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DEPARTMENT OF
WATER RESOURCES
COPY

**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 Nos. 02-7050
)
)
)
)
)
)
)

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:

State of Idaho
Department of Parks and Recreation

David Barber 2/20/09

David Barber Date
Deputy Attorney General

OBJECTOR:

United States of America
Bureau of Land Management

David Negri 2/20/09

David Negri, Attorney Date

IDWR Concurrence:

<i>for</i>	<u><i>Monica P. VanBussum</i></u>	<u><i>2/20/2009</i></u>	<u><i>[Signature]</i></u>	<u><i>2/20/09</i></u>
	Donald V. Shaff	Date	<i>for</i> Garrick Baxter	Date
	Adjudication Bureau Chief		Deputy Attorney General	

CERTIFICATE OF MAILING

I certify that on Feb. 24, 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:

STATE OF IDAHO DEPARTMENT OF
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065
Phone: 208-334-4180

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

Deserae Kramer
Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 02-07050

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.640 CFS
144.00 AFA

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 189 AF. COMBINED RIGHTS NOS.: 2-222, 2-2444, & 2-7050.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO TOTAL COMBINED DIVERSION RATE OF 2.67 CFS. COMBINED RIGHT NOS.: 2-222, 2-2444, 2-7050, & 61-2076.

PRIORITY DATE: 10/14/1969

POINT OF DIVERSION: T06S R10E S6 NENENW Lot 4 Within ELMORE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.640 CFS 144.00 AFA

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R10E S31	NESW	10.00	T05S R10E S31 Lot 5	NWSW	7.00
T05S R10E S31 Lot 4	SWSW	7.0	T05S R10E S31 Lot 3	SESW	25.00
T05S R10E S31 Lot 2	SWSE	4.0	T06S R10E S06 Lot 4	SWSE	4.00
			T06S R10E S06 Lot 4	NENW	2.00
			T06S R10E S06 Lot 4	NWNW	2.00

57 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 57 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 2-222, 2-2444, 2-7050, and 61-2076.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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 - License

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 2-222, 2-2444, 2-7050, and 61-2076.

SCANNED
NOV 28 2007

ATTACHMENT I

DN
CB
MVB