

OCT 01 2009

DEPARTMENT OF
WATER RESOURCESIN 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. 75-14620

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

Brian Sopatyk

Bruce Smith, Attorney

Date

OBJECTORS/RESPONDENTS

Jerry Rigby, Attorney

Date

IDWR Concurrence:

Monica Van Bussum

Date

Senior Water Resource Agent

Chris Bromley

Date

Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Sept 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

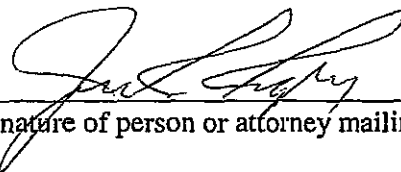
BRIAN SOPATYK

Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702

BOB ROWE
DOUG & BRENDA GUPTON
GIBBONSVILLE IMPROVEMENT ASSN
IRA D TAYLOR
JANET BLOEMEKE
JORDAN J STOVER
JORDAN STOVER
JULIA RANDOPH
KIM E HAMMITT
LORNA L ANDERSON
MAURICE USHER
TOBY A FRIEDMAN
WANDA SUE USHER

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250

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



Signature of person or attorney mailing form

09/15/2009

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

RIGHT NUMBER: 75-14620

NAME AND ADDRESS: BRIAN SOPATYK
913 S LATAH
BOISE ID 83705

SOURCE: ANDERSON CREEK

TRIBUTARY: DAHLONEGA CREEK

QUANTITY: 0.030 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/04/1927

POINT OF DIVERSION:

T26N R21E S25 SENW Within LEMHI County

T26N R21E S25 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.030 CFS

Domestic use is for 1 home and up to one-half (1/2) acre of lawn and garden irrigation.

PLACE OF USE: DOMESTIC in LEMHI County

T26N R21E S25 NESW

Place of use does not include federal public lands.

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 42-2412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Place of use is part of Parcel No. RP99000004027M.

This right is a split from former right 75-13718.

CB



MLB