

7-17

**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: 36-07560

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right under state law or one water right acquired under 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; and 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.

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).

IDWR and the parties stipulate that water right no. 36-07560 is correctly described in the director's report.

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

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

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

Name: Gary and Barbara Carney
Address: Rt 2 Box 2418
City/State/Zip: Paul ID 83347
Attorney of Record:

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

Gary Carney 7/14/95
Party's Signature Date

Daniel L. Steckel 6/15/95
Attorney's Signature Date

Barbara Carney 7/14/95
Party's Signature Date

Name: United States through
Address: Department of Justice
601 Pennsylvania Ave. NW
City/State: Washington, DC 20004
Attorney of Record: Daria J. Zane

D. J. Zane 7/12/95
Attorney's Signature Date

AJS556MP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-2940RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: GROUNDWATER

36-07560

GARY CARMY
BARBARA CARMY
RT 2 BOX 2418
PAUL ID 83347

03/03/1976 IRRIGATION

04-01 10-31

5.45
1326.0CFS
AFY

LICENSE

POINT OF DIVERSION:

TOPS R21E S02
PLACE OF USE: IRRIGATION

SESENE

TOTAL QUANTITY:
CONSUMPTIVE USE:5.45
1326.0
993.0CFS
AFY

TOPS R21E S01

NAME 7.0
MAMA 1.0
SASA 19.0
SUSE 30.0
SWNE 11.0
WESW 13.0SWNE 36.0
SESW 11.0
SESW 17.0
SESE 37.0
SENE 5.0
MESE 3.0SENE 36.0
WESW 13.0
MESE 36.0
SWNW 6.0
MASE 7.0MENA 13.0
MWSW 5.0
MASE 19.0
SENW 8.0

REMARKS:

331.0 ACRES TOTAL
USE OF THIS RIGHT IS COMBINED WITH WATER FROM

A & B IRRIGATION DIST.

PROPERTY IS ALSO KNOWN AS TRACTS A, E, F & G, S01, TOPS, R21E.
PROPERTY IS ALSO KNOWN AS TRACTS H & G, S02, TOPS, R21E.

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 14, 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

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724-0663

Gary Carney
Barbara Carney
Rt 2 Box 2418
Paul ID 83347



Signature of person or attorney mailing the form

DANIEL L. STECKEL
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

Attorneys for IDWR

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	)	Sub-case No. 36-07560
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 36-07560.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), the United States of America (the objector), and Gary and Barbara Carney (the claimants), stipulate and agree that:

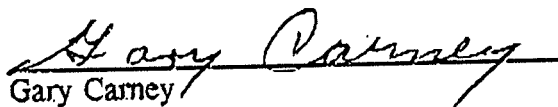
1. The Standard Form 5 for water right no. 36-07560, attached hereto and incorporated by reference herein, sets forth the description of the water right as described in the director's report. All decrees, whether partial or final, should describe the water right as shown in the director's report.

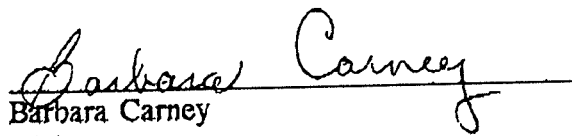
2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

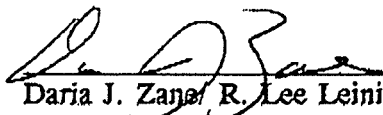
4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 14 day of July, 1995.

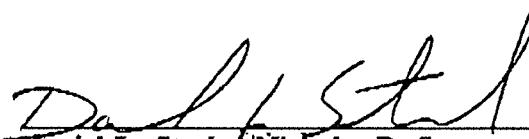

Gary Carney
Claimant


Barbara Carney
Claimant

Dated this 12th day of July, 1995.


Daria J. Zana/ R. Lee Leininger
Attorney
General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice

Dated this 15th day of June, 1995


Daniel L. Steckel/Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources