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MAY 20 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

RECEIVED
JUN 11 2002

Department of Water Resources

In Re SRBA

Subcase No. 65-22266

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.

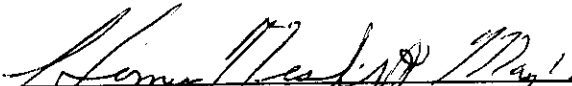
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

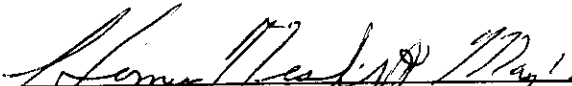
CLAIMANT(s):

Nesbitt Ranch & Cattle Co LLC

OBJECTOR(s):

State of Idaho - Department of Lands


Homer Nesbitt


Date


Steven J. Schuster


Date

Deputy Attorney General
Idaho Department of Lands

STANDARD FORM 5 - 65-22266



RESPONDENT:

United States of America, acting through
The USDA Forest Service

David L. Negri Date
U.S. Dept of Justice
Attorney for Respondent

IDWR Concurrence:

Ryanne Brown *5/20/2002*
Agent Date

Garrick L. Baxter *5/20/02*
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on June 17, 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

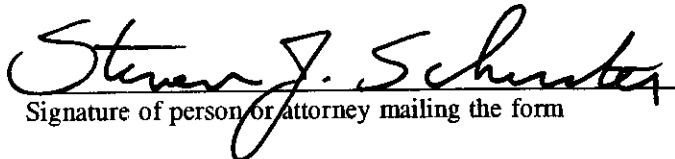
2. Copies to:

Office of the Attorney General
Natural Resource Division
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
Attn: Steven J. Schuster

Nesbitt Ranch & Cattle Co LLC
10500 Nesbitt Lane
Ola, ID 83657

David L. Negri
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

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


Signature of person or attorney mailing the form

04/08/2002

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

RIGHT NUMBER: 65-22266

NAME AND ADDRESS: NESBITT RANCH & CATTLE CO LLC
10500 NESBITT LN
OLA ID 83657

SOURCE: UNNAMED STREAM TRIBUTARY: SQUAW CREEK

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1915

POINT OF DIVERSION:
T12N R01E S25 NESWNE Begin of Stream Flow Within GEM County
T12N R01E S26 NWNENW End of Stream Flow Within GEM County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within GEM County

T12N R01E S25	SWNE	T12N R01E S25	SWNW
T12N R01E S25	SENE	T12N R01E S26	NWNE
T12N R01E S26	SWNE	T12N R01E S26	SENE
T12N R01E S26	NENW		

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.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER ON T12N, R1E, SECTION 25, SWNE, SENW, SWNW AND T12N, R1E, SECTION 26, NWNE, SWNE, SENE IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND PURSUANT TO STATE GRAZING LEASE NO. G-5613. THE USE OF WATER ON THE STATE LANDS IS FOR STOCK WATERING PURPOSES ONLY.

SOURCE IS ALSO KNOWN AS TREE SPRING CREEK.

SJS
AB RB
V R 77