

**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. 63-05377
)
)
)
)
)
)

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 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 claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Atlanta Historical Society, Inc.

OBJECTOR:

United States on behalf of the
USDA Forest Service

Michael C. Orr 2-10-04
Michael C. Orr Date

David L. Negri 2/12/04
David L. Negri Date

IDWR CONCURRENCE:

Jan Shurte 2-12-04
Jan Shurte Date
Adjudication Supervisor

ATTORNEY FOR IDWR:

Nicholas B. Spencer 2-12-04
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Feb. 12, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

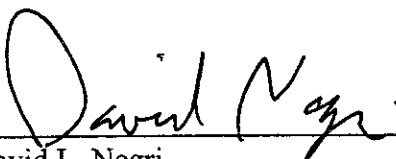
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

GIVENS PURSLEY L.L.P.
Michael C. Orr
277 N 6th Street
P.O. Box 2720
Boise, ID 83701

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



David L. Negri

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

Right Number: 63-05377

Name and Address: ~~ATLANTA HISTORICAL SOCIETY INC~~ UNITED STATES OF AMERICA
~~GENERAL DELIVERY~~ USDA FOREST SERVICE
~~ATLANTA, ID 83601~~ 550 W. FORT STREET MSC 033
BOISE, ID 83724

Source: ATLANTA HOT SPRINGS Tributary: BOISE RIVER

Quantity: .37 CFS

Priority Date: 07-22-1873

Diversion Point: T06N R11E S35 SESENE Within Elmore County
SENESE
NWSESE

2 POINTS OF DIVERSION LOCATED IN T06N, R11E, S35, SENESE.

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Recreation	01-01 TO 12-31	.37 CFS
Place of Use:	Recreation T06N R11E S35	SENE SESE	Within Elmore County NESE

Other Provisions Necessary for Definition / 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 POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE
ON NATIONAL FOREST SYSTEM LAND. THIS WATER RIGHT IS FOR
RECREATIONAL USE BY THE PUBLIC, INCLUDING THE CITIZENS OF THE
TOWN OF ATLANTA, AT ATLANTA HOT SPRING.

Explanatory Material: Basis of Claim - Beneficial Use

RECREATION USE IS FOR BATHING AND SWIMMING.
WATER TEMPERATURE MEASURED AT 135 DEGREES F.

DN
MCO
NBS