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DEPARTMENT OF
WATER RESOURCES

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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 No. 82-00001

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 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:

Dorothy L Hopkins 9-28-05
Dorothy L Hopkins Date

Frank E Bartlett 9/28/05
Frank E Bartlett Date

Charles B Hopkins, Jr 9-28-05
Charles B Hopkins, Jr Date

No Longer Part of B-H Ranch
Vivian L Hopkins Date

Edith L Bartlett 9/28/05
Edith L Bartlett Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L Negri 10/3/05
David L. Negri Date

IDWR CONCURRENCE:

Carter Fritschle 10-3-05
Carter Fritschle Date

ATTORNEY FOR IDWR:

Candice McHugh 10/3/05
Candice McHugh Date

CERTIFICATE OF MAILING

I certify that on October 3, 2005, 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:

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

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

Dorothy L Hopkins
Frank E Bartlett
Charles B Hopkins, Jr
Vivian L Hopkins
Edith L Bartlett
10404 Foothill Blvd
Lake View Terrace, CA 91342



David L. Negri

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

RIGHT NUMBER: 82-1

NAME AND ADDRESS:

CHARLES B HOPKINS JR
10404 FOOTHILL BLVD
LAKE VIEW TERRACE CA 91342

DOROTHY L HOPKINS
10404 FOOTHILL BLVD
LAKE VIEW TERRACE CA 91342

EDITH L BARTLETT
10404 FOOTHILL BLVD
LAKE VIEW TERRACE CA 91342

FRANK E BARTLETT
10404 FOOTHILL BLVD
LAKE VIEW TERRACE CA 91342

VIVIAN L HOPKINS
10404 FOOTHILL BLVD
LAKE VIEW TERRACE CA 91342

SOURCE:

Source:

SCHWARTZ CREEK

Tributary:

SOUTH FORK CLEARWATER RIVER

QUANTITY:

0.800 CFS

The rights listed below are limited to a total combined diversion rate of 0.98 cfs.

Combined Right Nos.: 82-1, 82-2 and 82-2072

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.98 CFS. COMBINED RIGHT NOS.: 82-1 & 82-2072.~~

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE:

06/01/1919

POINT OF DIVERSION:

T30N R04E S29 NWNW
Within IDAHO County

T30N R04E S30 NENE
Within IDAHO County

T30N R04E S30 Lot 6 NWNE
Within IDAHO County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

0.800 CFS

DOMESTIC

01/01 12/31

0.040 CFS

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

PLACE OF USE:

IRRIGATION within IDAHO County

T30N R04E S19 Lot 5 SESW 2.0

T30N R04E S19 Lot 6 SWSE 14.0

T30N R04E S30 Lot 6 NWNE 18.0

T30N R04E S30 Lot 5 NENW 6.0

~~T30N R04E S30 Lot 6 NWNE 4.0~~

~~T30N R04E S30 SWNW 14.0~~

~~T30N R04E S30 SWSE 14.0~~

DOMESTIC Same As IRRIGATION

40 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 40 acres in a single irrigation season.

Combined Right Nos.: 82-1, 82-2 and 82-2072

~~USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 82-1 & 82-2072.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

EB
ZEB
EB
J J H

Smc

CA
DN