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DEPARTMENT OF
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Eastern Region

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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

Case No. 39576

Subcase No. 27-11205

AMENDED
STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 APR 26 PM 10 44

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 whether 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 Basin 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 Loveland Family Trust

OBJECTOR:

Shoshone-Bannock Tribes

Karl C. Loveland Feb 7 2007
Karl C. Loveland Date
Title:

Jeanette Wolfley
Jeanette Wolfley
Attorney for Shoshone-Bannock Tribes

AMENDED STANDARD FORM 5 - 27-11205

RESPONDENT:

David J. Barber 2/15/2007
David J. Barber Date
Attorney for State of Idaho

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IDWR Concurrence:

Ernest Carlsen 3-22-2007
Ernest Carlsen Date
Water Resources Program Manager

Garrick L. Baxter 2/2/07
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

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RIGHT NUMBER: 27-11205

NAME AND ADDRESS:

THE LOVELAND FAMILY TRUST
RT 6 BOX 680
POCATELLO ID 83202

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.440 CFS
14.000 AFY

0.050 CFS

gw

13 KC-L

ENC

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

PRIORITY DATE:

01/31/1939

2/13

POINT OF DIVERSION:

T04S R35E S29 SWSW
Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.440 CFS

14.00 AFY

0.050 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE:

STOCKWATER

within BINGHAM County

T04S R35E S29 SWSW

DOMESTIC

within BINGHAM County

T04S R35E S29 SWSW

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

~~The quantity of water decreed for this water right for domestic use is not a
determination of historical beneficial use.~~

The quantity of water decreed for this water right 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 - Beneficial Use

STOCKWATER 2000 CATTLE PARCEL NO. RP 0635301

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CERTIFICATE OF MAILING

I certify that on April 24, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

THE LOVELAND FAMILY TRUST

RT 6 BOX 680
POCATELLO, ID 83202

Deserae D. Kramer

Signature of person or attorney mailing the form

AMENDED STANDARD FORM 5 -27-11205