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DISTRICT COURT - SRBA

**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: 34-00767
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

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; and 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.

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 these uncontested elements 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).

REQUIRED STATEMENTS

1. The name and address of the claimant(s) are:

As recommended in the Director's Report.

2. The source of water is:

As recommended in the Director's Report.

3. The quantity of water used is:

As recommended in the Director's Report.

4. The Priority date is:

As recommended in the Director's Report.

5. The legal description of the point(s) of diversion is:

As recommended in the Director's Report. The claim is not for an instream flow.

6. The purpose of use is:

As recommended in the Director's Report.

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

The director's report recommended a season of use for irrigation of May 1 to October 15, and the director continues to recommend that the description of the right in this manner is appropriate and necessary to define and administer water rights with a purpose of use for irrigation. In the Memorandum Decision and Order RE: Basin-Wide Issue 5, the Presiding Judge concluded that "all decrees for irrigation in the SRBA shall set the period of use as the 'irrigation season.'" Pending further proceedings in the SRBA District Court on Basin-Wide Issue 5, this Standard Form 5 describes the season of use for irrigation as "irrigation season."

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

As recommended in the Director's Report.

9. The annual volume of consumptive use is:

As recommended in the Director's Report.

Review By IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of the Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

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

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

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

Name: Clint Bitton & Esther Bitton

Address: Star Rt.

City/State/Zip: Mackay ID 83251

Attorney of Record:

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Matt Howard

A. Lynne Krogh

Clint Bitton 8-15-96

Party's Signature

Date

Matt Howard 8/29/96

Attorney's Signature

Date

Esther Bitton 8/26/96

Party's Signature

Date