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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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	)	Subcase No. 21-10019
	)	previously disallowed
	)	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, which was previously disallowed, should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Charles & Joyce Kane

D. Beck

Daniel Beck

Attorney for claimants/objectors

March 6, 2007

Date

IDWR CONCURRENCE:

Trent Galbraith

Trent Galbraith

IDWR Water Resource Agent

3-6-07

Date

IDWR CONCURRENCE:

Nicholas B. Spencer

Nicholas B. Spencer (as to form) Date

Deputy Attorney General

3-7-07

CERTIFICATE OF MAILING

I certify that on March 8, 2007, I 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
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

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

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

Charles & Joyce Kane
3761 Hwy 87
Island Park, ID 83429

Daniel Beck
Attorney
410 Memorial Drive, Suite 201
Idaho Falls, ID 83405



Signature of person mailing the form

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

RIGHT NUMBER: 21-10019

NAME AND ADDRESS:

CHARLES KANE
3761 HWY 87
ISLAND PARK ID 83429
JOYCE KANE
3761 Hwy 87
Island Park ID 83429

DB
TK
NBS

SOURCE:

Source:
SPRUNG

Tributary:
HENRYS LAKE

QUANTITY:

0.680 CFS

1.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
Right Nos. 21-10019 and 21-12851 are limited to a total combined diversion rate of .68 cfs.

PRIORITY DATE: 06/27/1898

POINT OF DIVERSION:

TIGN R43E S22 SP5MSE
Within FREMONT County

TIGN R43E S22 SP5MSE
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

05/01 10/31

0.680 CFS

1.000 CFS

STOCKWATER

05/01 09/30

0.030 CFS

~~FISH PROPAGATION~~

~~01/01 12/31~~

~~1.000 CFS~~

PLACE OF USE:

IRRIGATION

within FREMONT County

TIGN R43E S22 SP5MSE 15.0
TIGN R43E S22 SP5MSE 25.0
TIGN R43E S22 SP5MSE 30.0

TIGN R43E S22 SP5MSE 1.2

TIGN R43E S22 SP5MSE 23.0

TIGN R43E S22 SP5MSE 2.0

TIGN R43E S22 SP5MSE 1.8

~~STOCKWATER within FREMONT County~~

TIGN R43E S22 SP5MSE
TIGN R43E S22 SP5MSE
TIGN R43E S22 SP5MSE

~~FISH PROPAGATION within FREMONT County~~

TIGN R43E S22 SP5MSE

STOCKWATER Same as IRRIGATION

15 ACRES TOTAL

60 ACRES TOTAL

SF5: 21-10019 Previously Disallowed

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

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.

Right not claimed in prior adjudication.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water right 21-13051 is a portion of claim number 21-10019, which is being recommended as a separate beneficial use water right with a junior priority date.

Right not claimed in prior adjudication. This is included for a claim that is proposed to be disallowed because rights to water from the source claimed were determined in a prior general adjudication. The right was not decreed in the prior adjudication, and the claim cannot be recommended based upon beneficial use.

DB
TL
NBS