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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.: 37-8258

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.

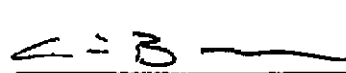
CLAIMANT / OBJECTOR:

 2-9-09
David I. Stanish Date
Deputy Attorney General
Attorney for the Idaho Water Resource Board

IDWR CONCURRENCE:

 2-6-09
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR CONCURRENCE:

 2/6/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

02/05/2009

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

RIGHT NUMBER: 37-8258

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 200.000 CFS

PRIORITY DATE: 01/16/1986

This right is subordinate to development of groundwater for domestic and municipal uses as defined by the management plan for the Big Wood River Ground Water Management Area.

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 01/16/86, the priority of this right.

POINT OF
DIVERSION:

T04N R17E S13 SENW End of Stream Flow Within BLAINE County

T05N R17E S10 SENW Begin of Stream Flow Within BLAINE County

This minimum stream flow reach is from the intersection with the Sawtooth National Recreation Area boundary in the SENW, S10, T5N, R17E, downstream approximately 9 miles to the confluence with Warm Springs Creek in the SENW, S13, T4N, R17E.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MINIMUM STREAM FLOW	09/01 02/04 29	150.000 CFS
	03/01 08/31	200.000 CFS

Use of water under this right shall be non-consumptive.

PLACE OF USE:

The place of use is within the designated stream reach from the beginning point to the ending point described above.

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.

The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on the Big Wood River, such measuring devices shall be permanently installed as specified by the Department.

The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

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DS

CERTIFICATE OF SERVICE

I certify that on February 10, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

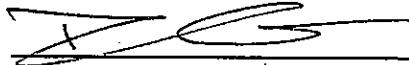
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☒ Statehouse Mail
☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

~~David I. Stanish
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449~~

~~☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile~~



Signature of person or attorney mailing the form