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APR 18 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. 21-00178
)
) 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:

The Nature Conservancy

Lou Lunte

4-11-07

~~Lou Lunte~~

Date

~~Director of Conservation Programs~~

Laura Hubbard

Idaho State Director

IDWR CONCURRENCE:

Ernest Carlsen

4-2-07

Ernest Carlsen

Date

Water Resource Program Manager

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Dan Vigneri

4/13/07

~~Larry A. Brown~~

Date

Attorney, U.S. Department of Justice

Environment and Natural Resources Div.

IDWR CONCURRENCE:

Nicholas B. Spencer

4-9-07

Nicholas B. Spencer (as to form)

Date

Deputy Attorney General

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

RIGHT NUMBER: 21-178

NAME AND ADDRESS:

THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

SOURCE:

Source:

TWIN CREEK

Tributary:

HENRYS FORK

QUANTITY:

2.000 CFS

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

PRIORITY DATE:

06/01/1912

POINT OF DIVERSION:

T14N R43E S1 Lot 2 NENWNE
Within FREMONT County

~~T15N R43E S36 NENENE~~
~~Within FREMONT County~~
~~T15N R43E S36 SWSENE~~
~~Within FREMONT County~~

T15N R43E S36 NESESE
Within FREMONT County

~~T15N R43E S36 NENENE~~
~~Within FREMONT County~~
~~T15N R43E S36 SWSENE~~
~~Within FREMONT County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

5/1 10/31

2.000 CFS

STOCKWATER

01/01 12/31

0.230 CFS

PLACE OF USE:

IRRIGATION within FREMONT County

T14N R43E S01 Lot 1 NENE 40.0

T14N R43E S01 Lot 2 NWNE 32.0

T14N R43E S01 SWNE 16.0

T14N R43E S01 SENE 40.0

T14N R43E S01 Lot 3 NENW 0.8

~~T14N R43E S01 Lot 2 NWNE 38.0~~

~~T14N R43E S01 SWNE 37.0~~

~~T14N R43E S01 Lot 3 NENW 39.0~~

~~T14N R43E S01 Lot 4 NWNW 40.0~~

~~T14N R43E S01 SWNW 40.0~~

~~T14N R43E S01 SENW 40.0~~

~~T14N R43E S01 NESW 40.0~~

~~T14N R43E S01 SESW 40.0~~

T14N R43E S01 NESE 40.0

T14N R43E S01 NWSE 9.8

T14N R43E S01 SWSE 0.3

T14N R43E S01 SESE 23.0

T14N R44E S06 Lot 4 NWNW 33.0

T14N R44E S06 Lot 5 SWNW 34.0

T14N R44E S06 NESW 33.0

T14N R44E S06 Lot 6 NWSW 34.0

T14N R44E S06 Lot 7 SWSW 34.0

T14N R44E S06 SESW 40.0

~~T14N R44E S06 NESW 40.0~~

SF5: 21-178

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9:00 A.M.

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

T14N R44E S07 NENE 29.0
T14N R44E S07 NWNE 40.0
T14N R44E S07 SWNE 40.0
T14N R44E S07 SENE 32.0
T14N R44E S07 NENW 40.0

T14N R44E S07 SENW 2.8
T14N R44E S07 Lot 4 SENW 25.0
T14N R44E S07 Lot 7 SENW 2.9
T14N R44E S07 NESW 0.1
T14N R44E S07 Lot 6 NESW 0.6

T14N R44E S07 NESE 0.5
T14N R44E S07 Lot 5 NESE 33.0

T14N R44E S07 NWSE 1.1
T14N R44E S07 Lot 6 NWSE 0.1
T14N R44E S07 Lot 6 NWSE 26.0

T14N R44E S07 Lot 6 NWSE 0.3

T14N R44E S07 SESE 0.2
T14N R44E S07 Lot 5 SESE 0.4

~~T14N R44E S07 NENE 40.0~~

~~T14N R44E S07 SENE 40.0~~

~~T14N R44E S07 Lot 1 NWNW 19.0~~
~~T14N R44E S07 Lot 2 NWNW 9.3~~
~~T14N R44E S07 Lot 3 SWSW 28.0~~
~~T14N R44E S07 Lot 4 SWSW 4.5~~

