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AUG 29 2005

DEPARTMENT OF
WATER RESOURCES

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.: 45-151
	)	
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 8/18/05

Carl F. Austin Date
Barbara V. Austin Aug 11, 2005

Barbara V. Austin Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 8/25/05

Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Jeanie Robertson 8/18/05

Jeanie Robertson Date
Senior Water Resource Agent

IDWR CONCURRENCE:

Chris Bromley 8/22/05

Chris Bromley Date
Deputy Attorney General

B RM

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

RIGHT NUMBER: 45-151

NAME AND ADDRESS:

BARBARA V AUSLIN
PO BOX 93
OAKLEY ID 83346
CARI F AUSLIN
PO BOX 93
OAKLEY ID 83346

SOURCE: GOLD CREEK
GOOSE CREEK

TRIBUTARY: GOOSE CREEK
TRIBUTARY: SNAKE RIVER

The Goose Creek drainage is tributary to the Snake River basin; however, surface flows of Goose Creek in the vicinity of Oakley, Idaho no longer reach the Snake River and instead sink into the ground.

QUANTITY: 4.300 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

I15S R21E S25 SESENE Within CASSIA County
I15S R21E S25 NENESE Within CASSIA County
I15S R21E S25 NNESE Within CASSIA County
I15S R22E S31 Lot 3 NNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 07/20	4.300 CFS
STOCKWATER	04/15 07/20	0.120 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS ~~NOVEMBER 15~~ APRIL 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15 OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS RIGHT 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 CASSIA County

I15S R21E S25 NENE 5.0	I15S R21E S25 NENE 13.0
I15S R21E S25 SENE 24.0	I15S R21E S25 SESE 15.0
I15S R21E S25 SENW 6.0	I15S R21E S25 NENE 11.0
I15S R21E S25 SESE 6.0	I15S R21E S25 NENE 21.0
I15S R21E S25 NENE 27.0	I15S R21E S25 SESE 30.0
I15S R21E S25 SESE 35.0	I15S R21E S25 NENE 22.0

JLS

113
E. R. R.
R. R.

0-0

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

STOCKWATER within CASSIA County

I155 R21E S25 NWNE	I155 R21E S25 SWNE
I159 R21E S25 SENE	I155 R21E S25 SENW
I158 R21E S25 NESW	I158 R21E S25 SEEW
I158 R21E S25 NESE	I158 R21E S25 NWSR
I159 R21E S25 SWSE	I159 R21E S25 SESE
I159 R21E S35 NENE	

215 ACRES TOTAL

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

[Handwritten signature]

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 - Decreed

CERTIFICATE OF SERVICE

I certify that on Aug. 25, 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

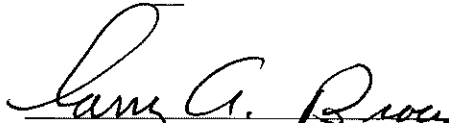
3. Copies to all parties to the subcase:

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