

RECEIVED

JUN 19 2007

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

Case No. 39576

Subcase No.: 37-4366

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:

Earl M. Hardy 4-17-07
Earl M. Hardy Date
*personal representative
for the Estate of Earl
M. Hardy.*

OBJECTOR:

Kay Hardy 4-17-07
Kay Hardy Date
Jon C. Gould 4/11/07
Jon C. Gould Date
Attorney for Objector

COPIES

IDWR Concurrence:

Carter Fritschle 4-11-07
Carter Fritschle Date
Section Manager Adjudication Bureau

Nicholas B. Spencer 4-11-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/11/2007

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

RIGHT NUMBER: 37-4366

NAME AND ADDRESS: EARL M HARDY
1301 VISTA AVE
BOISE ID 83705

SOURCE: BIRCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.300 CFS~~
0.500 CFS

Right nos. 37-4365 and 37-4366 are limited to a total combined diversion rate
of ~~0.30 cfs~~ 0.50 cfs.

PRIORITY DATE: 03/15/1928

POINT OF
DIVERSION:

T06S R13E S35 SWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

~~0.300 CFS~~

0.500 CFS

PLACE OF USE: IRRIGATION in GOODING County

T07S R13E S02 Lot 2 SWNE 5.00

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on June 15, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Jon C. Gould
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

~~Ean M. Hardy
1303 Vista Ave.
Boise, ID 83705~~

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Kay Hardy
1303 Vista Ave.
Boise, ID 83705

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

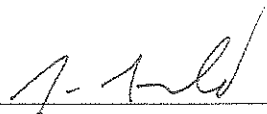
3. Courtesy Copies to:

Eugene & Marilyn Swenson
Star Rt. Box 34
Bliss, ID 83314

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Clifton & Suzanne Jensen
P.O. Box 201
Hagerman, ID 83332

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form