

COPY

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**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 36-00055W
	)	(ONE NUMBER ONLY)
	)	
	)	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:

SAL J MUCARIO
PO BOX 669
HAGERMAN ID 83332

SAL J. MUCARIO IS THE CURRENT OWNER OF THIS WATER RIGHT, AS SHOWN BY THE NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FILED WITH IDWR ON JULY 11, 1994 BY THE PREVIOUS AND CURRENT OWNERS.

Required Statement: IDWR and the parties stipulate that this is the correct description of the name and address of the claimant.

2. The source of water is:

Source: RILEY CREEK Tributary: SNAKE RIVER

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

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

IRRIGATION	0.025 CFS
TOTAL QUANTITY:	0.025 CFS

USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.025 CFS.

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

4. The priority date is: 05/01/1883

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

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T08S R13E S01 LOT 7 (NENWSE)

WHERE A POINT OF DIVERSION IS IDENTIFIED BY GOVERNMENT LOT NO., THE LEGAL DESCRIPTION IS THE GOVERNMENT LOT; QUARTER-QUARTER-QUARTER DESCRIPTIONS ARE ALSO PROVIDED IN PARENTHESES FOR THE CONVENIENCE OF THOSE WHO DO NOT HAVE READY ACCESS TO U.S. GOVERNMENT PLAT MAPS.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-00055AA, 36-00055AB, 36-00055BB, 36-00055BC, & 36-00055Y.

Required Statement: As recommended in the director's report. This claim is not for an instream flow.

6. The purpose of use is:

IRRIGATION

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

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

IRRIGATION 03-15 TO 11-15

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

8. The legal description of the place of use or of the reservation is:

PLACE OF USE: IRRIGATION

T08S R13E S01 Lot 11 (NWSE)

0.5 ACRES

0.5 ACRES TOTAL

WHERE ALL OR PART OF THE PLACE OF USE IS IDENTIFIED BY GOVERNMENT LOT NO., THE LEGAL DESCRIPTION IS THE GOVERNMENT LOT; QUARTER-QUARTER DESCRIPTIONS ARE ALSO PROVIDED IN PARENTHESES FOR THE CONVENIENCE OF THOSE WHO DO NOT HAVE READY ACCESS TO U.S. GOVERNMENT PLAT MAPS.

PROPERTY IS ALSO KNOWN AS LOT 24, GRIDLEY ISLAND SUBDIVISION.

USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.

Required Statement: As recommended in the director's report.
The place of use is located in Gooding County, Idaho.

9. The annual volume of consumptive use is:

USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO A A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1.5 AF.

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

10. Other matters necessary to define this water right.

These matters are necessary because: Not Applicable.

These matters do not fall within the 9 elements listed above because: Not Applicable.

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.

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

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

Name: Sal J. Mucario
Address: PO Box 669
City/State/Zip: Hagerman ID 83332
Attorney of Record: Patrick D. Brown

 9-19-95
Attorney's Signature Date

 9/19/95
Attorney's Signature Date

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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. 36-00055W
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 36-00055W.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR) and Sal J. Mucario (the claimant/objector), stipulate and agree that:

1. The Standard Form 5 for water right no. 36-00055W, attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed to the by IDWR and the claimant/objector. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

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 resolution, either through settlement or litigation, of 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.

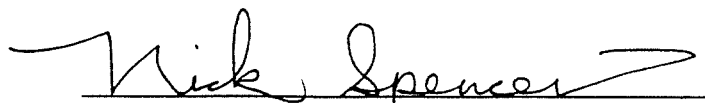
4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 19 day of September, 1995.



Patrick D. Brown
Attorney for Claimant/Objector

Dated this 19TH day of SEPTEMBER, 1995.



Nicholas B. Spencer
Deputy Attorney General
Idaho Department of Water Resources