

**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. 25-14111

) 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:

Lucille St. Avery 9/26/05
Date

Date

OBJECTOR:

United States on behalf of the
Bureau of Reclamation

David W. Gehlert 9/27/05
Date
David W. Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlson 9/27/05
Date

IDWR CONCURRENCE:

Candace [Signature] 9/27/05
Date

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

RIGHT NUMBER: 25-14111

NAME AND ADDRESS:

LUCILE AVERY
7837 NE FOOTHILL RD
IDAHO FALLS, ID 83401

SOURCE: WILLOW CREEK Tributary: SNAKE RIVER

QUANTITY: 2.950 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION:

T03N R39E S15 SWNESW 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	2.950 CFS

PLACE OF USE:

IRRIGATION	Within BONNEVILLE County
T03N R39E S20 SENE	33.0
T03N R39E S20 NWSE	30.0
T03N R39E S20 SESE	2.8
T03N R39E S21 NENW	21.0
T03N R39E S21 SENW	0.7
T03N R39E S21 NWSW	20.0

193.8
~~196.8~~ ACRES TOTAL

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

25-73, and 25-14111.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, 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. This right is a split from former right 25-144.

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
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

via hand delivery

2. Copy to:

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

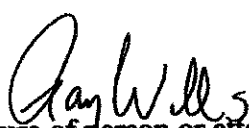
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

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

via hand delivery

Lucile Avery
7837 NE Foothill Rd
Idaho Falls, ID 83401


Signature of person or attorney mailing the form