

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

RECEIVED

MAR 07 2007

DEPARTMENT OF
WATER RESOURCES

2007 MAR 12 AM 11 22

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

MAR 13 2007

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Subcase No. 63-3566

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.

CLAIMANT(s):

Joan M Stirling

OBJECTOR:

State of Idaho - Dept. of Lands

Joan Stirling 2/15/2007
claimant Date

David J Barber 2/12/2007
David J Barber Date
Deputy Attorney General
State of Idaho

IDWR Concurrence:

Sandy Egbert 2-12-07
Sandy Egbert Date
GIS Specialist

[Signature] 2/12/07
for Nicholas B. Spencer Date
Deputy Attorney General for IDWR

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

RIGHT NUMBER: 63-3566

NAME AND ADDRESS:

JOAN M STIRLING
PO BOX 315
IDAHO CITY ID 83631

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

4.890 CFS

1,036.140 AFY

PRIORITY DATE:

11/28/1966

POINT OF DIVERSION:

T02N R01E S9 NWNWSW
Within ADA County

T02N R01E S9 SWNWSW
Within ADA County

T02N R01E S9 NESESW
Within ADA County

T02N R01E S9 NESESW
Within ADA County

Two points of diversion are located within NESESW, S09, T02N, R01E.

D/B
in GMS.
CR

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

4.850 CFS

1,035.00 AFY

STOCKWATER

01/01 12/31

0.040 CFS

DOMESTIC

01/01 12/31

0.040 CFS

1.14 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Stockwater use is for 150 head of mixed stock.

Domestic use is for 2 homes.

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

PLACE OF USE: IRRIGATION within ADA County

T02N R01E S08 NESE 40.0

T02N R01E S08 NWSE 28.0

T02N R01E S08 SWSE 16.0

T02N R01E S08 SESE 40.0

T02N R01E S09 NESW 10.0

T02N R01E S09 NWSW 16.0

T02N R01E S09 SWSW 40.0

T02N R01E S09 SESW 39.97

~~T02N R01E S09 SESW 40.0~~

STOCKWATER within ADA County

T02N R01E S08 NESE

T02N R01E S08 NWSE

T02N R01E S08 SWSE

T02N R01E S08 SESE

T02N R01E S09 NESW

T02N R01E S09 NWSW

T02N R01E S09 SWSW

T02N R01E S09 SESW

DOMESTIC within ADA County

T02N R01E S09 NWSW

T02N R01E S09 SESW

229.97 ACRES TOTAL

230 ACRES TOTAL

Place of use does not include State of Idaho Endowment Lands

*D/B
H. JMS.
CB*

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

CERTIFICATE OF MAILING

I certify that on 3-3-7, 2007, 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:

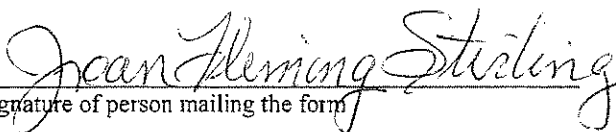
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Joan M Stirling
PO Box 315
Idaho City, ID 83631

State of Idaho – Office of the Attorney General
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449
Attn: David J. Barber

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


Signature of person mailing the form

CERTIFICATE OF MAILING

I certify that on March 8, 2007, 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:

Joan M Stirling
PO Box 315
Idaho City, ID 83631

State of Idaho – Office of the Attorney General
Natural Resources Division
P.O. Box 44449
Boise, ID 83711-4449
Attn: David J. Barber

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



Signature of person mailing the form