

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 4 2005

By _____ Clerk

filed jm

RECEIVED
SEP 27 2005
IDWR/North

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. 84-10159
) (previously disallowed)

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

RECEIVED
SEP 29 2005

Department of Water Resources

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 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.

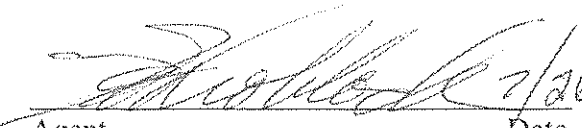
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

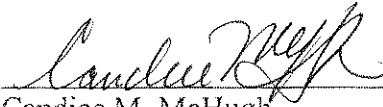
CLAIMANT/OBJECTOR:

Burch Land & Timber Inc.

Keith R Burch 09/12/05
Keith Burch Date

IDWR Concurrence:


Agent Date 7/26/05
KENNETH KNOBLOCK


Candice M. McHugh 9/30/05
Deputy Attorney General Date
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on October 4, 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

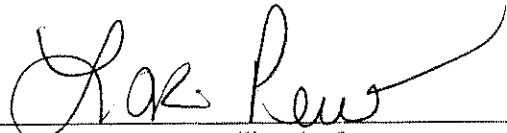
2. Copies to:

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

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

Burch Land & Timber, Inc.
PO Box 2602
Orofino, ID 83544

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

STATE LAW

OCT - 7 2005

By

Clerk

Deputy Clerk

RIGHT NUMBER: 84-10159

NAME AND ADDRESS: BURCH LAND & TIMBER INC
PO BOX 2602
OROFINO ID 83544

SOURCE: CLEARWATER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION: T35N R02E S23 ~~SWNE~~ Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.070 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T35N R02E S23 Lot 4 SENE 3.0 T35N R02E S23 Lot 5 NESE 2.0

5 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 - Beneficial Use

K.R.B.