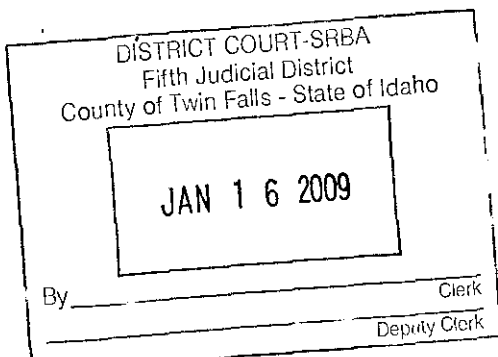




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JAN 20 2009

**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. 22-7175

***Uncontested Overlapping Water
Right to 22-7617***

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:

City of Rexburg

Ray W. Rigby 11-5-08
Ray W. Rigby Date
Attorney for Claimant

STANDARD FORM 5 - 22-7175

IDWR Concurrence:

Ernest Carlsen 1/7/09
Ernest Carlsen Date
Water Resource Program Manager

Andrea L. Courtney 10/7/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7175

NAME AND ADDRESS: CITY OF REXBURG
PO BOX 280
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.610 CFS

PRIORITY DATE: 02/04/1976

POINT OF
DIVERSION:

T06N R40E S29 SWSW Within MADISON County
T06N R40E S29 SWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	5.610 CFS

PLACE OF USE:

Place of use is within the service area of the City of Rexburg municipal water supply system as provided for under Idaho Law.

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

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 - License

CERTIFICATE OF MAILING

I certify that on Jan. 15, 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:

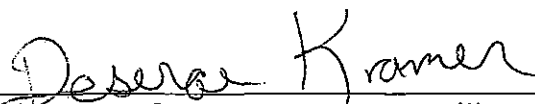
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CITY OF REXBURG
Represented by:
RAY W. RIGBY
25 N. 2nd. E.
P.O. BOX 250
REXBURG, ID 83440-0250

CITY OF REXBURG
P.O. BOX 280
REXBURG, ID 83440

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form