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DEPARTMENT OF
WATER RESOURCES

2004 DEC 27 AM 11:25

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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

A. Subcase 63-378

(Insert water right number)

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 concurrency by initialing each of the attached pages.

CLAIMANT(s):

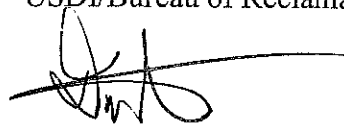
Dirk L. Marcum


Deborah E. Nelson
Attorney for Claimant

Date

OBJECTOR(s):

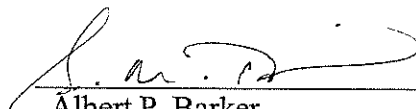
USDI/Bureau of Reclamation


David Gehlert
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

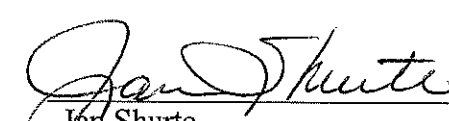
Date

OBJECTOR(s):

Boise Project Board of Control

 12/2/04
Albert P. Barker
Shelley M. Davis
Date

IDWR Concurrence:

 12-16-04 Date
Jan Shurte
Adjudication Supervisor
FOR  12-16-04 Date
Susan Hamlin Nygard
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on December 22, 2004, 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, ID 83303-2707

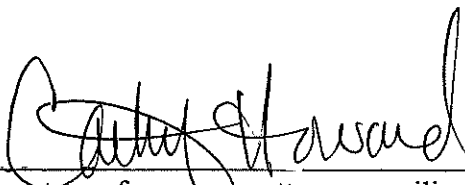
2. Copy to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P. Barker
Shelley M. Davis
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

Deborah E. Nelson
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

09/24/2002

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

RIGHT NUMBER: 63-378

NAME AND ADDRESS: DIRK L MARCUM
14364 E HWY 21
BOISE ID 83716

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1881

POINT OF
DIVERSION: T03N R04E S20 SESW Within ADA County
T03N R04E S20 SWSE Within ADA County
T03N R04E S20 SWSE Within ADA County
T03N R04E S20 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE

03/15 12/15

QUANTITY

2.000 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R04E S20	NESW	15.0	T03N R04E S20	SESW	15.0
T03N R04E S20	NESE	20.4	T03N R04E S20	NWSE	24.4
T03N R04E S20	SWSE	16.0	T03N R04E S20	SESE	9.2

100 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS HIGHLAND CREEK.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.