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Environment and Natural Resources Division

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Department of Water Resources

DG:DAJ

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Denver, Colorado 80202

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June 14, 2004

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase No. 65-2356

Dear Ms. Delaney:

Enclosed for filing is the original copy of the following document in the above mentioned subcase:

1. **STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT**

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosure

**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 Nos.: 65-2356

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 as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Administration*":

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Edward A. Cruzen 6/6/2004
Claimant Date

Edward A. Cruzen/Estate Cruzen Ranch

David W. Gehlert 7/22/02
Objector, David W. Gehlert, Atty. Date

U.S. Department of Justice, Environment and Natural Resources Div.

David J. Barber 7/29/02
Deputy Attorney for the State of Idaho Date

Susan E. Harlin 7/26/02
Attorney for IDWR Date

D. E. Tuttle 7/26/02
IDWR Concurrence Date

CERTIFICATE OF MAILING

I certify that on 6/14/04 ~~2002~~, I mailed the original and copies of this form, including all attachments, 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

~~Edward A. Cruzon/Estate Cruzon Ranch~~
~~P. O. Box 7~~
~~Donnelly, ID 83615~~

HARRY L. BETTIS
10775 SUEHER CREEK RD.
PAYETTE, ID 83661


Signature of person or attorney filing the form