

COPY



DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2008 SEP 5 AM 9 59

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

September 2, 2008

Clerk of the Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SRBA Subcase No. 75-14011 (Wallace)

Dear Clerk:

Enclosed, please find a Standard Form 5 ("SF5") for the above mentioned water right. Because the recommendation attached is blurred due to the fact it was faxed and then scanned and emailed, I have include a clearer copy of the recommendation with the SF5 in case you had any questions about the elements.

If you have any questions regarding this SF5, please contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baxter".

Garrick L. Baxter
Deputy Attorney General, IDWR

cc: Thomas B. Dominick, Attorney for Wallace

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**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. 39376

) Subcase No. 75-14011

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

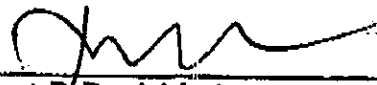
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR

Jerold and Beth Anne (O'Conner) Wallace



Thomas B. Dominick, Attorney

IDWR Concurrence:

for Ernest Carlson 9-2-08
Nathaniel Arave Date
Senior Water Resource Agent

GA 9/2/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

(132)

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

RIGHT NUMBER: 75-14011
NAME AND ADDRESS: BETH ANNE O CONNOR WALLACE
11920 MARCISSUS RD
JACKSON CA 95642
JEROLD W WALLACE
11920 MARCISSUS RD
JACKSON CA 95642

SOURCE: SMOOT CREEK TRIBUTARY: FREEMAN CREEK
QUANTITY: 0.230 CFS
PRIORITY DATE: 05/01/1915

POINT OF DIVERSION:
T23N R23E S31 SWNE Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.230 CFS
PLACE OF USE: IRRIGATION in LEMHI County		
T23N R23E S31 SEW 12.00		
12 ACRES TOTAL		

Right Num. 75-14007, 75-14009 and 75-14011 are limited to the irrigation . . . combined total of 12 acres in a single irrigation season.

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

(Handwritten signatures: EWC, JB, and a circled mark)

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

RIGHT NUMBER: 75-14011

NAME AND ADDRESS: BETH ANNE O CONNOR WALLACE
11920 NARCISSUS RD
JACKSON CA 95642

JEROLD W WALLACE
11920 NARCISSUS RD
JACKSON CA 95642

SOURCE: SMOUT CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.230 CFS

PRIORITY DATE: 05/01/1915

POINT OF
DIVERSION:

T23N R23E S31 SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.230 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R23E S31 SENW 12.00

12 ACRES TOTAL

Right Nos. 75-14007, 75-14009 and 75-14011 are limited to the irrigation of a combined total of 12 acres in a single irrigation season.

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

CERTIFICATE OF MAILING

I certify that on September 4, 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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BETH ANNE O CONNOR WALLACE
JEROLD W WALLACE
11920 NARCISSUS RD
JACKSON, CA 95642

BETH ANNE O CONNOR WALLACE
52 SMOUT CREEK RD
CARMEN, ID 83462



Signature of person or attorney mailing form

