

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

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Subcase No. 25-73

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.

CLAIMANTS:

Lucile M. Avery 9/26/05

Date

Date

OBJECTOR:

United States on behalf of the
Bureau of Reclamation

James A. Brown 9/22/05

for
David W. Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlson 9/27/05

Date

IDWR CONCURRENCE:

Candace Kelly 9/27/05

Date

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

RIGHT NUMBER: 25-73

NAME AND ADDRESS:

LUCILE AVERY
7837 NE FOOTHILL RD
IDAHO FALLS, ID 83401

SOURCE: WILLOW CREEK Tributary: SNAKE RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T03N R39E S15 SWNESE Within BONNEVILLE County
T03N R39E S15 NWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.400 CFS

PLACE OF USE:

IRRIGATION

Within BONNEVILLE County

T03N R39E S20 SENE	2.7	T03N R39E S20 NESE	33.0
T03N R39E S20 NWSE	10.0	T03N R39E S20 SWSE	30.0
T03N R39E S20 SESE	7.6	T03N R39E S21 NWNE	2.8
T03N R39E S21 NENW	39.0	T03N R39E S21 SWNW	21.0
T03N R39E S21 SENW	22.0	T03N R39E S21 NESW	0.7
T03N R39E S21 NWSW	20.0		

196.8 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total
193.8 acres
of 196.8 acres in a single irrigation season. Combined Right Nos.: 25-14110,

25-73, and 25-14111.

This right is limited to the irrigation of 70 acres within the place of use
described above in a single irrigation season.

Use of water under this right does not include a use on federal public land.

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1424, IDAHO CODE.

Use of this right is combined with water from Enterprise Canal Company
LTD.

Water is delivered through the Roy Avery Canal and Orval Avery Canal.

CERTIFICATE OF MAILING

I certify that on September 27, 2005 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 *via hand delivery*
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

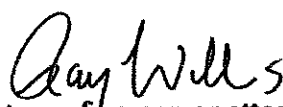
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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 *via hand delivery*
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Lucile Avery
7837 NE Foothill Rd
Idaho Falls, ID 83401


Signature of person or attorney mailing the form