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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 28 2008

By _____ Clerk
Deputy Clerk

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.: 37-4037
) (SPLIT INTO 37-4037A & 37-4037B)
)
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.

To resolve the objections filed in subcase 37-4037, the parties agree and stipulate that the whole of water right claim 37-4037 shall be split into two new water right claims and renumbered as 37-4037A and 37-4037B. Water rights 37-4037A and 37-4037B now supersede water right 37-4037, and right 37-4037 should be dismissed with prejudice. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached pages.

CLAIMANT:

Jeri Ann Robbins 1-18/08
Jeri Ann Robbins Date

CLAIMANT:

Gerald E. Robbins 1-18-08
Gerald E. Robbins Date

OBJECTOR:

Peter A. Bowler 1/29/08
Peter A. Bowler Date

OBJECTOR:

Leo E. Ray 1/28/08
Leo E. Ray Date

IDWR Concurrence:

Carter Fritschle 1-15-08
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR Concurrence:

Nicholas B. Spencer 1-15-08
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

12/12/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4037	JERI ANN ROBBINS 5001 E MAIN ST #1127 MESA AZ 85205-1306	Disallowed	Recommended as Right Nos. 37-4037A and 37-4037B.
	GERALD E ROBBINS 5001 E MAIN ST #1127 MESA AZ 85205-1306		

CA
NBS
JMR
JMR
JMR
PAB

12/12/2007

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

RIGHT NUMBER: 37-4037A

NAME AND ADDRESS: JERI ANN ROBBINS
5001 E MAIN ST #1127
MESA AZ 85205-1306

GERALD E ROBBINS
5001 E MAIN ST #1127
MESA AZ 85205-1306

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.260 CFS~~
0.050 CFS

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

PRIORITY DATE: 08/01/1965

POINT OF
DIVERSION:

T06S R13E ~~S20 NENE~~ Lot 1 S21 NESWSE Lot 3 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	~~0.200 CFS~~ <u>0.050 CFS</u>

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S21 Lot 3 SWSE ~~5.00~~ 2.50

STOCKWATER in GOODING County

T06S R13E S21 Lot 3 SWSE

DOMESTIC in GOODING County

T06S R13E S21 Lot 3 SWSE

5 2.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is also known as Montana Mining Company Ditch Spring No. 1 & 2.

12/12/2007

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

RIGHT NUMBER: 37-4037B

NAME AND ADDRESS: JERI ANN ROBBINS
5001 E MAIN ST #1127
MESA AZ 85205-1306

GERALD E ROBBINS
5001 E MAIN ST #1127
MESA AZ 85205-1306

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.260 CFS
0.100 CFS

~~The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 08/01/1965

POINT OF
DIVERSION:

T06S R13E S20 ~~NENENE Lot 1~~ S21 SWSE Lot 3 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01-12/31	0.040 CFS
STOCKWATER	01/01-12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.200 CFS
		<u>0.100 CFS</u>

PLACE OF USE: IRRIGATION in GOODING County

T06S R13E S21 Lot 3 SWSE 5.00 2.50

STOCKWATER in GOODING County

T06S R13E S21 Lot 3 SWSE

DOMESTIC in GOODING County

T06S R13E S21 Lot 3 SWSE

5 2.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~The quantity of water decreed for this water right for domestic use and 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~Source is also known as Montana Mining Company Ditch Spring No. 1 unnamed springs that rise on the place of use described above.~~

CERTIFICATE OF SERVICE

I certify that on Feb 27th, 2008, 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

Jeri Ann Robbins
Gerald E. Robbins
5001 E. Main St. #1127
Mesa, AZ 85205

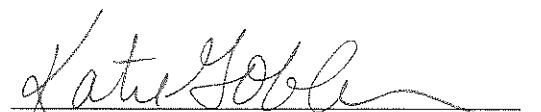
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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

Leo E. Ray
4647 River Road
Buhl, ID 83316

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


Signature of person or attorney mailing the form