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DEPARTMENT OF
WATER RESOURCES

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

MAY 29 2009

By _____

**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. 02-7416

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:

State of Idaho

Department of Parks and Recreation

David J. Barber

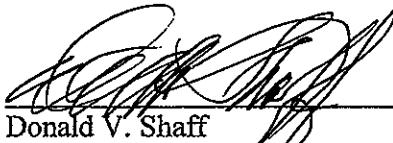
David J. Barber

Deputy Attorney General

5/20/2009
Date

STANDARD FORM 5 - 02-7416

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief
5-28-09
Date


Garrick Baxter
Deputy Attorney General
5/29/09
Date

CERTIFICATE OF MAILING

I certify that on May 29, 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

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

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

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

05/26/2009

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

RIGHT NUMBER: 2-7416

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: 1.950 CFS
881.90 AFY

PRIORITY DATE: 04/04/1985

POINT OF
DIVERSION:

T06S R06E S2 SWNE Lot 2 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
RECREATION STORAGE	01/01 12/31	300.00 AFY
RECREATION	10/01 05/15	1.950 CFS 881.90 AFY
WILDLIFE	10/01 05/15	1.950 CFS 881.90 AFY
DIVERSION TO STORAGE	10/01 05/15	1.950 CFS
WILDLIFE STORAGE	01/01 12/31	300.00 AFY

PLACE OF USE: WILDLIFE in OWYHEE County

T06S R06E S13 SWNE	T06S R06E S13 SENW
T06S R06E S13 NESW	T06S R06E S13 SWSW
T06S R06E S13 SESW	T06S R06E S13 NWSE
T06S R06E S13 SWSE	T06S R06E S14 NESW
T06S R06E S14 NWSW	T06S R06E S14 SWSW
T06S R06E S14 SESW	T06S R06E S14 NESE
T06S R06E S14 NWSE	T06S R06E S14 SWSE
T06S R06E S14 SESE	T06S R06E S23 NENE
T06S R06E S23 NWNW	T06S R06E S23 NENW
T06S R06E S24 NWNE	T06S R06E S24 NENW
T06S R06E S24 NWNW	

WILDLIFE STORAGE in OWYHEE County

T06S R06E S13 SWNE	T06S R06E S13 SENW
T06S R06E S13 NBSW	T06S R06E S13 SWSW
T06S R06E S13 SESW	T06S R06E S13 NWSE
T06S R06E S13 SWSE	T06S R06E S14 NESW
T06S R06E S14 NWSW	T06S R06E S14 SWSW
T06S R06E S14 SESW	T06S R06E S14 NESE
T06S R06E S14 NWSE	T06S R06E S14 SWSE
T06S R06E S14 SESE	T06S R06E S23 NENE

T06S R06E S23 NWNE
T06S R06E S24 NWNE
T06S R06E S24 NWNW

T06S R06E S23 NENW
T06S R06E S24 NENW

RECREATION in OWYHEE County

T06S R06E S13 SWNE
T06S R06E S13 NESW
T06S R06E S13 SESW
T06S R06E S13 SWSE
T06S R06E S14 NWSN
T06S R06E S14 SESW
T06S R06E S14 NWSE
T06S R06E S14 SESE
T06S R06E S23 NWNE
T06S R06E S24 NWNE
T06S R06E S24 NWNW

T06S R06E S13 SENW
T06S R06E S13 SWSW
T06S R06E S13 NWSE
T06S R06E S14 NESW
T06S R06E S14 SWSW
T06S R06E S14 NESE
T06S R06E S14 SWSE
T06S R06E S23 NENE
T06S R06E S23 NENW
T06S R06E S24 NENW

RECREATION STORAGE in OWYHEE County

T06S R06E S13 SWNE
T06S R06E S13 NESW
T06S R06E S13 SESW
T06S R06E S13 SWSE
T06S R06E S14 NWSN
T06S R06E S14 SESW
T06S R06E S14 NWSE
T06S R06E S14 SESE
T06S R06E S23 NWNE
T06S R06E S24 NWNE
T06S R06E S24 NWNW

T06S R06E S13 SENW
T06S R06E S13 SWSW
T06S R06E S13 NWSE
T06S R06E S14 NESW
T06S R06E S14 SWSW
T06S R06E S14 NESE
T06S R06E S14 SWSE
T06S R06E S23 NENE
T06S R06E S23 NENW
T06S R06E S24 NENW

Handwritten initials: JB, RB, JB

Place of use is located within Bruneau Dunes State Park.

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 point at which the water is diverted into the system of ponds is located within SENW, S13, T06S, R06E.

Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.