

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

Case No. 39576

) Subcase No. 27- 11967

) 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):

Joseph Holbrook 10-12-06 Todd Holbrook 10-12-06
Joseph Holbrook Date Todd Holbrook Date

STANDARD FORM 5

OBJECTOR(s):

Jeannette Wolfley 10/12/06
Jeannette Wolfley Date
Shoshone-Bannock Tribes

_____ Date

RESPONDENT(s):

David Barber 2/12/2007
State of Idaho Date

_____ Date

IDWR Concurrence:

Ernie Carlsen 10-12-06
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 2/9/07
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR
GARRICK BAXTER

11/09/2005

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

RIGHT NUMBER: 27-11967
NAME AND ADDRESS: JOSEPH HOLBROOK
21 N 4TH E
SODA SPRINGS ID 83276

TODD C HOLBROOK
1477 TEN MILE PASS RD
PO BOX 127
BANCROFT ID 83217

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.020 CFS (~~0.32 AFT~~) (0.27 AFT)
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/06/1931

POINT OF
DIVERSION: T06S R40E S19 SWNWNE Begin of Stream Flow Within CARIBOU County
T06S R40E S19 SENWNE End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
05/01 10/01

QUANTITY
0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County
T06S R40E S19 NWNE

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

35 pairs x 20 gals/pair/day x ~~130~~ days x $\frac{1}{130}$ $\Rightarrow$ ~~0.32 AFT~~
0.27 AFT

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

RIGHT NUMBER: 27-11967

NAME AND ADDRESS:

JOSEPH HOLBROOK
21 N 4TH E
SODA SPRINGS ID 83276
TODD C HOLBROOK
1477 TEN MILE PASS RD
PO BOX 127
BANCROFT ID 83217

SOURCE: Source: Tributary:
SPRING SINKS

QUANTITY: 0.020 CFS

0.270 AFY

~~0.000 AFY~~

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

PRIORITY DATE: 07/06/1931

POINT OF DIVERSION:

T06S R40E S19 SWNWNE Begin of Stream Flow
Within CARIBOU County

T06S R40E S19 SENWNE End of Stream Flow
Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	STOCKWATER	05/01 10/01	0.020 CFS <u>0.27 AFY</u>

PLACE OF USE: STOCKWATER within CARIBOU County
T06S R40E S19 NWNE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on February 12, 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:

Todd C. Holbrook
1477 Ten Mile Pass Rd.
P.O. Box 127
Bancroft, ID 83217
Joseph Holbrook
21 N 4th E
Soda Springs ID 83276

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

Shoshone-Bannock Tribes
Represented by:

Jeanette Wolley
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
P.O. Box 44449
Boise, ID 83711-4449

Ray Williams
Signature of person or attorney mailing the form