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FEB 19 2009
DEPARTMENT OF
WATER RESOURCES

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

FEB 12 2009

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

Subcase Nos. 02-10189

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.

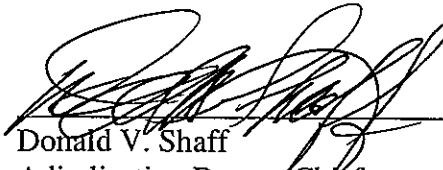
CLAIMANT/OBJECTOR:

Connie & Robert Smith

Bryce Farris, Attorney
On behalf of the Claimants/Objectors

Date _____

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

2-12-09
Date


Garrick Baxter
Deputy Attorney General

2/12/09
Date

CERTIFICATE OF MAILING

I certify that on 2/12th, 2009, 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:

ROBERT & CONNIE SMITH

Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773

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

CONNIE SMITH
ROBERT SMITH
94 WALKLEY RD
BURBANK, WA 99323



Signature of person or attorney mailing the form

01/20/2009

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

RIGHT NUMBER: 2-10189

NAME AND ADDRESS: ROBERT SMITH
94 WALKLEY RD
BURBANK WA 99323

CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.830 CFS
473.60 AFY

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021,
AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C,
2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.~~

SBF
AB

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION:

T06S R11E S9 NWSW Lot 6 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.830 CFS 473.60 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in ELMORE County

T06S R10E S12	NENE	40.00	T06S R10E S12	NWNE	40.00
T06S R10E S12	SWNE	40.00	T06S R10E S12	SENE	21.50
141.5 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 - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 2-10186.