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JAN 14 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 JAN 13 AM 10 34

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: 37-10604

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:

Fred Faulkner 1-8-03
Fred Faulkner Date
President, Diamond A Livestock, Inc.

IDWR CONCURRENCE:

Carter Fritzsche 1-8-03 Nicholas B. Spencer 1-8-03
Carter Fritzsche Date Nicholas B. Spencer (As to Form) Date
Adjudication Supervisor, IDWR Attorney for IDWR

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

RIGHT NUMBER: 37-10604
NAME AND ADDRESS:

DIAMOND A LIVESTOCK INC
1989 S 1875 E
GOODING ID 83330

SOURCE: GROUND WATER Tributary:

QUANTITY: 0.110 CFS
0.140 CFS
17.500 APY

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 12,000
GALLONS PER DAY.~~

CA
NBS

PRIORITY DATE: 12/31/1953

POINT OF DIVERSION:
T06S R15E S19 NEWSE Within GOODING County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	STOCKWATER	01/01 12/31	~~0.110 CFS~~ <u>0.140 CFS</u> <u>17.50 APY</u>

PLACE OF USE: STOCKWATER within GOODING County
T06S R15E S19 SWSE

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

14

EXPLANATORY MATERIAL: BASIS OF CLAIM Beneficial Use

THIS RIGHT INCLUDES AN ACCOMPLISHED CHANCE IN PLACE OF
USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF MAILING

I certify that on JANUARY 8, 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

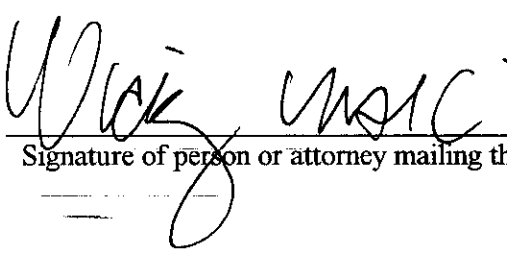
2. Copies to:

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

Fred Faulkner
Diamond A Livestock, Inc.
1989 S 1875 E
Gooding, ID 83330

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form