11-3

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: 36-15091

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 and IDWR 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(s) is:

   JAMES MARTIN
   SUSAN MARTIN
   PO BOX 356
   HAGERMAN ID 83332

   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 or the quantity of water stored in acre-feet per year is:

DOMESTIC	0.04	CFS
STOCKWATER	0.02	CFS
TOTAL QUANTITY:	0.06	CFS

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

4. The priority date is: 06/10/1970

   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:

   T07S R13E S11 SESESW

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

6. The purpose of use is:

   DOMESTIC
   STOCKWATER

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

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

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.

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Brent King
Nicholas B. Spencer

10/20/95
Attorney's Signature Date

Name: JAMES and SUSAN MARTIN
Address: PO BOX 356
City/State/Zip: HAGERMAN ID 83332
Attorney of Record: pro se

Jamie Martin 10-20-95
Party's Signature Date

x Susan Martin 10/20/95
Party's Signature Date

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:

T07S R13E S11 SESW

PARCEL NO. RP07S13E118750

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

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