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MAY 14 2004

Department of Water Resources

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. 63-26877

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:

State of Idaho
Dept. of Health & Welfare

David J. Barber 5/10/2004
Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 5/12/04
Date

IDWR CONCURRENCE:

Roxanne Brown
Date
JAN SHURTE 5/12/04

ATTORNEY FOR IDWR:

Wick Spencer 5-13-04
Date

CERTIFICATE OF MAILING

I certify that on May 13, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

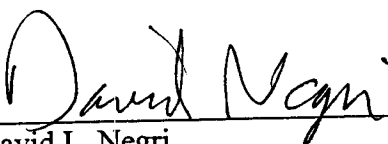
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

DAVID J. BARBER
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

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
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-26877

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF HEALTH & WELFARE
450 W STATE 10TH FL
BOISE ID 83720

SOURCE: SUMMIT CREEK

TRIBUTARY: CROOKED RIVER

QUANTITY: 0.010 CFS
3.060 AFY

PRIORITY DATE: 09/01/1967

POINT OF DIVERSION:

T07N R07E S16 SWSWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	05/15 10/15	0.18 AFY
DIVERSION TO STORAGE	05/15 10/15	0.010 CFS 3.06 AFY

PLACE OF USE:

RECREATION STORAGE Within BOISE County

T07N R07E S16 SWNW

DIVERSION TO STORAGE Within BOISE County

T07N R07E S16 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION TO
RESOLVE UNITED STATES OBJECTION BETWEEN THE UNITED STATES
OF AMERICA AND THE STATE OF IDAHO, FILED IN THE OFFICE OF THE
BOISE COUNTY RECORDER AND RECORDED ON APRIL 29, 2004 AS
INSTRUMENT NO: 196091; THE PROVISIONS OF SUCH STIPULATION TO
APPLY FULLY TO 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: Beneficial Use
Recreation Use at Camp EE-DA-HOW.NBS
DN
2/13/04