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Department of Water Resources

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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:
	)	36-02379
	)	
	)	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:

BILLINGSLEY CREEK RANCH
2726 S 1050 E
HAGERMAN ID 83332

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

2. The source of water is: SPRINGS TRIBUTARY TO BILLINGSLEY CREEK

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct source of water. The source is also known as Hewitt Springs.

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

FISH PROPAGATION: 5.00 CFS
DOMESTIC: 0.04 CFS
TOTAL QUANTITY EQUALS 5.00 CFS

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct quantity of water.

4. The priority date is: 3/19/1959.

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct priority date.

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

T7S R14E S19 SWSENW

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct legal description of the point of diversion.

6. The purpose of use is:

FISH PROPAGATION AND DOMESTIC

Required Statement: IDWR and the Party(s) agree and stipulate that these are the correct purposes of use.

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

1/1 TO 12/31.

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct period of use for both of the above listed purposes of use.

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

FISH PROPAGATION: T7S R14E S19 NENWSENW
DOMESTIC: T7S R14E S19 SENW

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct place of use.

9. The annual volume of consumptive use is:

FACILITY VOLUME: 0.4 AF.

Required Statement: IDWR and the Party(s) agree and stipulate that this is the correct 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.

The stipulation of the party(s) and IDWR is attached hereto and incorporated by reference.

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: Charles L. Honsinger

Name: Billingsley Creek Ranch
Address: 2726 S 1050 E
City/State/Zip: Hagerman, ID 83332
Attorney of Record: No attorney

Charles L. Honsinger 08/30/96
Attorney's Signature Date

Bruce M. Fadden 9/4/96
Party's Signature Date

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 August 30, 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:

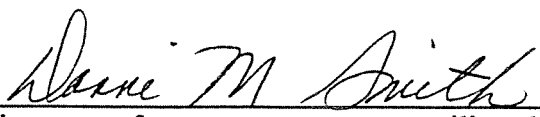
1. Original to:

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

US Dept. of Justice
Env't. & Nat. Resources Div.
550 W. Fort St. Box 33
Boise, ID 83724



Signature of person or attorney mailing the form

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)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 36-02379

NAME & ADDRESS: BILLINGSLEY CREEK RANCH
2726 S 1050 E
HAGERMAN ID 83332

SOURCE: SPRINGS TRIBUTARY: BILLINGSLEY CREEK

SOURCE IS ALSO KNOWN AS HEWITT SPRINGS.

QUANTITY: 5.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.
FACILITY VOLUME 0.4 AF.

PRIORITY DATE: 03/19/1959

POINT OF DIVERSION: T07S R14E S19 SWSNW

Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31
01-01 12-31

QUANTITY
5.00 CFS
0.04 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R14E S19 NENW SENW
DOMESTIC Within GOODING County
T07S R14E S19 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

*Call re SFS
No signed SFS
Deced copy*

