

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- 7148

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:

Rose Garden Utility Corp.

Bella Crew

7-26-06

Date

Date

STANDARD FORM 5

OBJECTOR(s):

Janita Wolfley 7/26/2006
Date

Date

RESPONDENT(s):

State of Idaho

David J. Barber 7/26/2006
Date

Date

IDWR Concurrence:

Ernie Carlsen 7-26-06
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/26/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-7148

NAME AND ADDRESS: ROSE GARDEN UTILITY CORP
C/O BILLIE CREW REP
374 W 70 N
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.370 CFS

17.4 AFY

PRIORITY DATE: 03/28/1980

POINT OF

DIVERSION: T02S R35E S33 SWNW Within BINGHAM County

5m² 8m²

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

DOMESTIC

1/01 12/31

0.370 CFS

17.4 AFY

Domestic use is for 29 homes. ~~Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.~~

ju
BC

PLACE OF USE: DOMESTIC Within BINGHAM County

T02S R35E S33

SWNW

W/B

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 - License

RECEIVED
FEB 14 2006

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:

Rose Garden Utility Corp.
clo Billie Crew Rep
374 W 70 N
Blackfoot, ID 83221

U.S. Dept. of Justice
Env. & Natural Res. Division
550 W Fort St, Msc 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

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

Laz Rew

Signature of person or attorney mailing the form