

JUN 23 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 22 PM 12 51

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. 47-4231F

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:

OBJECTORS:

Twin Falls Canal Company

John Honcik 5-26-09
John Honcik Date


 Paul Arrington, Attorney

Date 6/25/2004

STANDARD FORM 5 - 47-4231F

RESPONDENT:

IGWA, Inc.

~~_____
Randall C. Budge, Attorney~~

~~_____
Date~~

IDWR Concurrence:

Donald V. Shaff for 6/16/09

Donald V. Shaff

Adjudication Bureau Chief

Date

Wick Spencer 6-17-09

FOR Garrick Baxter

Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on June 19, 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

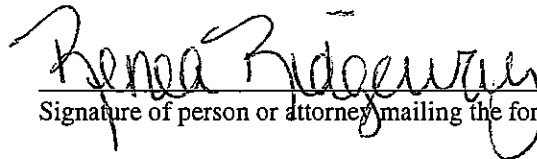
2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

~~IGWA INC~~
~~Represented by:~~
~~RANDALL C BUDGE~~
~~201 E CENTER, STE A2~~
~~PO BOX 1391~~
~~POCATELLO, ID 83204-1391~~

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

JOHN V HONCIK
1403 E 4340 N
BUHL, ID 83316



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 47-4231F

NAME AND ADDRESS: JOHN V HONCIK
1403 E 4340 N
BUHL ID 83316

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.120 CFS

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

PRIORITY DATE: 12/31/1943

POINT OF
DIVERSION:

T09S R14E S24 NESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04/01 11/01	0.020 CFS
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S24 NWSW 5.00

STOCKWATER in TWIN FALLS County

T09S R14E S24 NWSW

5 ACRES TOTAL

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

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use