ID 83350-1610

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
76.00 AFY

PRIORITY DATE: 06/24/1970

POINT OF
DIVERSION: T09S R24E S20 SENENW Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 11/01	0.380 CFS 76.00 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 MAY 1 AND AFTER NOVEMBER 1 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.

PLACE OF USE: IRRIGATION Within MINIDOKA County

T09S R24E S20	NENW	16.0	T09S R24E S20	SENEW	3.0
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19 ACRES TOTAL

See
NBS
[Signature]

02/04/2005

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

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

THE WATER USED BY THIS RIGHT IS: (1) USED IN LIEU OF SURFACE WATER FROM MINIDOKA IRRIGATION DISTRICT THAT THE WATER RIGHT HOLDER IS ENTITLED TO RECEIVE, THE PLACE OF USE BEING WITHIN MINIDOKA IRRIGATION DISTRICT AND THE LANDS BEING INCLUDED IN AND ASSESSED BY MINIDOKA IRRIGATION DISTRICT, (2) FROM A PERCHED AQUIFER CREATED BY APPLICATION OF SURFACE WATER BY THE MINIDOKA IRRIGATION DISTRICT, AND (3) RECAPTURED UNDER THIS RIGHT BEFORE IT REACHES THE EASTERN SNAKE PLAIN AQUIFER. THEREFORE, THIS RIGHT IS NOT SUBJECT TO A DELIVERY CALL AGAINST OR ANY MITIGATION REQUIREMENTS THAT MAY BE IMPOSED ON EASTERN SNAKE PLAIN AQUIFER GROUND WATER RIGHTS.

SIC
NBS
JEF

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.

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF SERVICE

I certify that on February 10, 2005, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

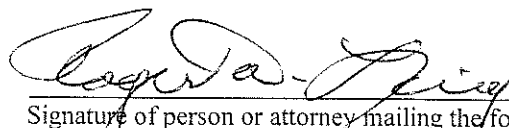
2. Copies to:

Roger D. Ling
Ling, Robinson & Walker
P.O. Box 396
Rupert, ID 83350

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☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Repository
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Signature of person or attorney mailing the form