

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

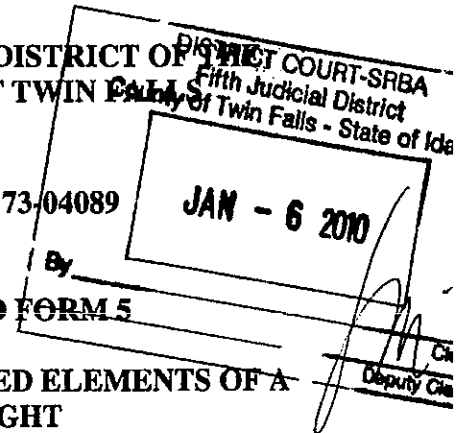
In Re SRBA

Case No. 39576

Subcase No. 73-04089

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:

David Ellis

CLAIMANT

Jeanne Ellis

David Ellis 12-28-09
David Ellis Date
Pro Se

Jeanne Ellis 12-28-09
Jeanne Ellis Date
Pro Se

IDWR Concurrence:

[Signature] 12/28/09
Donald V. Shaff Date
Adjudication Bureau Chief

[Signature] 12/28/09
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

12/08/2009

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

RIGHT NUMBER: 73-4089
NAME AND ADDRESS: JEANNE ELLIS
159 PAHSIMEROI RD
ELLIS ID 83235
DAVID R ELLIS
159 PAHSIMEROI RD
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: ~~1.000~~ 1.180 CFS

PRIORITY DATE: 04/01/1875

POINT OF
DIVERSION:

T15N R21E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

~~1.000~~ 1.180 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R21E S31 Lot 1 NWSW 25.00

25 ACRES TOTAL

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

CERTIFICATE OF MAILING

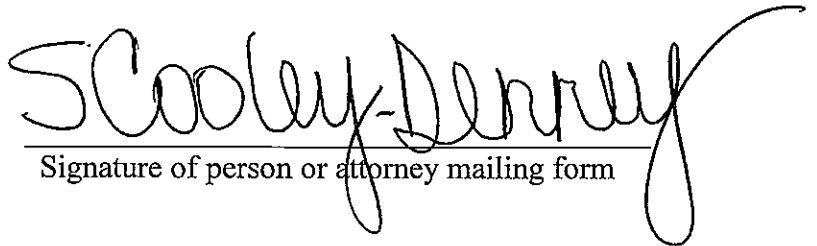
I certify that on JAN. 4, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

DAVID R ELLIS
JEANNE ELLIS
159 PAHSIMEROI RD
ELLIS, ID 83235


Signature of person or attorney mailing form