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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

Case No. 39576

Subcase No. 21-00115A

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.

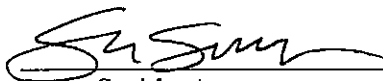
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

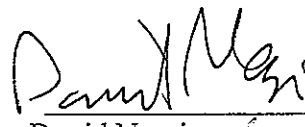
Robert & Donna Fuchs

OBJECTOR:

Unites of America acting on behalf of the
Bureau of Land Management

 10-24-08

Scott Smith, Attorney Date
On behalf of the Claimants

 11/13/08

David Negri Date

IDWR Concurrence:

Denise Kidman
Agent, IDWR

Date

Andrea Courtney 11/4/08

Nick Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on _____, 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:

DONNA T & ROBERT E FUCHS
DONNA T FUCHS
ROBERT E FUCHS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DONNA T FUCHS
Represented by:
SCOTT J SMITH
201 E CENTER
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

IDWR Concurrence:

Denise Kidman 11-4-08
Denise Kidman Date
Agent, IDWR

Nick Spencer Date
Deputy Attorney General

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

RIGHT NUMBER: 21-115A

NAME AND ADDRESS: DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442
ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

SOURCE: Source: FALL RIVER Tributary: HENRYS FORK

QUANTITY: 0.300 CFS 0.000 AFY

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T09N R43E S35 NWNESE Within FREMONT County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION within FREMONT County

T08N R41E S12 Lot 1 SENE 31.0
T08N R42E S06 Lot 9 NESW 21.0
T08N R42E S06 SESW 40.0
T08N R42E S06 NESE 39.0
T08N R42E S06 Lot 14 NWSE 32.0
T08N R42E S06 SWSE 40.0
T08N R42E S06 SESE 40.0
T08N R42E S07 NENE 40.0
T08N R42E S07 NWNE 40.0
T08N R42E S07 NENW 40.0
T08N R42E S07 Lot 1 NWNW 27.0
T08N R42E S07 Lot 2 SWNW 30.0
~~T08N R42E S07 Lot 3 NWSE 30.0~~
~~T08N R42E S07 Lot 4 SWSE 30.0~~

420 ACRES TOTAL 480 ACRES TOTAL

This right is limited to the irrigation of 37.3 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 420 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991

~~The rights listed below are limited to the irrigation of a combined total of 480 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991~~

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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through North Fremont Canal System (Farmers Own Canal).

~~Use of this right is combined with water from Farmers Own Canal.~~

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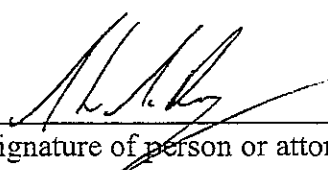
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Phone: 208-232-6101

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of person or attorney mailing the form