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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

Case No. 39576

SUBCASE NO.: 37-17396

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.

Pursuant the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water right should be described per the attached. The parties and IDWR have indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

United States on behalf of the
Bureau of Land Management

David L. Negri 1/7/02
David L. Negri date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 1/7/03
Roxanne Brown date
Sr. Water Resource Agent, IDWR

OBJECTOR:

Faulkner Land & Livestock Co.

RESPONDENTS:

Bedke, Scott
Bedke, Karl (Bud)
Bedke, Bruce
Tugaw, Joe
Bedke, Jared
Poulton, Gary
Flying Triangle, Inc
Deveny, Willis D& B
Gardner, Luther
Poulton, Micheal
Pickett Ranch & Sheep Co.
Hoagland, Jerry
Joyce Livestock
Western Stock Growers Association
Mathews, Eugene
Shoulders 3 Ranches
A L Cattle Inc.


Travis L. Thompson 1/7/03
 date
Of Attorneys for Objector and Respondents

RESPONDENT:

State of Idaho


David J. Barber date

Environment & Natural Resource Div.

Deputy Attorney General

Office of the Attorney General

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

RIGHT NUMBER: 37-17396

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO 37-10606 AND IS LIMITED TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/10/1984

POINT OF DIVERSION: T06S R15E S13 NWNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	1/01 12/31	0.050 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T06S R15E	S23	Lot 2	NWNE
T06S R15E	S26		SWSW
T06S R16E	S08		NESE
T06S R16E	S18		NENW
T06S R16E	S18	Lot 3	NWSW
T06S R16E	S30		NWNE

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.

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

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND FAULKNER LAND & LIVESTOCK CO., FILED IN THE OFFICE OF THE GOODING COUNTY RECORDER AND RECORDED ON NOVEMBER 18, 2002 AS INSTRUMENT NO: 197851; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
BLM ID 3705680031

CERTIFICATE OF MAILING

I certify that on January 8, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ overnight mail
☐ regular mail
☐ hand-delivered
☒ facsimile

2. Copies to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Faulkner Land & Livestock Co.
1989 S 1875 E
Gooding, ID 83330

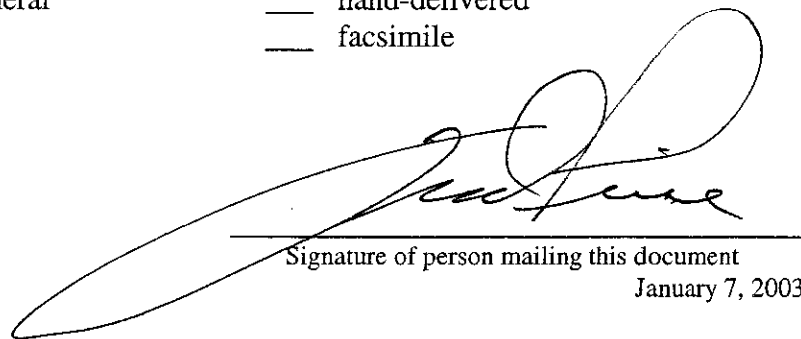
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Norman M. Semanko
Baker Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701-2139

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

David J Barber
Deputy Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document