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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. 37-17225

)

) **Standard Form 5**

Case No. 39576

)

)

) **STIPULATED ELEMENTS
OF A WATER RIGHT**

)

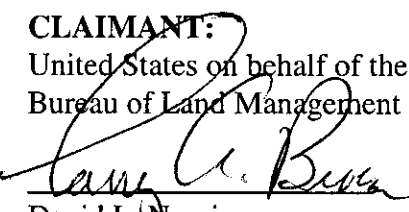
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

Pursuant to the terms of the Stipulation and Joint Motion for Order Approving Stipulation filed on August 29, 2002, such stipulation being incorporated into this Standard Form 5, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

United States on behalf of the
Bureau of Land Management

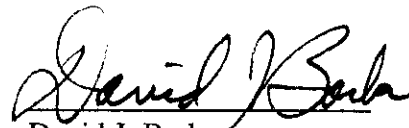

David L. Negri

4/24/03
Date

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

OBJECTOR:

State of Idaho


David J. Barber

4/28/2003
Date

Deputy Attorney General
Office of the Attorney General
State of Idaho

IDWR CONCURRENCE:


Roxanne Brown

4/24/03
Date

Sr. Water Resource Agent, IDWR

IDWR CONCURRENCE:

Date

OBJECTORS:

Bedke, Karl U. "Bud"

Bedke, Scott

Pickett Ranch & Sheep Co.

Poulton, Gary

Poulton, Michael

Tugaw, Joe

Western Stockgrowers Association

RESPONDENT:

Flying Triangle, Inc.



Travis L. Thompson

9/24/03

Date

Of Attorneys for Objectors and Respondent

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

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: BEAVER CREEK

RIGHT NUMBER: 37-17225

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: UNNAMED STREAM

TRIBUTARY: BEAVER CREEK

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO
37-20472 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
0.02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1879 06/28/1934

POINT OF DIVERSION: T01N R16E S04 SWNENW (INSTREAM BEGINNING POINT)
S05 NENESE (INSTREAM ENDING POINT)
Within CAMAS County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within CAMAS County
T01N R16E S04 NENW NWNW
SWNW
S05 SENE NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER
RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE
STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION
ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF
AMERICA AND FLYING TRIANGLE INC., FILED IN THE OFFICE OF THE
CAMAS COUNTY RECORDER AND RECORDED ON NOVEMBER 19, 2002 AS
INSTRUMENT NO: 075707; THE PROVISIONS OF SUCH STIPULATION TO
APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 3705484278

~~STOCKWATER, 50 RANGE CATTLE, 2000 RANGE SHEEP.
WILDLIFE VAR. AMT.~~

CERTIFICATE OF MAILING

I certify that on 4/28, 2002³, 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. 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

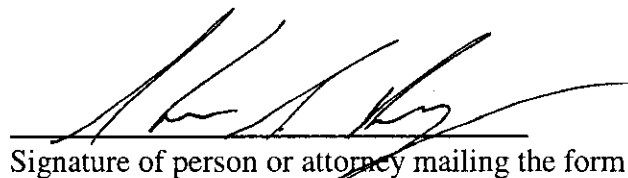
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

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

Norman M. Semanko
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701-2139

David J. Barber
Deputy Attorney General
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449


Signature of person or attorney mailing the form