

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	DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	SUBCASE: <u>47-4088</u>
Case No. 39576	MAY 2 2008	STANDARD FORM 5
	By _____	STIPULATED ELEMENTS OF A WATER
	_____	RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Delbert E. Klundt
2672B E 4000 N.
Twin Falls, Idaho 83301

Delbert E. Klundt
Date 3/12/08

CLAIMANT:

Pati D. Klundt
2672B E 4000 N.
Twin Falls, Idaho 83301

Pati D. Klundt 3/12/08
Date

IDWR CONCURRENCE:

Douglas Jones 4/17/08
Wick Spencer 4-22-08
Date

OBJECTOR:

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83303-0326

Paul L. Arrington 4/9/08
Date

01/29/2007

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

RIGHT NUMBER: 47-4088
NAME AND ADDRESS: DELBERT E KLUNDT
2672B E 4000 N
TWIN FALLS ID 83301
PATI D KLUNDT
2672B E 4000 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.000 CFS
PRIORITY DATE: 06/09/1947

POINT OF
DIVERSION: T10S R16E S12 NWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	1.000 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T10S R16E S01 SWSE T10S R16E S12 NWNE

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 - Beneficial Use
SOURCE IS ALSO KNOWN AS TOLBERT TUNNEL.

The operation use and administration of this water right is also subject to the terms and conditions of the Agreement entered into between the water right owner and Twin Falls Canal Company on August 3rd, 1978.

NBS  PR PA DR

CERTIFICATE OF SERVICE

I certify that on April 29th, 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

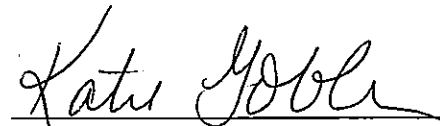
☐ Overnight Mail
☒ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Delbert E. Klundt
Pati D. Klundt
2672B E. 4000 N.
Twin Falls, ID 83301

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

Paul L. Arrington
Barker Rosholt
113 Main Ave W., Ste. 303
P.O. Box 485
Twin Falls, ID 83303-0485

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



Signature of person or attorney mailing the form