

RECEIVED

AUG 13 2006

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. 27-7261
	)	
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:

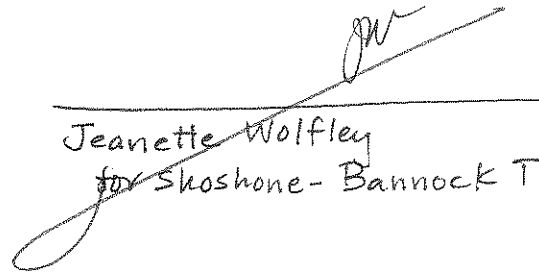
Richard Tominaga 7-26-06
Richard Tominaga Date

Joann Tominaga
Joann Tominaga

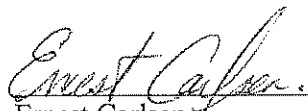
7/26/06
Date

CLAIMANT/OBJECTOR:

 7-26-06
Ray Tominaga Date


Jeanette Wolfley
for Shoshone - Bannock Tribes

IDWR Concurrence:

 7-19-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

 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: 27-7261

NAME AND ADDRESS:

JOANN TOMINAGA
702 W 100 N
BLACKFOOT ID 83221

RAY TOMINAGA
515 W 73 S
BLACKFOOT ID 83221

RICHARD TOMINAGA
702 W 100 N
BLACKFOOT ID 83221

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

1.320 CFS
238.000 AFY

Right Nos. 27-7261 and 27-10151 are limited to a total combined diversion rate of 1.32 cfs.

~~USE OF THIS RIGHT WITH RIGHT NO. 27-10151 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 247.1 AF.~~

~~This right when combined with all other rights shall provide no more than 0.02 cfs per
acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands
above.~~

PRIORITY DATE: 03/10/1981

POINT OF DIVERSION:

T02S R37E S6 SWNWSE

Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 11/01

1.320 CFS

238.00 AFY

PLACE OF USE:

IRRIGATION

within BINGHAM County

T02S R37E S06 SWNE 4.6

~~T02S R37E S06 SWNE 3.9~~

T02S R37E S06 SENW 1.4

~~T02S R37E S06 SENW 1.5~~

T02S R37E S06 NESW 32.0

~~T02S R37E S06 NESW 30.6~~

T02S R37E S06 SESW 14.0

~~T02S R37E S06 SESW 13.3~~

T02S R37E S06 NWSE 23.0

~~T02S R37E S06 NWSE 22.3~~

75 ACRES TOTAL

70.6 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.0 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 27-10151 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE IRRIGATION SEASON.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.0 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 27-10151 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 70.6 ACRES IN A SINGLE IRRIGATION SEASON.~~

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

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.

EMC

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 27-10151 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
RIGHT NO. 27-10151 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Sm^e



