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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.: 37-856

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 / OBJECTOR:

Josephine P. Beeman 14-July 2008
Josephine P. Beeman Date
Attorney for Gary & Helen DeMoss

IDWR CONCURRENCE:

Carter Fritschle 6-13-08
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR CONCURRENCE:

Nicholas B. Spencer 6-16-08
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

05/30/2008

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

RIGHT NUMBER: 37-856

NAME AND ADDRESS: GARY A DE MOSS
PO BOX 61
BLISS ID 83314HELEN DE MOSS
PO BOX 61
BLISS ID 83314

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 32.000 CFS
760.000 AFY

All storage uses described by rights 37-856, 37-857, 37-2778, 37-2780 and 37-7754 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.

The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 02/01/1917

Pursuant to a call in times of scarcity, the diversion to storage from November 1 to March 31 is not subject to curtailment by Water Right Nos. 37-238A, 37-239A, 37-239D, 37-240A, 37-240D, 37-447C, 37-447D, 37-607D, 37-608D, 37-1160, 37-1175 and 37-11131.

POINT OF DIVERSION:

T04S R14E S6 SENESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	01/01 12/31	32.000 CFS
STOCKWATER STORAGE	01/01 12/31	15.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	760.00 AFY
STOCKWATER FROM STORAGE	04/01 10/31	15.00 AFY
IRRIGATION STORAGE	01/01 12/31	760.00 AFY

~~The period of use for the irrigation from storage and stockwater from storage described in this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than February 18, 2003.~~

PLACE OF USE: IRRIGATION FROM STORAGE in GOODING County

T05S R13E S03 Lot 4 NWNW	28.00	T05S R13E S03	SWNW	32.00
T05S R13E S03	NWSW	36.00	T05S R13E S04 Lot 1 NENE	25.00
T05S R13E S04 Lot 2 NWNE	1.00	T05S R13E S04	SWNE	11.00
T05S R13E S04	SENE	40.00	T05S R13E S04	NESW
T05S R13E S04	SESW	40.00	T05S R13E S04	NESE
T05S R13E S04	NWSE	34.00	T05S R13E S04	SWSE
T05S R13E S04	SESE	21.00	T05S R13E S09	NWNE
T05S R13E S09	SWNE	38.00	T05S R13E S09	SENE
T05S R13E S09	NENW	34.00	T05S R13E S09	NWNW

C.A.
NBS
JPB

T05S R13E S09	SENW	40.00	T05S R13E S09	NESW	40.00
T05S R13E S09	SESW	40.00	T05S R13E S09	NWSE	25.00
T05S R13E S09	SWSE	18.00	T05S R13E S16	NWNE	13.00
T05S R13E S16	NENW	40.00	T05S R13E S16	NWNW	39.00
T05S R13E S16	SWNW	30.00	T05S R13E S16	SENW	10.00

STOCKWATER FROM STORAGE in GOODING County

T05S R13E S03 Lot 4	NWNW	T05S R13E S03	SWNW
T05S R13E S03	NWSW	T05S R13E S04 Lot 1	NENE
T05S R13E S04 Lot 2	NWNE	T05S R13E S04	SWNE
T05S R13E S04	SENE	T05S R13E S04	NESW
T05S R13E S04	SESW	T05S R13E S04	NESE
T05S R13E S04	NWSE	T05S R13E S04	SWSE
T05S R13E S04	SESE	T05S R13E S09	NWNE
T05S R13E S09	SWNE	T05S R13E S09	SENE
T05S R13E S09	NENW	T05S R13E S09	NWNW
T05S R13E S09	SENW	T05S R13E S09	NESW
T05S R13E S09	SESW	T05S R13E S09	NWSE
T05S R13E S09	SWSE	T05S R13E S16	NWNE
T05S R13E S16	NENW	T05S R13E S16	NWNW
T05S R13E S16	SWNW	T05S R13E S16	SENW

808 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.

This water right is subject to the terms of the Agreement Between Gary A. and Helen DeMoss and Northside Canal Company Regarding Water Rights 37-856, 37-2778, 37-2780, 37-7754, executed October 5, 2007, and recorded in Gooding County, Idaho on October 19, 2007 (Instrument No. 223865).

CA
NBS
JPB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

The right holder shall accomplish the change authorized by this transfer by February 18, 2004.

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.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

CERTIFICATE OF SERVICE

I certify that on July 14, 2008, 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

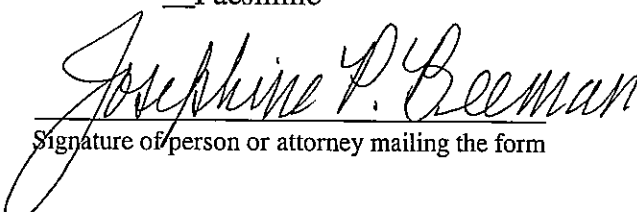
2. Copies to:

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

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

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702

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



Signature of person or attorney mailing the form