

RECEIVED  
JUN 12 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. 63-00314  
)  
)

) 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.

CLAIMANTS:

Claudette S. Osler 6-5-03  
Claudette S. Osler Date

John G. Poncia 6-4-03  
John G. Poncia Date

Marsha A. Johnson 6/4/03  
Marsha A. Johnson Date

Dale J. Dunn 6-4-03  
Dale J. Dunn Date

Joan M. Kearby June 5, 03  
Joan M. Kearby Date

OBJECTOR:

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 6/9/03  
Larry A. Brown Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Jan Shurte 5-30-03  
Jan Shurte Date  
Senior Water Resource Agent  
Nicholas B. Spencer 5-22-03  
Nicholas B. Spencer (as to form) Date  
Deputy Attorney General

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

RIGHT NUMBER: 63-314

## NAME AND ADDRESS:

CLAUDETTE S OSLER *C.S.O.*  
418 W MAPLE ST  
CALDWELL ID 83605DALE J DUNN *D.J.D.*  
988 E RIVERPARK LN  
BOISE ID 83706JOAN M KEARBY *J.M.K.*  
20 S ROLLING GREEN ST  
NAMPA ID 83687-1891JOHN G PONCIA *J.G.P.*  
2266 TAWNY WOODS PL  
BOISE ID 83706MARSHA A JOHNSON *M.A.J.*  
1811 E SPRING MEADOW LN  
BOISE ID 83706

SOURCE: CLEAR CREEK Tributary: GRIMES CREEK

QUANTITY: 9.000 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL  
NOT EXCEED 13,000 GALLONS PER DAY. *NBS*

PRIORITY DATE: 06/01/1864

## POINT OF DIVERSION:

T07N R05E S2 SENESW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| Purpose of use | Period of use: | Quantity: |
|----------------|----------------|-----------|
| MINING         | 01/01 12/31    | 9.000 CFS |
| DOMESTIC       | 01/01 12/31    | 0.200 CFS |

## PLACE OF USE:

MINING within BOISE County

T07N R05E S03 NESE

T07N R05E S03 NWSE

T07N R05E S03 SWSE

T07N R05E S03 SESE

DOMESTIC within BOISE County

T07N R05E S03 SWSE

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE FEDERAL  
PUBLIC LAND.THE USE OF WATER UNDER THIS RIGHT WITHIN UNPATENTED MINING CLAIMS  
IS DEPENDENT ON THE VALIDITY OF THE UNPATENTED MINING CLAIMS  
PURSUANT TO FEDERAL LAW. *[Signature]*

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 FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

NBS

*[Handwritten signature]*

*W.A. J.*

*W.J.W.*

*J.L.P.*

*J.K.*

*C.S.D.*

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

DOMESTIC USE IS FOR 5 HOMES

## CERTIFICATE OF MAILING

I certify that on June 9, 2003 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

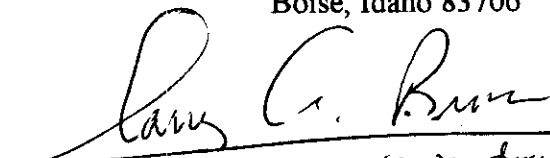
Claudette S. Osler  
418 W. Maple St.  
Caldwell, Idaho 83605

John G. Poncia  
2266 Tawny Woods Place  
Boise, Idaho 83706

Marsha A. Johnson  
1811 E. Spring Meadow Lane  
Boise, Idaho 83706

Dale J. Dunn  
988 E. Riverpark Lane  
Boise, Idaho 83706

Standard Form 5

  
Signature of person sending document

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