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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. 21-12892

)

) 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 /OBJECTOR:

The Nature Conservancy

Lou Lunte
Lou Lunte

4-11-07
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

Larry A. Brown 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: 21-12892

NAME AND ADDRESS:

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

SOURCE:

Source:
SOUTH FORK TWIN CREEK
~~TWIN CREEK~~

Tributary:
HENRYS FORK

SMC
NBS
MB
CAH
PN

QUANTITY:

1.740 CFS
0.000 AFY

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

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T15N R44E S31 Lot 4 NWNWNW
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	1.740 CFS
STOCKWATER	04/15 10/15	0.070 CFS

PLACE OF USE:

IRRIGATION within FREMONT County

~~T15N R44E S31 80.0~~

T15N R44E S31 NWSW 19.2

T15N R44E S31 SWSW 29.1

STOCKWATER within FREMONT County

T15N R44E S31 NWNW

T15N R44E S31 SWNW

T15N R44E S31 NWSW

T15N R44E S31 SWSW

48.3 ACRES TOTAL

80 ACRES TOTAL

Right Nos. 21-176 and 21-12892 are limited to the irrigation of a combined total of 48.3 acres in a single irrigation season.

Place of use does not include federal public lands.

~~Right Nos. 176 and 12892 are limited to the irrigation of a combined total of 80 acres in a single irrigation season.~~

~~This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.~~

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 - Decreed
ORIGINALLY FILED AS CLAIM NO. 01-339.

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APR 12 2007

9:00 A.M.

SF5: 21-12892

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:

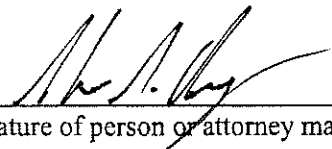
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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