

**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. 63-31734
) (split from 63-4631B)

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

CLAIMANT(s)/OBJECTOR:

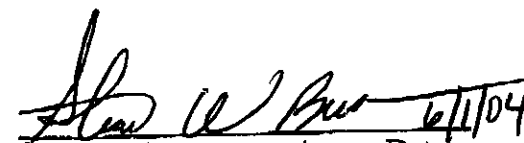
Curtis Thurman

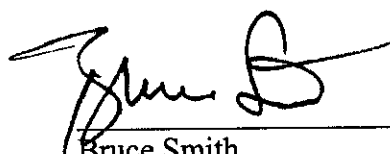
Attorney-in-fact for: Raymond Thurman


Signature Date

PARTICIPANT:

Edgar L. Stevens Water Users Assoc


authorized representative Date 6/1/04

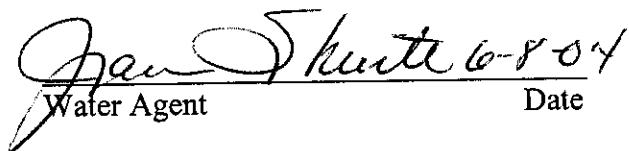
 5/18/04
Bruce Smith Date
Attorney for ELSWUA

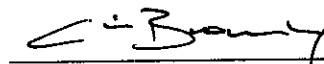
OBJECTOR:

United States on behalf of the
USDA Forest Service

 6/9/04
David L. Negri Date

IDWR Concurrence:

 6-8-04
Water Agent Date

 for 6/8/04
Nick Spencer Date
Deputy Attorney General

05/24/2004

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

RIGHT NUMBER: 63-31734

NAME AND ADDRESS: RAYMOND TAYLOR THURMAN
HC 87 BOX 594
FEATHERVILLE ID 83647SOURCE: BIG WATER GULCH
LITTLE WATER GULCHTRIBUTARY: SOUTH FORK BOISE RIVER
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.494 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .16 CFS AT THE FIELD HEADGATE.
COMBINED RIGHT NUMBERS: 63-31733, 63-31734 & 63-31735.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION:

T03N R11E S12 NESW Within ELMORE County

T03N R11E S12 SESE Lot 7 Within ELMORE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

0.494 CFS

PLACE OF USE:

IRRIGATION Within ELMORE CountyT03N R11E S11 ~~Lot-5~~ SWSW 0.8

0.8 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
149.

USE OF THIS RIGHT WITH RIGHT NOS. 63-31733 & 63-31735 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 8 ACRES.

USE OF THIS RIGHT WITH RIGHT NO. 63-31733 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF .8 ACRES IN A SINGLE IRRIGATION
SEASON.

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

The recommendation by the Idaho Department of Water Resources and
the decree by the Snake River Basin Adjudication Court of any of the
elements of this water right do not constitute a factual or legal
determination of the appropriators right to use, or of any ownership
interest in, the ditches connecting the point or points of diversion to the
place or places of use.

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

CERTIFICATE OF MAILING

I certify that on June 9, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original by Overnight Mail 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:

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

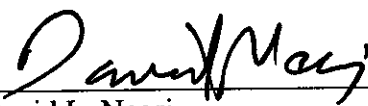
United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

Copies to all parties to the subcase:

Bruce M. Smith
Moore, Smith, Buxton & Turcke, Chartered
225 North 9th Street, Suite 420
Boise, ID 83702

Raymond Thurman
HC 87 Box 594
Featherville, ID 83647

Curtis Thurman
4000 S. Cole Rd.
Boise, ID 83709



David L. Negri