

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.: 34-04005A  
)  
)  
)  
)  
)  
)  
)

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.

Harriet A. Hensley 5/22/00  
Harriet A. Hensley Date  
State of Idaho

Wiley F. Smith 5-17-2000  
Wiley F. or Carolyn Smith Date

Carter L. Fitch 5-23-00  
IDWR Concurrence Date

Susan Martin Nye 5/23/00  
Attorney for IDWR Date

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

DATE: APR-26-2000  
PAGE: A-1

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

RIGHT NUMBER: 34-04005A

NAME AND ADDRESS: CAROLYN SMITH  
WILEY F SMITH  
STAR ROUTE  
MACKAY ID 83251

SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

QUANTITY: 3.2 CFS  
6119 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY  
USED FOR STOCKWATER BOB RANGE CATTLE

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO  
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT  
CONSTITUTE UNREASONABLE WASTE.

PRIORITY DATE: 11/15/1924  
03/31/1934

POINT OF DIVERSION: T11N R21E S36 NESE Within CUSTER County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|----------|
|                            | IRRIGATION     | 04-01 11-15   | 3.2 CFS  |
|                            |                | 03/01 10/13   | 6100 CFS |
|                            | STOCKWATER     | 03/01 11/01   | 0119 CFS |

| PLACE OF USE: | IRRIGATION      | Within CUSTER County            |
|---------------|-----------------|---------------------------------|
|               | T10N R21E S02   | NENE 13 NWNE 13 SWNE 11 SENE 14 |
|               |                 | NESE 22 NWSE 16 SWSE 16 SESE 16 |
|               | S11             | NENE 26 NWNE 37 SWNE 10 SENE 6  |
|               |                 | NENW 34.5 NWNW 5 SENW 8.5       |
|               | 248 ACRES TOTAL |                                 |

USE OF THIS RIGHT WITH RIGHT NO. 34-04005B IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE  
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN

*Wiley Smith*

*John  
Ct*

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

DATE: APR-26-2000  
PAGE: A-2

34-04005A (CONT.)

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

|               |                      |      |      |      |
|---------------|----------------------|------|------|------|
| STOCKWATER    | WITHIN CUSTER COUNTY |      |      |      |
| 110W R21E S02 | NENE                 | NWNE | SUNE | NWSE |
|               | SNEE                 |      |      |      |
| S11           | NWNE                 |      |      |      |

CONSUMPTIVE USE: 620/0 ACRY

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

110A CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE  
LOSSES IN DELIVERY OF THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.  
RIGHT NO. 34-04005B IS ALSO DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE.  
SOURCE IS ALSO KNOWN AS ARENTSON CREEK.

*Wiley Smith*

*John  
CF*

## CERTIFICATE OF SERVICE

I certify that on May 23, 2000, I caused to be served true and correct copies of the Standard Form 5 to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

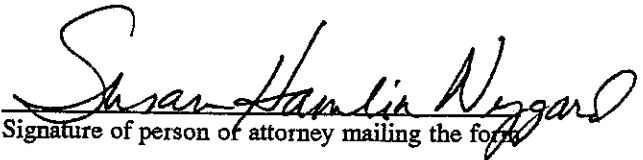
☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

Harriet A. Hensley  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010

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

Carolyn & Wiley Smith  
Star Route  
Mackay, ID 83251

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

  
Signature of person or attorney mailing the form