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APR 9 2007

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. <u>74-07101</u>
	)	
	)	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:

James O. Weiss

James O. Weiss 31 Mar 07
James O. Weiss Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 4/5/07
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlsen 3-22-07
Ernest Carlsen Date
Water Resource Program Manager

IDWR CONCURRENCE:

Christopher M. Bromley 3/22/07
Christopher M. Bromley Date
Deputy Attorney General

01/19/2006

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

RIGHT NUMBER: 74-7101
NAME AND ADDRESS: JAMES O WEISS
PO BOX 62
WISDOM MT 89761

EMK

SOURCE: BALDY CREEK

TRIBUTARY: LEMMI RIVER

B

QUANTITY: 0.175 CFS
72.20 AFY

*11B
Low*

PRIORITY DATE: 03/26/1981

POINT OF DIVERSION: T19N R23E S13 SWNW Within LEMMI County

DN

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	0.175 CFS 72.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within LEMMI County

T19N R23E S13	SWNE	4.00	T19N R23E S13	SENE	3.00
T19N R23E S13	NENE	16.00	T19N R23E S13	NWNE	24.00

47 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

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 42-1912(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

01/19/2006

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

RIGHT NUMBER: 74-7101
NAME AND ADDRESS: JAMES O WEISS
PO BOX 62
WISDOM MT 59761

SOURCE: BALDY CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.170 CFS
72.20 AFY

PRIORITY DATE: 03/26/1981

POINT OF
DIVERSION: T19N R23E S13 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

4/01 11/01

QUANTITY

0.170 CFS
72.20 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within LEMHI County

T19N R23E S13	SWNE	4.00	T19N R23E S13	SENE	3.00
T19N R23E S13	NESE	16.00	T19N R23E S13	NWSE	24.00

47 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

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 - License

- this page included
for readability

CERTIFICATE OF MAILING

I certify that on April 5, 2007 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

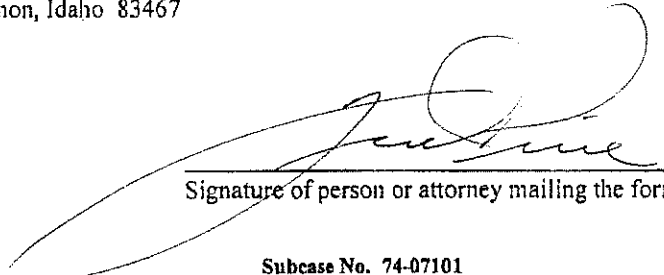
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

James O. Weiss
P.O. Box 62
Wisdom, MT 59761

James O. Weiss
#8 Haynes Creek Road
Salmon, Idaho 83467



Signature of person or attorney mailing the form



Fredric
Price/IDSO/ID/BLM/DOI
04/05/2007 04:06 PM

To larry.brown@usdoj.gov, david.negri@usdoj.gov
cc Sherman Beazer/IDSO/ID/BLM/DOI
bcc

Subject SF-5s FedEx'd to Court Today

Larry, David,

Thank you very much David for signing off on a pile of SF-5s (14) while Larry is on vacation! I completed Certificate of Mailing and FedEx'd the originals to the court.

Fred

SUBCASES	CLAIMANT
27-11960	Circle Two Bar Ranch, Inc. (Burch)
74-00006	Martin
74-00007	Martin
74-00619	Martin
74-00630A	Barrett
74-00630D	McAfee (Shane)
74-00918	Martin
74-01593	McKinney (Sam & Barbara)
74-01599	McKinney (Sam & Barbara)
74-01832	McNellis (Terry & Jessica)
74-02057	McNellis (Terry & Jessica)
74-07101	Weiss
74-15021	Andrews (Melvin & Martha)
74-15603	Kossler