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OCT 11 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

In Re SRBA

Subcase Nos.: 85-7092

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):

Frank Braucher

OBJECTOR(s):

USDI/Bureau of Reclamation

Frank Braucher

9-23-05

Claimant

Date

David W. Gehlert

10/7/05

David W. Gehlert

Date

Trial Attorney, General Litigation Section

U.S. Dept. of Justice

Claimant

Date

IDWR Concurrence:

Carter Futsche

9-19-05

Date

Adjudication Supervisor

Susan Hamlin Nygard

9/18/05

Date

Susan Hamlin Nygard

Deputy Attorney General, IDWR

CERTIFICATE OF MAILING

I certify that on 9-23^{007, 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

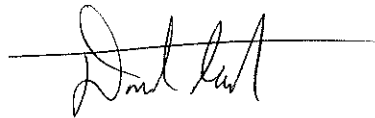
2. Copies to:

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

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

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

Frank Braucher
29241 Cardinal Ln
Lapwai, ID 83540



Signature of person or attorney filing the form

F.B.

09/13/2005

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

RIGHT NUMBER: 85-7092

NAME AND ADDRESS: FRANK BRAUCHER
29241 CARDINAL LN
LAPWAI ID 83540

SOURCE: SWEETWATER CREEK

TRIBUTARY: LAPWAI CREEK

QUANTITY: 0.060 CFS
12.00 AFY

PRIORITY DATE: 09/03/1974

POINT OF
DIVERSION: T35N R04W S23 NWNE Lot 2 Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.060 CFS 12.00 AFY

The use of water for irrigation under this right may begin as early as ~~February~~ March 15 and may continue to as late as November 30~~15~~, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

F.B.
Jhe
CT
DL

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T35N R04W S23 Lot 2 NWNE 1.6 T35N R04W S23 Lot 4 NENW 1.4

F.B.

3 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 - License

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

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