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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 8 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. 79-4103

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):

Rachel & Jim Rupp

OBJECTOR(s):

USDI- BLM

Jim Rupp 11/8/07
claimant Date
Rachel Rupp 11/8/07
claimant Date

Larry A. Brown 11/08/07
Larry A Brown FWP Date
Attorney

STANDARD FORM 5 - 79-4103

IDWR Concurrence:

Carter Fritschle 10-31-07
Carter Fritschle Date
Manager, Adjudication Bureau

Andrea L Courtney 10/31/07
Andrea L Courtney Date
Deputy Attorney General

10/31/2007

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

RIGHT NUMBER: 79-4103

NAME AND ADDRESS: RACHEL A RUPP
HC 01 BOX 1
LUCILE ID 83542

JIM RUPP
HC 01 BOX 1
LUCILE ID 83542

SOURCE: FIDDLE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: ~~01/01/1880~~ 07/20/1915

POINT OF DIVERSION:

T25N R01E S22 SESE Lot 6 Within IDAHO County

T25N R01E S23 NWSW Within IDAHO County

T25N R01E S23 NESE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 11/30

1.000 CFS

PLACE OF USE:

IRRIGATION in IDAHO County

T25N R01E S22 Lot 5 NESE 18.00 T25N R01E S22 Lot 6 SESE 2.40

T25N R01E S23 Lot 5 SWNW 4.70 ~~T25N R01E S23 Lot 6 SENW 1.90~~

T25N R01E S23 NWSW 13.00

~~40~~ 38.1 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Nov 8, 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 HAND DELIVERED
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

Jim Rupp HAND DELIVERED
Rachel Rupp
HC 01 Box 1
Lucile, ID 83542

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



Signature of person mailing the form