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JUN 22 2009

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. 47-7091
)
)
)
)
)
)

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:

OBJECTORS:

Twin Falls Canal Company

Kathy Babington 5-20-09
Kathy Babington Date

Lynn Babington 5-20-09
Lynn Babington Date

Paul Arrington 6/15/2009
Paul Arrington, Attorney Date

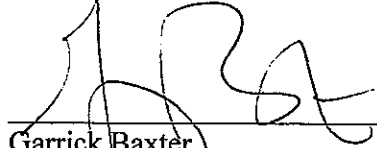
STANDARD FORM 5 - 47-7091

RESPONDENT:
IGWA, Inc.

~~_____
Randall C. Budge, Attorney Date~~

IDWR Concurrence:

 for 6/15/09
Donald V. Shaff Date
Adjudication Bureau Chief

 6/16/09
Garrick Baxter Date
Deputy Attorney General

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

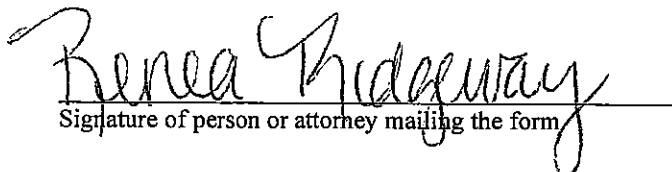
2. Copies to:

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

KATHY L BABINGTON
LYNN J BABINGTON
2849 S 850 E
HAGERMAN, ID 83332


Signature of person or attorney mailing the form

05/05/2009
05/05/2009

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

RIGHT NUMBER: 47-7091
NAME AND ADDRESS: KATHY L BABINGTON
2849 S 850 E
HAGERMAN ID 83332
LYNN J BABINGTON
2849 S 850 E
HAGERMAN ID 83332

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER
QUANTITY: 16.500 CFS
PRIORITY DATE: 02/23/1970

POINT OF
DIVERSION: T09S R15E S28 SWNESW Within TWIN FALLS County
T09S R15E S28 SWSESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	16.500 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T09S R15E S28 NESW T09S R15E S28 SESW

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.

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. 607906.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Source is also known as the I-3 Coulee, which is fed by the Pospicil Drain.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.