

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

JAN 30 2009

By _____ Clerk
Deputy Clerk

RECEIVED
FEB 03 2009
COPY
DEPARTMENT OF
WATER RESOURCES

**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	)	Subcase Nos. 67-92
	)	
Case No. 39576	)	
	)	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
The Delpha J. Hutchison Trust

OBJECTOR
Russell Chastain

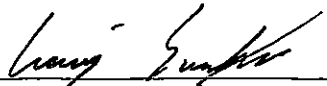
Delpha J. Hutchison Trust
The Delpha J. Hutchison Trust
Claimant/Pro Se

Russell Chastain 1/5/09
Russell Chastain
Objector/Pro Se

STANDARD FORM 5 - 67-92

Delpha J. Hutchison *1/22/09*
TTE

IDWR Concurrence:

 1/27/09

Date
Craig Saxton
IDWR Agent

 1/27/09

Date
Chris M. Bromley
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Jan. 29, 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:

THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL, ID 83612-0293

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

RUSSELL L CHASTAIN
1496 SHAW LN
PO BOX 870
COUNCIL, ID 83612

Deserae P. Kramer
Signature of person or attorney mailing the form

11/07/2008

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

RIGHT NUMBER: 67-92

NAME AND ADDRESS: THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL ID 83612-0293

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1905

POINT OF
DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S10

NWNW

8.00

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



RC.

CB

CS