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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. 21-12893
)
) Standard Form 5
Case No. 39576)
) 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 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 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:

Michael & Catherin Legge Family
Limited Partnership

Kent W. Foster 1/22/07
Date
Holden, Kidwell, Hahn & Crapo, PLLC
Of Attorneys for claimant

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 2/7/2007
Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlson 1-29-07
Date

IDWR CONCURRENCE:

Nicholas B. Spencer 2-2-07
Date
Deputy Attorney General

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

RIGHT NUMBER: 21-12893

NAME AND ADDRESS: MICHAEL & CATHERINE LEGGE FAMILY LIMITED PARTNERSHIP
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83401

SOURCE: TIMBER CREEK TRIBUTARY: HENRYS LAKE

QUANTITY: ~~0.400~~ 0.500 CFS

FWP LAB

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~10/31/1950~~ 07-24-1897

POINT OF DIVERSION: T16N R42E S25 SENWSE Within FREMONT County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05/01 10/31	0.500 CFS
	STOCKWATER	04/01 10/31	0.040 CFS

PLACE OF USE:	IRRIGATION	Within FREMONT County	
	T16N R43E S31	Lot 1 (NWNW)	18.00
	T16N R43E S31	Lot 2 (SWNW)	7.00
	STOCKWATER	Within FREMONT County	
	T16N R43E S31	Lot 1 (NWNW)	
	T16N R43E S31	Lot 2 (SWNW)	
	25 ACRES TOTAL		

Place of use does not include federal public land.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
The quantity of water decreed for this water right for stockwater use 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

Emc
NBS

CERTIFICATE OF MAILING

I certify that on Feb. 7, ²⁰⁰⁷~~2006~~ 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
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

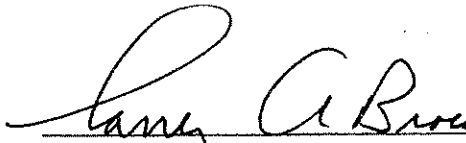
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Michael & Catherine Legge Family Limited Partnership
c/o Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
Idaho Falls, Idaho 83401



Signature of person or attorney mailing the form