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Department of Water Resources
Adjudication Bureau

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MAR 27 1995

OFFICE OF THE
ATTORNEY GENERAL

3-22

**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: 36-07703**

) **PROPOSED ELEMENTS OF A**
) **WATER RIGHT**

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

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany **each** element of a water right.

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:

HARRIET WATERS
DELBERT E WATERS
367 S 1900 E
JEROME ID 83338

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

2. The source of water is: GROUNDWATER

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	3.57	CFS
	792.0	AFY
TOTAL QUANTITY:	3.57	CFS
	792.0	AFY

Required Statement: IDWR and the parties stipulate that this is the correct quantity of water.

4. The priority date is: 05/10/1977

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:

T09S R20E S05 LOT 3 (NWNENW)

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

04-01 TO 10-31

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

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

T09S R20E S05 Lot 1 (NENE) 9.0 acres, Lot 2 (NWNE) 38.0 acres, Lot 3 (NENW) 36.0 acres, Lot 4 (NWNW) 38.0 acres

T08S R20E S32 SWSW 38.0 (acres), SESW 19.0 (acres), SWSE 20.0 (acres)
198.0 ACRES TOTAL

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. 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. The place of use is located in Jerome County, Idaho.

9. The annual volume of consumptive use is: 594.0 AFY

Required Statement: IDWR and the parties stipulate that this is the correct annual volume of consumptive use.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

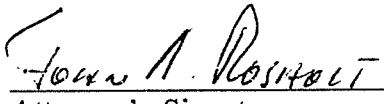
These matters do not fall within the 9 elements listed above because: Not applicable.

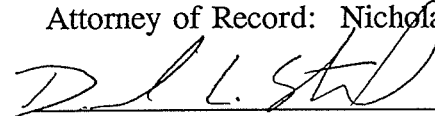
Signature and Address of Parties and their Attorney of Record

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

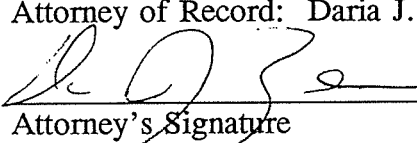
Name: Harriet and Delbert E. Waters
Address: 367 S 1900 E
City/State/Zip: Jerome, ID 83338
Attorney of Record: John A. Rosholt

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

 3/14/95
Attorney's Signature Date

 3/10/95
Attorney'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

 3/17/95
Attorney's Signature Date

Court Representative (if necessary)

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 March 21, 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 44449
Boise, ID 83711-4449

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

John A. Rosholt
P.O. Box 1906
Twin Falls, ID 83303-1906



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAR-10-1995
PAGE: A-1

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: GROUNDWATER

36-07703

HARRIET WATERS
DELBERT E WATERS
367 S 1900 E
JEROME ID 83338

05/10/1977 IRRIGATION

04-01 10-31

3.57 CFS
800.0 AFY

LICENSE

TOTAL QUANTITY:

3.57 CFS
800.0 AFY
600.0 AFY

CONSUMPTIVE USE:

POINT OF DIVERSION:

T09S R20E S05

LOT 3 (NNNNN)

PLACE OF USE: IRRIGATION

T08S R20E S32 SWSM 38.0
T09S R20E S05 Lot 1 (NENE) 9.0 Lot 2 (NNNE) 38.0 Lot 3 (NNNN) 36.0 Lot 4 (NNNN) 38.0
200.0 ACRES TOTAL