

COPY

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	)	Subcase No. 51-12977
	)	
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.

CLAIMANT:

Tri-Vial, Inc.

Eugene Robertson 6/20/03
Eugene Robertson Date

Susan Robertson 6/20/03
Susan Robertson Date

Susan Wildwood 6/22/03
Susan Wildwood Date
Attorney for Tri-Vial, Inc.

STANDARD FORM 5 – 51-12977

CLAIMANT(s)/OBJECTOR(s):

Kent Kohring 6/6/03
Kent Kohring Date

Virginia Kohring 6/6/03
Virginia Kohring Date

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

IDWR Concurrence:

Cathy Lintick 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

11/01/2002

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 51-12977
NAME AND ADDRESS: KENT KOHRING
VIRGINIA KOHRING
HC 85 BOX 140
BRUNEAU ID 83604

SOURCE: GROUND WATER
QUANTITY: ~~6-47~~ 3.295 CFS
636.0 AFY

TRIBUTARY:

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

PRIORITY DATE: 03/15/1956

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	03/01 11/15	~~6-24~~ 3.18 CFS
STOCKWATER	01/01 12/31	~~0-23~~ 0.115 CFS

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	T06S R05E S30 Lot 1	NWNW	40.0
T06S R05E S30 Lot 2	SWNW	40.0	T06S R05E S30	SENW	42.0
~~T06S R04E S25~~	~~NESE~~	~~39.0~~	~~T06S R04E S25~~	~~NWSE~~	~~34.0~~
~~T06S R04E S25~~	~~SWNE~~	~~40.0~~	~~T06S R04E S25~~	~~SENE~~	~~40.0~~

STOCKWATER same as IRRIGATION

~~624-471~~ ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~312-159~~ 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 ~~624-471~~ ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-02214.

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 FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Handwritten signatures and initials:
KSK
JK
GR
ST
AB

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: 51-02214.

STOCKWATER, 500 ~~1000~~ RANGE CATTLE.

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

KKK
JK
ER
AK
CA
AB