

9-11

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

STANDARD FORM 5

SUBCASE NO: 36-14805A

STIPULATED ELEMENTS OF A
WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

STUART WILLIAMS
DLANE C. ODEN
304 E. 350 N.
JEROME, IDAHO 83338

Required Statement: The names of Nancy J. Jackson and Carl E. Jackson, 819 16th Avenue E., Jerome, Idaho 83338 are to be deleted and Mr. Williams and Ms. Oden are to be substituted because Mr. and Mrs. Jackson have sold their fractional interest in this water right to Mr. Williams and Ms. Oden. Mr. and Mrs. Jackson retain a one third ownership interest in the community well that is the point of diversion of this water right. However, the water right that is adjunct to Mr. and Mrs. Jackson's one-third ownership interest in the well is recommended in the director's report for Basin 36 (Reporting Area 3) as water right no. 36-14574. See the accompanying Stipulation of the parties which is incorporated by reference.

2. The source of water is: Source: GROUNDWATER

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second (CFS) or the quantity of water stored in acre-feet per year (AFY) is:

DOMESTIC 0.04 CFS
STOCKWATER 0.02 CFS

TOTAL QUANTITY 0.06 CFS

REMARKS: USE OF THIS RIGHT WITH RIGHT NOS. 36-14805B AND 36-14574 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.

Required Statement: The quantity for this right as recommended in the director's report was in error because it neglected a quantity for stockwater. Stockwater was an element of the original claim and was listed on the recommendation as a non-irrigation use. The remark setting a combined diversion rate limit of 0.06 cfs is necessary to make it clear that this right is used in conjunction with Nos. 36-14805B and 36-14574, and that while up to 0.06 cfs may be diverted pursuant to this right, the total diversion rate of all three rights used together cannot exceed 0.06 cfs at any one time.

4. The priority date is: 06/29/1930

Required statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is:

T07S R17E S34 SWSWNW

Required statement: The legal description of the point of diversion as recommended in the director's report showed the location of the well within a quarter-quarter section (40 acre tract). The legal description should be amended to describe the quarter-quarter-quarter section (10 acre tract) within which the well is located. The claim is not for an instream flow.

6. The purpose of use is:

DOMESTIC AND STOCKWATER
NON-IRRIGATION USES: DOMESTIC, 1 HOME; STOCKWATER, 50 CATTLE

Required statement: The number of stock shown on the original claim was 100 head. The combined recommendations for the number of stock shown on the two portions of that original claim can not exceed the total originally claimed.

7. The period of year when the water is to be used is:

DOMESTIC 01-01 TO 12-31
STOCKWATER 01-01 TO 12-31

Required statement: There is no substantive change from the director's report. Since stockwater is now listed as a separate rather than incidental use, the year around period of use recommended for it also is now listed separately.

8. The legal description of the place of use:

DOMESTIC T07S R17E S34 SWNW
STOCKWATER T07S R17E S34 SWNW

Delete the reference to Parcel No. RP07S17E330001.

Required statement: The legal description of the place of use is as recommended in the director's report; however, the reference to Parcel No. RP07S17E330001 is deleted because it is the parcel number for the place of use for No. 36-14574 rather

than this water right. The place of use is located in Jerome County, Idaho.

9. The annual volume of consumptive use is:

DE MINIMUS

Required statement: As recommended in the director's report.

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signature and Address of Parties and their Attorney of Record

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Nicholas B. Spencer

Nicholas B. Spencer 7-6-95
Attorney's Signature Date

Name: Diane C. Oden and Stuart Williams
Address: 304 E 350 N
City/State/Zip: Jerome ID 83338

[Signature]
Party's Signature

7-8-95
Date

[Signature]
Party's Signature

7-8-95
Date

Name: Nancy J. Jackson and Carl E. Jackson
Address: 1304 N. Davis St.
City/State/Zip: Jerome ID 83338

Carl E. Jackson 6-28-95
Party's Signature Date

Nancy J. Jackson 6-28-95
Party's Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted** by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 11, 1995, 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

VIA HAND DELIVERY

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Nancy J Jackson
Carl E Jackson
1304 N Davis St
Jerome ID 83338

Diane C Oden
Stuart Williams
304 N 350 E
Jerome ID 83338


Signature of person or attorney mailing the form