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MAY 02 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

Case No. 39576

Subcase No.: 74-1049A

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

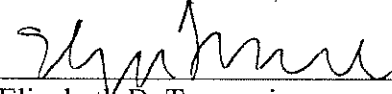
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

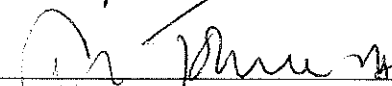
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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.

CLAIMANTS:

Elizabeth D. Tonsmeire
Tonsmeire Properties, LLC

 4/23/07
Elizabeth D. Tonsmeire Date

 4/23/07
Arthur Tonsmeire III, Manager Date
Tonsmeire Properties, LLC

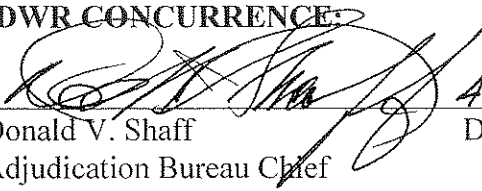
OBJECTOR:

United States on behalf of the
Bureau of Land Management

 4/26/2007
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

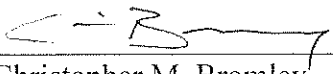
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BLM ISO MR
APR 25 2007
9:00 A.M.

IDWR CONCURRENCE:


Donald V. Shaff
Adjudication Bureau Chief

4-10-07
Date

IDWR CONCURRENCE:


Christopher M. Bromley
Deputy Attorney General
Attorney for IDWR

4/10/07
Date

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APR 25 2007

9:00 A.M.

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

RIGHT NUMBER: 74-1049A

NAME AND ADDRESS: ELIZABETH D TONSMEIRE
6 S SUMMIT ST 710 S MOBILE ST #18
FAIRHOPE AL 36532 FAIRHOPE AL 36532

TONSMEIRE PROPERTIES LLC
6 S SUMMIT ST 710 S MOBILE ST #18
FAIRHOPE AL 36532 FAIRHOPE AL 36532

SOURCE: HAYDEN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.280 CFS
150.50 AFY

PRIORITY DATE: 04/01/1935

POINT OF
DIVERSION: T17N R23E S14 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.280 CFS 150.50 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T17N R23E S14	SWNW	4.00	T17N R23E S14	SENW	16.00
T17N R23E S14	NESW	5.00	T17N R23E S14	NWSW	18.00

