

COPY



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

2007 JUL 27 AM 10 18

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 25, 2007

Clerk of the SRBA District Court
PO Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos: 21-7026 – split into 21-13058 & 21-13059

To the Clerk of the SRBA District Court:

Enclosed please find Standard Forms 5 for filing with the court. You will notice that since water right number 21-7026 was split between two parties, the SF 5s have been signed in counterparts.

If you have any questions, please do not hesitate to call me at 208-287-4814.

Very Truly Yours,

A handwritten signature in cursive script that reads "Becky Harvey".

Becky Harvey
Paralegal

/bh

Enclosures

RECEIVED
JUL 30 2007
DEPARTMENT OF
WATER RESOURCES

COPY

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

RECEIVED

JUN 21 2007

DEPARTMENT OF
WATER RESOURCES

2007 JUL 27 AM 10 18

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. 21-13058
) split from 21-7026

) 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.

This right, along with right number 21-13059 (Scafe), are split from and constitute the whole of right number 21-7026. All parties agree that this split right represents the portion of the original right appurtenant to land belonging to the owner named herein. The original licensed right number 21-7026, is now superseded by this right and right number 21-13059.

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):

Walter and Shirley Scafe

OBJECTOR(s):

Michael Fabian

Claimant

Date

Objector

Date

Claimant

Date

STANDARD FORM 5 - 21-13058 - split from 21-7026

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. 21-13058
	)	split from 21-7026
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
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CLAIMANT(s):
Walter and Shirley Scafe

OBJECTOR(s):
Michael Fabian

Claimant Date

Michael Fabian 4/25/07

Objector Date

Claimant Date

IDWR Concurrence:


Trent Galbraith
IDWR Water Resource Agent

4-18-07
Date


Nicholas B. Spencer
Deputy Attorney General

4-18-07
Date

CERTIFICATE OF MAILING

I certify that on July 25, 2007, 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:

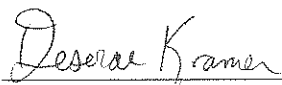
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Michael Fabian
PO Box 6884
Ketchum, ID 83340

Shirley & Walter Scafe
1010 Grainville Rd
Ashton, ID 83420

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 21-13058

NAME AND ADDRESS: MICHAEL H FABIAN
4706 DOVER COURT CIRCLE
CARMICHAEL CA 95608

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.480 CFS
111.000 APY

PRIORITY DATE: 07/05/1973

POINT OF DIVERSION:

T08N R43E S4 SENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.480 CFS
111.00 APY

PLACE OF USE: IRRIGATION in FREMONT County

T08N R43E S04

SWNE

16.00

T08N R43E S04

SENE

21.00

37 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 - License

This right is a split from former right 21-7026.

TG
NBS
M.H. H

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

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NAME AND ADDRESS: MICHAEL H FABIAN
4706 DOVER COURT CIRCLE
CARMICHAEL CA 95608

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY S.S.

IRRIGATION

04/01 10/31

0.480 CFS
111.00 AFY

PLACE OF USE: IRRIGATION in FREMONT County

T08N R43E S04

SWNE

16.00

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SENE

21.00

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SF5: 21-13058