

Ref.

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.: 29-448E

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:

Cheryl Williams 10-13-04
Cheryl Williams Date

CLAIMANT/OBJECTOR:

Duane J. Williams 10-13-04
Duane J. Williams Date

IDWR CONCURRENCE:

Ernest Carlsen 10/18/04
Ernest Carlsen Date
Water Right Supervisor

Candice Myrt 10/19/04
Attorney for IDWR Date

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

RIGHT NUMBER: 29-448E

NAME AND ADDRESS:

CHERYL WILLIAMS
8403 W BUCKSKIN RD
POCATELLO ID 83201

DUANE WILLIAMS
8403 W BUCKSKIN RD
POCATELLO ID 83201

SOURCE:

Source:

SOUTH FORK POCATELLO CREEK

Tributary:

POCATELLO CREEK

QUANTITY:

0.060 CFS

0.000 APY

Use of this right with Right No. 29-13696 is limited to a total combined diversion rate of 0.078 cfs.

PRIORITY DATE:

02/23/1907

POINT OF DIVERSION:

T06S R35E S20 SESWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.060 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T06S R35E S20 SWSE 1.7

T06S R35E S29 NWNE 0.9

2.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13696 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 2.6 ACRES IN A SINGLE IRRIGATION SEASON.

APR *W*
EMC
smc

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

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.

~~RECOMMENDED AS RIGHT NO. _____: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.~~

~~RECOMMENDED AS RIGHT NO. 29-448A, 29-448G, 29-448D,
29-448G, 29-448H AND 29-13500~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SM
EMC
CW

CERTIFICATE OF SERVICE

I certify that on Oct. 19, 2004, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Cheryl and Duane J. Williams
8403 W. Buckskin Rd.
Pocatello, ID 83201

☐ 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

Patsy McHorty.
Signature of person or attorney mailing the form