

9-22

**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-00962
	)	
	)	
	)	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:

HONOLULU COPPER CORPORATION
2927 MOKUMOA ST
HONOLULU HI 96819

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

2. The source of water is: Source: CLIFF CREEK Tributary: BIG LOST RIVER

Required Statement: IDWR and the claimant stipulate that this is the correct description of the source of water.

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:

MINING 2.75 CFS
TOTAL QUANTITY: 2.75 CFS

UP TO .75 CFS MAY BE TAKEN THROUGH WATER SYSTEM; REMAINDER OF WATER DIVERTED TO BE RELEASED INTO CLIFF CREEK DRAINAGE WITHIN 50 FEET OF THE CREEK.

Required Statement: IDWR and the claimant stipulate that this is the correct description of the quantity of water.

4. The priority date is: 06/01/1884

Required Statement: IDWR and the claimant stipulate that this is the correct priority date.

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:

T06N R23E S02 SWSENW

Required Statement: IDWR and the claimant 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: MINING

Required Statement: IDWR and the claimant stipulate that this is the correct description of the purpose of use.

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

IRRIGATION 01-01 to 12-31

Required Statement: IDWR and the claimant stipulate that this is the correct period of year.

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

T07N R23E S36 NWSE

Required Statement: IDWR and the claimant 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: IDWR and the claimant stipulate that this is the correct description of the annual volume of consumptive use.

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.

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: Honolulu Copper Corporation
Address: 2927 Mokumoa St.
City/State/Zip: Honolulu, HI 96819
Attorney of Record: Ray W. Rigby

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

Attorney's Signature

Date

Attorney'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 Sept. 18, 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

Ray W. Rigby
P.O. Box 250
Rexburg, ID 83440



Signature of person or attorney mailing the form

