

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2007 DEC 13 PM 3 08

**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.: 37-20490

Case No. 39576

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:

for Laurence Smith Estate

12-12-07
Date

OBJECTORS:

Pete A. Bowler
Peter A. Bowler

12-12-07
Date

Leo E. Ray
Leo E. Ray

12-12-07
Date

IDWR CONCURRENCE:

Carter Fritschle 12-12-07
Carter Fritschle Date
Section Manager Adjudication Bureau

Nicholas B. Spencer 12-12-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

12/12/2007

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

RIGHT NUMBER: 37-20490

NAME AND ADDRESS: LAURENCE SMITH ESTATE
C/O TED TALBOTT
917 JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.790 CFS~~ 0.32 CFS

PRIORITY DATE: 04/01/1888

POINT OF
DIVERSION:

T06S R13E S21 NWNWSE Within GOODING County
T06S R13E S21 SENWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

~~0.790 CFS~~

PLACE OF USE: IRRIGATION in GOODING County

0.32 CFS

T06S R13E S21 Lot 2 NESW 13.90 T06S R13E S21 Lot 2 SESW 2.60

16.5 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

Sources are also known as Montana Mining Company Ditch Spring No. 3 or Upper Decker Spring and Montana Mining Company Ditch Spring No. 4 or Lower Decker Spring.

This right is a split from former right 37-791D.

NBS

0.32 CFS

Pete Boudy

CERTIFICATE OF SERVICE

I certify that on _____, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Laurence Smith Estate
C/O Richard B. Strickland
P.O. Box 484
Gooding, ID 83330

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Peter A. Bowler
555 River Road #E
Bliss, ID 83314

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Leo E. Ray
4647D River Road
Buhl, ID 83316

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

RECEIVED
DEC 19 2007
DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF SERVICE

I certify that on Dec 15, 2007, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Heil to
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Leo E Ray
Signature of person or attorney mailing the form

Subscribed NO 3 7-20490