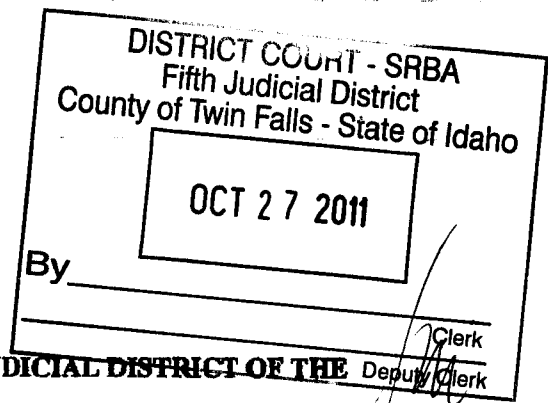




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No.: 37-4242
	)	(Formerly Disallowed)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

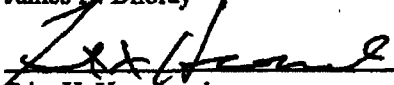
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

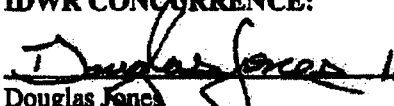
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS / OBJECTORS:

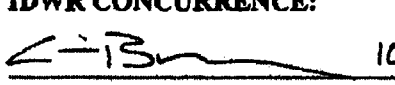
Carl B. Johnston
James H. Bilbray

 10/24/11
Fritz X. Haemmerle Date
Attorney for Carl B. Johnston and James H. Bilbray

IDWR CONCURRENCE:

 10/19/11
Douglas Jones Date
Technical Engineer

IDWR CONCURRENCE:

 10/20/11
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

09/13/2011

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

RIGHT NUMBER: 37-4242

NAME AND ADDRESS: CARL B JOHNSTON
3154 BORREL ST
LAS VEGAS NV 89146

JAMES H BILBRAY
3128 BEACH VIEW CT
LAS VEGAS NV 89117

SOURCE: GALENA CREEK

TRIBUTARY: BROADFORD SLOUGH

QUANTITY: 6.000 CFS

PRIORITY DATE: 08/03/1962

POINT OF
DIVERSION:

T02N R18E S35 NE1/4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINING	1/01 12/31	6.000 CFS

Mining use includes but is not limited to processing sand, gravel and rock resources, and for dust abatement on disturbed land.

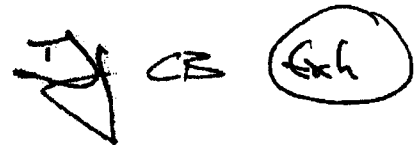
PLACE OF USE: MINING in BLAINE County

T02N R18E S34	NENE	T02N R18E S34	NWNE
T02N R18E S34	NENW	T02N R18E S35	NENW
T02N R18E S35	NMNW		

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 - Posted Notice

 CB (Exh)

CERTIFICATE OF SERVICE

I certify that on October 26, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

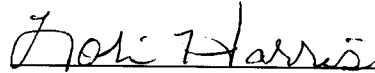
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form