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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	)	Subcase No. 21-00115B
	)	
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:

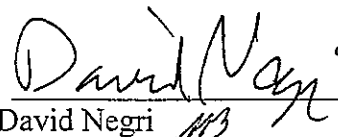
Robert & Donna Fuchs

 10-24-08

Scott Smith, Attorney Date
On behalf of the Claimants

OBJECTOR:

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

 11/13/08

David Negri MB Date

IDWR Concurrence:

STANDARD FORM 5 -21-00115B

IDWR Concurrence:

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

Andrea L. Cantrey for 11/4/08
Nick Spencer Date
Deputy Attorney General

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

RIGHT NUMBER: 21-00115B

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

DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.900 CFS

PRIORITY DATE: 06/01/1894

POINT OF
DIVERSION: T08N R42E S20 N25W Lot 4 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.900 CFS

PLACE OF USE: IRRIGATION in FREMONT County

T08N R41E S12 Lot 1 SESE	31.00	T08N R42E S06 Lot 9 NESW	21.00
T08N R42E S06 SESW	40.00	T08N R42E S06 NESE	39.00
T08N R42E S06 Lot 14 NWSE	32.00	T08N R42E S06 SWSE	40.00
T08N R42E S06 SESE	40.00	T08N R42E S07 NENE	40.00
T08N R42E S07 NWNE	40.00	T08N R42E S07 NENW	40.00
T08N R42E S07 Lot 1 NWNW	27.00	T08N R42E S07 Lot 2 SNW	30.00
T08N R42E S07 Lot 3 NWSN	30.00	T08N R42E S07 Lot 4 SWSN	30.00

420 ACRES TOTAL 480 ACRES

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, 21-12285, 21-12291

~~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, 21-12285, 21-12291~~

This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.

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

Water is delivered through Silkey Canal.

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

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

CERTIFICATE OF MAILING

I certify that on 11/14, 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

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

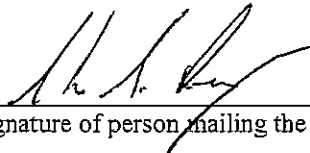
550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098



Signature of person mailing the form