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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. 21-04063
)
) 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:

Wilcox Brothers, L.L.C.

Ronald D. Wilcox 6-14-06
Ronald D. Wilcox Date
Registered Agent

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 4/12/07
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest M. Carlson 6-27-06
Ernest M. Carlson Date
Deputy Attorney General

IDWR CONCURRENCE:

Nicholas B. Spencer 4-11-07
Nicholas B. Spencer (as to form) Date
Deputy Attorney General

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

RIGHT NUMBER: 21-4063

NAME AND ADDRESS:

WILCOX BROTHERS LLC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

SOURCE:

Source:

FALL RIVER

Tributary:

HENRYS FORK

QUANTITY:

0.070 CFS

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

PRIORITY DATE:

06/01/1888

POINT OF DIVERSION:

~~T08N R42E S20 SWNW~~
Within FREMONT County

T08N R42E S20 Lot 5 SWNW
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

11/01 04/01

0.070 CFS

FWP

EMC
RW
NBS
RW

PLACE OF USE:

STOCKWATER

within FREMONT County

~~T08N R41E S13 NWSW~~

T08N R41E S13 Lot 11 NWSW

~~T08N R41E S13 SWSW~~

T08N R41E S13 Lot 11 SWSW

~~T08N R41E S14 NESE~~

T08N R41E S14 Lot 2 NESE

~~T08N R41E S14 NWSE~~

T08N R41E S14 Lot 3 NWSE

~~T08N R41E S14 SWSE~~

T08N R41E S14 Lot 3 SWSE

T08N R41E S14 SESE

T08N R41E S23 NENE

~~T08N R41E S23 NWNE~~

T08N R41E S23 Lot 1 NWNE

T08N R41E S23 SWNE

T08N R41E S23 SENE

T08N R41E S24 NWNW

ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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
Water is delivered through Curr ditch.
~~Water is delivered through Silky ditch.~~

FWP
EMC
RW
NBS
PN

CERTIFICATE OF MAILING

I certify that on 4-13, 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

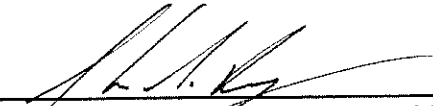
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Wilcox Brothers, L.L.C
1110 Golden Beauty DR
Rexburg, Idaho 83440

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby & Moeller, Chtd.
P.O. Box 250
Rexburg, Idaho 83440
Of attorneys for Claimant



Signature of person or attorney mailing the form