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Department of Water Resources

**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
	)	AMENDED MAY 14, 1996
Case No. 39576	)	
	)	SUBCASE NO: 36-02660
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

This form is used to report the stipulated elements of one water right acquired under state law and/or one 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

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany **each** element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to these uncontested elements 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).

ELEMENTS

1. The name and address of the claimant is:

STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PO BOX 7129
BOISE ID 83707

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

2. The source of water is:

Source: 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:

TOTAL QUANTITY: 0.04 CFS

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

4. The priority date is:

09/13/1966

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

5. The legal description of the point of diversion is:

T09S R17E S16 NWNE Within JEROME County

Required Statement: IDWR and the claimant stipulate that this is the correct point of diversion.

6. The purpose of use is:

DOMESTIC

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

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

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:

T09S R17E S16 NWNW Within JEROME County
T09S R17E S16 NENW

PROPERTY ALSO KNOWN AS REST AREA EAST BOUND I-84

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

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

Review By IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of the Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

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):

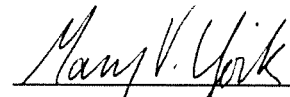
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: State of Idaho, Dept. of Transportation

Address: P.O. Box 7129

City/State/Zip: Boise, ID 83707

Attorney of Record: George M. Parham



Attorney's Signature

8.15.96

Date

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Brent King



Attorney's Signature

8/1/96

Date

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Department of Water Resources

BRENT KING
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

Attorney 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. 36-02660
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 36-02660.

STIPULATION

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR) and the Idaho Department of Transportation, Division of Highways (the objector/claimant), stipulate and agree that:

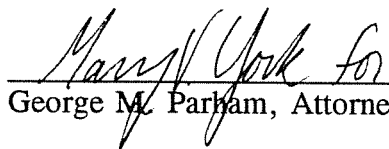
1. The Standard Form 5 for water right no. 36-02660, attached hereto and incorporated by reference herein, sets forth the description of the water right as described in the director's report. All decrees, whether partial or final, should describe the water right as shown in the director's report.

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 15th day of August, 1996.


George M. Parham, Attorney for Idaho Dept. of Transportation

Dated this 1 day of August, 1996.


Brent King
Deputy Attorney General
Idaho Department of Water Resources

INSTRUCTIONS FOR MAILING

You must mail this 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 August 29th, 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:

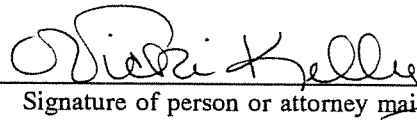
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724-0663

Dept. of Transportation
Division of Highways
PO Box 7129
Boise ID 83707



Signature of person or attorney mailing the form