

Oct 25 2006

**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. 69-10059

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.

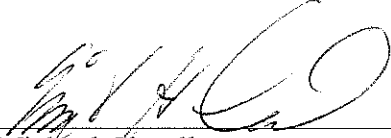
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

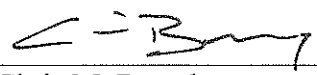
State of Idaho – Dept of Fish & Game

David J. Barber 10/23/2006
Date
Attorney for the State of Idaho

IDWR Concurrence:



Michael Ciscell 8/29/06
Date



Chris M. Bromley 8/29/06
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on October 24, 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 or by Statehouse Mail 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

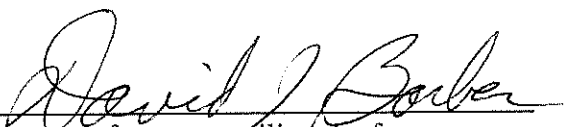
2. Copies to:

State of Idaho
Department of Fish and Game
600 S. Walnut St.
Boise, ID 83703
STATEHOUSE MAIL

State of Idaho
Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

NOT APPLICABLE

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098
STATEHOUSE MAIL


Signature of person mailing the form

04/27/2006

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

RIGHT NUMBER: 69-10059

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SPRING TRIBUTARY: CAVE CREEK
SPRINGS TRIBUTARY: SPRING CREEK
SPRINGS TRIBUTARY: WEST BROWNLEE CREEK
UNNAMED STREAM TRIBUTARY: CAVE CREEK
UNNAMED STREAM TRIBUTARY: WEST BROWNLEE CREEK

QUANTITY: 0.230 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1958

POINT OF
DIVERSION:

T16N R05W S3 SWNESW Within WASHINGTON County
T16N R05W S3 SNNWSE Within WASHINGTON County
T16N R05W S4 SWNESW Within WASHINGTON County
T16N R05W S9 SESENE Within WASHINGTON County
T16N R05W S9 SENWSE Within WASHINGTON County
T16N R05W S10 NNNWSE Within WASHINGTON County
T16N R05W S15 NNNWNW Within WASHINGTON County
T16N R05W S15 NNSWNW Within WASHINGTON County
T16N R05W S16 NNNENW Within WASHINGTON County
T16N R05W S16 NESESW Within WASHINGTON County
T16N R05W S16 NNNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.230 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T16N R05W S03	NESW	T16N R05W S03	NWSE
T16N R05W S04	NESW	T16N R05W S09	SENE
T16N R05W S09	NWSE	T16N R05W S10	NWSE
T16N R05W S15	NNWN	T16N R05W S15	SENE
T16N R05W S16	NNNW	T16N R05W S16	SESW
T16N R05W S16	NWSE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
Stockwater use is for 1000 range cattle.

CB
MC
2/B