

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

Case No. 39576

Subcase No. 83-11975

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:

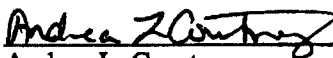
State of Idaho Department of Lands

 3/1/2013
Tyson Nelson Date
Deputy Attorney General
Attorney for IDL

IDWR Concurrence:


Steve Clelland
Senior Water Resource Agent

3/1/13
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

3/5/13
Date

02/25/2013

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

RIGHT NUMBER: 83-11975

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

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SOURCE: UNNAMED STREAM TRIBUTARY: BREAKFAST CREEK

QUANTITY: 0.96 AFY

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

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The capacity of the storage reservoir is 0.47 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

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

PRIORITY DATE: 09/08/1968

POINT OF DIVERSION: T38N R06E S28 NWSE Within CLEARWATER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL STORAGE	01/01 12/31	0.96 AFY
FIRE PROTECTION STORAGE	01/01 12/31	0.96 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	0.96 AFY
STOCKWATER STORAGE	01/01 12/31	0.96 AFY
STOCKWATER FROM STORAGE	01/01 12/31	0.96 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	0.96 AFY

Industrial use is for dust abatement. 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 CLEARWATER County

T38N R06E S28 NWSE

INDUSTRIAL FROM STORAGE in CLEARWATER County

T38N R06E S28	NENE	T38N R06E S28	NWNE
T38N R06E S28	SWNE	T38N R06E S28	SENE
T38N R06E S28	SWNW	T38N R06E S28	SENW
T38N R06E S28	NESW	T38N R06E S28	NWSW
T38N R06E S28	SWSW	T38N R06E S28	SESW
T38N R06E S28	NESE	T38N R06E S28	NWSE
T38N R06E S28	SWSE	T38N R06E S28	SESE

02/25/2013

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

FIRE PROTECTION FROM STORAGE in CLEARWATER County

TKN

T38N R06E S28	NENE	T38N R06E S28	NWNE
T38N R06E S28	SWNE	T38N R06E S28	SENE
T38N R06E S28	SWNW	T38N R06E S28	SENW
T38N R06E S28	NESW	T38N R06E S28	NWSW
T38N R06E S28	SWSW	T38N R06E S28	SESW
T38N R06E S28	NESE	T38N R06E S28	NWSE
T38N R06E S28	SWSE	T38N R06E S28	SESE

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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

AYC

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

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:

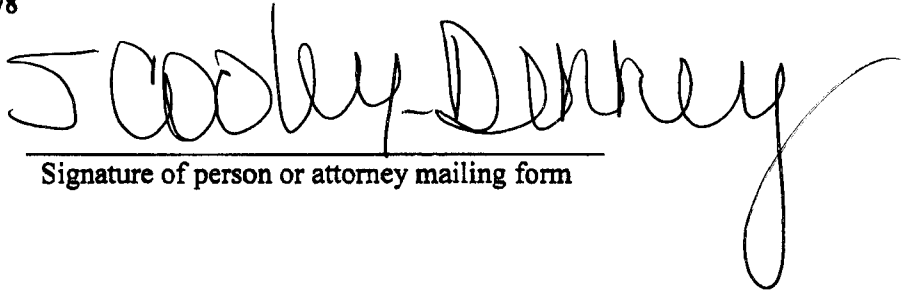
1. Original to:

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