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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. 63-4266

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.

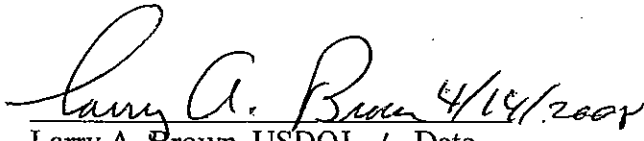
CLAIMANT(s):

W.G. Burkhart 4/8/08
W.G. Burkhart Date

Teresa J. Burkhart 4/8/08
Teresa J. Burkhart Date

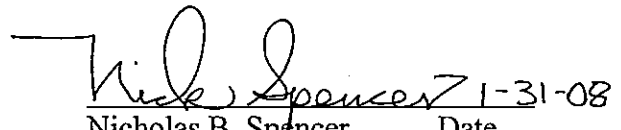
OBJECTOR:

United States of America
Bureau of Land Management


Larry A. Brown, USDOJ ⁰⁶ Date
Attorney for BLM

DWR Concurrence:


Kay Walker Date
Senior Water Resource Agent


Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-4266

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

RIGHT NUMBER: 63-4266

NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709

SOURCE: POND
SPRING

TRIBUTARY: NORTH FORK WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.090 CFS
4.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S14 SWSNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENWSW Within GEM County
T06N R01E S15 NENESE Within GEM County
T06N R01E S15 SENESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.030 CFS 4.00 AFY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE:

IRRIGATION in GEM County
T06N R01E S15 NESE 1.00
STOCKWATER in GEM County
T06N R01E S15 NESE
DOMESTIC in GEM County
T06N R01E S15 NESE

1 ACRES TOTAL

Place of use does not include federal public lands.

W.G.B.

J3

W.G.B. J.G.B.

kw NBS
OK

SF5 Right No. 63-4266

SF5 Right No. 63-4266

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

The quantity of water decreed for this water right for domestic use and stockwater 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle and 30 sheep.

W.B. J.B.
NBS
kw *008*
J3

SF5 Right No. 63-4266

CERTIFICATE OF MAILING

I certify that on Apr. 14, 2008, 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:

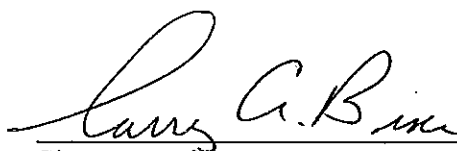
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

TERESA J. BURKHART
W.G. BURKHART
10925 NETHERLAND ST
BOISE, ID 83709

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form