

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

Case No. 39576

DEC - 8 2010

By _____

Clerk
Deputy Clerk

Subcase No. 75-00070A

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.

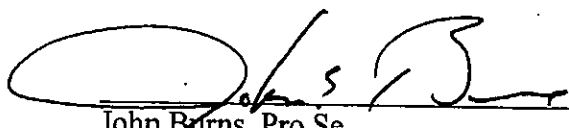
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

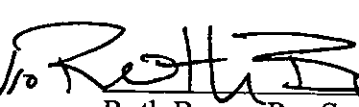
CLAIMANT

John Burns

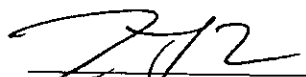
CLAIMANT

Ruth Burns

 John Burns, Pro Se
Date 11/23/10

 Ruth Burns, Pro Se
Date 11/23/10

OBJECTORS

 Travis Thompson, Attorney
for Albert C & Alvera C Fols
Charles & Mary Harling
Lloyd & Sheryl Tutor
A.C. & Luella Pilkerton
Tracy Marcia
Marci Dixon
Date 11/17/10

10/26/2010

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

RIGHT NUMBER: 75-70A

NAME AND ADDRESS: JOHN E BURNS
PO BOX 264
CARMEN ID 83462

RUTH C BURNS
PO BOX 264
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.073 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.073 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S02 SWNW 0.40	T22N R22E S02 NWSW	1.30
	T22N R22E S03 SENE 1.50	T22N R22E S03 NESE	7.70
	10.9 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 10.9 acres in a single irrigation season. Combined Right Nos.: 75-69A, 75-70A, 75-10061A, 75-10062A and 75-14248.

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.

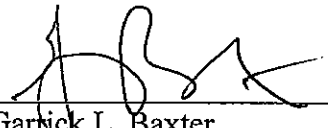
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDWR Concurrence:



Greg Taylor
Stream Channel Protection Specialist
Idaho Department of Water Resources

12/20/10
Date



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

12/15/2010
Date

CERTIFICATE OF MAILING

I certify that on December 7, 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:

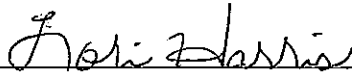
1. Original to:

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

JOHN E BURNS
RUTH C BURNS
PO BOX 264
CARMEN, ID 83462

TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485



Signature of person or attorney mailing form