

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. 84-12266

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.

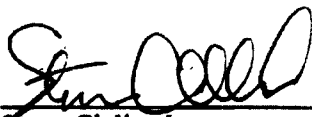
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT/OBJECTOR:**

State of Idaho Department of Lands

 3/11/2013  
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: 84-12266

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

TKN

SCC

SOURCE: SPRING

TRIBUTARY: ROCK CREEK

QUANTITY: 1.19 AFY

The capacity of the storage reservoir is 0.49 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

AK

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

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

PRIORITY DATE: 09/08/1968

POINT OF  
DIVERSION: T34N R05E S14 NENW Within CLEARWATER 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          | 1.19 AFY        |
| INDUSTRIAL STORAGE           | 01/01 12/31          | 1.19 AFY        |
| FIRE PROTECTION STORAGE      | 01/01 12/31          | 1.19 AFY        |
| FIRE PROTECTION FROM STORAGE | 01/01 12/31          | 1.19 AFY        |
| STOCKWATER STORAGE           | 01/01 12/31          | 1.19 AFY        |
| STOCKWATER FROM STORAGE      | 01/01 12/31          | 1.19 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 R05E S14 NENW

INDUSTRIAL FROM STORAGE in CLEARWATER County

|               |      |               |      |
|---------------|------|---------------|------|
| T34N R05E S14 | NENE | T34N R05E S14 | NWNE |
| T34N R05E S14 | SWNE | T34N R05E S14 | SENE |
| T34N R05E S14 | NENW | T34N R05E S14 | NWNW |
| T34N R05E S14 | SWNW | T34N R05E S14 | SENW |
| T34N R05E S14 | NESW | T34N R05E S14 | NWSW |
| T34N R05E S14 | SWSW | T34N R05E S14 | SESW |
| T34N R05E S14 | NESE | T34N R05E S14 | NWSE |
| T34N R05E S14 | SWSE | T34N R05E S14 | SESE |

02/25/2013

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

FIRE PROTECTION FROM STORAGE in CLEARWATER County

|               |      |               |      |
|---------------|------|---------------|------|
| T34N R05E S14 | NENE | T34N R05E S14 | NWNE |
| T34N R05E S14 | SWNE | T34N R05E S14 | SENE |
| T34N R05E S14 | NENW | T34N R05E S14 | NWNW |
| T34N R05E S14 | SWNW | T34N R05E S14 | SENW |
| T34N R05E S14 | NESW | T34N R05E S14 | NWSW |
| T34N R05E S14 | SWSW | T34N R05E S14 | SESW |
| T34N R05E S14 | NESE | T34N R05E S14 | NWSE |
| T34N R05E S14 | SWSE | T34N R05E S14 | SESE |

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.

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:

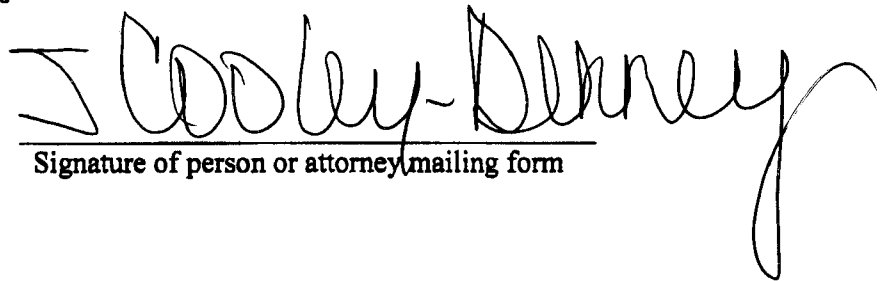
1. Original to:

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