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

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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. 21-13059

) 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 21-13058 (Fabian), 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 The original licensed right number 21-7026, is now superseded by this right and right number 21-13058.

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

Claimant

Date

Claimant

Date

OBJECTOR(s):

Michael Fabian and Lucinda Fabian

Objector

Date

Objector

Date

STANDARD FORM 5 - 21-13059 - split from 21-7026

IDWR Concurrence:



Trent Galbraith
IDWR Water Resource Agent

4-18-07

Date



Nicholas B. Spencer
Deputy Attorney General

Date

4-18-07

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CLAIMANT(s):

Walter and Shirley Scafe

Claimant Date

Claimant Date

OBJECTOR(s):

Michael Fabian and Lucinda Fabian

Michael Fabian 4/25/07
Objector Date

Lucinda Fabian 4/25/07
Objector Date

STANDARD FORM 5 – 21-13059 – split from 21-7026

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 & Lucinda 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
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-13059
NAME AND ADDRESS: WALTER SCAFE
1010 GRAINVILLE RD
ASHTON ID 83420
SHIRLEY SCAFE
1010 GRAINVILLE RD
ASHTON ID 83420

TC NBS
B.B.
H.D.

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: ~~0.480 CFS~~
~~0.520 CFS~~

PRIORITY DATE: 07/05/1973

POINT OF DIVERSION:

T08N R43E S4 SENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.480 CFS~~ ~~0.520 CFS~~ ~~111.00 AFY~~ ~~120.00 AFY~~

PLACE OF USE: IRRIGATION in FREMONT County

T08N R43E S04	NESE	~~37.00~~ ~~40.00~~
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~~37 ACRES TOTAL~~
~~40 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.

SF5: 21-13059