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Department of Water Resources

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

In Re SRBA

Subcase No. 65-3078X

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.

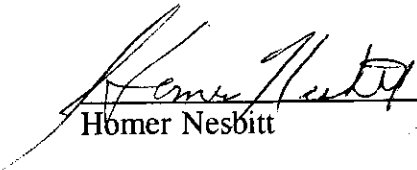
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

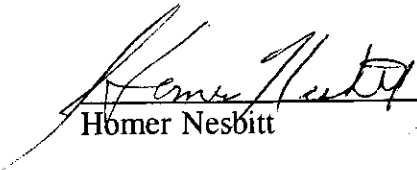
CLAIMANT(s):

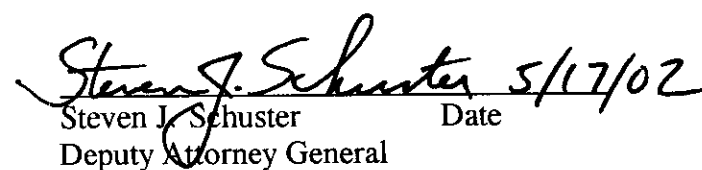
Nesbitt Ranch & Cattle Co LLC

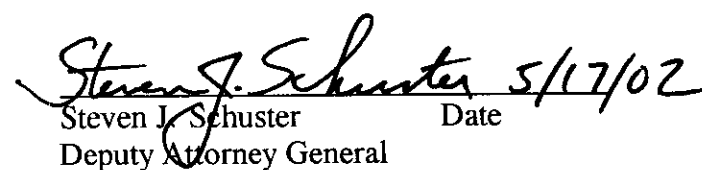
OBJECTOR(s):

State of Idaho - Department of Lands


Homer Nesbitt


Date


Steven J. Schuster


Date

Deputy Attorney General
Idaho Department of Lands

STANDARD FORM 5 - 65-3078X

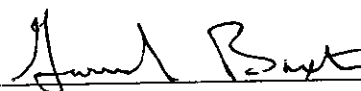
RESPONDENT:

United States of America, acting through
The USDA Forest Service

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

IDWR Concurrence:

 5/20/02
Agent Date

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

CERTIFICATE OF MAILING

I certify that on June 17, 2002, 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

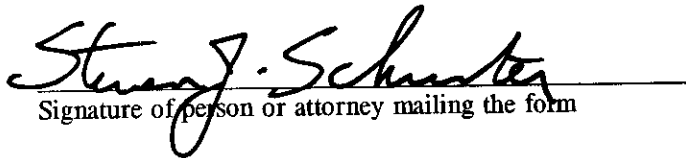
2. Copies to:

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: 65-3078X

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SQUAW CREEK

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .14 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8.1 AF. COMBINED RIGHT NOS.: 65-286, 65-285, 65-284, 65-282, 65-283, 65-280, 65-365, 65-372, 65-292, 65-294, 65-291, 65-293, 65-295, 65-373 & 65-501.

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

PRIORITY DATE: 05/01/1880

POINT OF DIVERSION:

T12N R01E S26 NWNE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.070 CFS

PLACE OF USE:

STOCKWATER Within GEM County
T12N R01E S26 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.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 600 RANGE CATTLE

THE USE OF WATER ON T12N, R1E, SECTION 26, NWNE 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.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RG
78
✓ GR 77
555