~~T14N R44E S07 Lot 4 SENW 27.0~~
~~T14N R44E S07 Lot 7 SENW 8.9~~

~~T14N R44E S07 Lot 6 NESW 1.5~~
~~T14N R44E S07 Lot 7 NESW 37.0~~
~~T14N R44E S07 Lot 8 NWSW 35.0~~
~~T14N R44E S07 Lot 9 SWSW 36.0~~
~~T14N R44E S07 SESE 38.0~~

~~T14N R44E S07 Lot 5 NESE 37.0~~
~~T14N R44E S07 Lot 12 NESE 1.5~~

~~T14N R44E S07 Lot 6 NWSE 9.0~~
~~T14N R44E S07 Lot 6 NWSE 27.0~~

~~T14N R44E S07 Lot 6 NWSE 0.3~~
~~T14N R44E S07 Lot 10 NWSE 40.0~~

~~T14N R44E S07 Lot 11 SESE 18.0~~
~~T14N R44E S07 Lot 12 SESE 8.6~~
~~T14N R44E S07 Lot 13 SESE 0.3~~
~~T14N R44E S08 Lot 3 SWSW 11.0~~
~~T14N R44E S08 Lot 3 SWSW 25.0~~
~~T14N R44E S17 Lot 1 NWNW 28.0~~
~~T14N R44E S17 Lot 2 NWNW 0.3~~
~~T14N R44E S17 Lot 4 NWNW 0.1~~
~~T14N R44E S18 Lot 1 NENE 0.3~~
~~T14N R44E S18 Lot 1 NENE 0.1~~
~~T14N R44E S18 Lot 2 NENE 2.4~~
~~T14N R44E S18 Lot 3 NENE 34.0~~
~~T14N R44E S18 Lot 8 NENE 0.3~~
~~T14N R44E S18 Lot 7 SENE 12.0~~
~~T14N R44E S18 Lot 8 SENE 25.0~~

~~STOCKWATER within FREMONT County~~

~~T14N R43E S01 Lot 1 NENE~~
~~T14N R43E S01 Lot 2 NWNE~~
~~T14N R43E S01 SWNE~~
~~T14N R43E S01 SENE~~
~~T14N R43E S01 Lot 3 NENW~~
~~T14N R43E S01 Lot 4 NWNW~~
~~T14N R43E S01 SWNW~~
~~T14N R43E S01 SENW~~
~~T14N R43E S01 NESW~~
~~T14N R43E S01 SESE~~
~~T14N R43E S01 NESE~~
~~T14N R43E S01 NWSE~~
~~T14N R43E S01 SWSE~~
~~T14N R43E S01 SESE~~

EMC
NBS
MS
LAH.
DN

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

T14N R44E S06 Lot 4 NWRW
T14N R44E S06 Lot 5 SWNW
T14N R44E S06 NBSW
T14N R44E S06 Lot 6 NWSW
T14N R44E S06 Lot 7 SWSW
T14N R44E S06 SESEW

SMC
NBS
MS
CASH
PN

STOCKWATER Same as IRRIGATION

683.9 ACRES TOTAL

1498.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 683.9 acres in a single irrigation season. Combined Right Nos.: 21-178, 21-179

This right is limited to the irrigation of 734 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1498.2 acres in a single irrigation season. Combined Right Nos.: 21-178, 21-179, 21-11192, 21-12906

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 for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SF5: 21-178

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CERTIFICATE OF MAILING

I certify that on 4-13-07, 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:

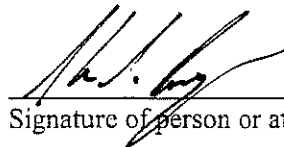
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

The Nature Conservancy
116 1st Ave N
Hailey, Idaho 83333-8411



Signature of person or attorney mailing the form