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MAY 22 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY 21 2008
By _____ Clerk
Deputy Clerk

**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. 78-182

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 require no changes and should be described as originally recommended.

CLAIMANTS/OBJECTORS:

Dan & Mary Hearn

RESPONDENT:

USDA Forest Service

Scott L. Campbell 5/15/08
Attorney for Claimants/Objectors

David L. Negri, USDOJ, Date
Attorney for Respondent

*resolved
via stipulation
filed on
5-14-08*

IDWR Concurrence:

Carter Fritschle 12-13-07
Carter Fritschle Date
Adjudication Section Manager

Andrea L. Courtney 12/12/07
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

12/11/2007

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

RIGHT NUMBER: 78-182

NAME AND ADDRESS: DAN HEARN
PO BOX 383
NEW MEADOWS ID 83654

MARY F HEARN
PO BOX 383
NEW MEADOWS ID 83654

SOURCE: GOOSE CREEK TRIBUTARY: LITTLE SALMON RIVER

Water is delivered from the West Branch of Goose Creek.

QUANTITY: 1.448 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T19N R02E S29 SENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.448 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T19N R01E S24 SWSE	0.20	T19N R01E S24 SESE 0.90
	T19N R01E S25 NENE	40.00	T19N R01E S25 NWNE 39.00
	T19N R01E S25 SWNE	36.00	T19N R01E S25 SENE 39.00

155.1 ACRES TOTAL

This right is limited to the irrigation of 90.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 301.5 acres in a single irrigation season.

Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Mitchell-Snyder Canal.

Use of this right is combined with water from Brundage Water Users Association.

Am
CA
on

CERTIFICATE OF MAILING

I certify that on May 19, 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

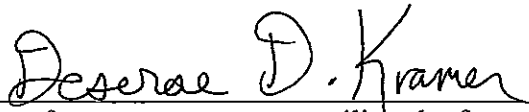
2. Copies to:

DAN & MARY HEARN
DAN HEARN
Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701
Phone: 208-345-2000

DAN & MARY HEARN
DAN HEARN
MARY F HEARN
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney mailing the form