

RECEIVED

JAN 29 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.: 69-10473

Case No. 39576

STANDARD FORM 5

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 rights should be described per the attached. 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

IDWR CONCURRENCE:

David L. Negri 1/27/03
David L. Negri date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

Roxanne Brown 1/27/03
Roxanne Brown date
Sr. Water Resource Agent

OBJECTORS:

Bedke, Karl U. "Bud"

Bedke, Scott

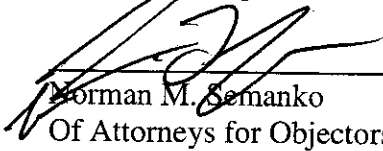
Pickett Ranch & Sheep Co.

Poulton, Gary

Poulton, Mike

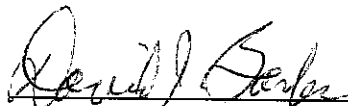
Tugaw, Joe

Western Stockgrowers Association

 1/23/03
Norman M. Semanko date
Of Attorneys for Objectors

OBJECTOR:

State of Idaho

 1/29/03
David J. Barber date
Deputy Attorney General
Office of the Attorney General
State of Idaho

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

RIGHT NUMBER: 69-10473
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: COTTONWOOD CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 69-11494 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

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

PRIORITY DATE: 01/01/1887 06/28/1934

POINT OF DIVERSION:

T16N R06W S1 SESESW End of Stream Flow Within WASHINGTON County
T16N R06W S1 SESESW Begin of Stream Flow Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.02 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T16N R06W S01 SESW

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

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 LAWRENCE RANCH INC., FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AND RECORDED ON NOVEMBER 13, 2002 AS INSTRUMENT NO. 187717; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
BLM RECORD ID = 6901480060

CERTIFICATE OF MAILING

I certify that on Jan 27th, 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

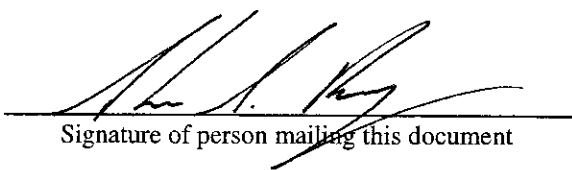
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

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

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


Signature of person mailing this document