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DEPARTMENT OF
WATER RESOURCES

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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. 27-4106
)

Case No. 39576

) STANDARD FORM 5
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

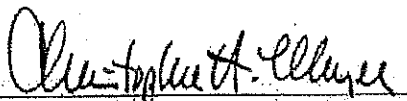
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

City of Blackfoot

 9-20-2006

Christopher H. Meyer Date
Attorney for Claimant/Objector

OBJECTOR:

Jeanette Wolfley 2/1/07
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

David J. Barber 1/22/07
David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Ernest Carlsen 9-25-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice M. McHugh 9/25/06
Candice M. McHugh Date
Deputy Attorney General
Attorney for IDWR

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

all

RIGHT NUMBER: 27-4106
NAME AND ADDRESS: CITY OF BLACKFOOT
157 N BROADWAY
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.840 CFS
1,332.10 AFY

Diversion of water from the well located in SWSW, S30, T2S, R35E shall not exceed 4.00 cfs.

PRIORITY DATE: 02/05/1921

POINT OF DIVERSION:

T02S R35E S30 SESWSW Within BINGHAM County
T03S R35E S2 SENWNW Within BINGHAM County
T03S R35E S3 NWSWNE Within BINGHAM County
T03S R35E S3 SWNESE Within BINGHAM County
T03S R35E S4 SWNWNE Lot 2 Within BINGHAM County
T03S R35E S4 SENESW Within BINGHAM County
T03S R35E S10 NESWNE Within BINGHAM County
T03S R35E S10 NWNWNW Within BINGHAM County

EMC
Sm^e *ju*
D/B

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
1.840 CFS
1,332.10 AFY

PLACE OF USE:

Place of use is within the service area of the City of Blackfoot municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

CERTIFICATE OF MAILING

I certify that on February 5, 200~~8~~⁷, 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

CITY OF BLACKFOOT

Represented by:
CHRISTOPHER H. MEYER
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

SHOSHONE-BANNOCK TRIBES

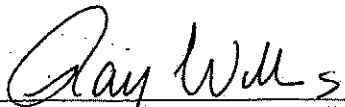
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 4449
BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form