

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. 85-4038

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 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:

Edie B. Johnson 10/12/05

Date
Edie B. Johnson 10-12-05

Edie B. Johnson 10/12/05

Date

IDWR Concurrence:

Curtis Fritzsche 10-12-05
Agent

Candace R. R. 10/12/05
Deputy Attorney General

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

RIGHT NUMBER: 85-4038

NAME AND ADDRESS: WAHA GLEN WATER DIST
40032 WAHA GLEN RD
LEWISTON ID 83501

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.12 CFS

PRIORITY DATE: 08/26/1955

POINT OF
DIVERSION: T33N R04W S09 NWSW Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.12 CFS

PLACE OF USE:

SMC

Place of use is within the service area of Waha Glen Water District as provided for under Idaho law. The place of use is generally located in T33N R04W S08, S09 and S16.

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

CA
[Signature]

CERTIFICATE OF MAILING

I certify that a true and correct copy of the Standard Form 5 was mailed or delivered on October 12, 2005 as follows:

1. Original to:

**SRBA District Court
Clerk of the District Court
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707**

Hand-Delivered

2. Copies to:

**Edwin L Litteneker
PO Box 321
Lewiston, ID 83501-0321**

Hand-Delivered

**IDWR Repository
PO Box 83720
Boise, ID 83720-0098**


signature of person mailing form