

DEPARTMENT OF
WATER RESOURCES

Recurve

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. 69-2038

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(s):

Tina, Bert and Joe Warner

Tina Warner 11/17/06
Tina Warner Date

Bert Warner 11-17-06
Bert Warner Date

OBJECTOR(s):

United States of America Acting through
the USDA Forest Service

David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Joe Warner 10-17-06
Joe Warner Date

IDWR Concurrence:

Michael Ciscell 8/25/06 Chris M. Bromley 8/28/06
Michael Ciscell Date Chris M. Bromley Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on October 18, 2006, 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

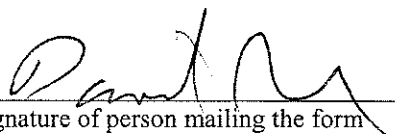
2. Copies to:

United States of America, Acting through the
USDA Forest Service
David L. Negri
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Tina and Joe Warner
4256 Landore Rd
Council, ID 83612

Bert Warner
c/o Joe Warner
4127 Landore Rd
Council, ID 83612

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



Signature of person mailing the form

08/25/2006

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

RIGHT NUMBER: 69-2038

NAME AND ADDRESS: TINA WARNER
4256 LANDORE RD
COUNCIL ID 83612

JOE WARNER
4256 LANDORE RD
COUNCIL ID 82612

BERT WARNER
C/O JOE WARNER
4127 LANDORE RD
COUNCIL ID 83612

SOURCE: BEAR CREEK TRIBUTARY: WILDHORSE RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 07/23/1940

POINT OF
DIVERSION: T20N R02W S7 SWSE Within ADAMS County
T20N R03W S13 SENESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.200 CFS
PLACE OF USE:	<u>IRRIGATION Within ADAMS County</u>		
	T20N R03W S24 SWNW 2.00	T20N R03W S24 NESW	35.00
	T20N R03W S24 NWSW 15.00	T20N R03W S24 NWSE	5.00

57 ACRES TOTAL

Place of use does not include federal public lands *WAC CB*

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 -

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.