

RECEIVED

NOV 14 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. 21-90

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.

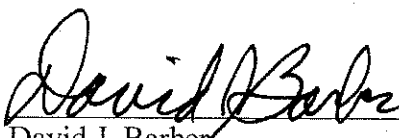
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

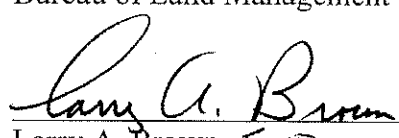
State of Idaho – Dept of Parks & Recreation

OBJECTOR(s):

United States of America on behalf of the
Bureau of Land Management


David J. Barber
Attorney for the State of Idaho

Date


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

Date

IDWR Concurrence:

Ernest Carlsen 10-30-06
Ernest Carlsen Date
Water Resource Program Manager

Nicholas Spencer 10-31-06
Nicholas Spencer Date
Deputy Attorney General

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

RIGHT NUMBER: 21-90

NAME AND ADDRESS:

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: Source: SHERIDAN CREEK

Tributary: HENRYS FORK

QUANTITY: 3.200 CFS

FWP

PRIORITY DATE: 09/26/1902

POINT OF DIVERSION:

T13N R41E S27 NWSW
Within FREMONT County

T13N R41E S34 NWNE
Within FREMONT County

T13N R41E S35 SWNE
Within FREMONT County

LAC

EMC
NBS

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	3.200 CFS

D/B

PLACE OF USE: IRRIGATION within FREMONT County

T12N R41E S01 Lot 3 NENW 9.1

T12N R41E S01 NWSW 8.2

T12N R41E S02 Lot 1 NENE 7.3

T12N R41E S02 Lot 2 NWNE 23.0

T12N R41E S02 Lot 3 NENW 29.0

~~T12N R41E S02 Lot 4 NWNW 3.1~~

T12N R41E S02 NESW 10.0

T12N R41E S02 NESE 27.0

T12N R41E S02 NWSE 26.0

T13N R41E S26 NESW 17.0

T13N R41E S26 NWSW 19.0

T13N R41E S26 SWSW 23.0

T13N R41E S26 SESW 40.0

T13N R41E S26 SWSE 11.0

T13N R41E S35 NENE 33.0

T13N R41E S35 NWNE 25.0

T13N R41E S35 SENE 30.0

T13N R41E S35 NENW 8.5

T13N R41E S35 NESE 1.3

T13N R41E S36 SWNE 6.8

T13N R41E S36 NENW 4.5

T13N R41E S36 NWNW 20.0

T13N R41E S36 SWNW 40.0

T13N R41E S36 SENW 39.0

T13N R41E S36 NESW 40.0

T13N R41E S36 NWSW 39.0
T13N R41E S36 SWSW 14.0
T13N R41E S36 SESW 40.0
T13N R41E S36 NWSE 22.0
T13N R41E S36 SWSE 10.0

622.7 ACRES TOTAL

~~625.8 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 622.7 acres in a single irrigation season. Combined Right Nos.: 21-91, 21-11277, 21-2049, 21-92, 21-11276, and 21-90.

Fup

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

LAB

*EMC
NBS*

D/B

CERTIFICATE OF MAILING

I certify that on Nov. 9, 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:

USDI Bureau of Land Management
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

State of Idaho
Office of the Attorney General
700 W Jefferson, Room 210
PO Box 44449
Boise, ID 83711-4449
Attn: David J. Barber

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



Signature of person mailing the form