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AUG 16 2006

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.: 37-1126

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.

CLAIMANTS:

Jock S. Brown 8-7-06
Jock S. Brown Date

Cathy M. Brown 8-7-06
Cathy M. Brown Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 8/10/06
Date

Larry A. Brown FWP
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Steve Clelland 8-04-06
Date
Steve Clelland
Sr. Water Resource Agent

Nicholas B. Spencer 8-4-06
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR
Approved as to form

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

RIGHT NUMBER: 37-1126

NAME AND ADDRESS:

CATHY M BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313
JOCK S BROWN
140 FRIEDMAN LN
BELLEVUE ID 83313

CB

J.B.

SCC
NBS

SOURCE: LITTLE WOOD RIVER

Tributary: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 04/08/1908

FWP
JEE

POINT OF DIVERSION: T05S R19E S7 NWNWNE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.800 CFS

PLACE OF USE: IRRIGATION within LINCOLN County

~~T05S R19E S07 NENE 1.4~~

T05S R19E S07 NWNE 16.0

T05S R19E S07 SWNE 18.0

~~T05S R19E S07 SWNE 12.0~~

~~T05S R19E S07 SENE 3.6~~

~~T05S R19E S07 NENW 0.2~~

~~T05S R19E S07 NESE 0.5~~

T05S R19E S07 NWSE 6.0

~~T05S R19E S07 NWSE 6.3~~

40 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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF SERVICE

I certify that on Aug. 10, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Jock S. Brown
Cathy M. Brown
140 Friedman Ln.
Bellevue, ID 83313

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

S07 NENE

BLM

S07 SENE

BLM

BLM

S07 NESE

BLM

S07 NENW

37-01126, Brown

T05S, R19E

New shapefile with BLM
land removed.

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