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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	)	**SUBCASE NO.: 65-22232**
	)	
Case No. 39576	)	**STANDARD FORM 5**
	)	
	)	

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.

OBJECTOR:

Larry C. Brown 7/30/02
Larry A. Brown LAB date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 7/31/02
Roxanne Brown date
Sr. Water Resource Agent

CLAIMANT:

Marva Vogel 7-22-02
Marva Vogel date

Tom Vogel 7-22-02
Tom Vogel date

IDAHO DEPARTMENT OF WATER RESOURCES

AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22232

NAME AND ADDRESS: MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

TOM VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

SOURCE: LITTLE WILLOW CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1890

POINT OF DIVERSION:

~~T10N R02W S31 SENWNE Begin of Stream Flow Within WASHINGTON County~~

T10N R02W S31 NESWNE Begin of Stream Flow Within WASHINGTON County

T10N R02W S31 SWSWSW Lot 4 End of Stream Flow Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.02 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

~~T10N R02W S31 NWNE~~	T10N R02W S31 SWNE
T10N R02W S31 SENW	T10N R02W S31 NESW
T10N R02W S31 Lot 3 NWSW	T10N R02W S31 Lot 4 SWSW
~~T10N R02W S31 SESW~~	

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 300 RANGE CATTLE

CERTIFICATE OF MAILING

I certify that on July 30, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

- ✓ overnight mail
- ___ regular mail
- ___ hand-delivered
- ___ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

- ___ overnight mail
- ✓ regular mail
- ___ hand-delivered
- ___ facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

- ___ overnight mail
- ✓ regular mail
- ___ hand-delivered
- ___ facsimile

3. Copies to all parties to the subcase:

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

- ___ overnight mail
- ✓ regular mail
- ___ hand-delivered
- ___ facsimile

Marva and Tom Vogel
114 Paddock Valley Rd.
Payette, ID 83661

- ___ overnight mail
- ✓ regular mail
- ___ hand-delivered
- ___ facsimile

Larry C. Brown
Signature of person mailing this document