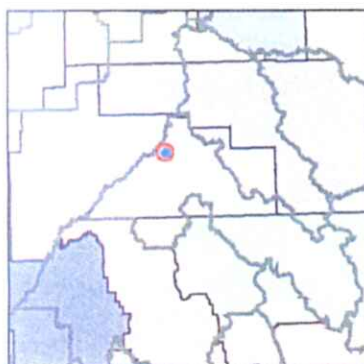
Idaho Department of Water Resources

Eric

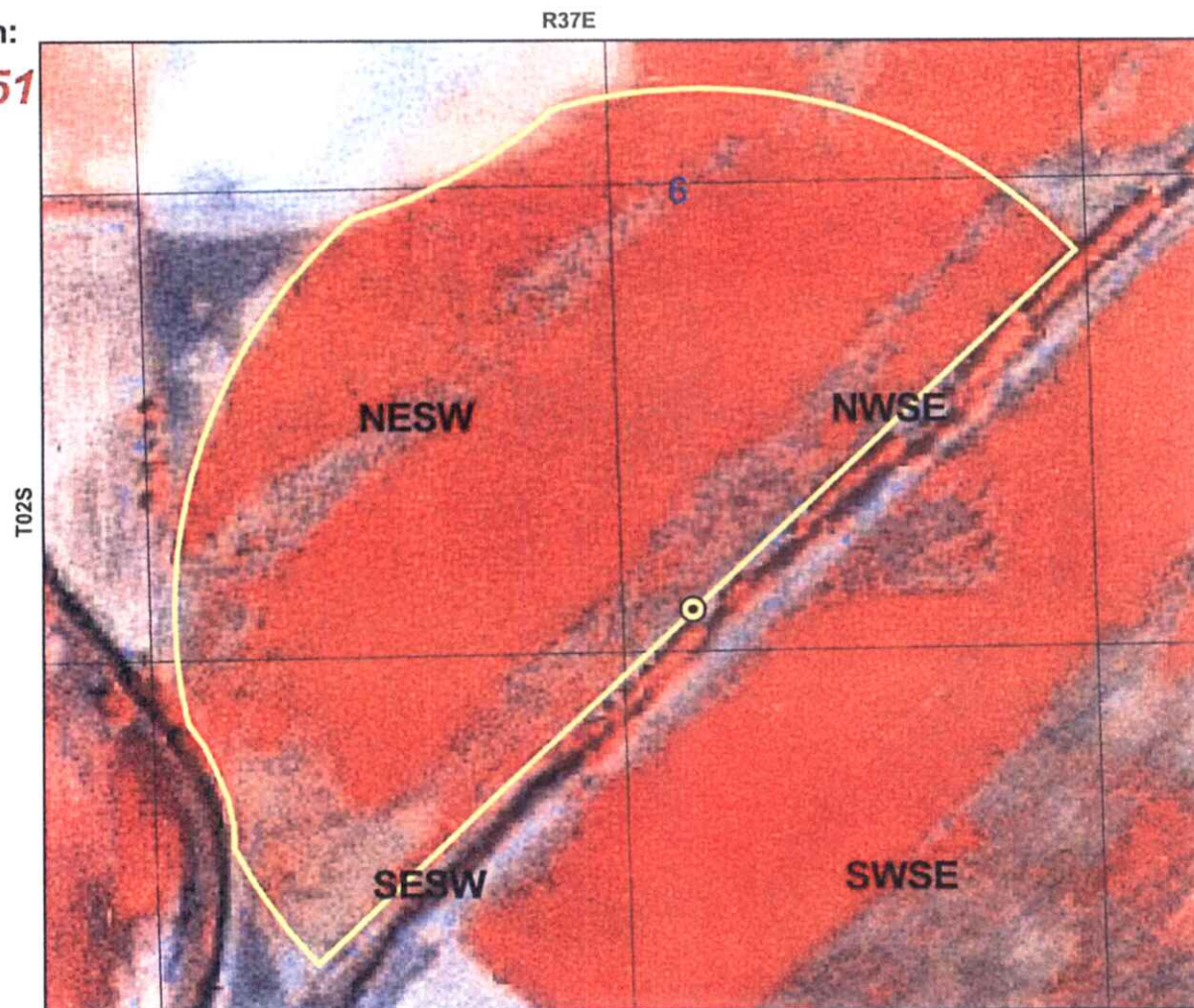
SRBA Recommendation:
27-7261 & 27-10151
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Bingham County
IDWR Basin 27



0 0.2 0.4 Miles

Prepared by E. Carlsen
On Wednesday, July 19, 2006
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that on August 14, 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:

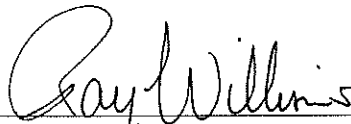
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

RAY TOMINAGA
515 W 73 S
BLACKFOOT, ID 83221

JOANN TOMINAGA
RICHARD TOMINAGA
702 W 100 N
BLACKFOOT, ID 83221



Signature of person or attorney mailing the form