

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCES

COPY

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. 27-12008

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):

Paul Webster 2/19/08
Paul Webster Date

Craig Webster _____
Craig Webster Date

John Webster 2/19/08
John Webster Date

Diane Webster 2-19-08
Diane Webster Date

OBJECTOR:

Jeanette Wolfley 3/7/88
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

David J. Barber 3/24/2008
David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Cindy Bird 1/16/08
Cindy Bird Date
Senior Water Resource Agent

Andrea L. Courtney 1/8/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12008

NAME AND ADDRESS: PAUL WEBSTER
322 S ANGEL
KAYSVILLE UT 84037

JOHN WEBSTER
322 S ANGEL
KAYSVILLE UT 84037

CRAIG WEBSTER
322 S ANGEL
KAYSVILLE UT 84037

DIANE WEBSTER
322 S ANGEL
KAYSVILLE UT 84037

SOURCE: SPRING CREEK

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.020 CFS
2.39 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stock water of 2.39 af. Combined Right Nos.: 27-12007 and 27-12008.

PRIORITY DATE: 12/30/1910

POINT OF
DIVERSION:

T08S R43E S5 NENENW End of Stream Flow Within CARIBOU County
T08S R43E S5 SWSENEW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/15	0.020 CFS <u>2.39 AFY</u>

PLACE OF USE: STOCKWATER in ~~BANNOCK~~ CARIBOU County

T08S R43E S05 NENW T08S R43E S05 SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

The remainder of this right was forfeited for non-use from 1974 to 2005.

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

Stock water use is for 200 cow-calf pairs.

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

This right is a split from former right 27-2020.

CERTIFICATE OF MAILING

I certify that on March 27, 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:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

CRAIG WEBSTER
DIANE WEBSTER
JOHN WEBSTER
PAUL WEBSTER
322 S. ANGEL
KAYSVILLE, UT 84037



Signature of person or attorney mailing form