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**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: 34-00961
	)	(ONE NUMBER ONLY)
	)	
	)	STIPULATED ELEMENTS OF A
_____	)	WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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 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:

JOHN L POWERS
PO BOX 493
MACKAY ID 83251

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

2. The source of water is:

Source: WASTE WATER Tributary: SINKS

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:

DIVERSION TO STORAGE	0.8	CFS
RECREATION STORAGE	30.0	AFY
TOTAL QUANTITY:	0.8	CFS

USE OF THIS RIGHT WITH THE RECREATION STORAGE PORTION OF RIGHT NO. 34-00959 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 30 AF.

STORAGE CAPACITY OF THE POND IS 25 AF.

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

4. The priority date is: 04/04/1912

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 S29 SWSESE

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

6. The purpose of use is:

NON-IRRIGATION USE: RECREATIONAL POND

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

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

DIVERSION TO STORAGE 01-01 TO 12-31

RECREATION STORAGE 01-01 TO 11-01

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

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

PLACE OF USE: DIVERSION TO STORAGE

T07N R24E S28 SWSW

PLACE OF USE: RECREATION STORAGE

T07N R24E S28 SWSW

Required Statement: As recommended in the director's report. The place of use is located in Custer County, Idaho.

9. The annual volume of consumptive use is: 7 AF

Required Statement: IDWR and the party stipulate that this is the correct description of the annual volume of consumptive use based on the evaporation of the surface area of the pond.

10. Other matters necessary to define this water right.

These matters are necessary because: Not applicable.

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

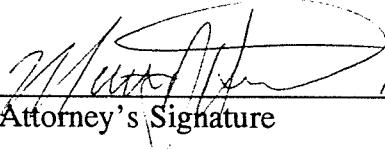
Signature and Address of Parties and their Attorney of Record

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

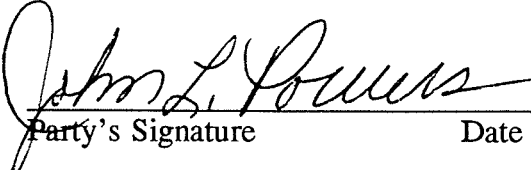
The stipulation of the parties is attached hereto and incorporated herein by reference.

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
Matt Howard

Name: John L. Powers
Address: PO Box 493
City/State/Zip: Mackay, ID 83251
Attorney of Record:



Attorney's Signature 10/31/95
Date



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 11/1/95, 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:

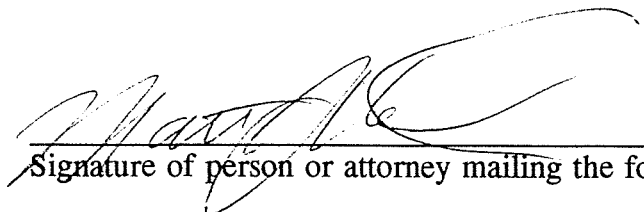
1. Original to:

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 44449
Boise, ID 83711-4449

John L. Powers
PO Box 493
Mackay, ID 83251



Signature of person or attorney mailing the form

SUSAN E. HAMLIN
MATT HOWARD
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 327-7900
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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. 34-00961
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 34-00961.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR) and John L. Powers (the claimant/objector), stipulate and agree that:

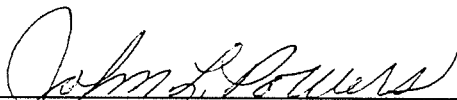
1. The Standard Form 5 for water right no. 34-00961, attached hereto and incorporated by reference herein, sets forth the description of the water right as described in the director's report. All decrees, whether partial or final, should describe the water right as shown in the director's report.

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 resolution, either through settlement or litigation, of 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 25th day of September, 1995.



John L. Powers
Claimant/Objector

Dated this 31 day of October, 1995



Susan E. Hamlin/Matt Howard
Deputy Attorney General
Idaho Department of Water Resources