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JAN 12 2004
Department of Water Resources

COPY

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: 29-4012A
)
)

Case No. 39576

) 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. 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; and 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

Kent Foster 1/9/04
Date
Attorney for Claimant

IDWR CONCURRENCE:

Ernie Carlsen 1-9-04
Date
Adjudication Supervisor, Eastern Region

Candice M. McHugh 1-6-04
Date
Candice M. McHugh (As to Form)
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Jan. 9, 2004 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:

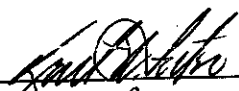
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

Kent Foster
Attorney for Roger and Sybil Ferguson
P.O. Box 50130
Idaho Falls, ID 83405-0130



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 29-4012A

NAME AND ADDRESS:

ROGER N FERGUSON
PO BOX 519
REXBURG ID 83440

SYBIL FERGUSON
PO BOX 519
REXBURG ID 83440

SOURCE: Source:
PAPOOSE SPRINGS

Tributary:
FORTNEUF RIVER

QUANTITY: 75.000 CFS
0.000 APY

~~49.000 CFS~~

PRIORITY DATE: 09/14/1925
~~06/01/1914~~

POINT OF DIVERSION:

T06S R33E S1 SWNENE
Within POWER County

T06S R33E S1 NESENE
Within POWER County

T06S R33E S1 NWSENE
Within POWER County

T06S R34E S6 SESWNW
Within POWER County

Sm^e

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	FISH PROPAGATION	01/01 12/31	<u>75.000 CFS</u> ~~49.000 CFS~~

PLACE OF USE: FISH PROPAGATION within POWER County

T06S R33E S01 NENE
T06S R33E S01 NWNE
T06S R33E S01 SENE
T06S R34E S06 SWNW

0 ACRES TOTAL

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