

A-7

**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: 34-10935
	)	(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:

BIG LOST RIVER IRRIGATION DISTRICT
PO BOX 205
MACKAY ID 83251

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

2. The source of water is:

Source: BIG LOST RIVER Tributary: SINKS

Required Statement: IDWR and the claimant stipulate that this is the correct description of the source of water.

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

DIVERSION TO STORAGE	6.4 CFS
IRRIGATION STORAGE	1113.0 AFY
IRRIGATION FROM STORAGE	1113.0 AFY
TOTAL QUANTITY:	6.4 CFS
	1113.0 AFY

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

4. The priority date is: 06/01/1896

Required Statement: IDWR and the claimant stipulate that this is the correct priority date.

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:

T07N R23E S12 SENW
T03N R26E S01 NENESW (R)
T03N R26E S12 NENWSE (R)
T04N R26E S26 NWNWNW (R)
T05N R26E S04 NWSESE (R)
T06N R24E S01 NENESW (R)
T06N R25E S06 SWNESE (R)

T06N R25E S10 NENESW (R)
 T06N R25E S11 SWSESW (R)
 T06N R25E S14 SENWSE (R)
 T06N R25E S24 NWNWNE (R)
 T06N R26E S32 NWSSENW (R)
 T07N R23E S12 NWNWSE (R)
 T07N R24E S18 SESWNE (R)
 T07N R24E S20 SWNESW (R)
 T07N R24E S33 NWSWNE (R)
 T07N R24E S34 SENWNW (R)

RIGHTS 34-00810, 34-00811, 34-00817B, 34-00818, 34-00012, 34-10873 AND 34-02507 ARE ALSO DIVERTED AT THE POINT OF DIVERSION DESCRIBED ABOVE.

POINT OF DIVERSION IN SENW SEC 12, TWP 7N, RGE 23E IS MACKAY DAM. WATER IS DELIVERED THROUGH THE ANGELO, ARCO, B & J, BECK/MC GOWAN, BURNETT, DARLINGTON, EASTSIDE, HARRIS-VAUGHT, ISLAND, LOWER BURNETT, MC LOUGHLIN, MIDDLE, MILLER, MOORE, MUNSEY, SHARP, STREETER, SUTTER, SWAUGER, VANOUS, WESTSIDE AND 3 IN 1 DITCHES OR CANALS; ALL ARE POINTS OF REDIVERSION FROM THE BIG LOST RIVER.

THE AMOUNT OF WATER REDIVERTED FROM THE BIG LOST RIVER SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWNSTREAM FROM THE POINT OF REDIVERSION.

Required Statement: IDWR and the claimant stipulate that this is the correct description of the point(s) of diversion. Points of diversion listed with an (R) are points of rediversion. The claim is not for an instream flow.

6. The purpose of use is:

DIVERSION TO STORAGE
 IRRIGATION STORAGE
 IRRIGATION FROM STORAGE

Required Statement: IDWR and the claimant stipulate that this is the correct description of the purpose(s) of use.

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

DIVERSION TO STORAGE	05-01 to 10-15
IRRIGATION STORAGE	05-01 to 10-15
IRRIGATION FROM STORAGE	05-01 to 10-15

Required Statement: IDWR and the claimant stipulate that this is the correct description of the season(s) of use.

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

USE OF THIS RIGHT WITH RIGHT NOS. 34-00810, 34-00811, 34-00817B, 34-00818, 34-00012, 34-00013, 34-02507 AND 34-10873 IS LIMITED TO THE IRRIGATION OF 32,000 ACRES WITHIN THE PLACE OF USE DESCRIBED IN RIGHT NO. 34-10873 IN A SINGLE IRRIGATION SEASON.

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

9. The annual volume of consumptive use is:

WATER STORED PURSUANT TO THIS RIGHT IS USED IN COMBINATION WITH WATER DIVERTED UNDER OTHER RIGHTS. THE TOTAL COMBINED CONSUMPTIVE USE AMOUNT FOR THE USE OF THE OTHER RIGHTS WITH STORED WATER IS SHOWN IN THE OTHER RIGHTS.

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

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

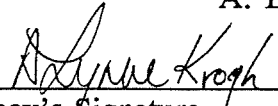
These matters are necessary because: Not applicable.

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

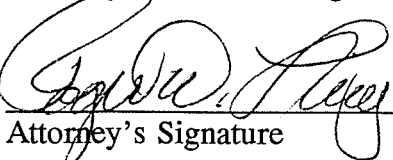
Signature and Address of Parties and their Attorney of Record

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

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

 4/5/95
Attorney's Signature Date

Name: Big Lost River Irrigation District
Address: PO Box 205
City/State/Zip: Mackay, ID 83251
Attorney of Record: Roger D. Ling

 4/4/95
Attorney'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 April 5, 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:

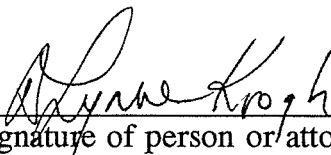
1. Original to:

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

Roger D. Ling
PO Box 396
Rupert, ID 83350



Signature of person or attorney mailing the form

