

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. 25-10973

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.

CLAIMANT(s):

OBJECTOR(s):

Errol W. Tibbitts 9-7-05  
Errol W. Tibbitts Date

Larry A. Brown 9/8/05  
Larry A. Brown FWP Date  
Attorney for BLM

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**IDWR Concurrence:**

Ernest Carlsen 9/7/05  
Ernest Carlsen Date  
IDWR Adjudication Supervisor

Chris M. Bromley 9/6/05  
Chris M. Bromley Date  
Deputy Attorney General  
Attorney for IDWR

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Received Time Sep 6 9:33AM

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

RIGHT NUMBER: 25-10973

NAME AND ADDRESS:

ERROL W TIBBITTS  
4190 E 500 N  
RIGBY ID 83442

SOURCE:

Source:  
UNNAMED SLOUGH

Tributary:

SNAKE RIVER

QUANTITY:

1 560 CFS

The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/10/1910

POINT OF DIVERSION:

T05N R39E S29 SWNE (Tract 46)  
Within JEFFERSON County

~~T05N R39E S29 Lot 18 NWNE~~  
~~Within JEFFERSON County~~

~~T05N R39E S29 Lot 20 SWNE~~  
~~Within JEFFERSON County~~

T05N R39E S29 NENE (Tract 46)  
Within JEFFERSON County

Point of diversion is not located on federal public lands.

PURPOSE AND  
PERIOD OF USE:

| Purpose of use | Period of use: | Quantity: |
|----------------|----------------|-----------|
| IRRIGATION     | 04/01 10/31    | 1.560 CFS |
| STOCKWATER     | 01/01 12/31    | 0.020 CFS |

PLACE OF USE:

IRRIGATION within JEFFERSON County

T05N R39E S29 NWNE 30.0 (Tract 46)

~~T05N R39E S29 Lot 18 NWNE 30.0~~

T05N R39E S29 SWNE 24.0 (Tract 46)

~~T05N R39E S29 Lot 20 SWNE 25.0~~

T05N R39E S29 Lot 9 SWNE 9.2

T05N R39E S29 NWSE 1.5 (Tract 46)

T05N R39E S29 Lot 12 NWSE 14.0

~~STOCKWATER~~ within JEFFERSON County

~~T05N R39E S29 Lot 18 NWNE~~

~~T05N R39E S29 Lot 20 SWNE~~

STOCKWATER Same as IRRIGATION

78.7 ACRES TOTAL

78.2 ACRES TOTAL

Place of use does not include federal public lands

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

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

The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

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

*FWP LARS*  
*EMC CB*  
*EWT*

**EXPLANATORY MATERIAL:** BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ISLAND IRRIGATION CO.

Stockwater use is for 200 range cattle.

The land was resurveyed and the property that was formerly in Government Lots 18 and 20 are now identified as Tract 46

## CERTIFICATE OF MAILING

I certify that on 13 Sep. 8, 2005, I mailed the original and copies of this form, including all attachments, postage prepaid 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, Idaho 83303-2707

2. Copy to:

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

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Errol W. Tibbitts  
4190 E. 500 N.  
Rigby, ID 83442



Signature of person or attorney mailing the form