

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

MAR - 8 2013

By _____ Clerk
Deputy Clerk

**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. 81-12000
	)	(Previously 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.

CLAIMANT/OBJECTOR:
State of Idaho Department of Lands

 3/1/2013

Tyson Nelson Date
Deputy Attorney General
Attorney for IDL

IDWR Concurrence:

 3/1/13

Steve Clelland Date
Senior Water Resource Agent

 3/5/13

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

02/25/2013

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

RIGHT NUMBER: 81-12000

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

TEN

SCC

SOURCE: UNNAMED STREAM

TRIBUTARY: MAGGIE CREEK

QUANTITY: 4.83 AFY

ATL

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

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day.

The capacity of the 3 storage reservoirs is 2.37 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 08/18/1961

POINT OF
DIVERSION: T33N R05E S17 SWNW Within IDAHO County
T33N R05E S17 SWNW Within IDAHO County
T33N R05E S19 NWNW Lot 1 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL FROM STORAGE	01/01 12/31	4.83 AFY
INDUSTRIAL STORAGE	01/01 12/31	4.83 AFY
FIRE PROTECTION STORAGE	01/01 12/31	4.83 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	4.83 AFY
STOCKWATER STORAGE	01/01 12/31	4.83 AFY
STOCKWATER FROM STORAGE	01/01 12/31	4.83 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF
USE: STOCKWATER FROM STORAGE in IDAHO County

T33N R05E S17 SWNW T33N R05E S18 Lot 4 SWSW
T33N R05E S19 Lot 1 NWNW

INDUSTRIAL FROM STORAGE in IDAHO County

T33N R05E S17	NENE	T33N R05E S17	NWNE
T33N R05E S17	SWNE	T33N R05E S17	SENE
T33N R05E S17	NENW	T33N R05E S17	NWNW

02/25/2013

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

T33N R05E S17	SWNW	T33N R05E S17	SENW
T33N R05E S17	NESW	T33N R05E S17	NWSW
T33N R05E S17	SWSW	T33N R05E S17	SESW
T33N R05E S17	NESE	T33N R05E S17	NWSE
T33N R05E S17	SWSE	T33N R05E S17	SESE
T33N R05E S19	NENE	T33N R05E S19	NWNE
T33N R05E S19	SWNE	T33N R05E S19	NENW
T33N R05E S19 Lot 1	NWNW	T33N R05E S19 Lot 2	SWNW
T33N R05E S19	SENW		

T1CN

SW

A72

FIRE PROTECTION FROM STORAGE in IDAHO County

T33N R05E S17	NENE	T33N R05E S17	NWNE
T33N R05E S17	SWNE	T33N R05E S17	SENE
T33N R05E S17	NENW	T33N R05E S17	NWNW
T33N R05E S17	SWNW	T33N R05E S17	SENW
T33N R05E S17	NESW	T33N R05E S17	NWSW
T33N R05E S17	SWSW	T33N R05E S17	SESW
T33N R05E S17	NESE	T33N R05E S17	NWSE
T33N R05E S17	SWSE	T33N R05E S17	SESE
T33N R05E S19	NENE	T33N R05E S19	NWNE
T33N R05E S19	SWNE	T33N R05E S19	NENW
T33N R05E S19 Lot 1	NWNW	T33N R05E S19 Lot 2	SWNW
T33N R05E S19	SENW		

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 stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SPLIT RIGHT: SEE RIGHT NOS. 81-12000 & 81-12005.

CERTIFICATE OF MAILING

I certify that on MARCH 6, 2013, 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:

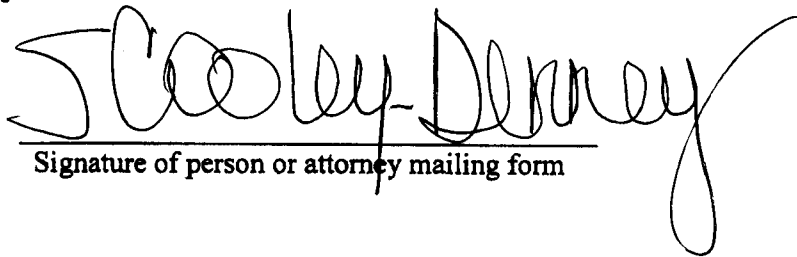
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Copies to:

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

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



Signature of person or attorney mailing form