

FEB 22 2005

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

Case No. 39576

Subcase No. 23-0009B

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(s):

Rex Maughan

OBJECTOR(s):

United States on behalf of the
Bureau of Land Management

Gary Tanner
Attorney for claimant

Date _____

Larry A. Brown

Date _____

STANDARD FORM 5-23-0009B

IDWR Concurrence:

Ernie Carlsen 2-3-05
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 1/31/05
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Feb. 16, 2005, 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:

USDI BLM

Represented by:

US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC O33
Boise, ID 83724

Gary Tanner
913 W. River Street
Boise, ID 83702

Director of IDWR
PO Box 83720
Boise, ID 83720-0098


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 23-9B

NAME AND ADDRESS:

REX MAUGHAN
PO BOX 29041
PHOENIX AZ 85038

SOURCE:

Source:
KELLY CREEK

Iributary:
SNAKE RIVER

QUANTITY:

0.760 CFS

~~2.000 CFS~~

The quantity of water under this right for stock water use shall not exceed
13,000 gallons per day

PRIORITY DATE:

10/21/1899

POINT OF DIVERSION:

P04N R41E S32 NESWSW Lot 2

Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

~~IRRIGATION 04/01 10/31 2.000 CFS~~

IRRIGATION 04/01 10/31 0.760 CFS

STOCKWATER 04/01 10/31 0.020 CFS

PLACE OF USE:

IRRIGAIIION

within BONNEVILLE County

I03N R41E S05 SWNE 3.7

T03N R41E S05 NENW Lot 5 4.8

T03N R41E S05 SENW Lot 6 25.5

STOCKWATER Same as IRRIGAIIION

34 ACRES IOIAL

~~T03N R41E S05 NWNE 0.2~~

~~T03N R41E S05 SWNE 4.0~~

~~T03N R41E S05 SENW Lot 6 25.0~~

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.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Decreed