

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

Case No. 39576

) Subcase No. 69-4122
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

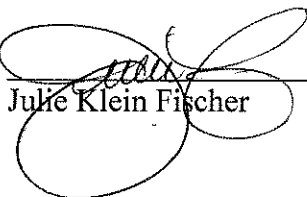
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

CLAIMANT(s):

Jack and Ava E. Rubelt


Julie Klein Fischer

11-7-07
Date

OBJECTOR(s):

Harold and Evea Powers


William G. Myers III
Attorney at Law

11/5/07
Date

RESPONDENT(s):

Douglas & Charleta Scism

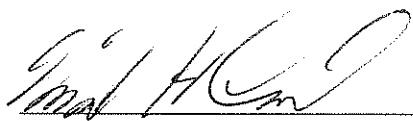
 11/1/07

Michael P Lawrence

Date

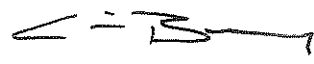
Attorney

IDWR Concurrence:

 11/1/07

Michael Ciscell

Date

 10/31/07

Chris M. Bromley

Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on November 9, 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

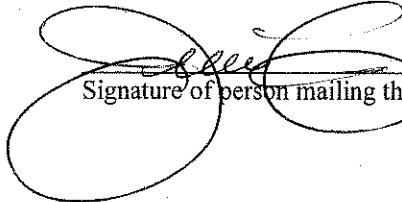
2. Copies to:

Michael P. Lawrence
PO Box 2720
Boise, ID 83701
Attorney for Douglas & Charleta Scism

William G Myers III
101 S Capitol Blvd, Suite 1400
PO Box 2527
Boise, ID 83701-2527
Attorney for Harold & Evea Powers

White Peterson, P.A.
5700 E Franklin Road, Suite 200
Nampa, ID 83687-7901
Attorney for Jack & Ava Rubelt

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



Signature of person mailing the form

10/02/2007

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

RIGHT NUMBER: 69-4122

NAME AND ADDRESS: AVA E RUBELT
2280 OLD HORNET RD
COUNCIL ID 83612

JACK RUBELT
2280 OLD HORNET RD
COUNCIL ID 83612

SOURCE: CROOKED RIVER

TRIBUTARY: WILDHORSE RIVER

QUANTITY: 2.810 CFS

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

PRIORITY DATE: ~~04/02/1888~~ 05/06/1901

POINT OF
DIVERSION:

T18N R03W S10 SESE Within ADAMS County
T18N R03W S10 SESE Within ADAMS County
T18N R03W S15 NENE Within ADAMS County
T18N R03W S15 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	04/01 10/31	2.760 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T18N R03W S10	NESE	29.00	T18N R03W S10	NWSE	1.00
T18N R03W S10	SWSE	29.00	T18N R03W S10	SESE	40.00

99 ACRES TOTAL

STOCKWATER in ADAMS County

T18N R03W S10	NESE	T18N R03W S10	NWSE
T18N R03W S10	SWSE	T18N R03W S10	SESE

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.

Right nos. 69-4103A, 69-4103B, 69-4104A, 69-4104B and 69-4122 shall be administered in accordance with that certain Settlement Agreement recorded as instrument number 115466, Adams County Recorders Office.

JH CB WTM
MC MPL

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 - Beneficial Use

Stockwater use is for 200 range cattle.

SF5 - 69-4122