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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

) Subcase No. 37-18907

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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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 to 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

Larry A. Brown MB 3/12/03
Larry A. Brown MB Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

OBJECTOR:

State of Idaho

David J. Barber
David J. Barber Date
Deputy Attorney General
Office of the Attorney General

*Objection withdrawn by stipulation
dated 3/12/03.*

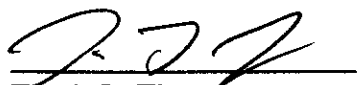
JG-3

OBJECTORS:

Karl U. (Bud) Bedke
Scott Bedke
Gary Poulton
Michael Poulton
Joe Tugaw
Pickett Ranch and Sheep Co.
Western Stockgrowers Assn.

RESPONDENT:

Flying Triangle, Inc.



Travis L. Thompson

3/13/03

Date

of Attorneys for Objectors and Respondent

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

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: LAVA CREEK

RIGHT NUMBER: 37-18907

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

SOURCE: SPRING TRIBUTARY: LAVA CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: ~~01/01/1879~~ 04/17/1926

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* * * * *
* THIS WATER RIGHT IS ~~ALSO~~ CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF
DIVERSION: T01S R17E S33 NESWNE Within CAMAS County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within CAMAS County
T01S R17E S33 SWNE

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

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

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. I.C. SECTION 42-1412(6).

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 WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN
THE OFFICE OF THE CAMAS COUNTY RECORDER AND RECORDED ON
NOVEMBER 19, 2002 AS INSTRUMENT NO: 075707; THE PROVISIONS OF
SUCH STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - ~~BENEFICIAL USE~~ FEDERAL RESERVE
BLM RECORD ID = 3705681594
~~STOCKWATER, 4225 RANGE CATTLE, 9000 RANGE SHEEP. WILDLIFE~~
~~VAR-AMT~~

CERTIFICATE OF MAILING

I certify that on Mar. 12, 2003, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

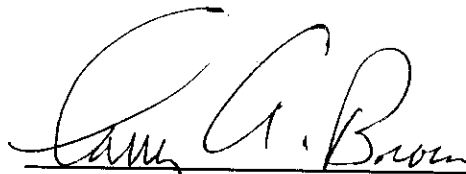
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Div.
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

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



Signature of person or attorney mailing the form