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Department of Water Resources
Adjudication Bureau

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MAR 04 1996

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: 36-07138

PROPOSED 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).

The parties agree that the elements of the water right should be decreed as stated in the Director's Report, copy of which is attached as Exhibit 1.

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: Flat Top Sheep Company
Address: PO Box 88
City/State/Zip: Carey, Idaho 83320
Attorney of Record: Roger D. Ling, Esquire



Party or Attorney's Signature 2/29/96
Date

Names: United States through
Department of Justice on behalf of BLM
Address: 601 Pennsylvania Ave., NW
City/State/Zip: Washington, D.C. 20004
Attorney of Record: Daria J. Zane
William Ferry



Attorney's Signature 2/7/96
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 February 29, 1996, 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:

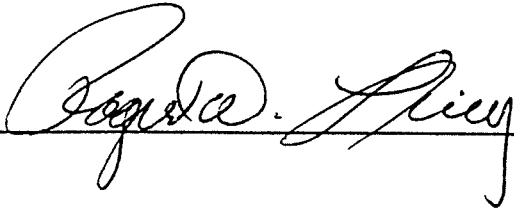
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Roger D. Ling, Esquire
Ling, Neilson & Robinson
615 H Street
PO Box 396
Rupert, Idaho 83350



A handwritten signature in cursive script, reading "Roger D. Ling", is written over a horizontal line.