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AUG 13 2008

DEPARTMENT OF
WATER RESOURCES

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

AUG 11 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

Case No. 39576

Subcase No.: 21-12898

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.

CLAIMANTS:

Diane Abegglen
Terry Abegglen

Diane Abegglen 6-19-08
Diane Abegglen Date

Terry Abegglen 6/19/08
Terry Abegglen Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Dan Nagi LAB 7/29/08
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Ernest Carlson 7-21-08

Ernest Carlson Date

Water Resource Program Manager

IDWR CONCURRENCE:

Nicholas B. Spencer 8-4-08

Nicholas B. Spencer Date

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 21-12898

NAME AND ADDRESS:

DIANE ABEGGLEN
374 N 2500 E
ST ANTHONY ID 83445
TERRY ABEGGLEN
374 N 2500 E
ST ANTHONY ID 83445

SOURCE: HENRYS FORK

Tributary: SNAKE RIVER

QUANTITY: 1.620 CFS

~~1.720 CFS~~

PRIORITY DATE: 04/18/1896

POINT OF DIVERSION:

T07N R41E S6 Lot 17 SENE Within FREMONT County

T07N R41E S6 SENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.620 CFS

~~1.720 CFS~~

PLACE OF USE:

IRRIGATION

within FREMONT County

~~T07N R41E S05 Lot 14 NWNW 16.3~~

~~T07N R41E S05 Lot 15 NWNW 1.0~~

~~T07N R41E S06 Lot 8 SENE 3.1~~

T07N R41E S06 Lot 8 SENE 0.2

T07N R41E S06 Lot 3 NWNW 3.6

T07N R41E S06 Lot 6 SWNW 8.0

~~T07N R41E S06 Lot 6 SWNW 8.7~~

T07N R41E S06 Lot 18 SWNW 3.9

T07N R41E S06 Lot 7 SENW 8.9

~~T07N R41E S06 Lot 7 SENW 10.0~~

T07N R41E S06 Lot 18 SENW 16.0

40.6 ACRES TOTAL

~~37.8 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.

EMC
AB
DN
NBS

CERTIFICATE OF SERVICE

I certify that on Aug 6th, 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

Diane & Terry Abegglen
374 N. 2500 E.
St. Anthony, ID 83445

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

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

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



Signature of person or attorney mailing the form