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MAR 05 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 4 2009
By _____ Clerk
Deputy Clerk

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

) Subcase No. 22-13899

) Split from 22-13374

Case No. 39576

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

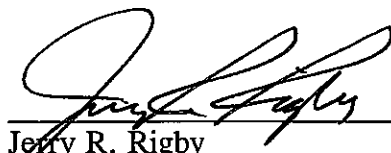
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

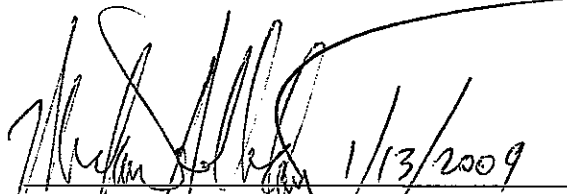
CLAIMANT:

Beulah Brower

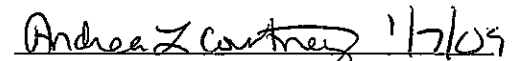
 2-24-09

Jerry R. Rigby Date
Attorney for Claimant

DWR Concurrence:



Michael Holliday Date
Senior Water Resource Agent



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13899

NAME AND ADDRESS:

BEULAH BROWER
947 HWY 32
TETONIA ID 83452

SOURCE:

Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY: 0.870 CFS

~~0.760 CFS~~

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.870 CFS

~~0.760 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S08 NESW 7.5

~~T06N R45E S08 NESW 7.9~~

T06N R45E S08 NWSW 27.0

~~T06N R45E S08 NWSW 26.0~~

T06N R45E S08 SWSW 2.4

~~T06N R45E S08 SWSW 2.2~~

T06N R45E S08 SESW 1.0

~~T06N R45E S08 SESW 0.9~~

37.9 ACRES TOTAL

~~37 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of ~~37 acres~~ 37.9 acres in a single irrigation season. Combined Right Nos.: 22-13899, 22-13903, and 22-13907.

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

Water is delivered through Stewart Ditch.

This right is a split from former right 22-174B.

CERTIFICATE OF MAILING

I certify that on March 3, 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:

BEULAH BROWER
Represented by:
JERRY R. RIGBY
25 N. 2nd E.
P.O. BOX 250
REXBURG, ID 83440-0250

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Debrae D. Kramer
Signature of person or attorney mailing the form