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Department of Water Resources

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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: 31-273

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. 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; and 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/OBJECTOR:

James DuBois 3/13/02  
James DuBois Date

US DOJ

Attorney for USDI Fish and Wildlife Service

IDWR CONCURRENCE:

Roxanne Brown 3/4/02  
Roxanne Brown Date  
Senior Water Resource Agent, IDWR

Candice M. McHugh 3/4/02  
Candice M. McHugh (As to Form) Date  
Attorney for IDWR

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

RIGHT NUMBER: 31-273

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
 USDI FISH AND WILDLIFE SERVICE  
 DIVISION OF ENGINEERING  
 911 N E 11TH AVE  
 PORTLAND OR 972324181

JEFFERSON COUNTY, IDAHO  
 1971

SOURCE: CAMAS CREEK TRIBUTARY: MUD LAKE

QUANTITY: 1.50 CFS

PRIORITY DATE: 04/01/1895

POINT OF DIVERSION:

T07N R35E S1 NESWSE Within JEFFERSON County

T08N R36E S32 NESENW Within JEFFERSON County

PURPOSE AND  
 PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| WILDLIFE              | 04/01 10/31          | 1.50 CFS        |

PLACE OF USE: WILDLIFE Within JEFFERSON County

|                     |      |                     |      |
|---------------------|------|---------------------|------|
| T07N R35E S01       | SESW | T07N R35E S01       | SWSE |
| T07N R35E S12 Lot 1 | NENE | T07N R35E S12       | NWNE |
| T07N R35E S12       | SWNE | T07N R35E S12 Lot 2 | SENE |
| T07N R35E S12       | NENW | T07N R35E S01 Lot 7 | SESE |
| T07N R35E S12       | SENW | T07N R35E S12       | NESW |
| T07N R35E S12       | NWSW | T07N R35E S12 Lot 3 | NESE |
| T07N R35E S12       | NWSE | T07N R35E S12       | SWSE |
| T07N R35E S12 Lot 4 | SESE | T07N R35E S13 Lot 1 | NENE |
| T07N R35E S13       | NWNE | T07N R35E S13       | SWNE |
| T07N R35E S13 Lot 2 | SENE | T07N R35E S13       | NESW |
| T07N R35E S13       | SESW | T07N R35E S13 Lot 3 | NESE |
| T07N R35E S13       | NWSE | T07N R35E S13       | SWSE |
| T07N R35E S13 Lot 4 | SESE | T07N R35E S24 Lot 1 | NENE |
| T07N R35E S24       | NWNE | T07N R35E S24       | SWNE |
| T07N R35E S24 Lot 2 | SENE | T07N R35E S24       | NENW |
| T07N R35E S24       | SENW | T07N R35E S24       | NESW |
| T07N R35E S24       | SESW | T07N R35E S24 Lot 3 | NESE |
| T07N R35E S24       | NWSE | T07N R35E S24       | SWSE |
| T07N R35E S24 Lot 4 | SESE | T07N R35E S25 Lot 1 | NENE |
| T07N R35E S25 Lot 2 | SENE | T07N R35E S25 Lot 3 | NESE |
| T07N R36E S09       | NWNW | T07N R36E S09       | SWNW |
| T07N R36E S09       | NWSW | T07N R36E S16       | NWNW |
| T07N R36E S16       | SWNW | T07N R36E S16       | NESW |
| T07N R36E S16       | NWSW | T07N R36E S16       | SWSW |
| T07N R36E S16       | SESW | T07N R36E S16       | NWSE |
| T07N R36E S16       | SWSE | T07N R36E S17       | NENE |
| T07N R36E S17       | NWNE | T07N R36E S17       | SWNE |
| T07N R36E S17       | SENE | T07N R36E S17       | NENW |
| T07N R36E S17       | NWNW | T07N R36E S17       | SWNW |
| T07N R36E S17       | SENW | T07N R36E S17       | NESW |
| T07N R36E S17       | NWSW | T07N R36E S17       | SWSW |
| T07N R36E S17       | SESW | T07N R36E S17       | NESE |
| T07N R36E S17       | NWSE | T07N R36E S17       | SWSE |
| T07N R36E S17       | SESE | T07N R36E S18       | NENE |
| T07N R36E S18       | NWNE | T07N R36E S18       | SWNE |

