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JUN 23 2009

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. 47-7432
)
)
)
)
)
)
)
)

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

Dean Eggleston 5-18-09
Dean Eggleston Date

Ruth Ann Eggleston
Ruth Ann Eggleston Date

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

STANDARD FORM 5 - 47-7432

RESPONDENT:

IGWA, Inc.

~~_____
Randall C. Budge, Attorney~~

~~_____
Date~~

IDWR Concurrence:

for *Douglas Jones*
Donald V. Shaff
Adjudication Bureau Chief

6/15/09
Date

Mike Spencer
FOR Garrick Baxter
Deputy Attorney General

6-17-09
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

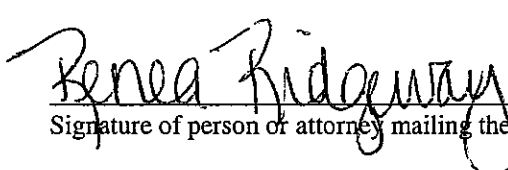
2. Copies to:

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

DEAN EGGLESTON
RUTH ANN EGGLESTON
4329 CANYONVIEW LN
BUHL, ID 83316



Signature of person or attorney mailing the form

05/04/2009

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

RIGHT NUMBER: 47-7432

NAME AND ADDRESS: RUTH ANN EGGLESTON
4329 CANYONVIEW LN
BUHL ID 83316

DEAN EGGLESTON
4329 CANYONVIEW LN
BUHL ID 83316

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.030 CFS

PRIORITY DATE: 08/29/1977

POINT OF
DIVERSION:

T09S R14E S24 NESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.030 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S24 NESW 1.00

1 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.

RE
DEC
NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - License