

**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: 29-7346

Case No. 39576

STANDARD FORM 5

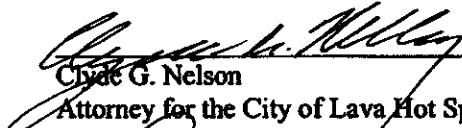
STIPULATED ELEMENTS OF A
WATER RIGHT

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.

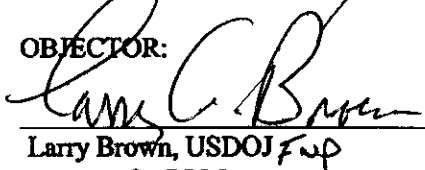
CLAIMANT/ RESPONDENT:


Clyde G. Nelson

3/29/04
Date

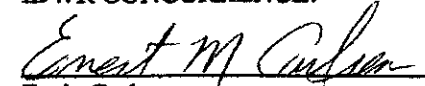
Attorney for the City of Lava Hot Springs

OBJECTOR:


Larry Brown, USDOJ Fwp
Attorney for BLM

3/31/04
Date

IDWR CONCURRENCE:


Ernie Carlsen

2-11-04
Date

Adjudication Supervisor, Eastern Region


Candice M. McHugh (As to Form)

2-11-04
Date

Attorney for IDWR

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

RIGHT NUMBER: 29-7346

NAME AND ADDRESS:

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.310 CFS

0.000 APY

PRIORITY DATE:

09/28/1976

POINT OF DIVERSION:

~~T09S R38E S21 SESEW~~ Within BANNOCK County
~~T09S R38E S21 SESEW Lot 3~~ Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

MUNICIPAL

1/01 12/31

0.310 CFS

PLACE OF USE:

~~MUNICIPAL~~ within BANNOCK County

~~T09S R38E S21~~
~~T09S R38E S22~~
~~T09S R38E S23~~

JH *FUP*

0 ACRES TOTAL

Place of use is within the service area of the City of Lava Hot Springs municipal water supply system as provided for under Idaho Law.

~~PLACE OF USE IS WITHIN CITY LIMITS OF LAVA HOT SPRINGS.~~

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 - License

SMS
Emc
CM



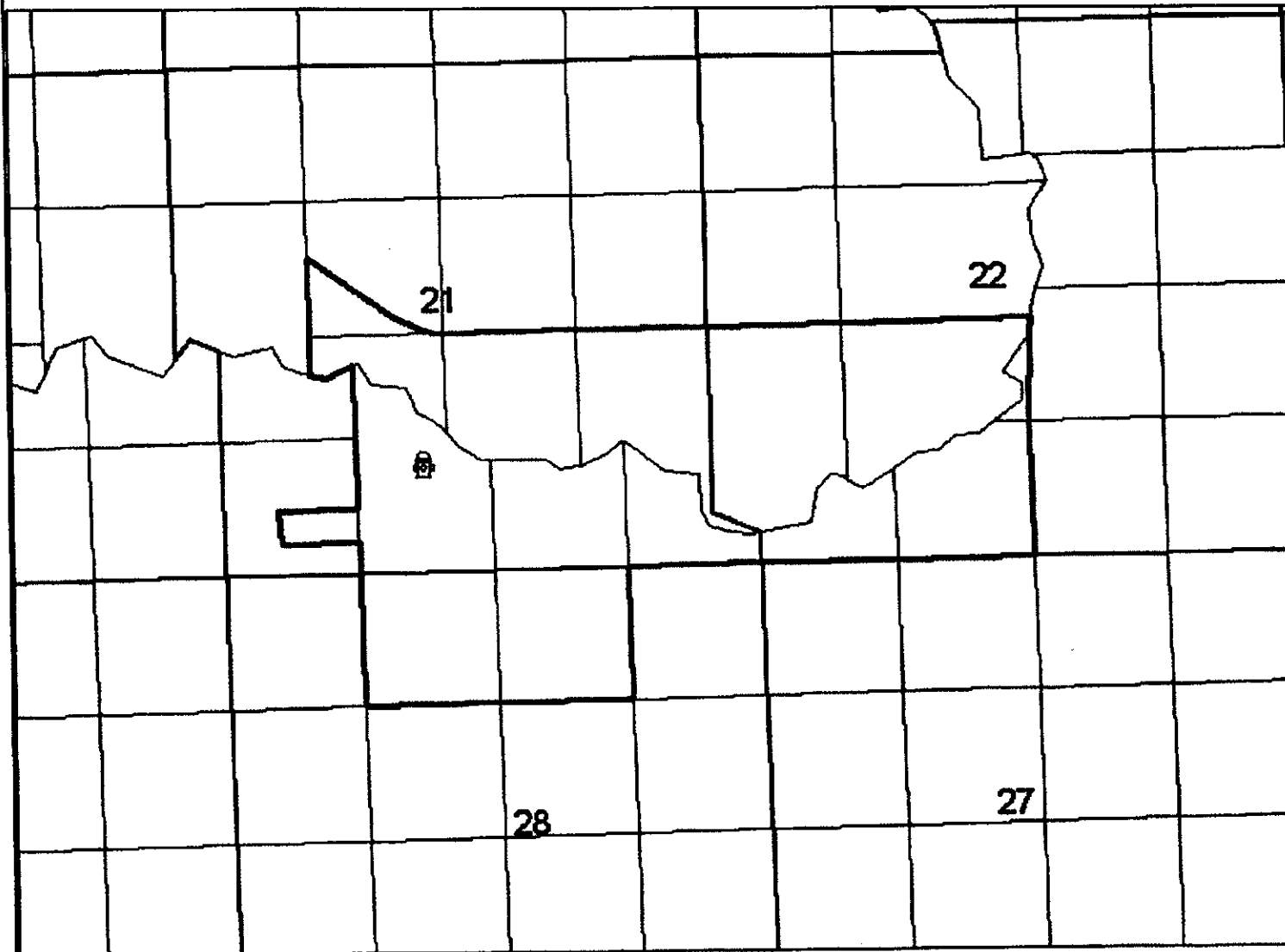
State of Idaho

Department of Water Resources

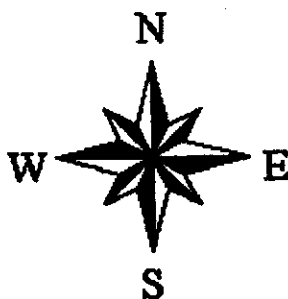
Claim No.: 29-7346

*FWP
ell
Jas*

T09S R38E



-  Well.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: February, 2004

CERTIFICATE OF MAILING

I certify that on Mar. 31, 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

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724

City of Lava Hot Springs
P.O. Box 187
Lava Hot Springs, ID 83246



Signature of person or attorney mailing the form