

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 - 19526

STANDARD FORM 5

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 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:

OBJECTOR:

James Patch 7-30-03
Date

David Neri 7/30/03
Counsel for United States Date

IDWR Concurrence:

Jan White 7-30-03
Agent

Susan Hamlin Nygard 7/30/03
Susan Hamlin Nygard
Deputy Attorney General

CERTIFICATE OF MAILING

I hereby certify that on 7/30, ²⁰⁰³~~1998~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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

Hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
Attorney for the State of Idaho

U.S. Dept. of Justice
Environment & Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

Hand-delivered

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Fall Creek of Idaho, Inc
c/o Jim or Sue Patchin
6633 Overland Road
Boise, ID 83709

Hand-delivered

Becky Hawley
Signature of person mailing this form

SF5

09/24/2002

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

RIGHT NUMBER: 63-19526

NAME AND ADDRESS: ~~FALL CREEK OF IDAHO INC~~
~~C/O JIM OR SUE PATCHIN~~
~~6633 OVERLAND RD~~
~~BOISE ID 83709~~

UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 WEST FORT ST.
MSC 033
BOISE, ID 83724

SOURCE: GROUND WATER

QUANTITY: 0.040 CFS
1.70 AFY

PRIORITY DATE: 07/15/1946

POINT OF
DIVERSION: T01N R09E S16 SWSWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
COMMERCIAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS
1.70 AFY

PLACE OF USE: COMMERCIAL Within ELMORE County
T01N R09E S16 SWNE

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

COMMERCIAL USES ARE WITHIN FALL CREEK RESORTS BAR,
RESTAURANT AND CAMPGROUND FACILITIES.

Dr
sch
J. P.