

SEP 23 2002

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

Subcase Nos.: 65-22266

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Louise Nesbitt 8-18-02
Claimant Date

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Barber 7/29/02
Deputy Attorney for the State of Idaho Date

Donna T. Hilly 7/29/02
IDWR Concurrence Date

SE Hunter 7/26/02
Attorney for IDWR Date

CERTIFICATE OF MAILING

I certify that on 9/20, 2002, I mailed the original and copies of this form, including all attachments, 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Nesbitt Ranch & Cattle Co. LLC
10500 Nesbitt Ln.
Ola, ID 83657

Idaho Dept of Lands
Clive Strong
Natural Resources
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Natural Resources Division Chief
State of Idaho
Attorney General's Office
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Alana S. Walton
Signature of person or attorney filing the form