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DEC 01 2009

DEPARTMENT OF
WATER RESOURCES

**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 Nos. 47-52
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)

STANDARD FORM 5

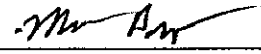
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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.

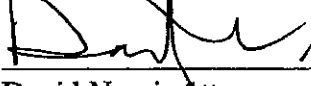
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
Mark Brackett


Antelope Springs Ranch

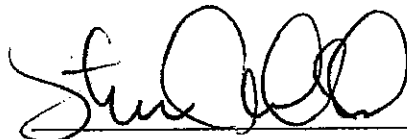
11-28-09
Date

OBJECTOR:
United States of America
Bureau of Land Management

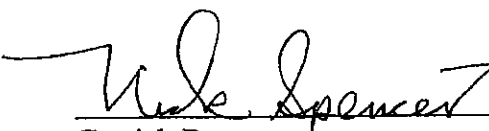

David Negri, Attorney FWP

11/23/09
Date

IDWR Concurrence:


Steve Clelland
Water Agent

11/23/09
Date


For Garrick Baxter
Deputy Attorney General

11-23-09
Date

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

RIGHT NUMBER: 47-52

NAME AND ADDRESS:

ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS
ROGERSON ID 83302

SOURCE:

Source:
ANTELOPE CREEK

Tributary:
SALMON FALLS CREEK

QUANTITY:

10.400 CFS
0.000 APY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1894

POINT OF DIVERSION:

T14S R14E S11 SWSNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION	04/01 10/31	10.400 CFS
STOCKWATER	01/01 12/31	0.060 CFS
DOMESTIC	01/01 12/31	0.060 CFS

PLACE OF USE:

IRRIGATION within TWIN FALLS County
T13S R14E S25 NESW 32.0
T13S R14E S25 SWSW 37.0
T13S R14E S25 SESW 21.0

~~T13S R14E S26 SESW 8.0~~

T13S R14E S26 SESE 5.0
T13S R14E S35 NENE 25.0
T13S R14E S35 NWNE 14.0
T13S R14E S35 SWNE 17.0
T13S R14E S35 SENE 39.0
T13S R14E S35 NENW 9.0
T13S R14E S35 NESE 14.0
T13S R14E S35 NWSE 31.0
T13S R14E S36 NENW 1.5
T13S R14E S36 NWNW 25.0
T13S R14E S36 SWNW 17.0
T13S R14E S36 NWSW 2.0

STOCKWATER within TWIN FALLS County
T13S R14E S25 NESW
T13S R14E S25 SWSW
T13S R14E S25 SESW

FWP

IMR

NBS

SCU

PN

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

~~T13S R14E S26 S35W~~

T13S R14E S26 SESE
T13S R14E S35 NENE
T13S R14E S35 NWNE
T13S R14E S35 SWNE
T13S R14E S35 SENE
T13S R14E S35 NENW
T13S R14E S35 NESE
T13S R14E S35 NWSE
T13S R14E S36 NENW
T13S R14E S36 NWNW
T13S R14E S36 SWNW
T13S R14E S36 NWSW
DOMESTIC
T13S R14E S35 NWSE

within TWIN FALLS County

289.5 ACRES TOTAL

297.5 ACRES TOTAL

FWP
MA
NBS
SC
PN

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The portion of Right 47-52 used for conveyance losses is 4.42 cfs.

CERTIFICATE OF MAILING

I certify that on Nov. 23, 2009, I ^{hand delivered} 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:

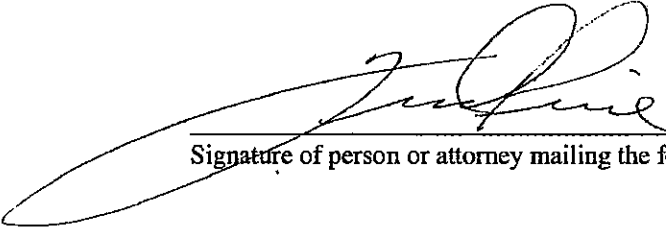
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ANTELOPE SPRINGS RANCH
ANTELOPE SPRINGS
HC 33
ROGERSON, ID 83302

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



Signature of person or attorney mailing the form