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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.: 63-2517

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

Oliver Baumhoff Gen. Part. April 25,
date 2003

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**

Larry A. Brown 5/30/03

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

OBJECTOR:

Idaho Dept. of Lands

David J. Barber 5/6/2003

David J. Barber date
Deputy Attorney General
State of Idaho

CERTIFICATE OF MAILING

I certify that on Mar 30, 2003, 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

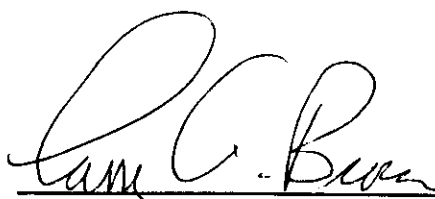
☐ overnight mail
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Baumhoff & Co.
5150 Montecito Pl.
Boise, ID 83704

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

Matt J. Howard
Attorney at Law
P. O. Box 190012
Boise, ID 83719

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A handwritten signature in cursive script, appearing to read "Amy C. Brown", is written above a horizontal line.

Signature of person mailing this document

04/04/2003

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

RIGHT NUMBER: 63-2517

NAME AND ADDRESS: BAUMHOFF AND CO
5150 MONTECITO PL
BOISE ID 83704

SOURCE: GRIMES CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 18.3 CFS
135.0 AFY

PRIORITY DATE: 04/04/1936

POINT OF DIVERSION:

T06N R04E S34 SWSESE End of Stream Flow Within BOISE County Source: GRIMES CREEK

T07N R05E S3 NESESW Begin of Stream Flow Within BOISE County Source: GRIMES CREEK

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	18.3 CFS
MINING	03/01 12/31	5.0 CFS
FIRE PROTECTION STORAGE	01/01 12/31	135.0 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	135.0 AFY

PLACE OF USE:

FIRE PROTECTION STORAGE Within BOISE County

T06N R04E S13	NESW	T06N R04E S13	SESW
T06N R04E S13	NESE	T06N R04E S13	NWSE
T06N R04E S13	SWSE	T06N R04E S24	NWNE
T06N R04E S24	SWNE	T06N R04E S24	SENE
T06N R04E S24	SESW	T06N R04E S24	NESE
T06N R04E S24	NWSE	T06N R04E S25	NENW
T06N R04E S25	SWNW	T06N R04E S25	SENW
T06N R04E S26	NESE	T06N R04E S26	NWSE
T06N R04E S26	SWSE	T06N R04E S34	NESE
T06N R04E S34	SESE	T06N R04E S35	NWNE
T06N R04E S35	NENW	T06N R04E S35	SWNW
T06N R04E S35	SENW	T06N R04E S35	NWSW
T06N R05E S06	NENE	T06N R05E S06	SWNE
T06N R05E S06	SENE	T06N R05E S06	NESW
T06N R05E S06	SWSW	T06N R05E S06	SESW
T06N R05E S06	NWSE	T06N R05E S07	NWNW
T06N R05E S07	SWNW	T06N R05E S07	NESW
T06N R05E S07	NWSW	T06N R05E S07	SWSW
T06N R05E S07	SESW	T06N R05E S18	NWNW
T06N R05E S18	SWNW	T06N R05E S18	NWSW
T07N R05E S03	SESW	T07N R05E S10	NENW
T07N R05E S10	NWNW	T07N R05E S10	SWNW

T07N R05E S10	NWSW	T07N R05E S10	SWSW
T07N R05E S15	NWNW	T07N R05E S16	NENE
T07N R05E S16	SENE	T07N R05E S16	NESE
T07N R05E S16	NWSE	T07N R05E S16	SWSE
T07N R05E S21	NWNE	T07N R05E S21	NENW
T07N R05E S21	SENW	T07N R05E S21	NESW
T07N R05E S21	NWSW	T07N R05E S21	SWSW
T07N R05E S28	NWNW	T07N R05E S29	NENE
T07N R05E S29	SENE	T07N R05E S29	NESE
T07N R05E S29	NWSE	T07N R05E S29	SWSE
T07N R05E S31	SESE	T07N R05E S32	NWNE
T07N R05E S32	NENW	T07N R05E S32	SENW
T07N R05E S32	NESW	T07N R05E S32	NWSW
T07N R05E S32	SWSW		

MINING same as FIRE PROTECTION STORAGE

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 - License

THE MINING USE IS CONTIGUOUS TO AND ALONG THE STRETCH OF GRIMES CREEK BETWEEN THE BEGINNING AND ENDING POINTS OF DIVERSION.

THE FIRE PROTECTION FROM STORAGE IS ANY PLACE WITHIN THE GENERAL AREA WHERE THE FIRE PROTECTION STORAGE PONDS ARE LOCATED.

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.

RB
NBS

RB

2/15

EAB