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OCT 11 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

In Re SRBA	)	Subcase Nos.: 85-4398
	)	
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; 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):

Willaim H Ferwalt

William H Ferwalt 9-22-05
Claimant Date

Claimant Date

OBJECTOR(s):

USDI/Bureau of Reclamation

David W. Gehlert 10/7/05
David W. Gehlert Date

Trial Attorney, General Litigation Section
U.S. Dept. of Justice

IDWR Concurrence:

Cathy L. Feltus 9-19-05
Adjudication Supervisor Date

Susan Hamlin Nygard 7/19/05
Susan Hamlin Nygard Date
Deputy Attorney General, IDWR

CERTIFICATE OF MAILING

I certify that on 02.1.7, 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

William H Ferwalt
36276 Tapper Ln
Albany, OR 97321



Signature of person or attorney filing the form

09/13/2005

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

RIGHT NUMBER: 85-4398

NAME AND ADDRESS: WILLIAM H FERWALT
36276 TAPPER LN
ALBANY OR 97321

SOURCE: UNNAMED STREAM

TRIBUTARY: WEBB CREEK

QUANTITY: 0.080 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1965

POINT OF
DIVERSION: T35N R04W S27 SENW Lot 11 Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	02/15 11/30 3/15 11/15	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

See WTB
CA
Dr

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T35N R04W S27 Lot 10 SWNW 1.0 T35N R04W S27 Lot 11 SENW 1.0

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use