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Department of Water Resources
Adjudication Bureau

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FILED

**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: 36-04045**

) **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:

MAXINE RICKETTS
511 E 300 S
JEROME ID 83338

VIRGINIA RICKETTS
CLAIR RICKETTS
516 E 300 S
JEROME ID 83338

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

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 (CFS) or the quantity of water stored in acre-feet per year (AFY) is:

STOCKWATER 0.03 CFS
TOTAL QUANTITY: 0.03 CFS

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

4. The priority date is: 08/20/1961

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:

T09S R18E S18 SENW

Required Statement: IDWR and the parties stipulate that this is the correct description of the point of diversion. The claim is not for an instream flow.

6. The purpose of use is: STOCKWATER

NON-IRRIGATION USES: STOCKWATER - 100 RANGE 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:

T09S R18E S18 SWSW

Required Statement: As recommended in the director's report. The place of use is located in Jerome 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: Virginia & Clair Ricketts

Address: 516 E. 300 S.

City/State/Zip: Jerome, ID 83338

Attorney of Record:

Clair K Ricketts 7/7/95
Party's Signature Date

Virginia Ricketts 7/7/95
Party's Signature Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

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

Attorney of Record: Daniel L. Steckel/
Nicholas B. Spender

D L Steckel 6/29/95
Attorney's Signature Date

Name: United States through

Address: Department of Justice

601 Pennsylvania Ave. NW

City/State: Washington, DC 20004

Attorney of Record: Daria J. Zane

D J Zane 7/12/95
Attorney's Signature Date

Name: Maxine Ricketts

Address: 511 E. 300 S

City/State/Zip: Jerome, ID 83338

Attorney of Record:

Maxine Ricketts 7/7/95
Party's Signature Date

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

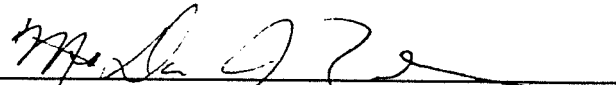
2. Copies to:

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

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724-0663

Clair Ricketts
Virginia Ricketts
516 E. 300 S.
Jerome, ID 83338

Maxine Ricketts
511 E. 300 S.
Jerome, ID 83338



Signature of person or attorney mailing the form

DANIEL L. STECKEL
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

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. 36-04045
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 36-04045.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR), the United States of America (the objector), and Maxine, Clair and Virginia Ricketts (the claimants), stipulate and agree that:

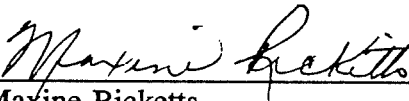
1. The Standard Form 5 for water right no. 36-04045, attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by IDWR and the parties. All decrees, whether partial or final, should describe the water right as shown in the standard form 5.

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.

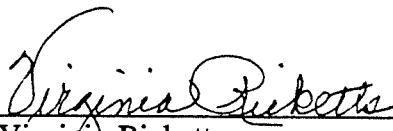
Dated this 7 day of July, 1995.



Maxine Ricketts
Claimant

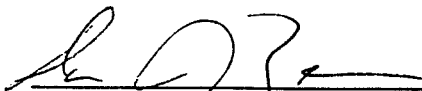


Clair Ricketts
Claimant



Virginia Ricketts
Claimant

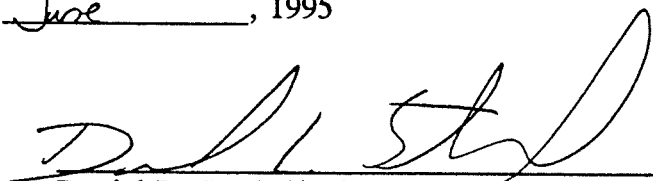
Dated this 12th day of July, 1995.



Daria J. Zane/ R. Lee Leininger
Attorney

General Litigation Section
Environment and Natural Resources Division
U.S. Department of Justice

Dated this 29th day of June, 1995



Daniel L. Steckel/ Nicholas B. Spencer
Deputy Attorney General

Idaho Department of Water Resources