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MAY 15 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. 63-25014

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.

CLAIMANT:

United States on behalf of the
USDA Forest Service

David L. Negri 5/2/03
David L. Negri Date

OBJECTOR:

State of Idaho

David J. Barber 5/2/2003
David J. Barber Date

IDWR CONCURRENCE:

Roxanne Brown 5/14/03
Roxanne Brown Date

CERTIFICATE OF MAILING

I certify that on May 14, 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:

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

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: 63-25014

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 0B3
BOISE, ID 83724

Source: BIG SMOKY CREEK

Tributary: BIG SMOKY CREEK

Quantity: .02 CFS

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

Priority Date: ~~05-01-1863~~ 05-29-1905

2 JB ON RB

Diversion Point: T04N R14E S10
T05N R14E S21

NWSESW
NWSWSE

(Instream Ending) Camas
(Instream Beginning) Camas

Purpose and
Period of Use: Purpose of Use
Stockwater

Period of Use
06-01 TO 10-31

Quantity
.02 CFS

Place of Use: Stockwater
T04N R14E S03

Within Camas County

NWNW
NWSW
NWNW
NESW
SWSW
SWSE
NWNE
NWSE
NENE
SENE
SESE
SWSW

SWNW
SWSW
SWNW
NWSW
SESW

SWNE
SWSE
NWNE
NESE

S10

T05N R14E S21
S28

S33

S34

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 = 0414 17050113 38 0040