

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- 11487

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):

David J. Barber 7/25/2006
Date

Date

STANDARD FORM 5

OBJECTOR(s):

David Barber 7/25/2006 _____
Date Date

RESPONDENT(s):

N/A _____
Date Date

IDWR Concurrence:

Ernie Carlsen 7-25-06
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/25/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 27-11987
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF HEALTH & WELFARE
STATE HOSPITAL SOUTH
PO BOX 400
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
88.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/01/1899

POINT OF DIVERSION: T03S R35E S2 NESWSW Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.440 CFS
88.00 AFY

PLACE OF USE:

IRRIGATION Within BINGHAM County

T03S R35E S02	NWSW	3.0	T03S R35E S02	SWSW	16.0 13.6
T03S R35E S02	SESW	1.8 2.4	T03S R35E S02	SWSE	1.2
T03S R35E S02	NESW	1.8			

22 ACRES TOTAL

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Corbett Slough Ditch Company water is also used on the above described POU.

RIGHT NO. 27-11188 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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

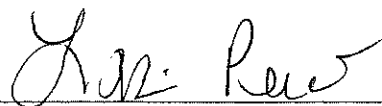
Blackfoot ID 83221

DAVID S. BARBER
Office of the Attorney General

P.O. Box 44449

Boise, ID 83721-4449

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


Signature of person or attorney mailing the form