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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>45-12540</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 initialling each of the attached pages.

OBJECTOR:

State of Idaho

David J. Barber 3/24/2008
Date
David J. Barber
Deputy Attorney General
Office of the Attorney General, State of Idaho

CLAIMANT:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 4/14/2008
Date
Larry A. Brown
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Doug Jones 3/28/2008
Date
Doug Jones
Technical Engineer I

IDWR CONCURRENCE:

Nicholas B. Spencer 4-4-08
Date
Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

 RIGHTS FROM: SOURCE: LAND CREEK TRIBUTARY: SINKS

 RIGHT NUMBER: 45-12540

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
 USDI BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE ID 83709-1657

SOURCE: LAND CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1873 06/28/1934

POINT OF DIVERSION: T13S R23E S12 SESESW Within CASSIA County
 SESESW (INSTREAM BEGINNING POINT)
 (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
 T13S R23E S12 SESW

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. I.C. SECTION 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
 BLM RECORD ID - 4502480099
 CATTLE/50

CERTIFICATE OF MAILING

I certify that on April 14, 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



Signature of person or attorney mailing the form