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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.: 85-15355

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. 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 concurrence by initialing each of the attached pages.

CLAIMANT(s):

Carroll J. Fuchs and Marlene Fuchs

Marlene Fuchs 10/3/05
Claimant Date

Carroll J. Fuchs 10/2/05
Claimant Date

OBJECTOR(s):

USDI/Bureau of Reclamation

David W. Gehlert 10/7/05
Date

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

IDWR Concurrence:

Carroll J. Fuchs 9-19-05
Date

Adjudication Supervisor

Susan Hamlin Nygard 9/29/05
Date
Susan Hamlin Nygard
Deputy Attorney General, IDWR

CERTIFICATE OF MAILING

I certify that on Oct. 7, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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:

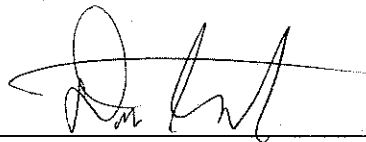
Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

Carroll Fuchs
887 Leisure Ln
Lewiston, ID 83501

Marlene Fuchs
3746 Lapwai Rd
Lewiston, ID 83501



Signature of person or attorney filing the form

CJT

09/13/2005

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

RIGHT NUMBER: 85-15355

NAME AND ADDRESS: CARROLL J FUCHS
887 LEISURE LN
LEWISTON ID 83501

MARLENE FUCHS
3746 LAPWAI RD
LEWISTON ID 83501

WJ

SOURCE: LINDSAY CREEK

TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 02/15/1950

POINT OF
DIVERSION: T35N R05W S4 NWNW Lot 4 Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	~~02/15-11/30~~ 3/15 11/15	0.030 CFS

PLACE OF USE: IRRIGATION Within NEZ PERCE County
T35N R05W S04 Lot 4 NWNW 1.0

Deh
CJ
DL

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 - Beneficial Use