

DEPARTMENT OF
WATER RESOURCES

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

2009 JUN 19 AM 10 01

**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. 47-17404

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:

Dawn Wendland 5/29/09
Dawn Wendland Date

Jeff Wendland 5-29-9
Date

OBJECTORS:

Twin Falls Canal Company


Paul Arrington, Attorney

For Paul Arrington

6/15/2009
Date

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RESPONDENT:

IGWA, Inc.

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

IDWR Concurrence:

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

~~_____
Garrick Baxter 6/16/09
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

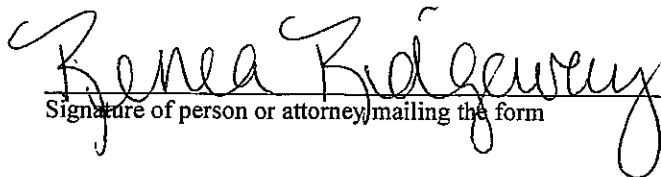
2. Copies to:

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

DAWN E WENDLAND
JEFF M WENDLAND
3378 N 3300 E
KIMBERLY, ID 83341


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 47-17404

NAME AND ADDRESS: JEFF M WENDLAND
3378 N 3300 E
KIMBERLY ID 83341

DAWN E WENDLAND
3378 N 3300 E
KIMBERLY ID 83341

SOURCE: ROCK CREEK
UNNAMED STREAM

TRIBUTARY: SNAKE RIVER
TRIBUTARY: ROCK CREEK

QUANTITY: 0.117 CFS
21.27 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/05/1971

POINT OF
DIVERSION:

T11S R18E S7 NWNW Lot 1 Within TWIN FALLS County
T11S R18E S7 NWNW Lot 1 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.007 CFS 0.07 AFY
IRRIGATION	04/01 10/15	0.110 CFS 21.20 AFY

The use of water for irrigation under this right may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in TWIN FALLS County
T11S R18E S07 Lot 1 NWNW 5.30
STOCKWATER in TWIN FALLS County
T11S R18E S07 Lot 1 NWNW

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

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