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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

Case No. 39576

) Subcase No. 51-4037
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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(s)/OBJECTOR:

Waterone Enterprises LLC

Thomas Scroggins 4-23-03
Thomas Scroggins Date

Kevin Beaton 4-10-03
Kevin Beaton Date

Attorney for Waterone

STANDARD FORM 5 -51-4037

RESPONDENT(s):

Janet O'Crowley 12 May 03
Janet O'Crowley Date

Charlotte Scott 5/02/03
Charlotte Scott Date
Char CS

CERTIFICATE OF MAILING

I certify that on May 15, 2003, 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:

Kevin J. Beaton
Stoel Rives
101 S. Capitol Boulevard, Suite 1900
Boise, ID 83702

David J. Barber
Deputy Attorney General
Office of the Attorney General
Natural Resource Division
P.O. Box 44449
Boise, ID 83711-4449

Janet O'Crowley
317 West C Street
Shoshone, ID 83352

~~Char~~
~~Charlotte~~ Scott
251 Versailles Court
Tracy, CA 95376

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

RESPONDENT:

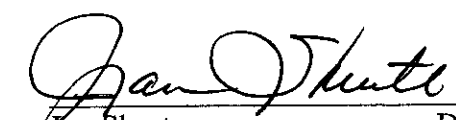
State of Idaho

 5/7/2003

DAVID J. BARBER Date

Deputy Attorney General

IDWR Concurrence:

 5-18-03

Jan Shurte Date

IDWR Adjudication Supervisor

 5/14/03

Garrick L. Baxter Date

Deputy Attorney General

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

RIGHT NUMBER: 51-4037
NAME AND ADDRESS: WATERONE ENTERPRISES LLC
251 VERSAILLES CT
TRACY CA 95376
SOURCE: MURPHY HOT SPRINGS TRIBUTARY: EAST FORK JARBIDGE RIVER
QUANTITY: 0.060 CFS

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

PRIORITY DATE: 06/20/1885

POINT OF DIVERSION:

T16S R09E S24 SWNNW Within OWYHEE County Source: MURPHY HOT SPRINGS

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.020 CFS
COMMERCIAL	01/01 12/31	0.040 CFS

COMMERCIAL USE IS FOR POOL, BATHS, INTERNAL LODGE USE, AND 1 TRAILER.

PLACE OF USE:

DOMESTIC Within OWYHEE County

T16S R09E S24 NWNW

COMMERCIAL Within OWYHEE County

T16S R09E S24 NWNW

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.

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

EXPLANATORY MATERIAL: Beneficial Use

WATER TEMPERATURE MEASURED AT 117 DEGREES F.

KB
JD
CJ
DGB
J.CC
JB