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AUG - 6 2002

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	)	SUBCASE NO: 65-2422
	)	
	)	
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. 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; and 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:

James A. Mitchell 7/29/02
James A. Mitchell Date

OBJECTOR:

Larry C. Brown 7/31/02
Larry Brown, USDOJ Date
Attorney for BLM MB

IDWR CONCURRENCE:

Sue Bock 7/29/02
Sue Bock Date
Senior Water Resource Agent, IDWR

Garrick E. Baxter 7/29/02
Garrick E. Baxter (As to Form) Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on July 31, 2002 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

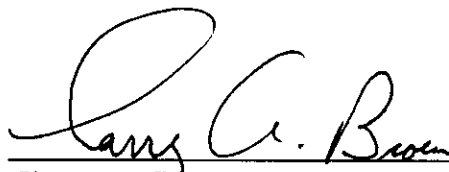
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

James A. Mitchell
8777 Van Deusen Rd.
Emmett, ID 83617

David w. Gehlert (courtesy copy)
USDOJ
Trial Attorney, General Litigation Section
Environmental & Natural Resource Division
999 18th St., Ste. N945
Denver, CO 80202

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



Signature of person or attorney mailing the form

07/29/2002

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

RIGHT NUMBER: 65-2422

NAME AND ADDRESS: JAMES A MITCHELL
8777 VAN DEUSEN RD
EMMETT ID 83617

SOURCE: SUCKER CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: 08/16/1941

POINT OF DIVERSION:

T08N R01W S8 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within GEM County

T08N R01W S18	SENW	18.3	T08N R01W S18	NESW	23.7
T08N R01W S18	SESW	12.5	T08N R01W S18	SWSE	0.5

55 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: Decreed

Handwritten notes:
SD.
Jm
JB
MB
LB