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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. 22-07311
	)	
	)	**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:
Earl Wilcox

Earl Wilcox — Date: 1-9-08

OBJECTOR:
United States on behalf of the
Bureau of Land Management

Larry A. Brown FWP — Date: 5/2/2008
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Joseph Larsen
Water Resource Agent

15NOV07
Date

IDWR CONCURRENCE:

Andrea L. Courtney
Deputy Attorney General for IDWR

11/15/07
Date

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

RIGHT NUMBER: 22-7311

NAME AND ADDRESS:

EARL WILCOX
9169 S 400 W
REXBURG ID 83440

SOURCE: Source: Tributary:

UNNAMED SLOUGH

QUANTITY: 1.370 CFS ~~1.400 CFS~~

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/26/1979

POINT OF DIVERSION:

T04N R39E S1 Lot 6 SENENW
Within MADISON County

FWP

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:		Quantity:
IRRIGATION	04/01	10/31	1.370 CFS
			~~1.400 CFS~~

PLACE OF USE: IRRIGATION within MADISON County

T04N R39E S01 Lot 7 SWNE 28.0
T04N R39E S01 Lot 6 NENW 34.0 ~~T04N R39E S01 Lot 6 NENW 39.0~~
T04N R39E S01 Lot 5 NWNW 2.5
~~T04N R39E S01 SENW 0.5~~
T04N R39E S01 Lot 6 SENW 4.4

68.9 ACRES TOTAL ~~70 ACRES TOTAL~~

Place of use does not include federal public lands
The rights listed below are limited to the irrigation of a combined total of 68.9 acres in a single irrigation season. Combined Right Nos.: 22-4020 and 22-7311.

~~The rights listed below are limited to the irrigation of a combined total of 70 acres in a single irrigation season. Combined Right Nos.: 22-4020 and 22-7311.~~

FWP

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 - License

This slough is normally tributary to the Snake River except during the irrigation season.
Right No. 22-4020 is rediverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on May 2, 2007 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

Earl Wilcox
9169 S 400 W
Rexburg, ID 83440

Jerry R. Rigby
Rigby, Andrus & Moeller, Chtd.
P.O. Box 250
Rexburg, ID 83440
Attorney for Claimant

Larry G. Bass
Signature of person or attorney mailing the form