43 ACRES TOTAL

Place of use does not include federal public lands

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

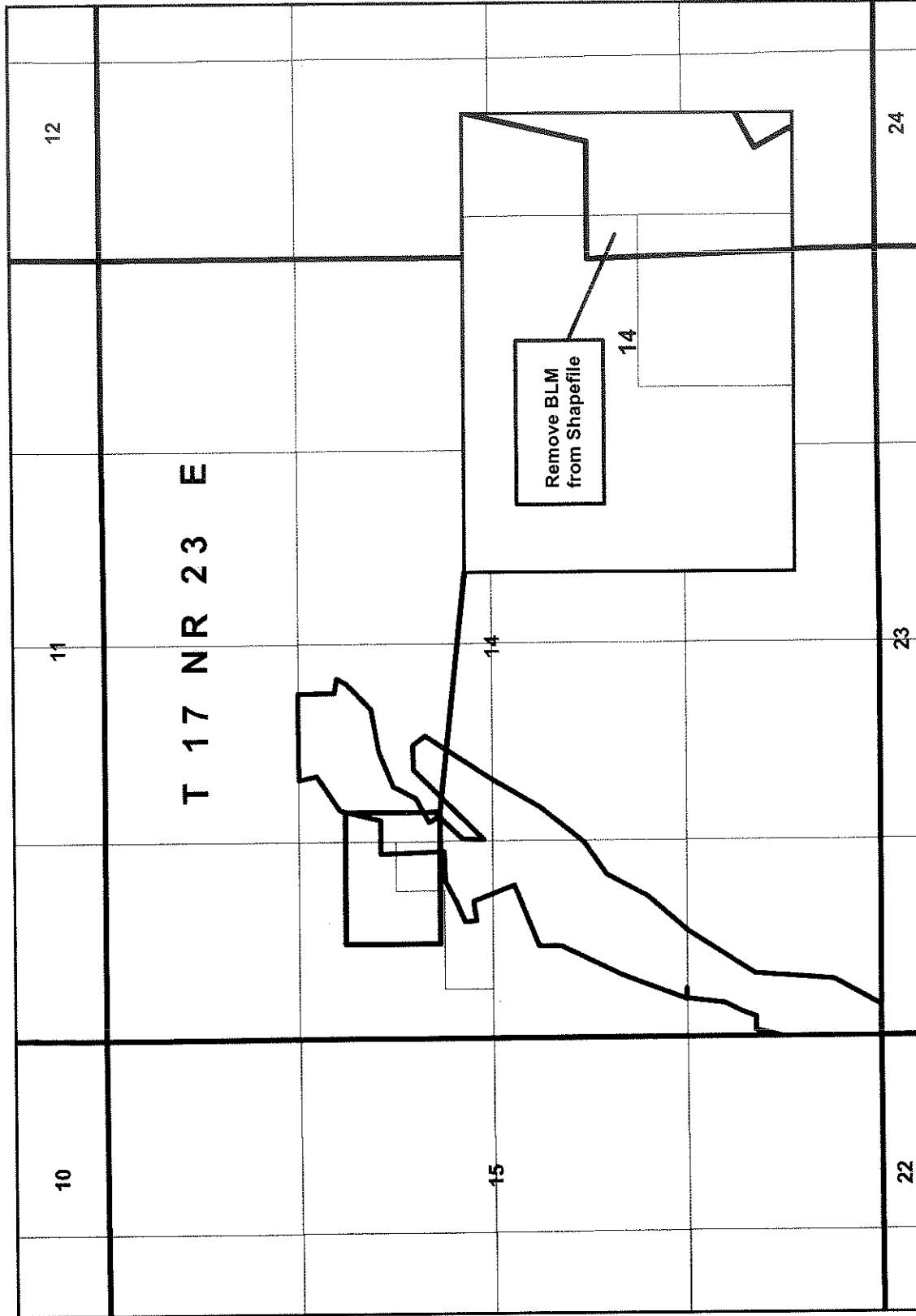
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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74-01049A

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9:00AM

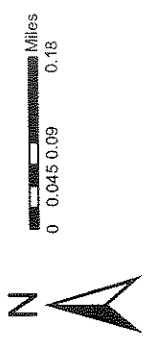


Place of Use

Land Status

Owner Type

- BLM
- PRIVATE
- STATE
- USFS

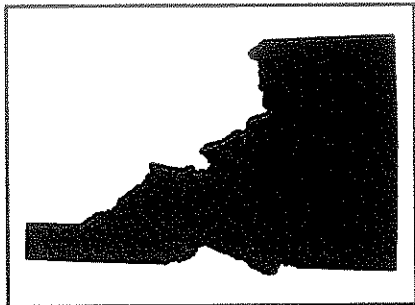
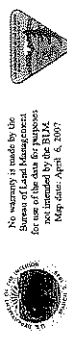


U.S. Department of the Interior
Bureau of Land Management
1307 S. Vineyard Way
Bozeman, MT 59719

No warranty is made by the BLM for the use of the data for purposes not intended by the BLM. Map date: April 6, 2007

GCDDB data maintained by Bureau of Land Management Idaho State Office

NAD 1983



CERTIFICATE OF SERVICE

I certify that on Apr. 26, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Elizabeth D. Tonsmeire
6 S. Summit St.
Fairhope, AL 36532

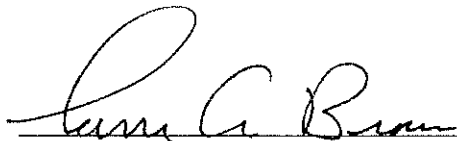
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Arthur Tonsmeire III
Tonsmeire Properties, LLC
6 S. Summit St.
Fairhope, AL 36532

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form