

**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.: 45-10248    |
|                | ) |                          |
| 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.**

**CLAIMANTS:**

Carl F. Austin  
Barbara V. Austin

Carl F. Austin 3 Feb 2005  
Carl F. Austin Date

Barbara V. Austin Feb. 3, 2005  
Barbara V. Austin Date

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 6/30/05  
Larry A. Brown FWP Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

**IDWR CONCURRENCE:**

Jeanie Robertson 6/28/05  
Jeanie Robertson Date  
Senior Water Resource Agent

**IDWR CONCURRENCE:**

Chris Bromley 6/23/05  
Chris Bromley Date  
Deputy Attorney General



01/20/2005

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

STOCKWATER Within CASSIA County

|               |      |               |      |
|---------------|------|---------------|------|
| T15S R21E S25 | NWNE | T15S R21E S25 | SWNE |
| T15S R21E S25 | SENE | T15S R21E S25 | SENW |
| T15S R21E S25 | NESW | T15S R21E S25 | SESW |
| T15S R21E S25 | NESE | T15S R21E S25 | NWSE |
| T15S R21E S25 | SWSE | T15S R21E S25 | SESE |
| T15S R21E S36 | NENE |               |      |

DOMESTIC Within CASSIA County

T15s R21e S25 SWSE

215 ACRES TOTAL

*Fwp @ RWA CB Jans*

The use of water under this right does not include a use on federal public land.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 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 domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

**CERTIFICATE OF SERVICE**

I certify that on June 30, 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:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

Overnight Mail  
 Regular Mail  
 Hand-Delivered  
 Facsimile

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

Overnight Mail  
 Regular Mail  
 Hand-Delivered  
 Facsimile

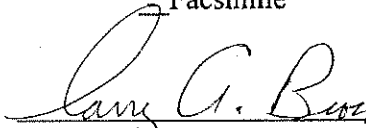
3. Copies to all parties to the subcase:

U.S. Department of Justice  
Environment & Nat'l Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, ID 83724

Overnight Mail  
 Regular Mail  
 Hand-Delivered  
 Facsimile

Carl F. & Barbara V. Austin  
P.O. Box 93  
Oakley, ID 83346  
Boise, ID 83724

Overnight Mail  
 Regular Mail  
 Hand-Delivered  
 Facsimile

  
Signature of person or attorney mailing the form