

Department of Water Resources
Adjudication Bureau

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

STANDARD FORM 5

SUBCASE NO: 34-10517

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right under state law or one water right acquired under 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; and 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.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

G DAVID NELSON
~~HC-86-BOX 4110~~ 5688 chilly Road
MACKAY ID 83251

Required Statement: G. David Nelson is the current owner of this water right, as shown by the Standard Form 3 previously filed with the court by the current owner.

2. The source of water is: GROUNDWATER

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

STOCKWATER 0.23 CFS
TOTAL QUANTITY: 0.23 CFS

Required Statement: As recommended in the director's report.

4. The priority date is: 02/01/1987

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T07N R24E S25 NWNESE

Required Statement: As recommended in the director's report. The claim is not for an instream flow.

6. The purpose of use is: STOCKWATER

NON-IRRIGATION USES: STOCKWATER - 1000 CATTLE

Required Statement: As recommended in the director's report.

7. The period of year when the water is to be used is:

STOCKWATER 01-01 to 12-31

Required Statement: As recommended in the director's report.

8. The legal description of the place of use or of the reservation is:

T07N R24E S25 NESE

PARCEL NO. RP08N22E132401

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is: De Minimis.

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

These matters do not fall within the 9 elements listed above because: Not applicable.

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: G. David Nelson

Address: HC 86 Box 4110

City/State/Zip: Mackay, ID 83251

Attorney of Record: Patrick D. Brown

Name: Idaho Dept. of Water Resources

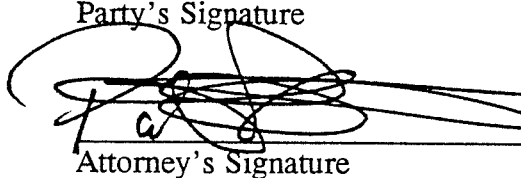
Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Susan E. Hamlin/
A. Lynne Krogh

Party's Signature

Date

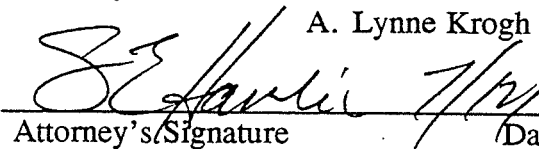
 5/12/95

Attorney's Signature

Date

Attorney's Signature

Date

 7/12/95

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 12, 1995, 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:

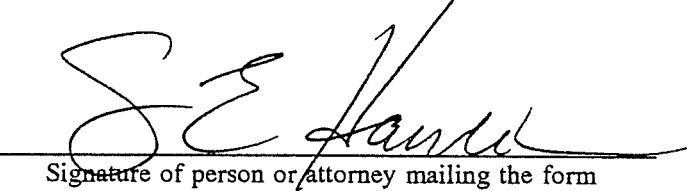
1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0098

Patrick D. Brown
P.O. Box 389
Twin Falls, ID 83303-0389



Signature of person or attorney mailing the form

A. LYNNE KROGH
SUSAN E. HAMLIN
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, ID 83711-4449
Telephone: (208) 327-7920
Fax: (208) 327-7866

Attorneys for IDWR

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	)	Sub-case No. 34-10517
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-10517.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), G. David Nelson (objector claimant), and Patrick D. Brown (attorney for objector/claimant), stipulate and agree that:

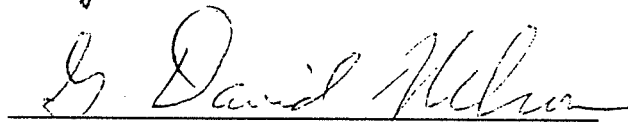
1. The Standard Form 5 for water right no. 34-10517, attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by IDWR and the parties. All decrees, whether partial or final, should describe the water right as shown in the standard form 5.

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

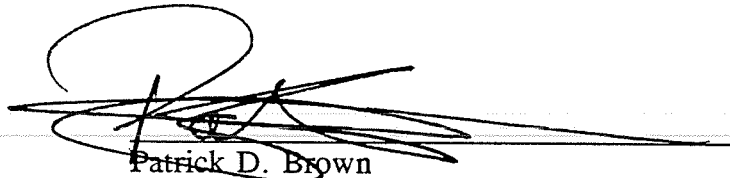
3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated this 17 day of July, 1995.

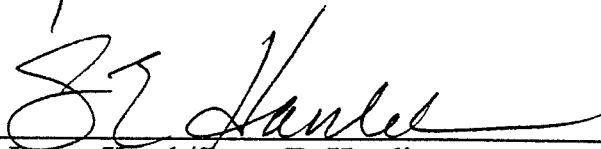


G. David Nelson
Objector/Claimant



Patrick D. Brown
Attorney
Objector/Claimant

Dated this 12 day of July, 1995

A handwritten signature in black ink, appearing to read "SE Hamlin", written over a horizontal line.

A. Lynne Krogh/Susan E. Hamlin
Deputy Attorney General
Idaho Department of Water Resources