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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: 29-2566

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. 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; and 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:

Paul O. Kendall

Paul Kendall

Date

OBJECTOR:

Larry A. Brown

Larry Brown, USDOJ FWP
Attorney for BLM

12/12/03

Date

OBJECTOR:

David W. Gehlert 12/12/03

David W. Gehlert, USDOJ
Attorney for the BOR

Date

IDWR CONCURRENCE:

Ernie Carlsen Nov. 25, 2003

Ernie Carlsen
Adjudication Supervisor, Eastern Region

Date

Susan Hamlin Nygard 12/2/03

Susan Hamlin Nygard (As to Form)
Attorney for IDWR

Date

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

RIGHT NUMBER: 29-2566

NAME AND ADDRESS:

PAUL KENDELL
3131 W NEELEY RD
AMERICAN FALLS ID 83211

SOURCE:

Source:
GROUND WATER

Tributary:

FWP

QUANTITY:

1.400 CFS
292.000 AFY

~~USE OF THIS RIGHT WITH RIGHT NO. 29-2612 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.42 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 896 AF.~~

PRIORITY DATE:

07/19/1961

*P.O.K.
JG*

POINT OF DIVERSION:

T08S R30E S11 SWSWSW
Within POWER County

T08S R30E S11 SESWSE
Within POWER County

ENE

del

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	1.400 CFS 292.00 AFY

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

PLACE OF USE:

IRRIGATION

within POWER County

~~T08S R30E S10 Lot 0 46.0~~

T08S R30E S10 Lot 1 3.9

T08S R30E S10 NESE Lot 0 5.2

T08S R30E S10 SWSE Lot 0 4.7

T08S R30E S10 SESE Lot 0 36.0

~~T08S R30E S11 Lot 0 22.0~~

T08S R30E S11 NESW Lot 0 10.0

T08S R30E S11 NESW Lot 3 9.1

T08S R30E S11 NWSW Lot 0 12.0

T08S R30E S11 NWSW Lot 4 17.0

T08S R30E S11 SWSW 40.0

T08S R30E S11 SESW 39.0

T08S R30E S14 NWNW 35.0

~~T08S R30E S15 Lot 0 15.0~~

T08S R30E S15 NENE Lot 0 13.0

T08S R30E S15 NENE Lot 1 6.9

T08S R30E S15 NWNE Lot 0 2.1

233.9 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 83 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO THE SOUTH SIDE OF THE
SNAKE RIVER.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: *FWP*

The use of water under this right does not include use on federal public
land.

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

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

CERTIFICATE OF MAILING

I certify that on Dec. 12, 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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

Paul Kendell
3131 W Neeley Rd
American Falls, Id 83211

Larry Brown
US DOJ
Attorney for BLM
550 W. Fort St. MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form