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DEPARTMENT OF
WATER RESOURCESDISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 19 2006

Clerk

Deputy Clerk

**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.: 45-325

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 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.

CLAIMANTS:

Virginia Kelley 9-16-06
Virginia Kelley DateGeorge Bill Kelley 9-16-06
George Bill Kelley Date

OBJECTOR:

Earl L. Warthen 9-16-06
Earl L. Warthen Date

IDWR Concurrence:

Kelly K. Christensen 9-7-06
Kelly Christensen Date
Senior Water Resource Agent

Chris Bromley 9/7/06
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

DISTRICT 09/07/2006
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 19 2006

RIGHT NUMBER: 45-325

NAME AND ADDRESS: VIRGINIA KELLEY
GEORGE BILL KELLEY
PO BOX 575
ALBION ID 83311

By _____

Clerk

SOURCE: HOWELL CREEK

TRIBUTARY: MARSH CREEK

Deputy Clerk

QUANTITY: 1.800 CFS

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

PRIORITY DATE: 07/01/1879 04/12/1892

POINT OF DIVERSION:

T11S R25E S28 SESWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04/01 10/31	0.030 CFS
IRRIGATION	04/01 10/31	1.800 CFS

The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R25E S28	NESW	13.00	T11S R25E S28	NWSW	5.80
T11S R25E S28	SWSW	33.00	T11S R25E S28	SESW	38.00

STOCKWATER same as IRRIGATION

89.8 ACRES TOTAL

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

The quantity of water decreed for this water right for 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 - Decreed

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

CERTIFICATE OF SERVICE

I certify that on Sept 19th, 2006, 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:

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

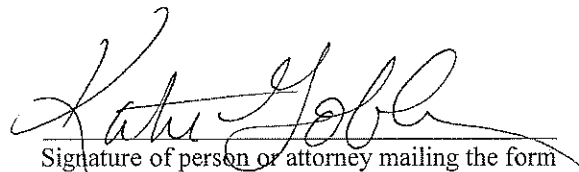
☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

George Bill Kelley
Virginia Kelley
P.O. Box 575
Albion, ID 83311

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

Earl L. Warthen
P.O. Box 145
Albion, ID 83311

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


Signature of person or attorney mailing the form