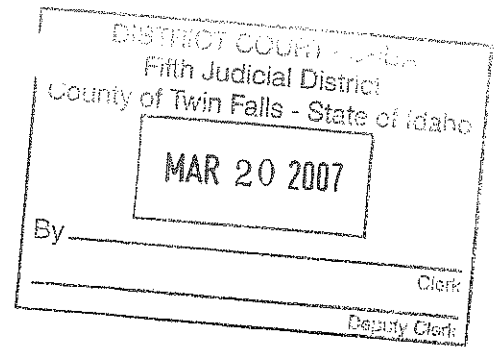




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 63-16383

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.

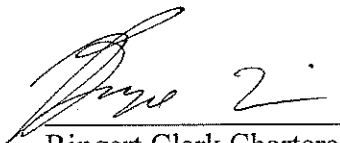
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached recommendation. The parties and IDWR further agree and stipulate that the attached is a digital depiction of the boundary produced by IDWR.

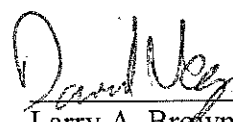
CLAIMANT:

Eureka Water Co.

OBJECTOR:

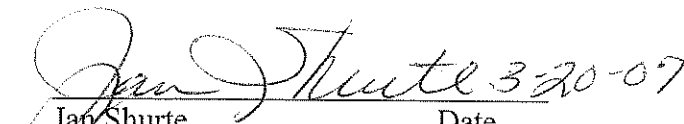
Bureau of Land Management

 2 3/20/07
Ringert Clark Chartered Date
Attorney for Claimant

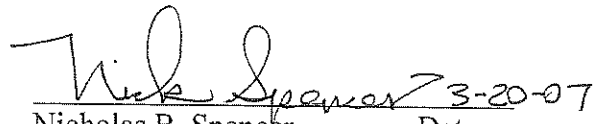
 for LAB 3/20/07
Larry A. Brown Date
Attorney for BLM

STANDARD FORM 5 – 63-16383

IDWR Concurrence:


Jan Shurte
Water Rights Supervisor

Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

06/27/2005

IDAHO DEPARTMENT OF WATER RESOURCES
~~PRELIMINARY~~ RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-16383
NAME AND ADDRESS: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID 83642

SOURCE: PHYLLIS SLOUGH
TRIBUTARY: BOISE RIVER

QUANTITY: 2.310 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:
T04N R01W S22 SWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.310 CFS
STOCKWATER	01/01 12/31	0.240 CFS

ON
NBS
SFF

PLACE OF USE:

1826 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1826 ACRES WITHIN THE BOUNDARY OF THE EUREKA WATER COMPANY.

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 - Beneficial Use
WATER IS DELIVERED THROUGH THE EUREKA CANAL.

CERTIFICATE OF MAILING

I certify that on March 20, 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:
hand delivered

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

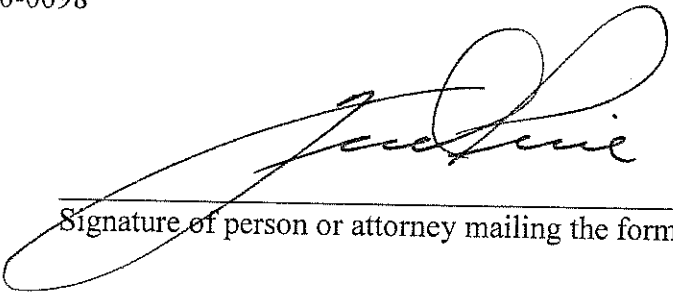
2. UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

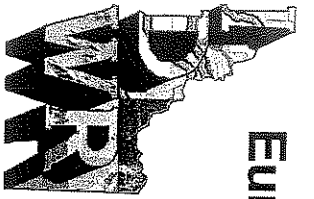
EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN, ID 83642

RINGERT CLARK CHARTERED
455 S 3RD
PO BOX 2773
BOISE, ID 83701-2773

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form



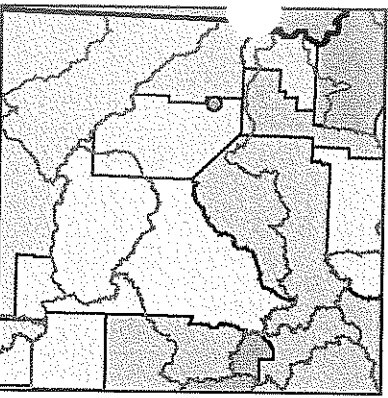
Eureka Water Co

SRBA Recommendations: 63-145, 63-16383

Service Area Boundary
GIS Place of Use Illustration

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



Prepared by D. Favreau
On Friday, March 16, 2007
1987/88 Aerial Photography

