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AUG 26 2002

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. 43-10628  
)  
)

Case No. 39576

) **Standard Form 5**  
)  
)

) **STIPULATED ELEMENTS**  
) **OF A WATER RIGHT**

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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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

Dewey Acres, LC

L.S. Skaggs

L.S. Skaggs

8/13/02

Date

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown

Larry A. Brown FWP

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

8/21/02

Date

**IDWR CONCURRENCE:**

Roxanne Brown

Roxanne Brown

Senior Water Resource Agent

8/16/02

Date

**IDWR CONCURRENCE:**

\_\_\_\_\_

Date

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

RIGHT NUMBER: 43-10628

NAME AND ADDRESS:

DEWEY ACRES LC  
PO BOX 711130  
SALT LAKE CITY UT 84171-1130

SOURCE: UNNAMED STREAM Tributary: SINKS

QUANTITY: 0.02 CFS

*Fwp*

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

PRIORITY DATE: 05/20/1968

*JB* *RB*  
*LB*

POINT OF DIVERSION:

T11S R26E S5 NWSW Begin of Stream Flow Within CASSIA County

~~T11S R26E S5 NWSW End of Stream Flow Within CASSIA County~~

T11S R26E S5 NWSW End of Stream Flow Within CASSIA County

~~T11S R26E S6 NWSE Begin of Stream Flow Within CASSIA County~~

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

03/01 12/31

0.02 CFS

PLACE OF USE:

STOCKWATER

within CASSIA County

~~T11S R26E S05 NWSW~~

~~T11S R26E S06 NESE~~

~~T11S R26E S06 NWSE~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~PARCEL NOS. RP11S26E050600A (NWNE) AND RP11S26E060000A (NENE, NWNE)~~

## CERTIFICATE OF MAILING

I certify that on Aug. 21, 2002 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. Copy to:

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

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

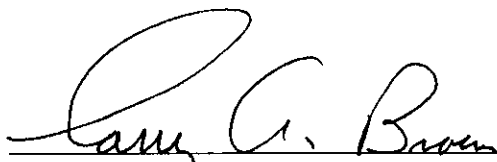
IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

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

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

Lennie Sam and Aline Skaggs  
PO Box 711130  
709 South Temple  
Salt Lake City, UT 84171-1130

Mr. John A. Rosholt  
Barker, Rosholt, & Simpson  
233 2<sup>nd</sup> St. N. Ste D  
Twin Falls, ID 83301

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