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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

Case No. 39576

) Subcase No. 65-335
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STANDARD FORM 5

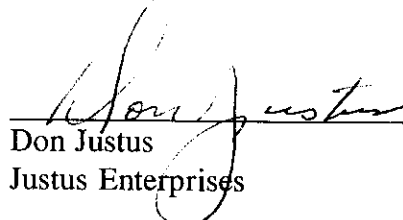
**STIPULATED ELEMENTS OF A
WATER RIGHT**

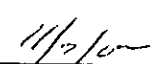
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

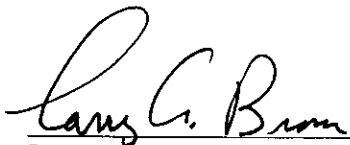
CLAIMANT:

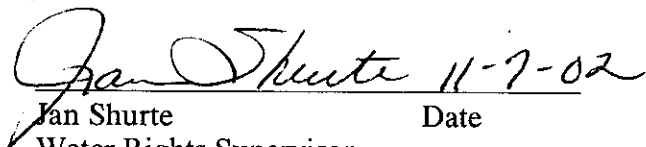

Don Justus
Justus Enterprises


Date

STANDARD FORM 5 -65-335

OBJECTOR:

 11/13/02
Larry Brown FWP Date
Attorney for BLM

 11-7-02
Jan Shurte Date
Water Rights Supervisor

 11/8/02
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

SF5 Water Right No. 65-335

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

RIGHT NUMBER: 65-335

NAME AND ADDRESS: JUSTUS ENTERPRISES
C/O DON JUSTUS
1024 RANCH RD
BOISE ID 83702

SOURCE: SWANDER SPRINGS

TRIBUTARY: YERGENSON CREEK

QUANTITY: 0.580 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER
USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/05/1965

POINT OF DIVERSION:

T08N R01E S31 SWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	0.490 CFS
STOCKWATER	01/01 12/31	0.050 CFS
DOMESTIC	01/01 12/31	2.70 AFY
		0.040 CFS
		1.20 AFY

PLACE OF USE:

IRRIGATION Within GEM County

T08N R01E S31	SWNE	2.6	T08N R01E S31	SENE	17.5
T08N R01E S31	NESW	0.5	T08N R01E S31	NWSE	3.7

STOCKWATER Within GEM County

T08N R01E S31 SENE

DOMESTIC Within GEM County

T08N R01E S31 SENE

24.3 ACRES TOTAL

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 FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

CERTIFICATE OF MAILING

I certify that on Nov. 13, 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:

Justus Enterprises
C/O Don Justus
1024 Ranch Rd
Boise, ID 83702

US Bureau of Land Management
1387 South Vinnell Way
Boise, ID 83709-1657

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

United States Dept of Justice
Environment and Natutal Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form