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DEPARTMENT OF
WATER RESOURCES

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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. 63-25744

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

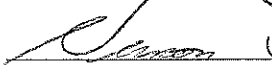
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

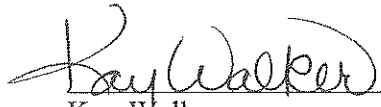
CLAIMANT(s)/OBJECTOR(s):

Estate of Vernon K. Smith
Victoria H. Smith

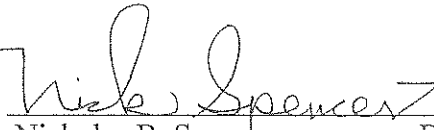

Vernon K. Smith, Jr. Date
Attorney for Claimants/Objectors

7/10/07

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. 63-25744

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

RIGHT NUMBER: 63-25744

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: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.530 CFS

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

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S23 N6WSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.100 CFS
IRRIGATION	03/01 11/15	0.430 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S23 Lot 10 SESEW 2.50 T04N R01E S23 Lot 7 NWSE 1.80

T04N R01E S23 SWSE 17.00

STOCKWATER in ADA County

T04N R01E S23 Lot 10 SESEW T04N R01E S23 Lot 7 NWSE

T04N R01E S23 SWSE

21.3 ACRES TOTAL

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 for stockwater use is not a determination of historical beneficial use.

The source of this water right is waste water. The wasting of water may be discontinued at any time.

SF5 Right No. 63-25744

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 500 range cattle.

[Handwritten signature]
NBS
kw

SF5 Right No. 63-25744

CERTIFICATE OF MAILING

I certify that on August 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

Daron Kramer

Signature of person or attorney mailing form