

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 39576

) Subcase No. 63-16488
)
)
)
)
)

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 a 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):

CLEARVIEW WATER CO INC

Richard C. Baylinger 12-6-06
Authorized representative Date

[Signature] 12/5/06
Attorney for Clearview Water Co. Inc. Date

OBJECTOR:

EDWARDS FAMILY LLC

[Signature] 12/6/06
Authorized representative Date

[Signature] 12/6/06
Attorney for Edwards Family LLC Date

IDWR Concurrence:

[Signature] 12/13/06
Water Resource Agent Date

[Signature] 12-13-06
FOR Susan Hamlin Nygard
Deputy Attorney General Date

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

RIGHT NUMBER: 63-16488

NAME & ADDRESS: CLEARVIEW WATER CO INC
4603 CLEARVIEW DR
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

This water right does not authorize the diversion of a low temperature geothermal resource or other geothermal resource.

QUANTITY: 0.350 CFS
22.50 AFY

PRIORITY DATE: 05/03/1955

POINT OF
DIVERSION:

T04N R02E S29 SENW Within ADA County
T04N R02E S29 SENW Within ADA County
Two points of diversion are located within SENW, S29, T04N, R02E

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.250 CFS
IRRIGATION	03/15 11/15	0.100 CFS
		22.50 AFY

Domestic use is for 28 homes in the Clearview Subdivision and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE:

IRRIGATION Within ADA County
T04N R02E S29 SENW 5.00
DOMESTIC Within ADA County
T04N R02E S29 SENW
5 ACRES TOTAL

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RCB

mm

NBS

NBS

gkm

CERTIFICATE OF MAILING

I certify that on December 19, 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:

Clearview Water Co Inc
4603 Clearview Dr
Boise, Idaho 83703

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702

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



Signature of person mailing form