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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. 72-16787
	)	
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.

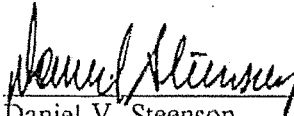
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS:

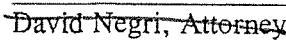
Richard Baker
Cheryl Baker

~~OBJECTOR:~~

United States of America

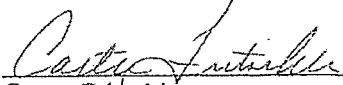
 6-20-14

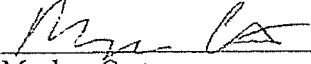
Daniel V. Steenson Date
Attorney at Law

 Date

David Negri, Attorney
Bureau of Land Management

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: 72-16787

NAME AND ADDRESS: CHERYL K BAKER
HC 68 BOX 350
CLAYTON ID 83227

RICHARD DOUGLAS BAKER
HC 68 BOX 350
CLAYTON ID 83227

SOURCE: HERD CREEK

TRIBUTARY: EAST FORK SALMON RIVER

QUANTITY: 6.400 CFS

Right nos. 72-190 and 72-16787 are limited to a maximum combined diversion rate of 3.40 cfs at the Herd Creek-1 Diversion in T10N, R18E, S35, NESESE.

Right nos. 72-190 and 72-16787 are limited to a maximum combined diversion rate of 3.40 cfs at the Herd Creek-2 Diversion in T10N, R18E, S35, SESWNE.

~~The diversion rate listed is a peak measured value during maximum discharge periods. The actual diversion rate varies seasonally through the year and is 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: T10N R18E S35 SESWNE Within CUSTER County
T10N R18E S35 NESESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	6.400 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T10N R18E S35	NWNE	1.20	T10N R18E S35	SWNE	6.60
T10N R18E S35	NWSE	2.60			

10.4 ACRES TOTAL

Right Nos. 72-190 and 72-16787 are limited to the irrigation of a combined total of 10.4 acres in a single irrigation season.

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

Water is delivered through the Herd Creek #1 (EPHC-1) in the NESESE S35 T10N R18E; and the Herd Creek #2 (EPHC-2) in the SESWNE Sec 35 T10N R18E headgates.

me
of
DVS
ON

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:

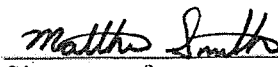
1. Original to:

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

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

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

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



Signature of person or attorney mailing form