

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. 84-12263
	)	
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.

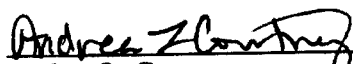
CLAIMANT/OBJECTOR:
State of Idaho Department of Lands


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: 84-12263

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

SOURCE: UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM

TRIBUTARY: GROUSE CREEK
TRIBUTARY: JIM FORD CREEK
TRIBUTARY: LOLO CREEK

QUANTITY: 3.65 AFY

The capacity of the 4 storage reservoirs is 1.48 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

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.

PRIORITY DATE: 09/08/1968

POINT OF DIVERSION: T34N R04E S1 NWSE Within CLEARWATER County
T34N R04E S1 SESE Within CLEARWATER County
T34N R04E S2 NESW Within CLEARWATER County
T34N R04E S11 SWNE Within CLEARWATER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL FROM STORAGE	01/01 12/31	3.65 AFY
INDUSTRIAL STORAGE	01/01 12/31	3.65 AFY
FIRE PROTECTION STORAGE	01/01 12/31	3.65 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	3.65 AFY
STOCKWATER FROM STORAGE	01/01 12/31	3.65 AFY
STOCKWATER STORAGE	01/01 12/31	3.65 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

T34N R04E S01	NWSE	T34N R04E S01	SESE
T34N R04E S02	NESW	T34N R04E S11	SWNE

INDUSTRIAL FROM STORAGE in CLEARWATER County

T34N R04E S01 Lot 3	NENW	T34N R04E S01 Lot 4	NWNW
T34N R04E S01	SWNW	T34N R04E S01	SENW
T34N R04E S01	NESW	T34N R04E S01	NWSW

02/25/2013

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

T34N R04E S01	SWSW	T34N R04E S01	SESW
T34N R04E S01	NESE	T34N R04E S01	NWSE
T34N R04E S01	SWSE	T34N R04E S01	SESE
T34N R04E S02 Lot 1	NENE	T34N R04E S02 Lot 2	NWNE
T34N R04E S02	SWNE	T34N R04E S02	SENE
T34N R04E S02 Lot 3	NENW	T34N R04E S02 Lot 4	NWNW
T34N R04E S02	SWNW	T34N R04E S02	SENW
T34N R04E S02	NESW	T34N R04E S02	NWSW
T34N R04E S02	SWSW	T34N R04E S02	SESW
T34N R04E S02	NESE	T34N R04E S02	NWSE
T34N R04E S02	SWSE	T34N R04E S02	SESE
T34N R04E S11	NENE	T34N R04E S11	NWNE
T34N R04E S11	SWNE	T34N R04E S11	SENE
T34N R04E S11	NENW	T34N R04E S11	NWNW
T34N R04E S11	SWNW	T34N R04E S11	SENW
T34N R04E S11	NESW	T34N R04E S11	NWSW
T34N R04E S11	SWSW	T34N R04E S11	SESW
T34N R04E S11	NESE	T34N R04E S11	NWSE
T34N R04E S11	SWSE	T34N R04E S11	SESE

TKN

See

ATK

FIRE PROTECTION FROM STORAGE in CLEARWATER County

T34N R04E S01 Lot 3	NENW	T34N R04E S01 Lot 4	NWNW
T34N R04E S01	SWNW	T34N R04E S01	SENW
T34N R04E S01	NESW	T34N R04E S01	NWSW
T34N R04E S01	SWSW	T34N R04E S01	SESW
T34N R04E S01	NESE	T34N R04E S01	NWSE
T34N R04E S01	SWSE	T34N R04E S01	SESE
T34N R04E S02 Lot 1	NENE	T34N R04E S02 Lot 2	NWNE
T34N R04E S02	SWNE	T34N R04E S02	SENE
T34N R04E S02 Lot 3	NENW	T34N R04E S02 Lot 4	NWNW
T34N R04E S02	SWNW	T34N R04E S02	SENW
T34N R04E S02	NESW	T34N R04E S02	NWSW
T34N R04E S02	SWSW	T34N R04E S02	SESW
T34N R04E S02	NESE	T34N R04E S02	NWSE
T34N R04E S02	SWSE	T34N R04E S02	SESE
T34N R04E S11	NENE	T34N R04E S11	NWNE
T34N R04E S11	SWNE	T34N R04E S11	SENE

02/25/2013

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

T34N R04E S11	NENW	T34N R04E S11	NWNW
T34N R04E S11	SWNW	T34N R04E S11	SENW
T34N R04E S11	NESW	T34N R04E S11	NWSW
T34N R04E S11	SWSW	T34N R04E S11	SESW
T34N R04E S11	NESE	T34N R04E S11	NWSE
T34N R04E S11	SWSE	T34N R04E S11	SESE

TKN

See

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

ATK

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:

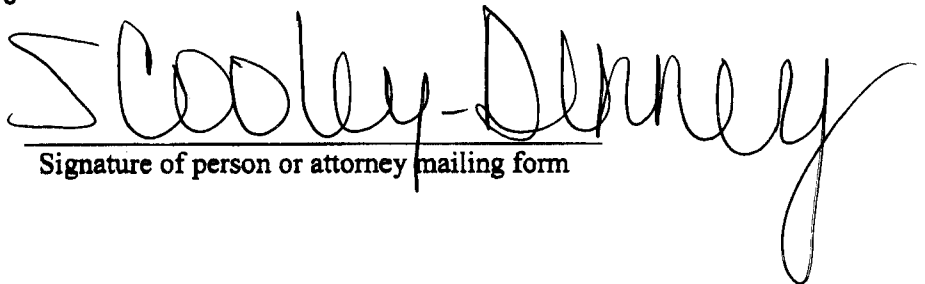
1. Original to:

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