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JUN 25 2014

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	)	Subcase No. 72-16779
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

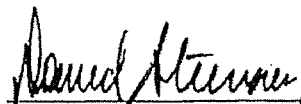
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Eddie Baker, Jr.

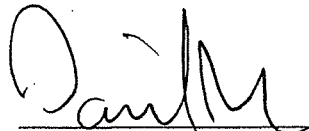
 6-10-14

Daniel V. Steenson
Attorney at Law

Date

OBJECTOR:

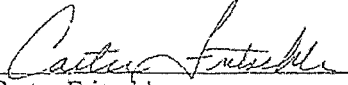
United States of America

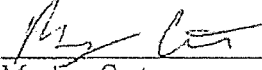
 - 6/24/14

David Negri, Attorney
Bureau of Land Management

Date

IDWR Concurrence:

 6-19-14
Carter Fritschle Date
Manager, Adjudication Section

 6/20/14
Meghan Carter Date
Deputy Attorney General
Attorney for IDWR

06/03/2014

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

RIGHT NUMBER: 72-16779

NAME AND ADDRESS: EDDIE BAKER
HC 68 BOX 375
CLAYTON ID 83227

EDDIE BAKER JR
HC 68 BOX 375
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: ~~52.60~~ 54.60 CFS

Right nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of ~~17.20~~ 19.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NENESW.

Right nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, SESESW.

Right nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.

~~The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.~~

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T09N R17E S1 SWSWNE Within CUSTER County
T09N R17E S11 NENWNE Within CUSTER County
T09N R17E S11 SESESW Within CUSTER County
T09N R17E S11 NENESW Within CUSTER County
T09N R17E S15 SWSE Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	~~52.60~~ 54.60 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

RIGHT	SECTION	ACRES	RIGHT	SECTION	ACRES	QUANTITY
T09N R17E S01 Lot 1	NENE	20.00	T09N R17E S01 Lot 2	NWNE	19.00	19.00
T09N R17E S01	SWNE	16.00	T09N R17E S01 Lot 6	NENW	5.30	5.30
T09N R17E S01	SWMW	19.00	T09N R17E S01	SENE	35.00	35.00
T09N R17E S01	NESW	18.00	T09N R17E S01	NWSW	39.00	39.00
T09N R17E S01	SWSW	27.00	T09N R17E S02	SENE	0.80	0.80

CF
nc
BKS
DN

T09N R17E S02	NESE	~~19.0~~ <u>20.0</u>	T09N R17E S02	SESE	28.00
T09N R17E S11	NENE	28.00	T09N R17E S11	NWNE	~~25.0~~ <u>26.0</u>
T09N R17E S11	SWNE	16.00	T09N R17E S11	NENW	~~2.2~~ <u>8.0</u>
T09N R17E S11	SENE	~~8.0~~ <u>10.0</u>	T09N R17E S11	SESW	17.00
T09N R17E S14	SWNW	13.00	T09N R17E S15 Lot 5	SENE	~~3.9~~ <u>5.4</u>
T09N R17E S15 Lot 6	NESE	5.40			
<u>364.6</u> <u>375.9</u> ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 394.5 acres in a single irrigation season. Combined Right Nos.: 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780A.

Place of use does not include federal public lands.

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

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

Other water rights used at the same place and for the same purposes as described above: The following rights are for irrigation from these diversions: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204 and 72-2048.

CERTIFICATE OF MAILING

I certify that on June 24th, 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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

EDDIE BAKER JR
Represented by:
DANIEL V STEENSON
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707



Signature of person or attorney mailing form