

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 SEP 4 AM 10 19

**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. 21-28

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.

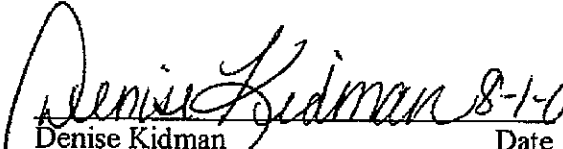
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

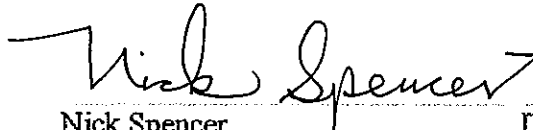
CLAIMANTS/OBJECTORS:

Thomas Brown 8-25-08
Thomas Brown Date

Rosemary Brown 8-2508
Rosemary Brown Date

IDWR Concurrence:


Denise Kidman 8-1-08
Agent, IDWR Date


Nick Spencer 8-29-08
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on September 3, 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:

THOMAS C BROWN
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

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

ROSEMARY BROWN
THOMAS BROWN
~~836 N 2900 E~~ P.O. Box 177
CHESTER, ID 83421



Signature of person mailing the form

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

RIGHT NUMBER: 21-28

NAME AND ADDRESS: ROSEMARY BROWN
836 N 2900 E
CHESTER ID 83421

THOMAS BROWN
836 N 2900 E
CHESTER ID 83421

SOURCE: Source: FALL RIVER

Tributary: HENRYS FORK

QUANTITY: 2.400 CFS
0.000 APY

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T08N R42E S20 Lot 5 SWNWSW
Within FREMONT County

PURPOSE AND PERIOD OF USE: Purpose of use: IRRIGATION

Period of use: 4/01 11/01

Quantity: 2.400 CFS

PLACE OF USE: IRRIGATION within FREMONT County

T08N R41E S24 SWNW 39.0

T08N R41E S24 NWSW 36.0

75 ACRES TOTAL

~~36 ACRES TOTAL~~

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