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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. <u>74-00852</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.

CLAIMANTS:

Robert T. Berasi
Amy Berasi

<u>Robert T. Berasi</u>	<u>3-28-07</u>
Robert T. Berasi	Date
<u>Amy Berasi</u>	<u>3/28/07</u>
Amy Berasi	Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

<u>David N. Brown</u>	<u>4/13/07</u>
Larry A. Brown <i>FWP</i>	Date
Attorney, U.S. Department of Justice Environment and Natural Resources Div.	

IDWR CONCURRENCE:

<u>Carly Fritsch</u>	<u>4-5-07</u>
	Date

IDWR CONCURRENCE:

<u>Christopher M. Bromley</u>	<u>4/5/07</u>
Christopher M. Bromley	Date
Deputy Attorney General	

01/19/2006

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

RIGHT NUMBER: 74-852
NAME AND ADDRESS: AMY BERASI
36 SEVENTEEN MILE RD
SALMON ID 83467

ROBERT T BERASI
36 SEVENTEEN MILE RD
SALMON ID 83467

SOURCE: KENNEY CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.040 CFS
PRIORITY DATE: 11/01/1977

POINT OF
DIVERSION: T20N R24E S29 SWSW Within LEMHI County
PURPOSE AND
PERIOD OF USE:

Fwp
DN

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.040 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T20N R24E S31 NWNE 2.00
2 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

CA
CB

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 - Decreed

CERTIFICATE OF MAILING

I certify that on 4-13, 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:

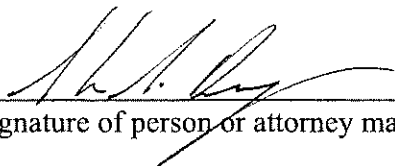
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

Robert T. & Amy Berasi
26 Seventeen Mile Rd
Salmon, ID 83467



Signature of person or attorney mailing the form