

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. 73-04007B

(Formerly Disallowed)

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:

Jimmie Dowton

CLAIMANT:

Maria Elena Dowton

Jimmie L. Dowton 8/11/09
Jimmie Dowton Date
Pro Se

Maria Elena Dowton 8/11/09
Maria Elena Dowton Date
Pro Se

IDWR Concurrence:

Monica Van Bussum 8/11/2009
Monica Van Bussum Date
Senior Water Resource Agent

Chris Bromley 8/11/09
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

08/11/2009

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

RIGHT NUMBER: 73-4007B

NAME AND ADDRESS: JIMMIE L DOWTON
HC 62, BOX 2320
MAY ID 83253

MARTA ELENA DOWTON
HC 62, BOX 2320
MAY ID 83253

SOURCE: MUD CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.940 CFS

PRIORITY DATE: 02/18/1926

POINT OF
DIVERSION:

T15N R21E S27 NENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.940 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T15N R21E S21 NENW 3.0

T15N R21E S21 SWNW 16.0

T15N R21E S21 SENW 28.0

47.0 ACRES TOTAL

CE
MED.
J.S.O.
MVB

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 - Beneficial Use

Water is delivered through Mud Ditch.

CERTIFICATE OF MAILING

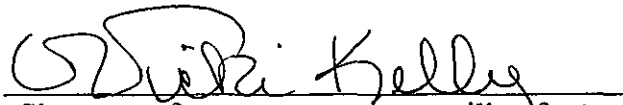
I certify that on Aug. 11, 2009, I ^{hand-delivered VK}mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

JIMMIE L DOWTON
MARIA ELENA DOWTON
HC 62 BOX 2320
MAY, ID 83253

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


Signature of person or attorney mailing form