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DEPARTMENT OF
WATER RESOURCES

COPY

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

FEB 25 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. 02-10417
(Split from 02-10339)

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:

Richard Scudder 2-17-09
Richard Scudder Date

Carol A. Mooney 2-19-09
Carol Mooney Date

Sharon L. Scudder 2-17-09
Sharon Scudder Date

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02/04/2009

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

RIGHT NUMBER: 2-10417

NAME AND ADDRESS: RICHARD M. SCUDER *R.M.S.*
 8532 HIGHWAY 55
 HORSESHOE BEND ID 83629

SHAWN L. SCUDER *S.L.S.*
 8532 HIGHWAY 55
 HORSESHOE BEND ID 83629

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.164 CFS

Exact quantity is 0.16463 cfs.

PRIORITY DATE: 07/25/1961

POINT OF
DIVERSION:

TOWNS ROAD S3 SW1/4 Lot 4 Within KIMBERLY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.164 CFS

PLACE OF USE:

IRRIGATION in KIMBERLY County

TOWNS ROAD S03 Lot 4 WSW 9.51

9.51 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 12-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from King Hill Irrigation District.

This right is a split of former right 2-10329 that was a split of former right 2-10306 that was a split of former right 2-101.

Place of use also known as the east 1/3 of the north part of Block 25 of the vacated Fruitland Subdivision.

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief
2-19-09
Date


Garrick Baxter
Deputy Attorney General
2/4/09
Date

CERTIFICATE OF MAILING

I certify that on Feb. 24, 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:

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

RICHARD M SCUDDER
SHARON L SCUDDER
6532 HIGHWAY 55
HORSESHOE BEND, ID 83629

Deserae Kramer
Signature of person or attorney mailing the form