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AUG 27 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 22 2008

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase No. 63-32510

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):

Rocky Leroy Smith 8/3/08
Rocky/Leroy Smith Date

Laurie Smith 8-3-08
Laurie Smith Date

OBJECTOR:

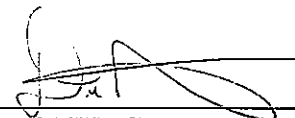
Boise-Kuna Irrigation District


Shelley M. Davis
Attorney for Objector

7/22/08
Date

RESPONDENT:

Bureau of Reclamation

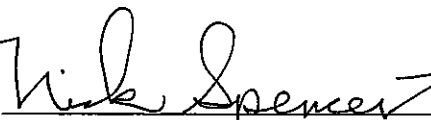

David W. Gehlert, USDOJ
Attorney for BOR

8/18/08
Date

IDWR Concurrence:


Michael H. Ciscell
Senior GIS Analyst

7-15-08
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

7-15-08
Date

06/07/2008

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

RIGHT NUMBER: 63-32510

NAME AND ADDRESS: ROCKY LEROY SMITH
8734 BIGFOOT RD
MELBA ID 83641

LAURIE SMITH
8734 BIGFOOT RD
MELBA ID 83641

SOURCE: SLEEPY HOLLOW DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 09/29/1959

POINT OF
DIVERSION:

T01N R02W S10 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/01 11/15	0.120 CFS
PLACE OF USE:	<u>IRRIGATION in CANYON County</u>		
	T01N R02W S10	SESW 6.00	
	6 ACRES TOTAL		

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

This right is a split from former right 63-3171.

NBS
UHC
DC

CERTIFICATE OF MAILING

I certify that on Aug. 21, 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:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M. DAVIS
1010 W. JEFFERSON, STE. 102
P.O. BOX 2139
BOISE, ID 83701-2139

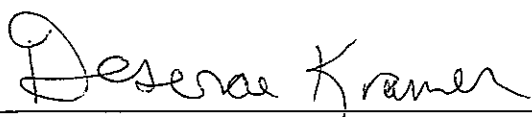
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATLURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

P.O. BOX 83720
BOISE, ID 83720-0098

LAURIE SMITH
ROCKY LEROY SMITH
8734 BIGFOOT RD.
MELBA, ID 83641



Signature of person or attorney mailing form