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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.: 65-22233

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

IDWR CONCURRENCE:

Roxanne Brown 7/5/02
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: 65-22233

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

MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

SOURCE: LINSON CREEK TRIBUTARY: LITTLE 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 S30 SESESE End of Stream Flow Within WASHINGTON County

T10N R03W S12 NESESW Begin of Stream Flow Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER Within WASHINGTON County

T10N R02W S19 Lot 6 NWSW	T10N R02W S19 Lot 7 SWSW
T10N R02W S19 SESE	T10N R02W S30 SWNE
T10N R02W S30 NENW	T10N R02W S30 SENW
T10N R02W S30 NESE	T10N R02W S30 NWSE
T10N R02W S30 SESE	T10N R03W S12 SESW
T10N R03W S13 NWNE	T10N R03W S13 SWNE
T10N R03W S13 NENW	T10N R03W S13 Lot 3 NESE
T10N R03W S13 NWSE	T10N R03W S13 Lot 4 SESE
T10N R03W S24 NENE	T10N R03W S24 SENE
T10N R03W S24 NESE	~~T10N R02W S30~~ ~~NESW~~

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

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JUL 26 2002

9:00 A.M.

CERTIFICATE OF MAILING

I certify that on July 30, 2000, 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
Office 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

Signature of person mailing this document