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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

**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: 36-10800**

) **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:

ADRIAN K BOER
466S 200W
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:

DOMESTIC	0.04	CFS
STOCKWATER	0.02	CFS
TOTAL QUANTITY:	0.04	CFS

Required Statement: As recommended in the director's report. IDWR and the parties agree and recognize that the total quantity is not equal to the sum of the quantities for each purpose of use.

4. The priority date is: 12/01/1945

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 R16E S07 NENESE
T09S R16E S07 NESWSE

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

6. The purpose of use is: DOMESTIC
STOCKWATER

NON-IRRIGATION USES: DOMESTIC - 1 HOUSE
STOCKWATER - 25 HOLSTEIN CATTLE

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

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

DOMESTIC	01-01 to 12-31
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:

DOMESTIC
T09S R16E S07 SESE

STOCKWATER
T09S R16E S07 SESE

PARCEL NO. 09S16E077200

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use. This stipulation corrects a typographical error in the description of the place of use for stockwater. The place of use is located in Gooding 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: Adrian K. Boer
Address: 466 S. 200 W.
City/State/Zip: Jerome, ID 83338
Attorney of Record:

Adrian K. Boer 6-6-95
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. Spencer

D. L. Steckel 5/9/95
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/R. Lee Leininger

D. J. Zane 6/9/95
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 _____, 199____, 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

Adrian K. Boer
466 S. 200 W.
Jerome, ID 83338

Signature of person or attorney mailing the form

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CERTIFICATE OF MAILING

I certify that on 6/5, 19995, 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:

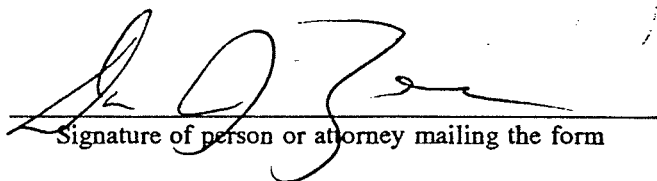
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