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DEPARTMENT OF
WATER RESOURCES

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

MAY 11 2009

By

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. 77-14282

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 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 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/OBJECTORS:

Kenneth R. Walters
Tammie Walters

Kenneth R. Walters
Kenneth R. Walters

5-4-09
Date

Tammie Walters
Tammie Walters

5/4/09
Date

Dana L. Hofsater
Attorney for the Walters

IDWR CONCURRENCE:

Donald V. Shaff
Donald V. Shaff

Adjudication Bureau Chief

5-05-09
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David L. Negri
David L. Negri

5/4/09
Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Chris Bromley
Chris Bromley

Deputy Attorney General
Attorney for IDWR

5/5/09
Date

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

RIGHT NUMBER: 77-14282

NAME AND ADDRESS: TAMMIE WALTERS
PO BOX 31
RIGGINS ID 83549

KENNETH R WALTERS
PO BOX 31
RIGGINS ID 83549

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/01/1985

POINT OF
DIVERSION:

T24N R01E S14

DN
X
H
W
S
W
S
E
N
E

Within IDAHO County

DN
W
S
W
S
E
N
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DN
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W
S
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N
E

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.050 CFS

PLACE OF USE:

STOCKWATER

T24N R01E S14

SENE

in IDAHO County

Place of use does not include federal public lands.

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

The quantity of water decreed for this water right is not
a determination of historical beneficial use.

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 - Beneficial Use
Stockwater use is for ~~200~~ 400 head cattle.

CERTIFICATE OF MAILING

I certify that on 5/8, 2009 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Kenneth & Tamie Walters
P.O. Box 31
Riggins, ID 83549

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin Street
Boise, ID 83702



Signature of person or attorney mailing the form