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MAY - 8 2003

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. 77-10173
	)	
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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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 claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 5/7/03
David L. Negri Date

IDWR CONCURRENCE:

Roxanne Brown 4/30/03
Roxanne Brown Date

CERTIFICATE OF MAILING

I certify that on ~~January~~ 5/7, 2003, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

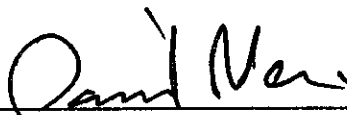
Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



David L. Negri

Right Number: 77-10173

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: BEARSKIN CREEK Tributary: ELK CREEK

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: 05-01-1910

Diversion Point: T12N R08E S32 ~~SENW~~ NWSE (Instream Beginning) Valley
T13N R08E S35 NWSE (Instream Ending) Valley

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Stockwater 06-01 TO 10-31 .02 CFS

Place of Use: Stockwater Within Valley County

	<u>Lot 3</u> (NENW)	<u>Lot 4</u> (NWNW)
T12N R08E S03	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
S09	NWNW	SESE
S10	NENW	SWNW
	SENW	NWSW
	SWSW	
S15	NWNW	
S16	NENE	SENE
	NESE	SESE
S21	NENE	SENE
	NESE	SESE
S22	NWNW	SWNW
S28	NENE	SWNE
	SENE	NESW
	SWSW	SESW
	NWSE	
S32	NENE	NWNE
	SWNE	SENW
	<u>NWSE</u>	
T13N R08E S34	SESW	SWSE
	SESE	
S35	NESW	NWSW
	NWSE	

Other Provisions Necessary for Definition / 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.

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

Explanatory Material: Basis of Claim - Beneficial Use

FOREST SERVICE RECORD ID = 0402 17060205 68 0508