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Department of Water Resources

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	)	Subcase No. 34-04068
	)	
	)	JOINT STIPULATION
Case No. 39576	)	
	)	
	)	

DESCRIPTIVE SUMMARY

A Standard Form 5 (SF5) hearing was held in the above-referenced subcase on December 13, 1995. At the hearing, the parties and IDWR agreed to submit a joint stipulation to reflect changes to the SF5 agreed to by IDWR and the parties.

DISCUSSION

IDWR and the parties agree that the SF5 in subcase no. 34-04068 should be changed to reflect the following:

The remark under element 3 should be deleted and in its place the following remark should be inserted: "STORAGE CAPACITY 54 AF. USE OF THIS RIGHT WITH RIGHT NO. 34-00472 IS LIMITED TO A

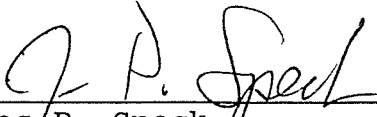
TOTAL ANNUAL COMBINED DIVERSION VOLUME OF 462 AF."

The remark under element 5 regarding the same point of diversion should be deleted.

At the SF5 hearing, the parties and IDWR discussed whether the recommended place of use for irrigation storage in element 8 should be changed. The place of use of a water right is the place where water is beneficially used. In this case, it is irrigation that constitutes the beneficial use. Storage is included to properly quantify the right and accurately describe its use for irrigation. Thus, the water right is quantified by "irrigation storage" and "irrigation from storage," and the place of use is defined as the lands irrigated, not the place where water is stored. Accordingly, the parties and IDWR agree that element 8 should not be changed and should be described as set forth in the SF5.

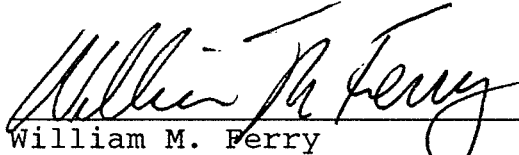
Also at the SF5 hearing, the parties and IDWR discussed whether the remark under element 9 should be changed-- specifically, whether "AF" should be changed to "AFY." The parties and IDWR agree that the remark under element 9 should not be changed. The remark already includes the word "annual."

Adding a "Y" (which stands for "year") to the end of "AF" (which stands for "acre feet") to the end of the remark would be unnecessary.



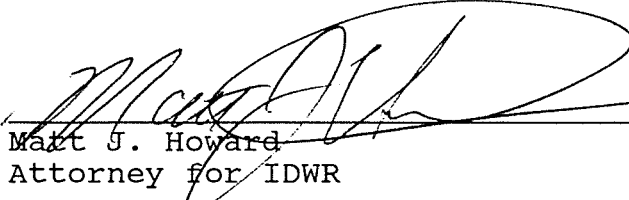
James P. Speck
Attorney for Ronold Von Hagen

Dated: 1/12/96



William M. Perry
Attorney for United States

Dated: 1/30/96



Matt J. Howard
Attorney for IDWR

Dated: 2/1/96

CERTIFICATE OF MAILING

I certify that on Feb 2, 1996, 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:

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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:

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Env't. & Nat. Resources Div.
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Signature of person mailing form