

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**

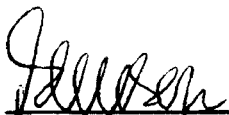
In Re SRBA	)	Subcase No. 83-11977
	)	(Split from 83-11974)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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.

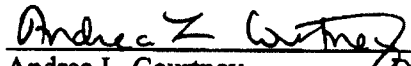
CLAIMANT/OBJECTOR:
State of Idaho Department of Lands

 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

03/4/2013

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

RIGHT NUMBER: 83-11977

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

TKN

Sw

SOURCE: POND
SPRING
UNNAMED STREAM

TRIBUTARY: ORE CREEK
TRIBUTARY: UNNAMED CREEK
TRIBUTARY: CANYON CREEK

QUANTITY: 7.95 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 4 storage reservoirs is 4.44 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 09/08/1968

POINT OF
DIVERSION:

T37N R02E S4 SWNE Within CLEARWATER County
T38N R02E S32 SWNE Within CLEARWATER County
T38N R02E S32 SWSE Within CLEARWATER County
T38N R02E S33 SESE Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL STORAGE	01/01 12/31	7.95 AFY
FIRE PROTECTION STORAGE	01/01 12/31	7.95 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	7.95 AFY
STOCKWATER STORAGE	01/01 12/31	7.95 AFY
STOCKWATER FROM STORAGE	01/01 12/31	7.95 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	7.95 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 CLEARWATER County

T37N R02E S04	SWNE	T38N R02E S32	SWNE
T38N R02E S32	SENW	T38N R02E S32	SWSE
T38N R02E S33	SESE		

03/4/2013

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

INDUSTRIAL FROM STORAGE in CLEARWATER County

T37N R02E S04 Lot 1 NENE	T37N R02E S04 Lot 2 NWNE
T37N R02E S04 SWNE	T37N R02E S04 SENE
T38N R02E S32 NENE	T38N R02E S32 NWNE
T38N R02E S32 SWNE	T38N R02E S32 SENE
T38N R02E S32 NENW	T38N R02E S32 SWNW
T38N R02E S32 SENW	T38N R02E S32 NESW
T38N R02E S32 NWSW	T38N R02E S32 SESW
T38N R02E S32 NWSE	T38N R02E S32 SWSE
T38N R02E S33 NENE	T38N R02E S33 NWNE
T38N R02E S33 SWNE	T38N R02E S33 SENE
T38N R02E S33 NENW	T38N R02E S33 NWNW
T38N R02E S33 SWNW	T38N R02E S33 SENW
T38N R02E S33 SESE	

TKN

Sw

ATK

FIRE PROTECTION FROM STORAGE in CLEARWATER County

T37N R02E S04 Lot 1 NENE	T37N R02E S04 Lot 2 NWNE
T37N R02E S04 SWNE	T37N R02E S04 SENE
T38N R02E S32 NENE	T38N R02E S32 NWNE
T38N R02E S32 SWNE	T38N R02E S32 SENE
T38N R02E S32 NENW	T38N R02E S32 SWNW
T38N R02E S32 SENW	T38N R02E S32 NESW
T38N R02E S32 NWSW	T38N R02E S32 SESW
T38N R02E S32 NWSE	T38N R02E S32 SWSE
T38N R02E S33 NENE	T38N R02E S33 NWNE
T38N R02E S33 SWNE	T38N R02E S33 SENE
T38N R02E S33 NENW	T38N R02E S33 NWNW
T38N R02E S33 SWNW	T38N R02E S33 SENW
T38N R02E S33 SESE	

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.

03/4/2013

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

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

This right is a split from former right 83-11974.

SPLIT RIGHT: SEE RIGHT NOS. 83-11974 & 83-11977.

TEN

See

ATL

CERTIFICATE OF MAILING

I certify that on MARCH 10, 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:

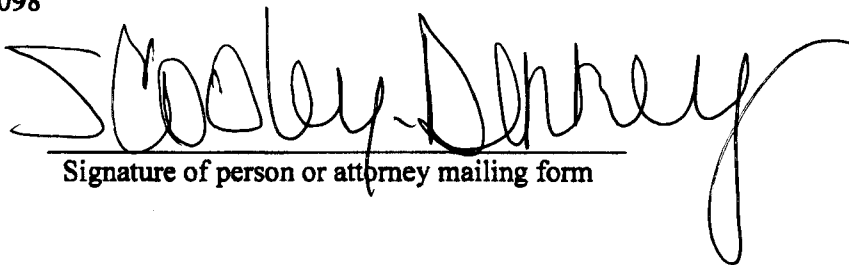
1. Original to:

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