

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

MAY 14 2010

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

By

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

Subcase No.: 37-2595

STANDARD FORM 5

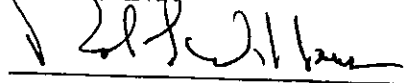
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

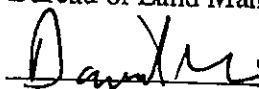
CLAIMANT:


Robert E. Williams III
Attorney for Lita West

5/5/10
Date

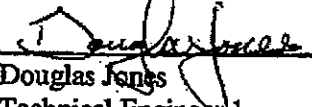
OBJECTOR:

United States on behalf of the
Bureau of Land Management


David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

5/10/10
Date

IDWR CONCURRENCE:

 5/4/10
Douglas Jones Date
Technical Engineer I

IDWR CONCURRENCE:

 5/4/10
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

04/21/2010

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

RIGHT NUMBER: 37-2595

NAME AND ADDRESS: LITA WEST
PO BOX 100 PO BOX 867
CAREY ID 83320 BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
396.00 AFY

PRIORITY DATE: 04/02/1957

POINT OF
DIVERSION:

T01S R21E S19 NW1/4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.000 CFS
396.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S13 Lot 1 NENE 4.1

T01S R20E S13 NW1/4 34.0

T01S R20E S13 SW1/4 8.3

T01S R20E S13 Lot 2 SENE 18.0

T01S R20E S13 Lot 3 NESE 8.7

T01S R21E S18 Lot 3 NWSW 8.8

T01S R21E S18 Lot 4 SWSW 43.0

T01S R21E S18 SESE 36.0

T01S R21E S18 SWSE 12.0

T01S R21E S19 NENE 16.0

T01S R21E S19 NW1/4 29.0

T01S R21E S19 SW1/4 34.0

T01S R21E S19 SENE 37.0

T01S R21E S19 NENW 38.0

T01S R21E S19 Lot 1 NWNW 28.0

T01S R21E S19 Lot 2 SWNW 8.6

T01S R21E S19 SENW 16.0

T01S R21E S19 NESE 16.0

T01S R21E S20 NENE 16.0

T01S R21E S20 NW1/4 8.1

T01S R21E S20 SW1/4 40.0

T01S R21E S20 SE1/4 40.0

T01S R21E S20 NENW 14.0

T01S R21E S20 NWNW 15.0

T01S R21E S20 SWNW 40.0

~~T01S R20E S13 Lot 1 NENE 6.1~~

~~T01S R20E S13 SW1/4 8.4~~

~~T01S R20E S13 Lot 3 NESE 7.5~~

~~T01S R21E S18 NENE 7.5~~

~~T01S R21E S18 Lot 3 NWSW 7.5~~

~~T01S R21E S18 SWSE 13.0~~

~~T01S R21E S19 NENE 15.0~~

~~T01S R21E S19 SW1/4 33.0~~

~~T01S R21E S19 Lot 1 NWNW 26.0~~

~~T01S R21E S19 Lot 2 SWNW 6.0~~

~~T01S R21E S19 SENW 15.0~~

~~T01S R21E S20 NENE 14.0~~

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

T01S R21E S20 SE1/4 40.0
T01S R21E S20 NE1/4 40.0
T01S R21E S20 NW1/4 40.0
T01S R21E S20 SW1/4 19.0
T01S R21E S20 SE1/4 24.0
T01S R21E S20 NE1/4 40.0
T01S R21E S20 NW1/4 40.0
T01S R21E S20 SW1/4 16.0
T01S R21E S20 SE1/4 13.0

840.6 ACRES TOTAL

~~840 ACRES TOTAL~~

Handwritten: CB
plew
163 DN

The rights listed below are limited to the irrigation of a combined total of 495 acres in a single irrigation season. Combined Right Nos.: 37-563, 37-564, 37-565, and 37-2595.

The rights listed below are limited to the irrigation of a combined total of 360 acres in a single irrigation season. Combined Right Nos.: 37-563, 37-564, and 37-565.

This right is limited to the irrigation of 135 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on May 13, 2010, 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

Robert E. Williams III
Williams Meserby
P.O. Box 168
Jerome, ID 83338-0168

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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

Don Davis

Signature of person or attorney mailing the form