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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. <u>73-00109</u>
	)	
	)	Standard Form 5
Case No. 39576	)	
	)	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 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 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:

David R. Ellis
Jeanne Ellis

David R. Ellis 5-7-08
David R. Ellis Date

Jeanne Ellis 5-7-08
Jeanne Ellis Date

IDWR CONCURRENCE:

Nathaniel L. Arave 12/29/08
Nathaniel L. Arave Date
Senior Water Resource Agent

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown FWP 1/9/09
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Christopher M. Bromley 1/7/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 73-109

NAME AND ADDRESS: JEANNE ELLIS
~~HC 62 BOX 1010~~ 159 Pahsimeroi Rd
ELLIS ID 83235

DAVID R ELLIS
~~HC 62 BOX 1010~~ 159 Pahsimeroi Rd
ELLIS ID 83235

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 5.600 CFS

PRIORITY DATE: 07/27/1900

POINT OF
DIVERSION: T15N R21E S26 SWSE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 10/31	5.600 CFS

PLACE OF USE: in LEMHI County
IRRIGATION

T16N	R21E	S31	Lot 4	SWNW	3.90
T16N	R21E	S31		SENW	13.00
T16N	R21E	S31		NESW	37.00
T16N	R21E	S31	Lot 1	NWSW	4.50
T16N	R21E	S31		SESW	30.00
T16N	R21E	S31		NWSE	9.00
T16N	R21E	S31		SWSE	33.00
~~T16N~~	~~R21E~~	~~S31~~		~~SESE~~	~~0.20~~

130.4 ~~130.6~~ ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

Source is locally known as Big Spring Creek.

CERTIFICATE OF MAILING

I certify that on Jan. 9th, 2008, mailed the original and copies of this form, including all attachments, 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. Copy to:

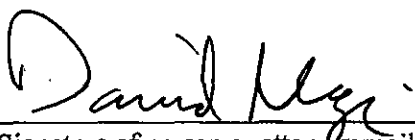
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

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

David R. & Jeanne Ellis
159 Pahsimeroi Rd
Ellis, ID 83235



Signature of person or attorney mailing the form