

**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. 47-15549

Case No. 39576

) **Standard Form 5**

) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

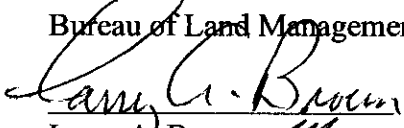
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 original claim shall be "split" into two new claims, and the original claim shall be dismissed with prejudice. The water right shall be split into two new numbers 47-17115 and 47-17116. The parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached except IDWR's concurrence is limited to the state based elements only. Since by law IDWR neither investigates nor recommends federal reserved water rights it has no knowledge of, nor opinion regarding, the validity of the federal basis of the right. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

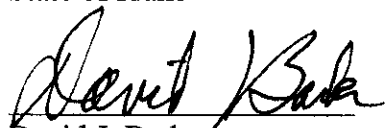
CLAIMANT:

United States on behalf of the
Bureau of Land Management


Larry A. Brown *LS* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

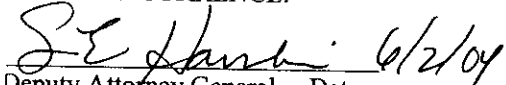
State of Idaho


David J. Barber Date
Deputy Attorney General
Office of the Attorney General

IDWR CONCURRENCE:

for 
Roxanne Brown Date
Senior Water Resource Agent

IDWR CONCURRENCE:


Deputy Attorney General Date
Idaho Dept. of Water Resources

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

RIGHTS FROM: SOURCE: SHACK CREEK TRIBUTARY: BEAR CREEK

RIGHT NUMBER: ~~47-15549~~ 47-17115

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: SHACK CREEK TRIBUTARY: BEAR CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1875 06/28/1934

* ~~4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.~~ *
* *
* ~~THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW~~ *
* ~~WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN~~ *
* ~~EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC~~ *
* ~~WATER RESERVE 107.~~ *

POINT OF DIVERSION: T16S R13E S20 SESENW Within TWIN FALLS County
S28 NWNWNW (INSTREAM BEGINNING POINT)
S20 NESWSE (INSTREAM ENDING POINT)
S28 ~~LOT 4 (SWSWSW)~~ (INSTREAM ENDING POINT)
S28 SWSSEW (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T16S R13E S20 SWNE
SENW
NWSE
SWSE
S28 NENW
NWNW
SENW
NESW
NWSW
~~Lot 4 (SWSW)~~

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL 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. I.C. SECTION 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 4701780209
~~60 RANGE CATTLE~~

JW *MB*

2/B

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

RIGHTS FROM: SOURCE: SHACK CREEK TRIBUTARY: BEAR CREEK

RIGHT NUMBER: 47-15549 47-17116

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: SHACK CREEK TRIBUTARY: BEAR CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1875 06/28/1934

* 4/17/1926 5/31/1915 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.*
*
* THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926 MAY 31, 1915, DATE OF PRIORITY *
* PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND *
* KNOWN AS PUBLIC WATER RESERVE 107 28. *

POINT OF DIVERSION: T16S R13E S20 SESENW Within TWIN FALLS County
S28 NWNWNW (INSTREAM BEGINNING POINT)
S20 NWNESW (INSTREAM BEGINNING POINT)
S28 LOT 4 (SWSWSW) (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T16S R13E S20 SWNE
SENW
NWSE
SWSE
S28 NENW
NWNW
SENW
NESW
NWSW
Lot 4 (SWSW)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 4701780209
~~60 RANGE CATTLE~~

NB

sl

Jms

D/B

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:

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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

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

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



Signature of person or attorney mailing the form