



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 7, 2009

Sean R. Moulton
P.O. Box 631
Driggs, ID 83422

RE: SRBA Subcase No. 22-13915 (Gebhard/Grandy)

Dear Mr. Moulton:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced water right. Please review the SF5, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signature, file the document with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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 No. 22-13915
	)	
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 Howard Gebhard

CLAIMANT:

Sean R. Moulton Date
Attorney for Claimant/Objector

LaVon G. Grandy Date

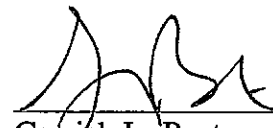
OBJECTOR:

Crystal Springs Land & Cattle Co., Inc.


Robert L. Harris Date
Attorney for Objector

IDWR Concurrence:


Ernest Carlsen Date
Water Resource Program Manager

 4/28/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13915

NAME AND ADDRESS: RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

GARY W GRANDY
1076 S 100 W
VICTOR ID 83455

JB
ENC
Ruf

SOURCE: POLE CREEK TRIBUTARY: SINKS

QUANTITY: 0.330 CFS
~~18.00 AFY~~

The rights listed below are limited to a total combined diversion rate of 2.00 cfs. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The capacity of the reservoir is 1.8 AF. The reservoir may be refilled multiple times up to a total diversion volume of 18 AF during the period of October 10 to May 1.

~~The capacity of the storage reservoir is 1.8 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.~~

PRIORITY DATE: 11/02/1989

POINT OF
DIVERSION:

T03N R45E S26 NENWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	1.80 AFY
IRRIGATION	07/01 08/31	0.330 CFS
RECREATION FROM STORAGE	10/10 05/01	18.00 AFY
DIVERSION TO STORAGE	10/01 05/01	0.050 CFS

PLACE OF USE: IRRIGATION in TETON County

T03N R45E S22	NESE	29.00	T03N R45E S22	NWSE	13.00
T03N R45E S22	SESE	1.80	T03N R45E S23	SWSW	4.00

RECREATION STORAGE in TETON County

T03N R45E S23 SWSW

47.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 47.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915.

Place of use does not include federal public lands.

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

AS

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 253 Tracts A & B.

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

CERTIFICATE OF MAILING

I certify that on _____, 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:

CRYSTAL SPRINGS LAND & CATTLE
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

RICHARD HOWARD GEBHARD
Represented by:
SEAN R. MOULTON
P.O. BOX 631
DRIGGS, ID 83422

RICHARD HOWARD GEBHARD
P.O. BOX 168
VICTOR, ID 83455

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

GARY W. GRANDY
1076 S 100 W
VICTOR, ID 83455

Signature of person or attorney mailing the form