

**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. 21-11191

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):

Trude Ranch Limited Partnership

OBJECTOR(s):

Fremont Madison Irrigation District



Kent W Foster
Attorney for claimant(s)

10/17/07

Date



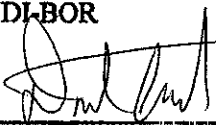
Jerry R Rigby
Attorney for objector(s)

10-23-07

Date

STANDARD FORM 5 - 21-11191

OBJECTOR(s):
USDI-BOR

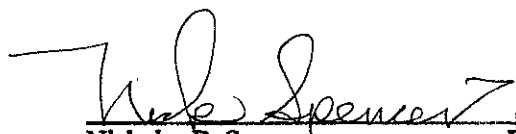


David W Gehlert 10/30/07
Date

IDWR Concurrence:



Ernest Carlsen 10/16/07
Date
Water Resource Program Manager



Nicholas B. Spencer 10-24-07
Date
Deputy Attorney General

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

RIGHT NUMBER: 21-11191

NAME AND ADDRESS: TRUDE RANCH LIMITED PARTNERSHIP
1630 SHERIDAN RD #9G
WILMETTE IL 60091

SOURCE: MOOSE SPRING

TRIBUTARY: HENRY'S FORK

QUANTITY: 600.00 AFY

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

PRIORITY DATE: 01/31/1902

POINT OF
DIVERSION:

T13N R42E S29 SWSW Within FREMONT County
T13N R42E S29 SESW Within FREMONT County
T13N R42E S32 NWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	04/01 11/01	11.00 AFY
RECREATION STORAGE	01/01 12/31	600.00 AFY

PLACE OF USE: STOCKWATER STORAGE in FREMONT County

T13N R42E S29	NWSW	T13N R42E S29	SWSW
T13N R42E S29	SESW	T13N R42E S30	SESW
T13N R42E S30	NESE	T13N R42E S30	SWSE
T13N R42E S30	SESE	T13N R42E S31	NENE
T13N R42E S32	NENW	T13N R42E S32	NWNW
T13N R42E S32	SWNW	T13N R42E S32	SESW
<u>RECREATION STORAGE in FREMONT County</u>			
T13N R42E S29	NWSW	T13N R42E S29	SWSW
T13N R42E S29	SESW	T13N R42E S30	SESW
T13N R42E S30	NESE	T13N R42E S30	SWSE
T13N R42E S30	SESE	T13N R42E S31	NENE
T13N R42E S32	NENW	T13N R42E S32	NWNW
T13N R42E S32	SWNW	T13N R42E S32	SESW

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

The quantity of water decreed for this water right for stock water 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.

NBS
EMC
OK
JAL

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The exercise of this water right is subject to the U.S. Bureau of Reclamation's, or its successor-in-interest's, flowage easement on the underlying real property as described in Book 39, Volume 462, Number 238215 of Fremont County Idaho's Book of Deeds, and denoted as Warranty Deed I45R-21 executed on May 10, 1938.

NBS
EPC
JLL

CERTIFICATE OF MAILING

I certify that on 007-36, 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

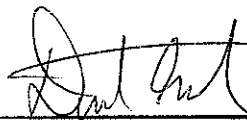
2. Copies to:

Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

Kent W Foster
1000 Riverwalk Dr, Suite 200
PO Box 50130
Idaho Falls, ID 83405

USDI-BOR
US Dept 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



RECEIVED

U.S. Department of Justice

2007

Environment and Natural Resources Division

DEPARTMENT OF
WATER RESOURCES

DWG:DAJ

90-6-2-63c

David A. Jarvis
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1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

October 30, 2007

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No 39576
Subcase No 21-11191

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document.

1. **STANDARD FORM 5 – STIPULATED ELEMENTS OF A WATER RIGHT.**

Sincerely,

David A. Jarvis
Paralegal

Enclosure