

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 SEP 23 AM 10 19

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

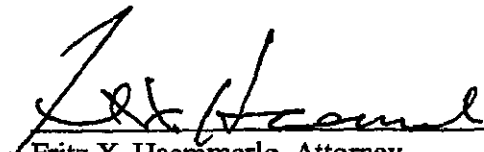
In Re SRBA	)	Subcase No. 37-1208
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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
City of Bellevue

 9/8/09
Fritz X. Haemmerle, Attorney Date

IDWR Concurrence:

Kelly K. Christensen 9-17-09
IDWR Agent Date

[Signature] 9/16/09
Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on 9/22, 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:

CITY OF BELLEVUE
Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

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

[Signature]
Signature of person or attorney mailing the form

06/29/2009

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

RIGHT NUMBER: 37-1208

NAME AND ADDRESS: CITY OF BELLEVUE
PO BOX 449
BELLEVUE ID 83313-0449

SOURCE: SPRINGS

TRIBUTARY: SEAMANS CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 07/20/1880 ~~11-09-1885~~

POINT OF
DIVERSION:

T02N R19E S33 ~~NW~~NENE Within BLAINE County
T02N R19E S33 ~~NW~~NENE Within BLAINE County
T02N R19E S33 ~~NW~~NENE Within BLAINE County
~~T02N R19E S33 SW~~NENE Within BLAINE County
T02N R19E S34 ~~SW~~NWNW Within BLAINE County
T02N R19E S34 ~~SE~~NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

3.000 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.