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DEC 18 2008

DEPARTMENT OF
WATER RESOURCES

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

DEC 16 2008

By _____ Clerk

Deputy Clerk

**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. 75-14516
	)	
Case No. 39576	)	This water right is a split from
	)	water right no. 75-14036
	)	
	)	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/OBJECTOR:

Kord Smith

Kord J. Smith

Kord Smith

Pro Se

5/28/08
Date

CLAIMANT/OBJECTOR:

Mary Ann Smith

Mary Ann Smith

Mary Ann Smith

Pro Se

Date

OBJECTOR

United States of America

Sam Neer FLAB 9/10/08

Larry Brown, Attorney & Date
Bureau of Land Management

IDWR Concurrence:

Nathaniel Arave 5/27/08

Nathaniel Arave
Senior Water Resource Agent

Garick L. Baxter 5/27/08

Garick L. Baxter
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 75-14516

NAME AND ADDRESS: KORD S SMITH
781 CEDAR RIDGE DR
IDAHO FALLS ID 83404

MARY ANN H SMITH
781 CEDAR RIDGE DR
IDAHO FALLS ID 83404

SOURCE: TOWER CREEK

TRIBUTARY: SALMON CREEK

QUANTITY: 0.410 CFS

PRIORITY DATE: 06/29/1899

POINT OF

DIVERSION: T23N R22E S4 NENW Within LEMHI County
T23N R22E S4 NENW Within LEMHI County
T24N R22E S33 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.410 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S04	NENW	2.80	T23N R22E S04	SENW	15.00
T23N R22E S04	NESW	4.10			

21.9 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 75-14516 and 75-14517 are limited to the irrigation of a combined total of 21.9 acres 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 - Beneficial Use

CERTIFICATE OF MAILING

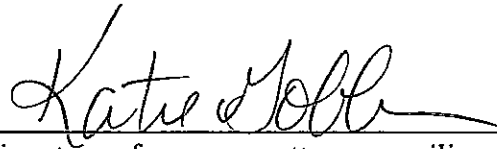
I certify that on Dec 15th, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

KORD SMITH
MARY ANN SMITH
781 CEDAR RIDGE DRIVE
IDAHO FALLS, ID 83404

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



Signature of person or attorney mailing form