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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. 63-05236

)

) 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.

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:

Ted C. Scharff

Darlene L. Scharff

Ted C. Scharff

Ted C. Scharff

7-23-03

Date

Darlene L. Scharff

Darlene L. Scharff

7-23-03

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown

Larry A. Brown Fwp

7/24/03

Date

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

IDWR CONCURRENCE:

Jan V. Kente

7-23-03

Date

IDWR CONCURRENCE:

Candace Meyer

7/23/03

Date

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716SOURCE: SLAUGHTERHOUSE GULCH CREEK
TOWN CREEKTRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: ~~04/28/1891~~ 7/26/1914

POINT OF DIVERSION:

T07N R05E S20 SWSW Within BOISE County

T07N R05E S29 SWNW Within BOISE County

T07N R05E S30 NENE Within BOISE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

MINING

03/01 11/01

2.000 CFS

PLACE OF USE: MINING Within BOISE County

T07N R05E S29 Lot 9 NESW

T07N R05E S29 Lot 8 NWSE

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

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.

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: Beneficial Use

D.L.S.

CERTIFICATE OF MAILING

I certify that on July 24, 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:

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

Ted C. and Darlene L. Scharff
3900 E. Amity Rd. #15
Boise, Idaho 83716



Signature of person or attorney mailing the form