

**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. 24-10734
	)	
Case 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:

Theras & Lucille Jenkins Family
Revocable Trust

OBJECTOR:

USDA Forest Service

Lucille Jenkins

Date

David L. Negri

Date

Attorney for the United States

IDWR Concurrence:

Cindy E. Bird 4/5/07

Cindy Bird

Date

Nick Spencer

Date

Deputy Attorney General

4/5/07 sent to Steve Spencer cp

CERTIFICATE OF MAILING

I certify that on April ___, 2007, I 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Theras & Lucille Jenkins Family Revocable Trust
P.O. Box 215
Freedom, WY 83120

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person mailing the form

04/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-10734

NAME AND ADDRESS: THERAS & LUCILLE JENKINS FAMILY REVOCABLE TRUST
PO BOX 215
FREEDOM WY 83120

SOURCE: SPRING

TRIBUTARY: MILLER CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 11/09/1934

POINT OF

DIVERSION:

T05S R46E S33 ~~NENESE~~

NESENE End of Stream Flow Within CARIBOU County

T05S R46E S33 ~~SWNESE~~

SWSENE Begin of Stream Flow Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER in CARIBOU County

T05S R46E S33

~~NESE~~

SENE

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

The quantity of water decreed for this water right for 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