

DEPARTMENT OF
WATER RESOURCES

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

2009 JUN 19 AM 10 00

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. 47-7090

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:

Barbara Brubaker 6/3/09
Barbara Brubaker Date

Barbara Brubaker

Date _____

Barbara Brubaker _____ Date _____
 _____ *John Brubaker* 6/3/09
 John Brubaker _____ Date _____

John Brubaker

Date _____

John M. Brubaker 6/3/09
John M. Brubaker Date

John M. Brubaker

Date _____

OBJECTORS:

Twin Falls Canal Company


Paul Arington, Attorney

6/8/2009
Date

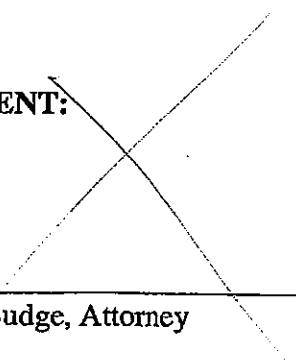
Paul Arrington, Attorney

Date _____

STANDARD FORM 5 - 47-7090

RESPONDENT:

IGWA, Inc.



Randall C. Budge, Attorney

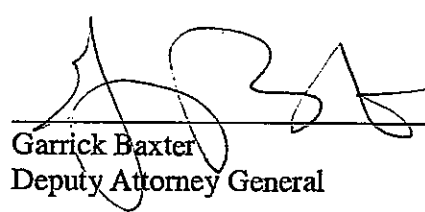
Date

IDWR Concurrence:

 6/15/09

Donald V. Shaff
Adjudication Bureau Chief

Date

 6/16/09

Garrick Baxter
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on June 18, 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

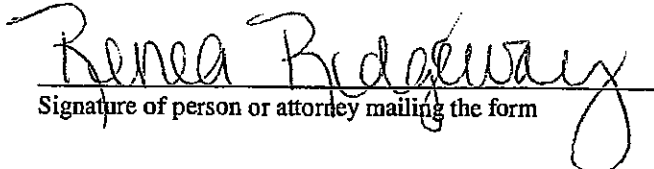
2. Copies to:

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

BARBARA BRUBAKER
JOHN BRUBAKER
JOHN M BRUBAKER
1113 E 3900 N
BUHL, ID 83316


Signature of person or attorney mailing the form

05/12/2009

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

RIGHT NUMBER: 47-7090

NAME AND ADDRESS: BARBARA BRUBAKER
1113 E 3900 N
BUHL ID 83316

JOHN BRUBAKER
1113 E 3900 N
BUHL ID 83316

JOHN M BRUBAKER
1113 E 3900 N
BUHL ID 83316

SOURCE: GROUND WATER

TRIBUTARY: DEEP CREEK

QUANTITY: 6.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 16.02 CFS. COMBINED RIGHT NOS.: 47-7090, 47-7126
& 47-7127

PRIORITY DATE: 01/23/1970

POINT OF
DIVERSION:

T10S R14E S16 SESW Within TWIN FALLS County
T10S R14E S16 SESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	1/01 12/31	6.000 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T10S R14E S16 NWSW

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Records Office as Instrument No 231297.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE PERMANENTLY MAINTAINED AS A PART OF THE OUTLET WORKS.

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