

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

OCT - 6 2010

By _____ Clerk

Deputy 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

Case No. 39576

Subcase No.: 45-4094

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 9-29-10
Michael P. Tribe Date
Attorney for the City of Burley

IDWR CONCURRENCE:

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

IDWR CONCURRENCE:

Nicholas B. Spencer 9-28-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

07/21/2010

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

RIGHT NUMBER: 45-4094

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.660 CFS

PRIORITY DATE: 12/31/1949

POINT OF
DIVERSION:

T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 N40W Within CASSIA County

T108 R23E S17 N40W Within MINIDOKA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S20 SENE Within CASSIA County
T108 R23E S29 SENE Within CASSIA County
T108 R23E S29 N40W Within CASSIA County
T108 R23E S29 SENE Within CASSIA County
T108 R23E S30 SENE Within CASSIA County
T108 R23E S30 SENE Within CASSIA County
T108 R23E S32 SENE Within CASSIA County

KKC
NBS
WT

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
MUNICIPALPERIOD OF USE
01/01 12/31
03/15 11/15QUANTITY
1.660 CFS

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 are a common delivery system south of the railroad tracks and are used as a lawn irrigation system. Combined rights 45-4093, 45-4094, 45-4095, 45-4096, 45-4097, 45-7436, 45-11133, 45-13895, and 45-14083.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Carlson well also known as the irrigation well # 4 located in T108, R23E, S29, N40W.

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

The rights listed below are associated with an irrigation delivery system north of the railroad tracks, an irrigation delivery system south of the railroad tracks and a culinary system. The three systems normally operated independently are physically connected. Combined rights 36-4080, 45-4089, 45-4090, 45-4091, 45-4092, 45-4093, 45-4094, 45-4095, 45-4096, 45-4097, 45-4098, 45-4099, 45-7269, 45-7436, 45-11133, 45-13895, 45-14083, and 45-14290.

Standard Form 5

45-4094