

OCT - 1 2010

By

Clerk

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 No.: 45-4087

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:

City of Burley

Michael P. Tribe 9/21/10
Date

Michael P. Tribe
Attorney for the City of Burley

IDWR CONCURRENCE:

Kelly K. Christensen 9-23-10
Date
Kelly K. Christensen
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 9-23-10
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

07/21/2010

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

RIGHT NUMBER: 45-4087

NAME AND ADDRESS: CITY OF BURLEY
PO BOX 1090
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
22.00 AFY

PRIORITY DATE: 06/01/1940

POINT OF
DIVERSION:

T10S R23E S28 SEWNE Within CASSIA County
T10S R23E S28 SEWENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	03/15 11/15	0.120 CFS 24.00 AFY

PLACE OF USE:

Place of use is within the service area of the City of Burley municipal water supply system as provided for under Idaho Law. ~~The rights listed below share a common delivery system for the irrigation of the Pleasant View Cemetery. Combined rights 45-4087 and 45-7114.~~

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.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the west well located in T10S, R23E, S28, SEWENW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The rights listed below share a common delivery system for the irrigation of the Pleasant View Cemetery. Combined rights 45-4087 and 45-7114.

CERTIFICATE OF SERVICE

I certify that on September 30, 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:

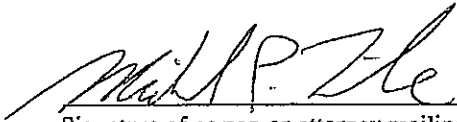
IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Michael P. Tribe
Robinson, Anthon & Tribe
P.O. Box 396
Burley, ID 83350-0396

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

Director of IDWR
PO Box 83720
Boise, ID 83720-0098- Regular
Mail


Signature of person or attorney mailing the form