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MAR 10 2009

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

Case No. 39576

) Subcase Nos. 02-2091
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)
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)
)

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.

CLAIMANTS:

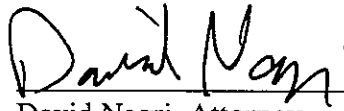
Leland M. Shetler 2-8-09
Leland M. Shetler Co-Trustee Date

Verlin Gingerich 2-7-09
Verlin Gingerich Date

Ella Gingerich 2-7-09
Ella Gingerich Date

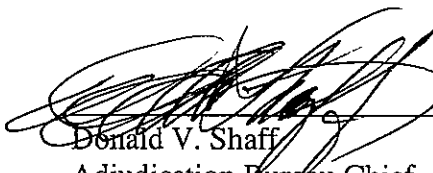
OBJECTOR:

United States of America
Bureau of Land Management

 3/05/09

David Negri, Attorney Date

IDWR Concurrence:

 2-12-09

Donald V. Shaff Date
Adjudication Bureau Chief

 2/12/09

Garrick Baxter Date
Deputy Attorney General

02/04/2009

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

JS

VG CH

RIGHT NUMBER: 2-2091

NAME AND ADDRESS: JERRY GINGERICH
BOX 26 HC 85
MOUNTAIN HOME ID 83647

LELAND M SHETLER CO-TRUSTEE
HC 85 BOX 25
6936 SW SHETLER DR
MOUNTAIN HOME ID 83647

VERLIN GINGERICH
BOX 28 HC 85
19285 HWY 51
MOUNTAIN HOME ID 83647

LUCILLE SHETLER CO-TRUSTEE
HC 85 BOX 25
MOUNTAIN HOME ID 83647

ELLA GINGERICH
19285 HWY 51
MOUNTAIN HOME ID 83647

23
DN

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.180 CFS

PRIORITY DATE: 09/02/1956

POINT OF
DIVERSION:

T05S R06E S30 NWSENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

7.180 CFS

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ELMORE County

T05S R06E S29	NWSW	13.00	T05S R06E S29	SWSW	40.00
T05S R06E S29	SESW	30.00	T05S R06E S29	SESE	4.00
T05S R06E S29	SWSE	17.00	T05S R06E S30 Lot 3	SWNE	5.00
T05S R06E S30	SENE	15.00	T05S R06E S30	NESE	26.00
T05S R06E S30	SESE	23.00	T05S R06E S31	NENE	9.00
T05S R06E S32	NENE	30.00	T05S R06E S32	NWNE	40.00
T05S R06E S32	SWNE	23.00	T05S R06E S32	SENE	35.00
T05S R06E S32	NENW	24.00	T05S R06E S32	NWNW	19.00
T05S R06E S32	NESE	6.00			

359 355 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

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

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

VG EX

LS

GR

~~DP~~

DN

CERTIFICATE OF MAILING

I certify that on 3/4, 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

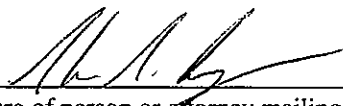
2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

VERLIN & ELLA GINGERICH
19285 HWY 51
Mountain Home, ID 83647

LELAND M SHETLER CO-TRUSTEE
6936 SW Shetler Dr.
MOUNTAIN HOME, ID 83647

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



Signature of person or attorney mailing the form