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AUG 10 2004

WATER RESOURCES  
WESTERN REGION

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AUG 17 2004  
DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-S  
Fifth Judicial District  
County of Twin Falls - State of Idaho  
AUG 11 2004  
By \_\_\_\_\_

**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. 63-4797

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 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):**

Douglas & Connie Cooper

**OBJECTOR(s):**

USDI/Bureau of Reclamation

*Douglas & Connie Cooper* 8-10-04  
claimant Date

*David Gehlert* 7/13/04  
David Gehlert Date  
Trial Attorney, General Litigation Section  
U.S. Dept. of Justice

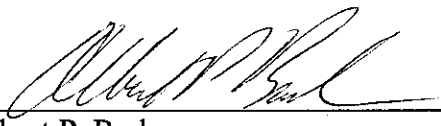
*Connie J. Cooper* 8/10/04  
claimant Date

STANDARD FORM 5 - 63-4797

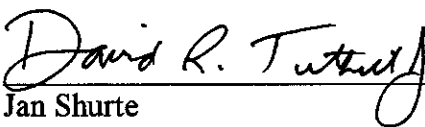
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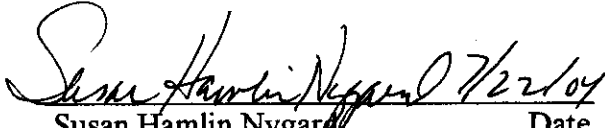
WATER RESOURCES  
WESTERN REGION**OBJECTOR(s):**

Boise Project Board of Control

  
\_\_\_\_\_  
Albert P. Barker Date  
Attorney for Objector(s)

**IDWR Concurrence:**

  7/23/04  
\_\_\_\_\_  
Jan Shurte Date  
Adjudication Supervisor

 7/22/04  
\_\_\_\_\_  
Susan Hamlin Nygard Date  
Deputy Attorney General

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08/12/2003

AUG 10 2004

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

WATER RESOURCES  
WESTERN REGION

RIGHT NUMBER: 63-4797  
NAME AND ADDRESS: CONNIE JO COOPER  
2268 HWY 21  
BOISE ID 83716  
  
DOUGLAS S COOPER  
2268 HWY 21  
BOISE ID 83716

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 03/15/1929

POINT OF  
DIVERSION: T04N R04E S28 NENE Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 03/15 11/15   | 0.050 CFS |
| MINING         | 01/01 12/31   | 0.020 CFS |

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County  
T04N R04E S28 NENE 1.5  
MINING Within BOISE County  
T04N R04E S28 NENE

1.5 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

SF5 - 63-4797

*DM*  
*DB*  
*Sub*  
*Apr 25*  
*TC*  
*1 cc*

## CERTIFICATE OF MAILING

I certify that on August 11, 2007, 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

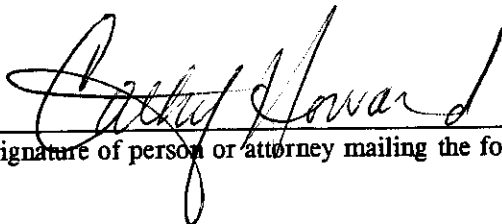
2. Copies to:

USDI Bureau of Reclamation  
US Department of Justice  
Environment & Natural Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

Albert P. Barker  
Barker, Rosholt & Simpson LLP  
P.O. Box 2139  
Boise, ID 83701-2139

Douglas & Connie Cooper  
2268 Hwy 21  
Boise, ID 83716

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for  
WATER RESOURCES  
2083275400  
Aug-11-04 12:05PM

| Job | Start Time   | Usage | Phone Number or ID | Type | Pages | Mode  | Status    |
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| 717 | 8/11 12:03PM | 1'31" | 12087362121        | Send | 4 / 4 | EC144 | Completed |

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WATER RESOURCES  
DIVISION

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. 02-0797

Case No. 39576

STANDARD FORM 5

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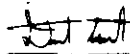
CLAIMANT(s):  
Douglas & Corvye Cooper

 8-10-04  
Date

 8/10/04  
Date

STANDARD FORM 5 - 10/20/03

OBJECTOR(s):  
USDI/Bureau of Reclamation

 8/10/04  
Date

David Gettner  
Trial Attorney, General Litigation Section  
U.S. Dept. of Justice