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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. 37-17063

) 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.

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:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown  
Larry A. Brown

11/14/02  
Date

Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

**OBJECTOR:**

State of Idaho

David J. Barber  
David J. Barber

8/13/02  
Date

Deputy Attorney General

Office of the Attorney General, State of Idaho

**IDWR CONCURRENCE:**

Roxanne Brown  
Roxanne Brown

11/12/02  
Date

Senior Water Resource Agent

**IDWR CONCURRENCE:**

\_\_\_\_\_  
Date

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

RIGHTS FROM: SOURCE: COPPER CREEK TRIBUTARY: LAVA LAKE

RIGHT NUMBER: 37-17063

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: COPPER CREEK TRIBUTARY: LAVA LAKE

QUANTITY: 0.02 CFS

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

PRIORITY DATE: ~~01/01/1979~~ 06/28/1934

POINT OF  
DIVERSION:

T02N R23E S35

NWNWSW  
NWNWSW

*LAB DJS RB*  
Within BLAINE County  
(INSTREAM BEGINNING POINT)  
(INSTREAM ENDING POINT)

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01-01 12-31

QUANTITY  
0.02 CFS

PLACE OF USE:

STOCKWATER  
T02N R23E S35

NWSW

Within BLAINE County

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).

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE  
BLM RECORD ID = 3705484111

~~STOCKWATER, 320 RANGE CATTLE. WILDLIFE VARYING AMOUNTS.~~

## CERTIFICATE OF MAILING

I certify that on 11/15, 2002, 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

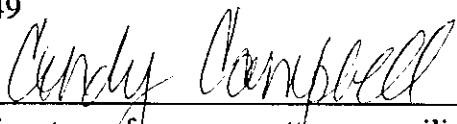
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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

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

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

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