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Department of Water Resources
Adjudication Bureau

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

NOV 13 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.: 74-605A

(Formerly Disallowed)

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:

Robert G. Barningham 11/10/08
Robert G. Barningham Date

CLAIMANT/OBJECTOR:

Nola Barningham 11/10/08
Nola Barningham Date

IDWR CONCURRENCE:

Nathaniel Arave 10/10/08
Nathaniel Arave Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 10/21/08
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 74-605A
NAME AND ADDRESS: ROBERT G BARNINGHAM
10 BEEHIVE LN
SALMON ID 83467

NOLA BARNINGHAM
10 BEEHIVE LN
SALMON ID 83467

RWB
NLR
CB

SOURCE: LEMHI RIVER
QUANTITY: 0.040 CFS
TRIBUTARY: SALMON RIVER
Right Nos. 74-605A and 74-15794 are limited to a total combined diversion rate of 0.04 cfs.

PRIORITY DATE: 03/18/1878
POINT OF
DIVERSION: T21N R23E S33 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.040 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R22E S24 SESE 3.70		
	3.7 ACRES TOTAL		

This right is limited to the irrigation of 1.5 acres within the place of use described above 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 - Decreed

Right No. 74-15794 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

CERTIFICATE OF SERVICE

I certify that on Nov. 13, 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

Robert Barningham
Nola Barningham
10 Beehive Ln
Salmon, ID 83467

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

Deserae Kramer
Signature of person or attorney mailing the form