

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

Subcase Nos. 47-17392

Case No. 39576

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:

Robert Koester 6-15-09
Bob Koester Date

Bob Koester

Date _____

OBJECTORS:

Twin Falls Canal Company

Laura J Koester 6-15-09
Laura Koester Date

Laura Köester

Date _____


Paul Arrington, Attorney

6/15/09
Date

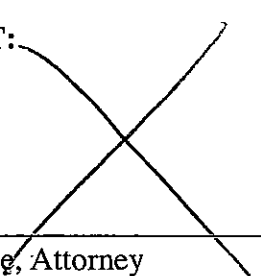
Paul Arrington, Attorney

Date _____

STANDARD FORM 5 - 47-17392

RESPONDENT:

IGWA, Inc.



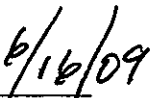
Randall C. Budge, Attorney

Date

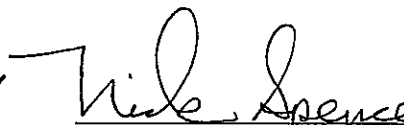
IDWR Concurrence:



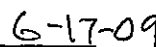
Donald V. Shaff
Adjudication Bureau Chief



Date



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

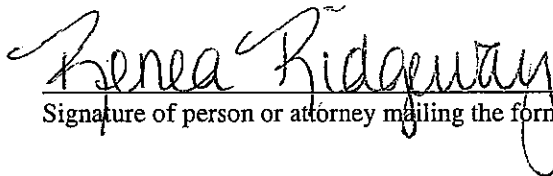
2. Copies to:

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

BOB KOESTER
LAURA KOESTER
4335 N 1400 E
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: 47-17392

NAME AND ADDRESS: ROBERT W KOESTER
4335 N 1400 E
BUHL ID 83316

LAURA J KOESTER
4335 N 1400 E
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 0.070 CFS

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

PRIORITY DATE: 06/01/1951

POINT OF
DIVERSION:

T09S R14E S24 SENWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.050 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S24 NWSW 1.80

STOCKWATER in TWIN FALLS County

T09S R14E S24 NWSW

1.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 47-4436.

R.K.
S/A
PLA
SCL
NBS