

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 25 2009

By _____

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COPY 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 Nos. 02-2444
	)	
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/OBJECTOR:

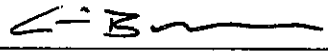
State of Idaho
Department of Parks and Recreation

David J. Barber 2/29/2009

David Barber Date
Deputy Attorney General

STANDARD FORM 5 – 02-2444

IDWR Concurrence:

	
<u>for</u> Donald V. Shaff	<u>for</u> Garrick Baxter
Adjudication Bureau Chief	Deputy Attorney General
2/20/2009	2/19/09
Date	Date

CERTIFICATE OF MAILING

I certify that on Feb. 24, 2009, 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:

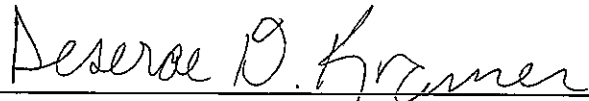
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

STATE OF IDAHO DEPARTMENT OF
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 02-02444

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.520 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO TOTAL COMBINED
DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.: 2-222, 2-2444,
2-7050, & 61-2076.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 189 AF. COMBINED RIGHTS NOS.: 2-222,
2-2444, & 2-7050.

PRIORITY DATE: 08/16/1942

POINT OF
DIVERSION: T06S R10E S6 NENENW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.520 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S31	NESW	9.00	T05S R10E S31 Lot 5	NWSW	7.00
T05S R10E S31 Lot 4	SWSW	7.0	T05S R10E S31 Lot 3	SESW	25.00
T05S R10E S31 Lot 2	SWSE	5.0	T06S R10E S06 Lot 4	NENW	4.00
			T06S R10E S06 Lot 4	NENW	2.00
			T06S R10E S06 Lot 4	NWNW	2.00

57 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 57 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 2-222, 2-2444, 2-7050, and 61-2076.

USE OF THIS RIGHT WITH RIGHT NO. 2-222 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 38 ACRES IN A SINGLE IRRIGATION SEASON.

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 rate of diversion under this right shall at all times be limited to the
amount of water available for diversion under this right at the original
point of diversion within the NWNW, , Section 32, T05S, R10E, B.M.

Use of water under this right is subject to control by the watermaster of
State Water District No. 61D, Little Canyon Creek.

EXPLANATORY MATERIAL: BASIS OF CLAIM – License

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 2-222, 2-2444, 2-7050, and 61-2076.

SCANNED ATTACHMENT I

NOV 7 8 2007