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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. 63-25081

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:**

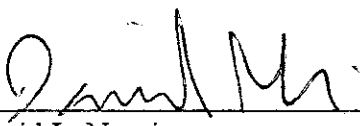
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

**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: 63-25081

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

Source: SHAKE CREEK

Tributary: BOISE RIVER

Quantity: .02 CFS

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

Priority Date: ~~06-01-1887~~ 05-29-1905

Diversion Point: T03N R11E S09  
T04N R11E S10

NENW  
NWSW

(Instream Ending) Boise  
(Instream Beginning) Boise

Purpose and  
Period of Use: Purpose of Use  
Stockwater

Period of Use  
06-01 TO 08-31

Quantity  
.02 CFS

Place of Use: Stockwater  
T03N R11E S04

Within Boise County

NWNE  
SENE  
SESW  
NENW  
NESE  
NWSW  
NENE  
NESE  
SESE  
NWNE  
NESE  
SESE  
SWSW  
NENE  
NESE  
NENE  
SENE  
SWSE  
NWNW

SWNE  
NESW  
  
SESE  
  
SENE  
SWSE  
  
SWNE  
NWSE  
  
SENE  
SESE  
SWNE  
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

RB

FOREST SERVICE RECORD ID = 0414 17050113 42 2009