

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. 63-00174
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR

The Tina Iest Family L.L.L.P.

<u>Helen C. Tidwell</u>	<u>6/11/14</u>
Helen C. Tidwell	Date
Executor, Estate of Tina Iest	
General Partner, The Tina Iest Family L.L.L.P.	

IDWR Concurrence:

 6-13-14
Carter Fritschle Date
Manager, Adjudication Section

 6/13/14
Meghan Carter Date
Deputy Attorney General
Attorney for IDWR

06/11/2014

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

RIGHT NUMBER: 63-174

NAME AND ADDRESS: THE TINA IEST FAMILY LLLP
C/O HELEN TIDWELL
5700 S LINDER RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.800 CFS

~~Right Nos. 63-174, 63-175 and 63-5181 are limited to a total combined diversion rate of 15.28 cfs. 4.36 cfs of the total combined diversion rate is for conveyance losses incurred between the point of diversion and the place of use.~~

The appropriator is entitled to the quantity of water described above at the point of measurement in T05N, R05W, S35, NENENE.

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1869

POINT OF

DIVERSION: T05N R05W S36 NENW Lot 3 Within CANYON County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.800 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S25 Lot 6 ¹ NWNW	1.00	T05N R05W S25 Lot 7 SWNW	14.00
T05N R05W S25 Lot 8 NWSW	15.00	T05N R05W S26 NENE	1.00
T05N R05W S26 Lot 8 SWNE	22.00	T05N R05W S26 Lot 9 SENE	30.00
T05N R05W S26 Lot 3 SENW	15.00	T05N R05W S26 Lot 7 NESW	4.00
T05N R05W S26 NESE	25.00	T05N R05W S26 NWSE	38.00
T05N R05W S26 SWSE	6.00	T05N R05W S26 SESE	11.00

182 ACRES TOTAL

Right Nos. 63-174, 63-175 and 63-5181 are limited to the irrigation of a combined total of 182 acres in a single irrigation season.

Handwritten initials: HCT, MC, and a signature.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right originated as all or part of right no. 41 in the Stewart Decree and the historic Boise River Water Masters records.

Right Nos. 63-175 and 63-5181 are also diverted through point of diversion described above.

HCE
CS me

CERTIFICATE OF MAILING

I certify that on June 13, 2014, 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:

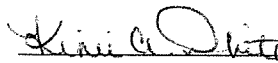
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THE TINA IEST FAMILY L.L.L.P.

Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509



Signature of person or attorney mailing form