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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 16 2007	
By _____	Clerk _____
Deputy Clerk _____	

**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. 63-25742
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

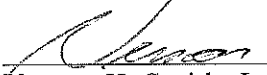
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

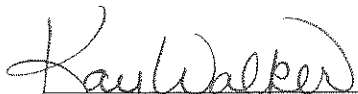
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

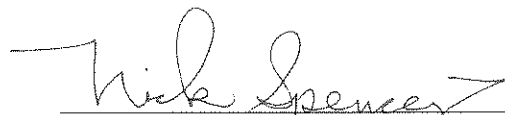
CLAIMANT(s)/OBJECTOR(s):

Estate of Vernon K. Smith
Victoria H. Smith


Vernon K. Smith, Jr. Date
Attorney for Claimants/Objectors

IDWR Concurrence:

 6-26-07
Kay Walker Date
Senior Water Resource Agent

 6-25-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-25742

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

RIGHT NUMBER: 63-25742

NAME AND ADDRESS: VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S26 NESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITYDOMESTIC01/01 12/310.040 CFSDomestic use is for motorcycle restoration purposes.

PLACE OF USE:

DOMESTIC in ADA CountyT04N R01E S26 SENW

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

SF5 Right No. 63-25742

CERTIFICATE OF MAILING

I certify that on Aug. 14, 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:

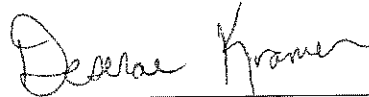
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

VICTORIA H SMITH
Represented by:
VERNON K. SMITH JR.
1900 W MAIN ST
BOISE, ID 83702

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE, ID 83714

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form