

**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: 29-13085

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:

Arlene Burnham 4-22-04
Arlene Burnham Date

CLAIMANT:

James L. Burnham 4/22/04
James L. Burnham Date

OBJECTOR:

Bron M. Rammell 4-22-04
Bron M. Rammell Date
Attorney for Merle Tippetts

IDWR CONCURRENCE:

Allen Ruberry Ernest Carlson 4/22/04
Allen Ruberry Ernest Carlson Date
Senior Water Resource Agent, IDWR

Candice M. McHugh 4/22/04
Candice M. McHugh Date
Attorney for IDWR

07/10/2003

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

RIGHT NUMBER: 29-13085
NAME AND ADDRESS: JAMES L BURNHAM
330 SKYLINE DR
POCATELLO ID 83204

ARLENE BURNHAM
330 SKYLINE DR
POCATELLO ID 83204

SOURCE: SPRING TRIBUTARY: MARSH CREEK

QUANTITY: ^{.02}
0.030 CFS

PRIORITY DATE: ~~12/11/1919~~ ²⁶ 4-26-1921

POINT OF
DIVERSION: T10S R37E S17 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.010 CFS
STOCKWATER	1/01 12/31	0.020 CFS

Emc

PLACE OF USE: IRRIGATION Within BANNOCK County
T10S R37E S17 SWNW 0.2
STOCKWATER Within BANNOCK County
T10S R37E S17 SWNW

0.2 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

RIGHT NO. 29-13087 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

CERTIFICATE OF MAILING

I certify that on 11-22, 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

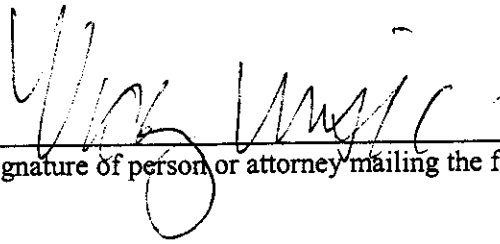
2. Copies to:

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

James and Arlene Burnham
330 Skyline Dr.
Pocatello, ID 83204

Bron M. Rammell
Attorney for Merle C. Tippetts, et al.
P.O. Box 370
Pocatello, ID 84204



Signature of person or attorney mailing the form