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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. 21-12539
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	

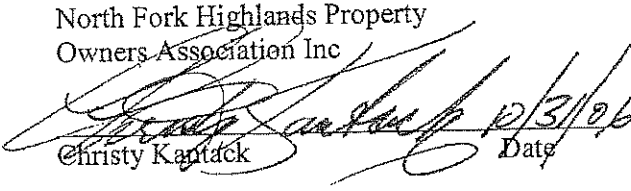
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:

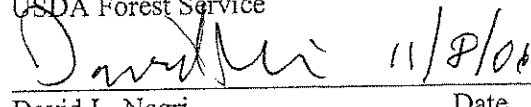
North Fork Highlands Property
Owners Association Inc


Christy Kaptack

12/3/06
Date

OBJECTOR:

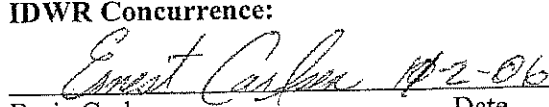
USDA Forest Service


David L. Negri

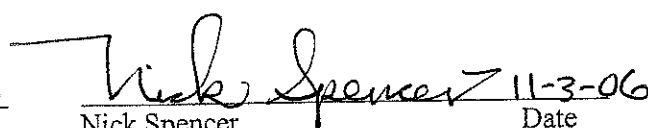
11/8/06
Date

Attorney for the United States

IDWR Concurrence:


Ernie Carlsen

12-06
Date


Nick Spencer

11-3-06
Date

Deputy Attorney General

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

RIGHT NUMBER: 21-12539

NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS ID 83402

SOURCE: Source: BLUE CREEK Tributary: HENRYS FORK

QUANTITY: 0.000 CFS
77.350 AFY

Right Nos. 21-7075 and 21-12539 are limited to a total combined diversion rate of 2.41 cfs.

PRIORITY DATE: 07/08/1982 07/08/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T09N R43E S10 NWNE Within FREMONT County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	77.35 AFY

PLACE OF USE: IRRIGATION within FREMONT County

T09N R43E S11 NENE 3.3	T09N R43E S11 NWNE 19.0
T09N R43E S11 SWNE 1.1	T09N R43E S11 SENE 0.3
T09N R43E S11 NENW 20.0	T09N R43E S11 NWNW 23.0
T09N R43E S11 SWNW 39.0	T09N R43E S11 SENW 39.0
T09N R43E S11 NESW 33.0	T09N R43E S11 NWSE 38.0

215.7 ACRES TOTAL

216 ACRES TOTAL

T09N R43E S10 SENE 0.3

The rights listed below are limited to the irrigation of a combined total of 215.7 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045

~~This right is limited to the irrigation of 22.1 acres within the place of use described above in a single irrigation season.~~

~~The rights listed below are limited to the irrigation of a combined total of 216 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045~~

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

This right is based upon an enlargement of Right No. 21-7075 pursuant to Section 42-1426, Idaho Code.

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.

~~This right is based upon an enlargement of Right No. 21-7076 pursuant to Section 42-1426, Idaho Code.~~

~~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

This right is for an enlargement of 22.1 acres within the place of use described for this right.

OK
EMC
NBS
DN

CERTIFICATE OF MAILING

I certify that on November 8, 2006, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

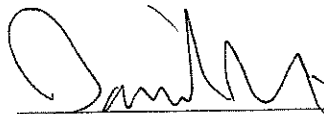
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

North Fork Highlands Property Owners Association Inc
444 B St
Idaho Falls, ID 83402

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form