

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 17 2006

By _____ Clerk
Deputy Clerk

Filed 11/17/06
jc

**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. <u>21-12898</u>
	)	
	)	Standard Form 5
Case No. 39576	)	
	)	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 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 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:

Terry Abegglen
Diane Abegglen

Terry Abegglen 11/14/06
Terry Abegglen Date

Diane Abegglen 11-14-06
Diane Abegglen Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Daniel M. Brown 11/17/06
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlsen 11-17-06
Ernest Carlsen Date
Water Resource Program Manager

IDWR CONCURRENCE:

Nicholas B. Spencer 11-17-06
Nicholas B. Spencer (as to form) Date
Deputy Attorney General

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12898

NAME AND ADDRESS: ~~KENNETH E ABEGGLEN~~
~~2445 E 244 N~~
~~ST ANTHONY ID 83445~~

Terry Abegglen
Diane Abegglen
374 N 2500 E
ST Anthony ID 83445

SOURCE: HENRYS FORK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.720 CFS

PRIORITY DATE: 04/18/1896

POINT OF
DIVERSION: T07N R41E S6

SENE

Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.720 CFS

PLACE OF USE:

IRRIGATION

Within FREMONT County

~~T07N~~	~~R41E~~	~~S05~~	~~Lot 14 NWNW~~	~~16.00~~
~~T07N~~	~~R41E~~	~~S05~~	~~Lot 15 NWNW~~	~~1.00~~
<u>T07N</u>	<u>R41E</u>	<u>S06</u>	<u>Lot 18 NWNW</u>	<u>17.00</u>
T07N	R41E	S06	Lot 8 SWNE	2.10
T07N	R41E	S06	Lot 6 SWNW	8.70
T07N	R41E	S06	Lot 7 SENW	10.00

42.1 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on November 17, 2006 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court *Hans Delius*
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

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

Terry & Diane Abegglen *Hans Delius*
374 N 2500 E
Saint Anthony, Idaho 83445



Signature of person or attorney mailing the form