

COPY

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

NOV 23 2005

By _____
Deputy Clerk

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NOV 16 2005

Department of Water Resources

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NOV 25 2005

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 No. 85-11793

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 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

Janet, Tim, and Joshua Allen

Janet Allen
Janet Allen
Date

Joshua Allen
Joshua Allen
Date

Tim Allen
Tim Allen
Date

IDWR Concurrence:

Cathy Antoschke 11-16-05
Date
Senior Water Resource Agent

Candice M. McHugh 11/17/05
Date
Candice M. McHugh
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on November 21, 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:

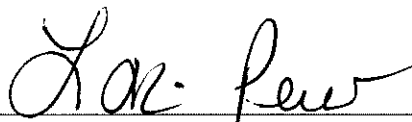
1. Original to:

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:

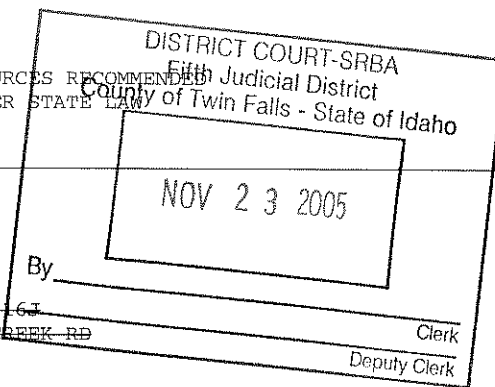
Janet, Tim & Joshua Allen
26339 Tera View Drive
Cul de Sac, ID 83524

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



Signature of person mailing the form

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



RIGHT NUMBER: 85-11793

NAME AND ADDRESS:

JANET LEI ALLEN
26339 TERA VIEW DR
CULDESAC ID 83524

RT-1 BOX 16J
MISSION CREEK RD

JOSHUA EDWARD ALLEN
26339 TERA VIEW DR
CULDESAC ID 83524

RT-1 BOX 16J
MISSION CREEK RD

TIM RALPH ALLEN II
26339 TERA VIEW DR
CULDESAC ID 83524

RT-1 BOX 16J
MISSION CREEK RD

SOURCE:

Source:
MISSION CREEK

Tributary:
LAPWAI CREEK

QUANTITY:

0.300 CFS

0.240 CFS

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

PRIORITY DATE:

01/01/1941

POINT OF DIVERSION:

T35N R03W S21 Lot 11 SENW End of Stream Flow
Within NEZ PERCE County

T35N R03W S21 Lot 21 NESW Begin of Stream Flow
Within NEZ PERCE County

T35N R03W S21 Lot 21 NESW
Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

02/15 11/30

0.280 CFS

0.220 CFS

STOCKWATER

01/01 12/31

0.020 CFS

JEA
TRA
JEA
CF

8m²

PLACE OF USE: IRRIGATION within NEZ PERCE County

~~T35N-R03W S21 Lot 10 SWNW 0.5~~

~~T35N R03W S21 Lot 11 SENW 4.0~~

~~T35N R03W S21 Lot 21 NESW 6.0~~

~~T35N R03W S21 Lot 23 NWSW 0.5~~

within NEZ PERCE County

22A
TRA
JEA

T35N R03W S21 NESW

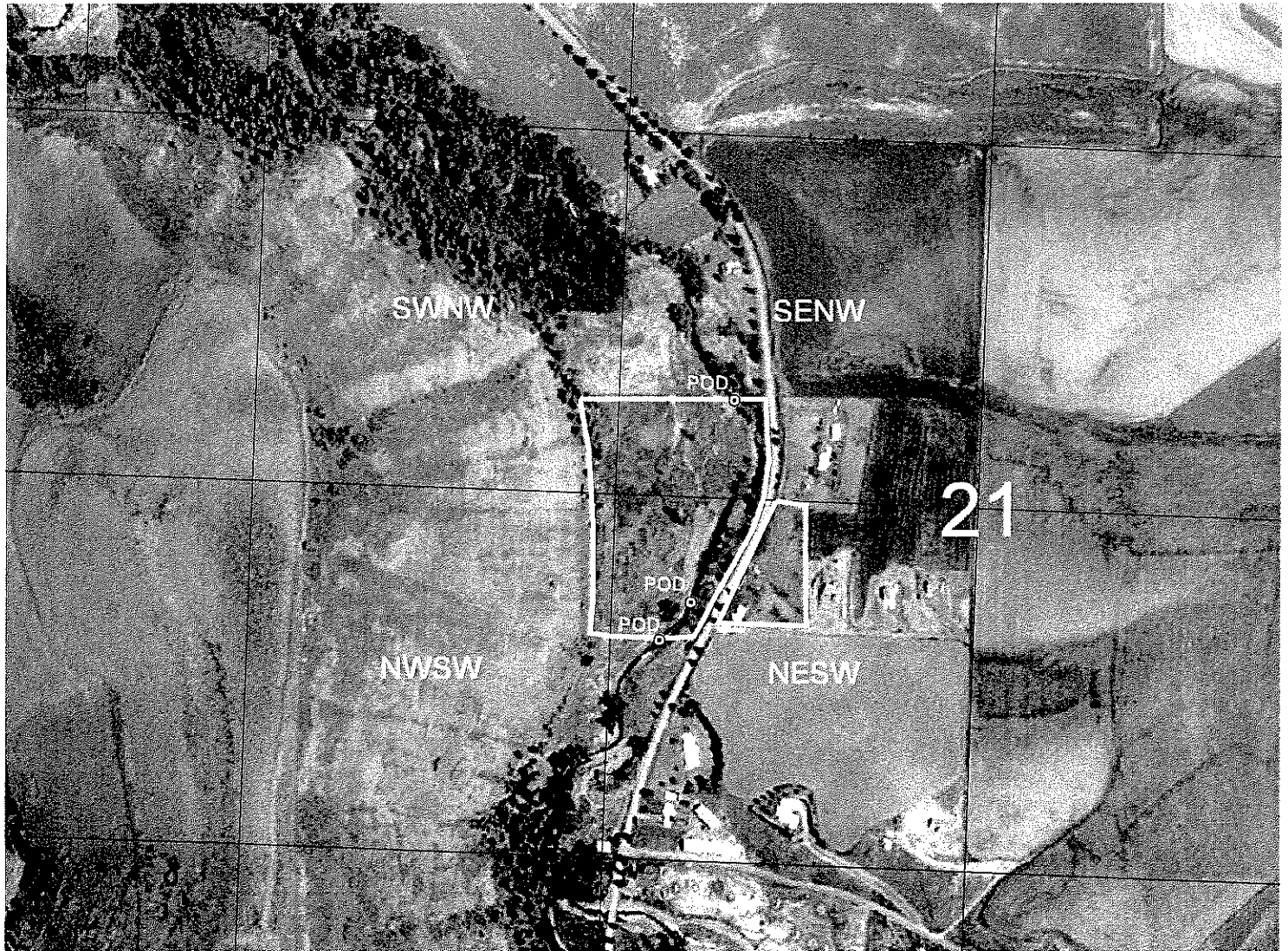
~~11 ACRES TOTAL~~

TRA
JEA

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.

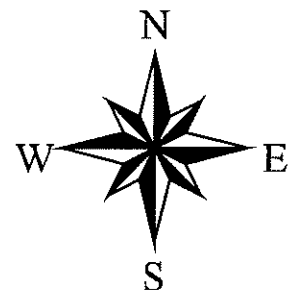
2

85-11793



900 0 900 1800 Feet

T35N R03W S21



CLF 10/24/05