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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. 21-12985

Case No. 39576

STIPULATION TO RESOLVE
USDI-BLM OBJECTION

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 claimants, Robert & Donna Fuchs, objector, USDI-BLM, and IDWR agree and stipulate that the place of use element of this water right should be described per the attached. The claimants, objector, and IDWR have further indicated their concurrence by initialing each of the attached pages. This stipulation resolves only the USDI-BLM's objection to the irrigated acres within the place of use. Any issues arising from the dispute(s) on the Silkey Canal will proceed as scheduled.

CLAIMANT(s):

Robert & Donna Fuchs

OBJECTOR(s):

USDI-BLM

Donna Fuchs 6/11/07
Ray W. Rigby *Ray W. Rigby* Date 6-11-07
Attorney

Donna Fuchs 6/19/07
Larry A. Brown *LAB* Date
Dept of Justice

STIPULATION TO PARTIALLY RESOLVE OBJECTION – 21-12985

IDWR Concurrence:


Trent Galbraith
IDWR Water Resource Agent

5-2-07
Date


Nicholas B. Spencer
Deputy Attorney General

5-2-07
Date

STIPULATION TO PARTIALLY RESOLVE OBJECTION – 21-12985

IDAHO DEPARTMENT OF WATER RESOURCES REVISED
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12985

NAME AND ADDRESS: DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442

ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 3.500 CFS

The rights listed below are limited to a total combined diversion rate of 3.5 cfs.

Combined Right Nos.: 21-114C, 21-115A, 21-12991

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

PRIORITY DATE: 12/10/1949

POINT OF
DIVERSION:

T09N R43E S35 SENWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.500 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in FREMONT County

T08N R41E S12 Lot 1 SENE	31.00	T08N R42E S06 Lot 9 NESW	21.00		
T08N R42E S06	SESSE	40.00	T08N R42E S06	NESE	39.00
T08N R42E S06 Lot 14 NWSE	32.00	T08N R42E S06	SWSE	40.00	
T08N R42E S06	SESE	40.00	T08N R42E S07	NENE	40.00
T08N R42E S07	NWNE	40.00	T08N R42E S07	NENW	40.00
T08N R42E S07 Lot 1 NWNW	27.00	T08N R42E S07 Lot 2 SWNW	30.00		
T08N R42E S07 Lot 3 NWSW	30.00	T08N R42E S07 Lot 4 SWSW	30.00		

~~T08N R42E S06 Lot 8 SENE 9.00~~

STOCKWATER same as IRRIGATION

480 ACRES TOTAL

~~The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991~~

The rights listed below are limited to the irrigation of a combined total of 480 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991

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

This right is based upon an enlargement of Right No. 21-114C pursuant to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 343 acres within the place of use described for this right.

Stipulation Agreement: 21-12985

TK
NBS
FWP D.J.F.
RWR
DN

CERTIFICATE OF MAILING

I certify that on June 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:

1. Original to:

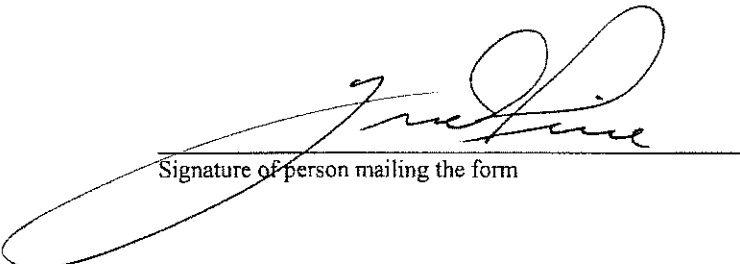
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Ray W. Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

USDI-BLM
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form