

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

MAR - 8 2013

By _____ 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. 84-12271

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: 84-12271

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

SOURCE: KAMIAH GULCH CREEK
UNNAMED STREAM

TRIBUTARY: JIM FORD CREEK
TRIBUTARY: KAMIAH GULCH CREEK

QUANTITY: 2.69 AFY

The capacity of the 2 storage reservoirs is 1.14 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 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: T35N R04E S12 SWSW Within CLEARWATER County
T35N R05E S7 NWNW Lot 1 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	2.69 AFY
INDUSTRIAL STORAGE	01/01 12/31	2.69 AFY
FIRE PROTECTION STORAGE	01/01 12/31	2.69 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	2.69 AFY
STOCKWATER STORAGE	01/01 12/31	2.69 AFY
STOCKWATER FROM STORAGE	01/01 12/31	2.69 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

T35N R04E S12 SWSW T35N R05E S07 Lot 1 NWNW

INDUSTRIAL FROM STORAGE in CLEARWATER County

T35N R04E S12	NENE	T35N R04E S12	SWNE
T35N R04E S12	SENE	T35N R04E S12	NWNW
T35N R04E S12	SWNW	T35N R04E S12	NWSW
T35N R04E S12	SWSW	T35N R04E S12	SESW
T35N R04E S12	NESE	T35N R04E S12	NWSE
T35N R04E S12	SWSE	T35N R04E S12	SESE
T35N R05E S07	NENE	T35N R05E S07	NWNE

02/25/2013

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

T35N R05E S07	SWNE	T35N R05E S07	SENE
T35N R05E S07	NENW	T35N R05E S07 Lot 1	NWNW
T35N R05E S07 Lot 2	SNNW	T35N R05E S07	SENW
T35N R05E S07	NESW	T35N R05E S07 Lot 3	NWSW
T35N R05E S07 Lot 4	SWSW	T35N R05E S07	SESW
T35N R05E S07	NESE	T35N R05E S07	NWSE
T35N R05E S07	SWSE		

FIRE PROTECTION FROM STORAGE in CLEARWATER County

T35N R04E S12	NENE	T35N R04E S12	SWNE
T35N R04E S12	SENE	T35N R04E S12	NWNW
T35N R04E S12	SNNW	T35N R04E S12	NWSW
T35N R04E S12	SWSW	T35N R04E S12	SESW
T35N R04E S12	NESE	T35N R04E S12	NWSE
T35N R04E S12	SWSE	T35N R04E S12	SESE
T35N R05E S07	NENE	T35N R05E S07	NWNE
T35N R05E S07	SWNE	T35N R05E S07	SENE
T35N R05E S07	NENW	T35N R05E S07 Lot 1	NWNW
T35N R05E S07 Lot 2	SNNW	T35N R05E S07	SENW
T35N R05E S07	NESW	T35N R05E S07 Lot 3	NWSW
T35N R05E S07 Lot 4	SWSW	T35N R05E S07	SESW
T35N R05E S07	NESE	T35N R05E S07	NWSE
T35N R05E S07	SWSE		

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

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:

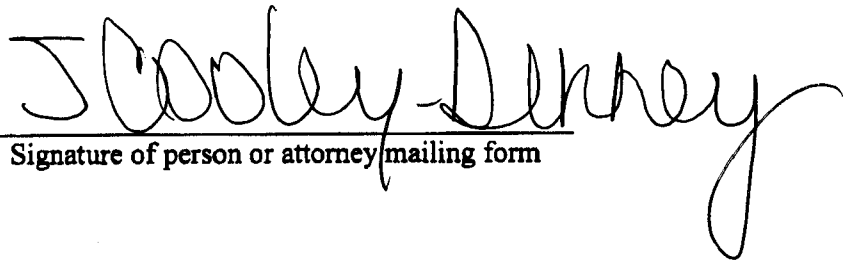
1. Original to:

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