

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) Subcase No.: 45-4095
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 9-29-10
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

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

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

TRITITARY.

PRIORITY DATE: 04/01/1917

[illegible]

T109 R23E S17 N27W Within MTNTDOKA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 SEW Within CASSIA County
T109 R23E S20 SEW Within CASSIA County
T109 R23E S20 N45W Within CASSIA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 SENE Within CASSIA County
T109 R23E S20 N27W Within CASSIA County
T109 R23E S20 SEW Within CASSIA County
T109 R23E S30 SENE Within CASSIA County
T109 R23E S30 SENE Within CASSIA County
T109 R23E S32 SENE Within CASSIA County

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE	
01/01	12/31

QUANTITY
1.119 CFB

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 south of the railroad tracks and are used as a main irrigation system. Combined rights 45-1093, 45-1094, 45-1095, 45-1096, 45-1097, 45-7436, 45-11213, 45-13895, and 45-14082.

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 Hogan well also known as the irrigation well # 5 located in T10S, R23E, S20, SWSE.

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 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 36-1080, 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.