

SEP 23 2002

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

Subcase Nos.: 65-2952B

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Claimant

Date _____

Claimant

Date _____

Diane B. De Boer Brown Industries Inc.

David W. Gehlert 7/12/02
Objector, David W. Gehlert, Atty. Date

Objector, David W. Gehlert, Atty. Date

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

David J. Baker 7/29/02
Deputy Attorney for the State of Idaho Date

Dade Tuttle 7/26/02
IDWR Concurrence Date

Susan E. Hanley 7/24/02
Attorney for IDWR Date

CERTIFICATE OF MAILING

I certify that on 9/20, 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. Copies to:

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

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

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

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

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

Diane B. De Boer Brown Industries Inc.
101 S. Capitol Blvd Suite 1705
Boise, ID 83705

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

Dale S. Walton
Signature of person or attorney filing the form