

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. 27- 7084

STANDARD FORM 5

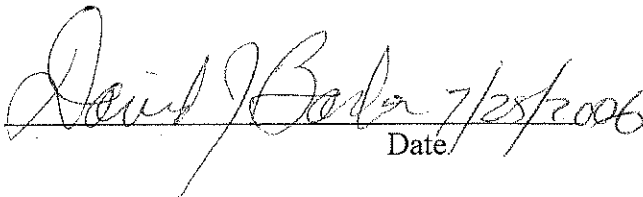
STIPULATED ELEMENTS OF A
WATER RIGHT

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):


Date

Date

OBJECTOR(s):

David Barber 7/25/00
Date

Date

RESPONDENT(s):

N/A
Date

Date

IDWR Concurrence:

Ernie Carlsen 7-25-00
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/25/00
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 27-7084

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF HEALTH & WELFARE
STATE HOSPITAL SOUTH
450 W. STATE 10TH FL
BOISE ID 83720

SOURCE GROUND WATER TRIBUTARY

QUANTITY: 3.110 CFS
969.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

~~The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.~~

PRIORITY DATE: 05/09/1977

POINT OF DIVERSION: T03S R35E S2 SWNESE SESE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	3.110 CFS 969.50 AFY

PLACE OF USE:

IRRIGATION Within BINGHAM County

T03S	R35E	S01	NWSW	38.00	T03S	R35E	S01	SWSW	38.00
T03S	R35E	S02	NESW	14.00	T03S	R35E	S02	SESW	34.00
T03S	R35E	S02	NESE	39.00	T03S	R35E	S02	NWSE	36.00
T03S	R35E	S02	SWSE	39.00	T03S	R35E	S02	SESE	39.00

277 ACRES TOTAL

~~This water right is appurtenant to the described place of use.~~

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

~~Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.~~

~~This right is subject to all prior water rights and may be forfeited by five years of non-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.

EXPLANATORY MATERIAL: BASIS OF CLAIM – License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on July 29, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

State of Idaho Department of Health & Welfare

State Hospital South

P.O. Box 400
Blackfoot ID 83221

David J. Barber
Office of the Attorney General
P.O. Box 44449

Boise, ID 83711-4449

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Lar. Rew
Signature of person or attorney mailing the form