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DEPARTMENT OF
WATER RESOURCES

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

FEB 19 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase Nos. 02-4006B

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.

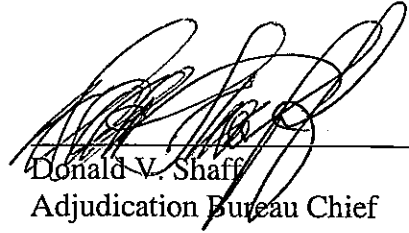
CLAIMANT/OBJECTOR:

Gardner Brown 2-13-09
Gardner Brown Date

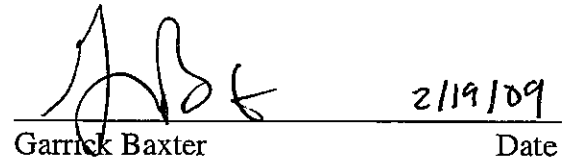
Melanie Brown 2-13-09
Melanie Brown Date

STANDARD FORM 5 – 02-4006B

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

2-18-09
Date


Garrick Baxter
Deputy Attorney General

2/19/09
Date

YB 2-13-09

CERTIFICATE OF MAILING

I certify that on 2/24th, 2009, 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:

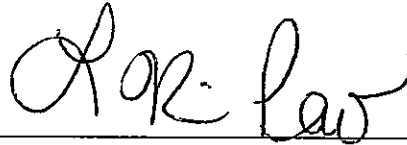
1. Original to:

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:

GARDNER I BROWN
MELANIE E BROWN
PO BOX 145
GLENN'S FERRY, ID 83623

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



Signature of person or attorney mailing the form

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

MB 2-13-09
02/11/2009
AB 2/18/09
AB 2/19/09

RIGHT NUMBER: 2-4006B
NAME AND ADDRESS: GARDNER I BROWN
PO BOX 145
GLENNS FERRY ID 83623
MELANIE E BROWN
PO BOX 145
GLENNS FERRY ID 83623

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: ~~0.380~~ 0.750 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1920

POINT OF
DIVERSION:

T05S R10E S32 SENWNE Lot 2 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 11/15	~~0.038~~ 0.720 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S32 Lot 2 NWNE ~~7.00~~ 8.00 T05S R10E S32 Lot 2 SWNE 4.00

T05S R10E S32 NENW ~~1.00~~ 2.00 T05S R10E S32 Lot 3 SENW 4.00

STOCKWATER same as IRRIGATION

16 18 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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