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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 22 PM 12 50

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.** 47-7374 **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:

Terry Lively — Date

Robin Lively — 6/11/09 — Date

OBJECTORS:
Twin Falls Canal Company

for Paul Arrington — 6/15/2009

Paul Arrington, Attorney — Date

RESPONDENT:
IGWA, Inc.

Randall C. Budge, Attorney Date

IDWR Concurrence:

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

FOR Nick Spencer 6-17-09
Garrick Baxter Date
Deputy Attorney General

STANDARD FORM 5 – 47-7374

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

ROBIN J LIVELY
TERRY G LIVELY
3985 N 1100 E
BUHL, ID 83316

Renea Ridgeway
Signature of person or attorney mailing the form

STANDARD FORM 5 – 47-7374

05/12/2009

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7374

NAME AND ADDRESS: ROBIN J LIVELY
3985 N 1100 E
BUHL ID 83316

TERRY G LIVELY
3985 N 1100 E
BUHL ID 83316

SOURCE: UNNAMED STREAM TRIBUTARY: DEEP CREEK

QUANTITY: 5.680 CFS

PRIORITY DATE: 02/25/1977

POINT OF DIVERSION:

T10S R14E S8 SENWNE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	1/01 12/31	5.680 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T10S R14E S08 NWNE

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.

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.

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 Recorders Office as Instrument No 351460.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE IS ALSO KNOWN AS GALLOWAY DRAIN.

FACILITY VOLUME .049 ACRE FEET.

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

NBS