

**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	)	Subcases 51-10207 (Split into 51-12978
	)	and 51-12979)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	STIPULATION TO DISALLOW
	)	51-12978, 51-12979 AND
	)	RE-RECOMMEND 51-10207

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.

IDWR issued the original recommendation for 51-10207 in its *Director's Report for Irrigation and Other Uses, Reporting Area 6, Basin 51* on November 24, 1998. Subsequently, on November 18, 2002, IDWR split water right number 51-10207 into 51-12978 and 51-12979. 51-12978 was recommended to the Robertsons and 51-12979 was recommended to the Kohrings. The parties and IDWR now agree that 51-10207 should not have been split. The parties and IDWR agree that 51-12978 and 51-12979 should be disallowed and that the original 51-10207 should be decreed as described per the attached Amended Director's Report for 51-10207. The parties and IDWR believe that this will best capture the historical use of this water right. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Tri-Vial, Inc.

Eugene Robertson 6/20/03
Eugene Robertson Date

Susan Wildwood 6-27-03
Susan Wildwood Date
Attorney for Tri-Vial, Inc.

Susan Robertson 6/20/03
Susan Robertson Date

CLAIMANT(s)/OBJECTOR(s):

Kent Kohring 6/6/03
Kent Kohring Date

Jim Jones 6-11-03
Jim Jones Date
Attorney for claimants/objectors

Virginia Kohring 6/6/03
Virginia Kohring Date

IDWR Concurrence:

Carter Fitchell 6-25-03
IDWR Agent Date

Garrick L. Baxter 6/25/03
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on June 25, 2003, 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:

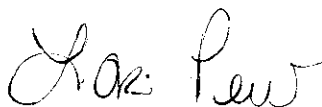
Tri-Vial, Inc.
Eugene & Susan Robertson
HC 85, Box 139E
Bruneau, ID 83604

Kent & Virginia Kohring
HC 85, Box 140
Bruneau, ID 83604

Susan Wildwood
P.O. Box 6502
Boise, ID 83707

Jim Jones
1275 Shoreline Lane
Boise, ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

RIGHT NUMBER: 51-10207

NAME AND ADDRESS: KENT KOHRING
VIRGINIA KOHRING
HC 85 BOX 140
BRUNEAU ID 83604

TRIBUTARY:

QUANTITY: 0.13 CFS

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

PRIORITY DATE: 03/01/1963

POINT OF DIVERSION:

T06S R04E S25 SWNWSE Within OWYHEE County

~~T06S R04E S36 SWSWSW Within OWYHEE County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
STOCKWATER	01/01	12/31	0.03 CFS
DOMESTIC	01/01	12/31	0.1 CFS

PLACE OF USE: STOCKWATER Within OWYHEE County

T06S R04E S25 NWSE

DOMESTIC Within OWYHEE County

T06S R04E S25 NWSE

~~T06S R04E S36~~ ~~SWSW~~

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, 100 RANGE CATTLE.

KSK
 UK-
 Q
 DR.
 CD
 AB

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
474	6/25 9:19AM	4'00"	12087362121	Send	20/20	EC144	Completed

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DEPARTMENT OF WATER RESOURCES
1381 North Orchard Street, P.O. Box 6720, Boise, Idaho 83720-0720
Phone: (208) 327-7900 FAX: (208) 327-7885

www.idwaterresources.com
A Web Enabled
Resource

FAX Transmittal Cover Sheet

Number of pages including this one: 19

Date: 6/25/03
To: Colin +
Fax No.: _____
From: Garcia, Peter
Fax No.: _____
Phone No.: _____
Subject: _____

In Addition: There is now a way to search water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page.

<http://www.idwr.idaho.gov>

From that link, select "Snake River Basin Adjudications" toward the lower left hand of the screen. Then select "Map" or "Text" on the same page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search".

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place of interest, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7900 for help.