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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 Nos.: 65-8610
	)	
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 as recommended in the director's report with the following additional language added to the "*Other Provisions Necessary for Administration*":

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

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.

Azella Yanskey
Personal Representative 8/13/02
Claimant for estate of Date
Arthur Johnson

Claimant Date

David W. Gehlert 7/22/02
Objector, David W. Gehlert, Atty. Date

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

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

Dee Tuttle 7/26/02
IDWR Concurrence Date

SE Hamlin 7/26/02
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

Arthur Johnson
~~175 Pearson Ln.~~
~~McCall, ID 83638~~

7209 Brookview Dr.
Boise ID 83709

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

LELAND G. HEINRICH, CLERK
By /s/ F. GARRISON Deputy

MAY 13 2002

Case No. _____ Inst. No. _____
Filed _____ A.M. 12:00 P.M.

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IDAHO STATE BAR NO. 3724

Attorneys for Rozella Yanskey

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

IN THE MATTER OF THE ESTATE OF)

ARTHUR JOHNSON)

Deceased.)

CASE NO. SP-02-100C

LETTERS TESTAMENTARY

1. Rozella Yanskey was duly appointed and qualified as General Personal Representative of the estate of the above-named decedent by the Court with all authority pertaining thereto.
2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said co-personal representatives.

WITNESS, my signature and the Seal of this Court, this 13 day of May, 2002.
State of Idaho)
County of Valley) SS

I hereby certify that the foregoing is a true and correct copy of the original on file in this office.

Date 5/13/02 Leland G. Heinrich
Clerk

By /s/ F. Garrison Deputy
LETTERS TESTAMENTARY - 1

/s/ Henry R. Boomer
MAGISTRATE