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Department of Water Resources

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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

Case No. 39576

SUBCASE NO:

36-15091

STIPULATED ELEMENTS OF A
WATER RIGHT

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

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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 and IDWR 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 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).

1. The name and address of the claimant(s) is:

JAMES MARTIN
SUSAN MARTIN
PO BOX 356
HAGERMAN ID 83332

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

2. The source of water is: 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:

DOMESTIC	0.04	CFS
STOCKWATER	0.02	CFS
TOTAL QUANTITY:	0.06	CFS

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

4. The priority date is: 06/10/1970

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

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T07S R13E S11 SESESW

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

6. The purpose of use is:

DOMESTIC
STOCKWATER

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

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

DOMESTIC	01-01 TO 12-31
STOCKWATER	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:

T07S R13E S11 SESW

PARCEL NO. RP07S13E118750

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

9. The annual volume of consumptive use is: NOT APPLICABLE.

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

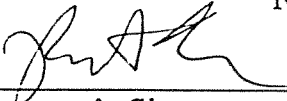
These matters do not fall within the 9 elements listed above because: Not applicable

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signature and Address of Parties and their Attorney of Record

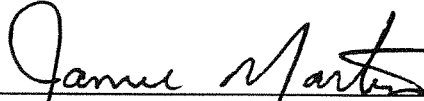
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Brent King
Nicholas B. Spencer

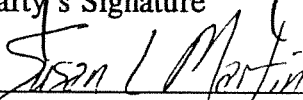


Attorney's Signature Date 4/8/96

Name: JAMES and SUSAN MARTIN
Address: PO BOX 356
City/State/Zip: HAGERMAN ID 83332
Attorney of Record: pro se



Party's Signature Date 4-15-96



Party's Signature Date 4/15/96

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 August 30, 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 44449
Boise, ID 83711-4449

James & Susan Martin
PO Box 356
Hagerman, ID 83332



Signature of person or attorney mailing the form