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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.: 74-784      |
|                | ) |                          |
| 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:**

Irvin B. Herod

Irvin B. Herod 12/28/07  
Irvin B. Herod

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 01/02/2008  
Larry A. Brown Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

**IDWR CONCURRENCE:**

Ernest Carlsen 10-23-07  
Ernest Carlsen Date  
Water Resource Program Manager

**IDWR CONCURRENCE:**

Christopher M. Bromley 10/22/07  
Christopher M. Bromley Date  
Deputy Attorney General  
Attorney for IDWR

STANDARD FORM 5

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DEC 31 2007

9:00 A.M.

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DEC 21 2007

9:00 A.M.

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

RIGHT NUMBER: 74-784

NAME AND ADDRESS: IRVIN B HEROD  
1551 SONOMA AVE  
SEASIDE CA ~~92955~~ 93955

SOURCE: KENNEY CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 07/19/1893

POINT OF  
DIVERSION: T20N R24E S29 SWSW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

3/15 11/15

QUANTITY

0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R24E S31

NWNE 1.00

1 ACRES TOTAL

Place of use does not include federal public lands

*Fwp JB*  
*EMC*  
*CB*

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.

*U.B.H.*

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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DEC 31 2007

9:00 A.M.

## CERTIFICATE OF MAILING

I certify that on 01/02, 2008, I mailed the original and copies of this form, including all attachments, 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. Copy to:

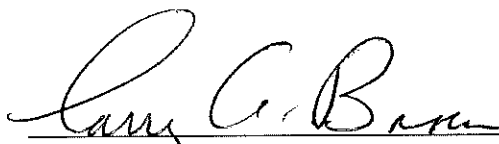
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Irvin B. Herod  
1551 Sonoma Ave  
Seaside, CA 93955



Signature of person or attorney mailing the form