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JAN 28 2003

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: 37-07942

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.

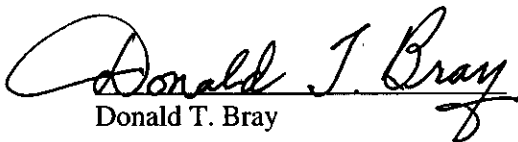
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

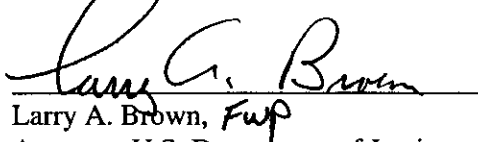
Donald T. Bray
LyeLake Ranch

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Donald T. Bray

17 Jan 02
Date


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

1/22/02
Date

IDWR CONCURRENCE:

IDWR CONCURRENCE:


Carter Fritschle
Adjudication Supervisor, IDWR

1-21-03
Date


Nicholas B. Spencer (As to Form)
Attorney for IDWR

1-21-03
Date

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

RIGHT NUMBER: 37-7942

NAME AND ADDRESS:

DONALD T BRAY
PO BOX 156
BLISS ID 83314

LYE LAKE RANCH
PO BOX 156
BLISS ID 83314

SOURCE: GROUND WATER

Tributary:

QUANTITY: 1.110 CFS
540.200 AFY
~~588.800 AFY~~

FWP
STB
CH
NBS
KB

PRIORITY DATE: 09/22/1981

POINT OF DIVERSION:

T04S R13E S28 SWSENW
Within GOODING County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	1.110 CFS <u>539.40 AFY</u> ~~588.00 AFY~~
STOCKWATER	01/01 12/31	0.060 CFS 0.20 AFY
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY

PLACE OF USE:

IRRIGATION within GOODING County

T04S R13E S28 NWNE 1.0
T04S R13E S28 SWNE 2.0
T04S R13E S28 SWNW 7.0
T04S R13E S28 SENW 16.0
T04S R13E S28 NWSW 1.0
T04S R13E S28 SWSW 24.0
T04S R13E S29 SESE 5.0
T04S R13E S32 NENE 40.0
T04S R13E S32 NWNE 4.0
T04S R13E S32 SENE 13.0
T04S R13E S33 NWNW 28.0
~~T04S R13E S33 SWNW 6.0~~

STOCKWATER within GOODING County

T04S R13E S28 SENW

DOMESTIC within GOODING County

T04S R13E S28 SENW

141 ACRES TOTAL
~~147 ACRES TOTAL~~

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

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 - License

Fwp DAB PA NBS

Use of water for domestic purposes under this right is limited to a total annual diversion volume of 0.6 af.

Use of water for stockwater purposes under this right is limited to a total annual diversion volume of 0.2 af.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM CLOVER CREEK AND SPRINGS.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 588 af at the field headgate for the lands above.

CERTIFICATE OF MAILING

I certify that on Jan. 22, 2003 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

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

Donald T. Bray
4281 Weise Road
Carson City, Nevada 89702

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form