

**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     | ) | Subcase No. 61-12296              |
|                | ) | (Split from Subcase No. 61-07417) |
| Case No. 39576 | ) |                                   |
|                | ) | STANDARD FORM 5                   |
|                | ) |                                   |
|                | ) | STIPULATED ELEMENTS OF A          |
|                | ) | WATER RIGHT                       |

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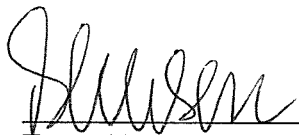
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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; that 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.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT:**

State of Idaho Department of Lands

|                                                                                     |           |  |
|-------------------------------------------------------------------------------------|-----------|--|
|  | 4/17/2014 |  |
| Tyson Nelson                                                                        | Date      |  |
| Deputy Attorney General                                                             |           |  |
| Attorney for IDL                                                                    |           |  |

**IDWR Concurrence:**

 4/17/14  
\_\_\_\_\_  
Steve Clelland                      Date  
Senior Water Resource Agent

 4/17/14  
\_\_\_\_\_  
Meghan Carter                      Date  
Deputy Attorney General  
Attorney for IDWR

04/11/2014

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 61-12296

NAME AND ADDRESS: STATE OF IDAHO  
DEPT OF LANDS  
300 N 6TH ST STE 103  
PO BOX 83720  
BOISE ID 83720-0050

TKN

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

me

QUANTITY: 1.15 AFY

The capacity of the pond 1.25 AF.

The quantity of water under Right Nos. 61-7417 and  
61-12296 shall not exceed 13,000 gallons per day.

su

PRIORITY DATE: 09/10/1981

This water right is subordinate to all water rights  
with a priority date earlier than April 12, 1994, that  
are not decreed as enlargements pursuant to Section  
42-1426, Idaho Code. As between water rights decreed  
as enlargements pursuant to Section 42-1426, Idaho  
Code, the earlier priority right is the superior right.

POINT OF  
DIVERSION:

T01N R06E S34 SESE Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER FROM STORAGE | 06/01 11/30          | 1.15 AFY        |
| STOCKWATER STORAGE      | 01/01 12/31          | 1.15 AFY        |

PLACE OF  
USE:

STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S34 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER  
RIGHT:

The quantity of water decreed for this water right is  
not a determination of historical beneficial use.

This right is based upon an enlargement of Right No.  
61-7417 pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general  
provisions necessary for the definition of the rights  
or for the efficient administration of the water rights  
as may be ultimately determined by the Court at a point  
in time no later than the entry of a final unified  
decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use  
Parcel No. RP01N06E340020

This right is a split from right 61-7417.

## CERTIFICATE OF MAILING

I certify that on APRIL 18, 2014, 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:

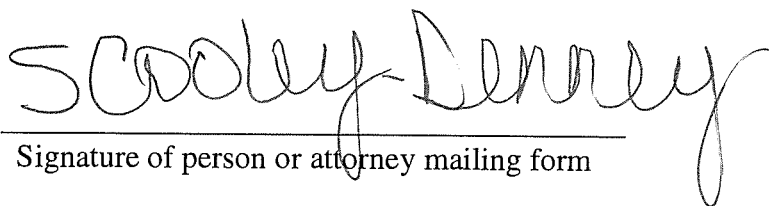
1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

Copies to:

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
JRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

  
\_\_\_\_\_  
Signature of person or attorney mailing form



**STATE OF IDAHO**  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

April 18, 2014

Diana Delaney  
Snake River Basin Adjudication District Court  
253 3<sup>rd</sup> Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

Re: Subcase Nos. 61-07417 & 63-12296 (State of Idaho Department of Lands)

Dear Diana:

Please find enclosed for filing fully executed SF5s and IDWR Recommendations for the above-referenced subcases.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzy", is written over the typed name.

SUZY COOLEY-DENNEY, Paralegal  
Office of the Attorney General  
Idaho Department of Water Resources

Enclosures

cc: Tyson Nelson, DAG (IDL)