JD  
 PPS  
 Sme

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

|                          |                 |                          |                 |
|--------------------------|-----------------|--------------------------|-----------------|
| T07N R36E S18            | SENE            | T07N R36E S18            | NENW            |
| T07N R36E S18 Lot 1      | NWNW            | T07N R36E S18 Lot 2      | SWNW            |
| T07N R36E S18            | SENE            | T07N R36E S18            | NESW            |
| T07N R36E S18 Lot 3      | NWSW            | T07N R36E S18 Lot 4      | SWSW            |
| T07N R36E S18            | SESW            | T07N R36E S18            | NESE            |
| T07N R36E S18            | NWSE            | T07N R36E S18            | SWSE            |
| T07N R36E S18            | SESE            | T07N R36E S19            | NENE            |
| T07N R36E S19            | NWNE            | T07N R36E S19            | SWNE            |
| T07N R36E S19            | SENE            | T07N R36E S19            | NENW            |
| T07N R36E S19 Lot 1      | NWNW            | T07N R36E S19 Lot 2      | SWNW            |
| T07N R36E S19            | SENE            | T07N R36E S19            | NESW            |
| T07N R36E S19 Lot 3      | NWSW            | T07N R36E S19 Lot 4      | SWSW            |
| T07N R36E S19            | SESW            | T07N R36E S19            | NESE            |
| T07N R36E S19            | NWSE            | T07N R36E S19            | SWSE            |
| T07N R36E S19            | SESE            | T07N R36E S20            | NENE            |
| T07N R36E S20            | NWNE            | T07N R36E S20            | SWNE            |
| T07N R36E S20            | SENE            | T07N R36E S20            | NENW            |
| T07N R36E S20            | NWNW            | T07N R36E S20            | SWNW            |
| T07N R36E S20            | SENE            | T07N R36E S20            | NESW            |
| T07N R36E S20            | NWSW            | T07N R36E S20            | SWSW            |
| T07N R36E S20            | SESW            | T07N R36E S20            | NWSE            |
| T07N R36E S21            | NENW            | T07N R36E S21            | NWNW            |
| T07N R36E S21            | SWNW            | T07N R36E S21            | SENE            |
| T07N R36E S29            | NENW            | T07N R36E S29            | NWNW            |
| T07N R36E S29            | SWNW            | T07N R36E S29            | SENE            |
| T07N R36E S29            | NWSW            | T07N R36E S30            | NENE            |
| T07N R36E S30            | NWNE            | T07N R36E S30            | SWNE            |
| T07N R36E S30            | SENE            | T07N R36E S30            | NENW            |
| T07N R36E S30 Lot 1      | NWNW            | T07N R36E S30 Lot 2      | SWNW            |
| T07N R36E S30            | SENE            | T07N R36E S30            | NESW            |
| T07N R36E S30 Lot 3      | NWSW            | T07N R36E S30 Lot 4      | SWSW            |
| T07N R36E S30            | SESW            | T07N R36E S30            | NESE            |
| T07N R36E S30            | NWSE            | T07N R36E S30            | SWSE            |
| T07N R36E S30            | SESE            | T07N R36E S05 Lot 4      | NWNW            |
| T07N R36E S05            | SWNW            | T07N R36E S05            | SESW            |
| <del>T07N R36E S05</del> | <del>SWSE</del> | <del>T07N R36E S05</del> | <del>SESE</del> |
| T07N R36E S06 Lot 1      | NENE            | T07N R36E S06 Lot 2      | NWNE            |
| T07N R36E S06            | SWNE            | T07N R36E S06            | SENE            |
| T07N R36E S06            | NESW            | T07N R36E S06 Lot 6      | NWSW            |
| T07N R36E S06 Lot 7      | SWSW            | T07N R36E S06            | SESW            |
| T07N R36E S06            | NESE            | T07N R36E S06            | NWSE            |
| T07N R36E S06            | SWSE            | T07N R36E S06            | SESE            |
| T07N R36E S07            | NENE            | T07N R36E S07            | NWNE            |
| T07N R36E S07            | SWNE            | T07N R36E S07            | SENE            |
| T07N R36E S07            | NENW            | T07N R36E S07 Lot 1      | NWNW            |
| T07N R36E S07 Lot 2      | SWNW            | T07N R36E S07            | SENE            |
| T07N R36E S07            | NESW            | T07N R36E S07 Lot 3      | NWSW            |
| T07N R36E S07 Lot 4      | SWSW            | T07N R36E S07            | SESW            |
| T07N R36E S07            | NESE            | T07N R36E S07            | NWSE            |
| T07N R36E S07            | SWSE            | T07N R36E S07            | SESE            |
| T07N R36E S08            | NENE            | T07N R36E S08            | NWNE            |
| T07N R36E S08            | SWNE            | T07N R36E S08            | SENE            |
| T07N R36E S08            | NENW            | T07N R36E S08            | NWNW            |
| T07N R36E S08            | SWNW            | T07N R36E S08            | SENE            |
| T07N R36E S08            | NESW            | T07N R36E S08            | NWSW            |
| T07N R36E S08            | SWSW            | T07N R36E S08            | SESW            |

JD  
RB  
8m<sup>c</sup>

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

|               |      |               |      |
|---------------|------|---------------|------|
| T07N R36E S08 | NESE | T07N R36E S08 | NWSE |
| T07N R36E S08 | SWSE | T07N R36E S08 | SESE |
| T07N R36E S09 | SWSW | T07N R36E S09 | SESW |
| T08N R36E S32 | NESW | T08N R36E S32 | NWSW |
| T08N R36E S32 | SWSW | T08N R36E S32 | SESW |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 3045 ACRES  
WITHIN THE BOUNDARY OF THE PLACE OF USE DESCRIBED ABOVE. COMBINED  
RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274,  
31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281,  
31-00282, 31-00283 AND 31-00284.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO 5231 ACRES  
WITHIN THE BOUNDARY OF THE CAMAS NATIONAL WILDLIFE REFUGE. COMBINED  
RIGHT NOS.: 31-00269, 31-00270, 31-00271, 31-00272, 31-00273, 31-00274,  
31-00275, 31-00276, 31-00277, 31-00278, 31-00279, 31-00280, 31-00281,  
31-00282, 31-00283, 31-00284, 31-02251, 31-02350, 31-02362, 31-02363,  
31-07301, 31-11230, 31-11231 AND 31-11232.

THIS RIGHT IS LIMITED TO 75 ACRES WITHIN THE BOUNDARY OF THE PLACE OF  
USE DESCRIBED ABOVE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE  
PURSUANT TO SECTION 42-1425, IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

## CERTIFICATE OF MAILING

I certify that on March 18, 2002 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:

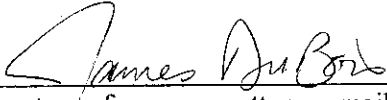
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

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

James DuBois  
US DOJ  
Attorney for USDI Fish & Wildlife Service  
999 18<sup>th</sup> St, Ste. 945  
Denver, CO 80202

  
\_\_\_\_\_  
Signature of person or attorney mailing the form