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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. <u>55-10135</u>
	)	
	)	Standard Form 5
Case No. 39576	)	
	)	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 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 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):

Joyce Livestock Co., Inc.

Elizabeth P. Ewens 2/12/08
Date
Of Attorneys for Claimant

Roger D. Ling _____
Date
Local Counsel for Claimant

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 02/06/2008
Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

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

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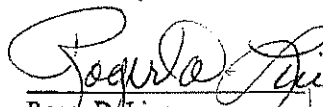
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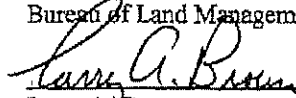
Joyce Livestock Co., Inc.

 2/12/08
Elizabeth P. Ewens Date
Of Attorneys for Claimant

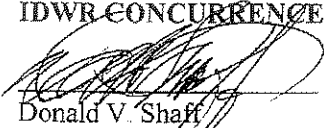
 2/12/08
Roger D. Ling Date
Local Counsel for Claimant

OBJECTOR:

United States on behalf of the
Bureau of Land Management

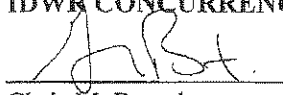
 02/06/2008
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:


Donald V. Shaft
Adjudication Bureau Chief

2/06/08
Date

IDWR CONCURRENCE:


Chris M. Bromley
Deputy Attorney General

2/6/08
Date

GARRICK BAXTER

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

RIGHT NUMBER: 55-10135

NAME AND ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

SOURCE: JORDAN CREEK TRIBUTARY: OWYHEE RIVER

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: ~~04/01/1965~~ 4/01/1925

POINT OF DIVERSION: Within OWYHEE County
T04S R03W S31 SWNNW End of Stream Flow
T05S R03W S19 SENWSW Begin of Stream Flow

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 1/01 12/31 0.020 CFS

PLACE OF USE: STOCKWATER in OWYHEE County

T04S	R03W	S31	NWNW
T04S	R03W	S31	SWNW
T04S	R03W	S31	SENW
T04S	R03W	S31	NESW
T04S	R03W	S31	NWSE
T04S	R03W	S31	SWSE
T05S	R03W	S06	NWNE
T05S	R03W	S06	SWNE
T05S	R03W	S06	SENE
T05S	R03W	S06	NESE
T05S	R03W	S06	SESE
T05S	R03W	S07	NENE
T05S	R03W	S07	SENE
T05S	R03W	S07	NESE
T05S	R03W	S08	NWSW
T05S	R03W	S08	SWSW
T05S	R03W	S17	NWNW
T05S	R03W	S17	SWNW
T05S	R03W	S17	NWSW
T05S	R03W	S17	SWSW
T05S	R03W	S18	SESE
T05S	R03W	S19	NENE
T05S	R03W	S19	NWNE
T05S	R03W	S19	SWNE

[Handwritten signatures and initials]

T05S	R03W	S19	SENW
T05S	R03W	S19	NESW
T05S	R03W	S19	NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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.

PURSUANT TO THE DECISION IN JOYCE LIVESTOCK V. UNITED STATES (144 IDAHO 1, 156 P.3D 502 (Idaho 2007)), THIS WATER RIGHT IS APPURTENANT TO REAL PROPERTY THAT IS NOT THE PLACE OF USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~BLM ALLOTMENT 0573~~ BLM ALLOTMENT 0569 STOCKWATER 1000
RANGE CATTLE

RF
JB
JMS
EL
GDA

CERTIFICATE OF MAILING

I certify that on 2/12, 2008 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

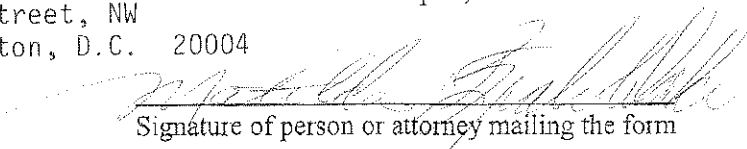
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

Larry Brown
Dept. of Justice
Environmental & Nat. Res. Div.
Natural Resources Section
Patrick Henry Bldg., Room 3540
601 D Street, NW
Washington, D.C. 20004

Roger D. Ling
Ling, Robinson & Walker
615 H St.
P.O. Box 396
Rupert, ID 83350


Signature of person or attorney mailing the form