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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	)	Subcase No.: 41-42
	)	(Formerly Disallowed and Now
Case No. 39576	)	Recommended as Rights 41-42 and
	)	41-10285)
	)	
	)	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. To better describe the use decreed by In Re Houtz et al. (Oneida County, Sixth Judicial District Court, June 6, 1903) ("the Houtz Arbitration"), a portion of the claim of water right 41-42 is now recommended as right 41-10285. The recommendations of rights 41-42 and 41-10285 comprise the whole of the use claimed under right 41-42. The recommendation for 41-42 provides for irrigation for the beginning and ending periods of the season; the recommendation for 41-10285 provides for irrigation during the months of June, July, and August. The two rights are recommended in this configuration in order that they conform more closely to how they are described in the Houtz Arbitration. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:


Travis L. Thompson
Attorney for Lance and Katrina Roper

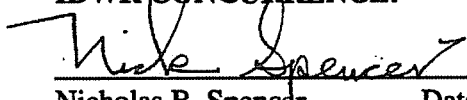
2/22/12
Date

IDWR CONCURRENCE:


Steve Clelland
Sr. Water Resource Agent

2/17/12
Date

IDWR CONCURRENCE:


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

2-17-12
Date

02/10/2012

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

RIGHT NUMBER: 41-42

NAME AND ADDRESS: LANCE ROPER
3822 ROCK CREEK RD
AMERICAN FALLS ID 83211

KATRINA ROPER
3822 ROCK CREEK RD
AMERICAN FALLS ID 83211

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.900 CFS

The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42- 222.

PRIORITY DATE: 09/15/1882

POINT OF
DIVERSION:

T09S R30E S15 NESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 05/31	3.900 CFS
	09/01 10/31	3.900 CFS

PLACE OF USE: IRRIGATION in POWER County

T09S R30E S10	SWSW	20.00	T09S R30E S10	SESW	8.00
T09S R30E S15	NENE	3.70	T09S R30E S15	NWNE	31.00
T09S R30E S15	SWNE	33.00	T09S R30E S15	SENE	29.00
T09S R30E S15	NENW	36.40	T09S R30E S15	NWNW	29.10
T09S R30E S15	SENW	5.20			

195.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 195.4 acres in a single irrigation season. Combined Right Nos.: 41-41A, 41-42, 41-47, 41-2024, 41-10264 & 41-10285.

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

02/17/2012

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

RIGHT NUMBER: 41-10285

NAME AND ADDRESS: LANCE ROPER
3822 ROCK CREEK RD
AMERICAN FALLS ID 83211

KATRINA ROPER
3822 ROCK CREEK RD
AMERICAN FALLS ID 83211

*See
NBS
777*

SOURCE: ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.900 CFS

The quantity listed above shall be measured at the point of diversion listed for this right by means of a measuring box of the type and dimensions decreed by In Re Houtz et al (Oneida County, Sixth Judicial District Court, June 6, 1903). Any change in the method of measurement shall constitute a change in the point of diversion requiring approval by the Idaho Department of Water Resources as a transfer pursuant to I.C. Section 42- 222.

PRIORITY DATE: 09/15/1882

POINT OF
DIVERSION:

T09S R30E S15 NESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	06/01 08/31	2.900 CFS

PLACE OF USE: IRRIGATION in POWER County

T09S R30E S10	SWSW	20.00	T09S R30E S10	SESW	8.00
T09S R30E S15	NENE	3.70	T09S R30E S15	NWNE	31.00
T09S R30E S15	SWNE	33.00	T09S R30E S15	SENE	29.00
T09S R30E S15	NENW	36.40	T09S R30E S15	NWNW	29.10
T09S R30E S15	SENW	5.20			

195.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 195.4 acres in a single irrigation season. Combined Right Nos.: 41-41A, 41-42, 41-47, 41-2024, 41-10264 & 41-10285.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on February 22, 2012, 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

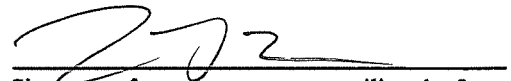
2. Copies to:

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

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

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, ID 83303-0485

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



Signature of person or attorney mailing the form