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JUN 30 2003

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JUN 27 AM 11 09

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

Case No. 39576

) Subcase No. 51-2214
)
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

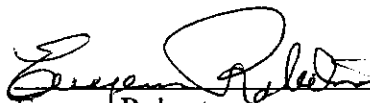
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

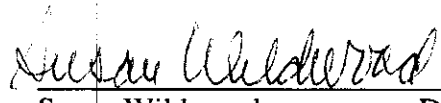
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Tri-Vial, Inc.


Eugene Robertson Date 6/20/03


Susan Robertson Date 6/20/03


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

STANDARD FORM 5 - 51-2214

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:

Carla Fitch 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:

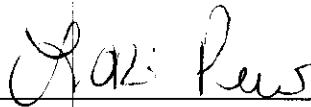
Tri-Vial, Inc.
Eugene & Susan Robertson
HC 85, Box 139E
Bruneau, ID 83604

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

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

RIGHT NUMBER: 51-2214

NAME AND ADDRESS:

KENT KOHRING
HC 85 BOX 140
BRUNEAU ID 83604

VIRGINIA KOHRING
HC 85 BOX 140
BRUNEAU ID 83604

SOURCE: GROUND WATER Tributary:

QUANTITY: 4.04 CFS

~~1,560.0 AFY~~ ~~1,248.0 AFY~~

PRIORITY DATE: 04/11/1966

POINT OF DIVERSION:

T06S R04E S25 SWSWNW Within OWYHEE County
T06S R04E S36 SWSWSW Within OWYHEE County
TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	4.040 CFS <u>1,560.00 AFY</u> ~~1,248.00 AFY~~

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION within OWYHEE County

T06S R04E S24 SESE 38.0
T06S R04E S25 NENE 38.0
T06S R04E S25 NWNE 36.0
T06S R04E S25 NENW 38.0
T06S R04E S25 NWNW 39.0
T06S R04E S25 SWNW 40.0
T06S R04E S25 SENW 40.0
T06S R04E S25 NESW 40.0
T06S R05E S30 NENW 40.0

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Department of Water Resources

T06S R05E S30 NWNW Lot 1 40.0

T06S R05E S30 SWNW Lot 2 40.0

T06S R05E S30 SENW 42.0

471 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 471 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-12977

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 - License

WATER TEMPERATURE MEASURED AT 105 DEGREES F. FROM POINT OF DIVERSION IN SWSW, S36, T06S, R04E.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-04000A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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JK
UK
JR
JL