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JUN - 3 2003

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

Case No. 39576

SUBCASE NO.: 63-15153

STANDARD FORM 5

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 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; 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:

Baumhoff and Company

Osco Baumhoff, Gen. Part. April 25, 2003  
date

IDWR CONCURRENCE:

Roxanne Brown 5/23/03  
Roxanne Brown date  
Sr. Water Resource Agent

IDWR CONCURRENCE:

As to form

Nicholas B. Spencer 5-23-03  
Nicholas B. Spencer date  
Deputy Attorney General  
State of Idaho

**OBJECTOR:**

**United States of America Acting through  
the USDI Bureau of Land Management**

 5/30/03

Larry A. Brown                      date  
Attorney, U.S. Dept. of Justice  
Environment & Natural Resources Div.

**OBJECTOR:**

**Idaho Dept. of Lands**

 5/6/2003

David J. Barber                      date  
Deputy Attorney General  
State of Idaho

04/04/2003

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

RIGHT NUMBER: 63-15153

NAME AND ADDRESS: BAUMHOFF AND CO  
5150 MONTECITO PL  
BOISE ID 83704SOURCE: GRANITE CREEK  
WOOF CREEKTRIBUTARY: GRIMES CREEK  
TRIBUTARY: GRANITE CREEKQUANTITY: 2.0 CFS  
50.0 AFY

PRIORITY DATE: 04/04/1936

## POINT OF DIVERSION:

T06N R05E S7 SWSNW End of Stream Flow Within BOISE County Source: GRANITE CREEK

T07N R04E S14 NWNESE Begin of Stream Flow Within BOISE County Source: WOOF CREEK

T07N R04E S15 SWSESW Begin of Stream Flow Within BOISE County Source: GRANITE CREEK

T07N R04E S23 NWSWSE End of Stream Flow Within BOISE County Source: WOOF CREEK

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>        | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------|----------------------|-----------------|
| FIRE PROTECTION FROM STORAGE | 01/01 12/31          | 50.0 AFY        |
| FIRE PROTECTION STORAGE      | 01/01 12/31          | 50.0 AFY        |
| MINING                       | 03/01 12/31          | 2.0 CFS         |

## PLACE OF USE:

FIRE PROTECTION STORAGE Within BOISE County

|               |      |               |      |
|---------------|------|---------------|------|
| T07N R04E S22 | NWNE | T07N R04E S22 | SWNE |
| T07N R04E S22 | NESE | T07N R04E S23 | SESW |

MINING Within BOISE County

|               |      |               |      |
|---------------|------|---------------|------|
| T06N R04E S01 | NENE | T06N R04E S01 | SENE |
| T06N R04E S01 | NESE | T06N R04E S12 | NENE |
| T06N R04E S12 | SENE | T06N R05E S06 | NWNW |
| T06N R05E S06 | NWSW | T06N R05E S06 | SWSW |
| T06N R05E S07 | SWNW | T07N R04E S14 | NESE |
| T07N R04E S14 | NWSE | T07N R04E S14 | SWSE |
| T07N R04E S15 | SESW | T07N R04E S22 | NWNE |
| T07N R04E S22 | SWNE | T07N R04E S22 | SENE |
| T07N R04E S22 | NENW | T07N R04E S22 | NESE |
| T07N R04E S23 | NWNE | T07N R04E S23 | SWNE |
| T07N R04E S23 | SESW | T07N R04E S23 | NESW |
| T07N R04E S23 | NWSW | T07N R04E S23 | SESW |
| T07N R04E S23 | NWSE | T07N R04E S23 | SWSE |
| T07N R04E S25 | NESW | T07N R04E S25 | NWSW |
| T07N R04E S25 | NWSE | T07N R04E S25 | SWSE |
| T07N R04E S26 | NWNE | T07N R04E S26 | SWNE |
| T07N R04E S26 | SENE | T07N R04E S26 | NESE |

T07N R04E S36          NENE                  T07N R04E S36          SENE  
T07N R04E S36          NESE                  T07N R04E S36          SESE

FIRE PROTECTION FROM STORAGE same as FIRE PROTECTION  
STORAGE

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE ANY USE ON  
FEDERAL PUBLIC LAND OR STATE ENDOWMENT LAND.

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 - Beneficial Use

THE FIRE PROTECTION FROM STORAGE PLACE OF USE IS THE AREA  
ADJACENT TO THE FIRE PROTECTION STORAGE PONDS.

*JS*

*AB*  
*NBS*  
*2 JS*

*AB*

## CERTIFICATE OF MAILING

I certify that on May 30, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☒ overnight mail  
☐ regular mail  
☐ hand-delivered  
☐ facsimile

### 2. Copies to:

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

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

U.S. Dept. of Justice  
Environment & Natural Resource Div.  
General Litigation Section  
550 W. Fort St., MSC 033  
Boise, ID 83724

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Idaho Dept. of Lands  
P.O. Box 83720  
Boise, ID 83720-0050

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

David J. Barber  
Deputy Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

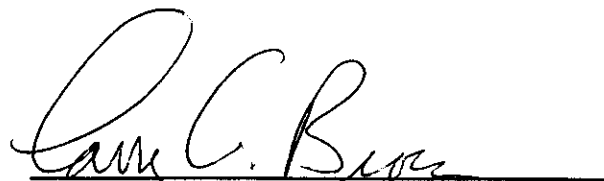
☐ overnight mail  
☒ regular mail  
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☐ facsimile

Baumhoff & Co.  
5150 Montecito Pl.  
Boise, ID 83704

☐ overnight mail  
☒ regular mail  
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Signature of person mailing this document