

COPY

RECEIVED

MAR 27 2008

DEPARTMENT OF
WATER RESOURCES

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

MAR 26 2008

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase Nos. 67-00079E

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.

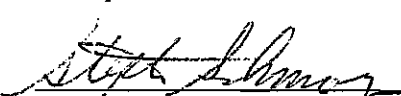
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

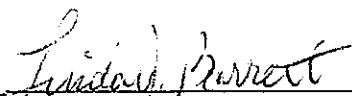
Stephen Schmoeger

CLAIMANT

Linda Barrett


Stephen Schmoeger
Claimant/Pro Se

Date


Linda Barrett
Claimant/Pro Se

Date

STANDARD FORM 5 - 67-00079E

11/23/2007

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

RIGHT NUMBER: 67-79E

NAME AND ADDRESS: STEPHEN SCHMOEGER
2388 ORCHARD RD
COUNCIL ID 83612

LINDA BARRETT
2388 ORCHARD RD
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.015 CFS

This right shall provide no more than 0.0125 cfs per acre in accordance with the Muir v. Allison decree.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T17N R01W S1 NWSE Within ADAMS County
~~T17N R01W S1 SWNE Within ADAMS County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.015 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S01 SWSW 1.20

1.2 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

OBJECTOR:

Nancy E. Hawkins



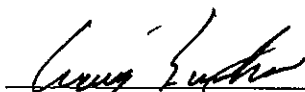
03/03/08

Nancy E. Hawkins

Date

Objector/*Pro Se*

IDWR Concurrence:



3-21-08

Craig Saxton

Date

IDWR Agent

287-4916



2/26/08

Chris M. Bromley

Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 3/24, 2008, 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

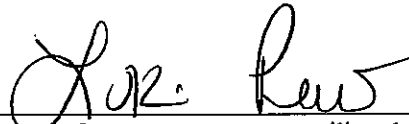
2. Copies to:

Nancy E. Hawkins
P.O. Box 624
Pine Valley, CA 92062

Stephen Schmoeger
2388 Orchard Rd.
Council, ID 83612

Linda Barrett
2388 Orchard Rd.
Council, ID 83612

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



Signature of person or attorney mailing the form