

**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.: 34-04005B  
)  
)  
)  
)  
)  
)  
)

**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

Cathy Litchfield 5-23-00  
IDWR Concurrence Date

Sharon Hamlin Nygaard 5/23/00  
Attorney for IDWR Date

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

DATE: APR-26-2000

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RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

RIGHT NUMBER: 34-04005B

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

SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

QUANTITY: 2.99 CFS  
6.179 CFS

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

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

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

PRIORITY DATE: 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   | 2.8 CFS   |
|                            |                | 03/01 10/13   | 6.100 CFS |
| STOCKWATER                 |                | 01-01 12-31   | 0.19 CFS  |
|                            |                | 03/01 11/01   |           |

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

248 ACRES TOTAL

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

Wiley Smith

Scha  
C4

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

DATE: APR-26-2000

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4-04005B (CONT.)

IRRIGATION SEASON.

|               |                      |      |      |      |
|---------------|----------------------|------|------|------|
| STOCKWATER    | Within CUSTER County |      |      |      |
| T10N R21E S02 | NENE                 | NWNE | SWNE | NWSE |
|               | SWSE                 |      |      |      |
| S11           | NWNE                 |      |      |      |

CONSUMPTIVE USE: 62010 AFY

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

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

10% 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. 34-04005A IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SOURCE IS ALSO KNOWN AS ARENTSON CREEK.

STOCKWATER 800 RANGE CATTLE

*Wiley Smith*

*Sehr  
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

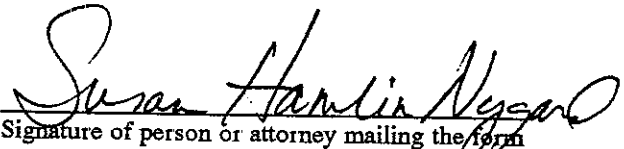
☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

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