

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

Subcase Nos. 47-17405

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:

OBJECTORS:

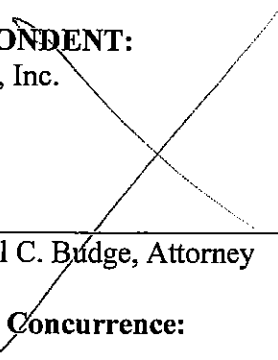
Twin Falls Canal Company

Cary Moser Date _____

Paul Arrington, Attorney 6/15/2009
Date

RESPONDENT:

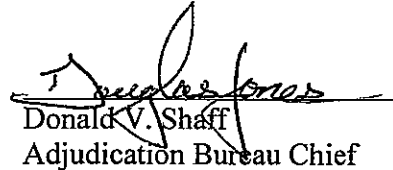
IGWA, Inc.



Randall C. Budge, Attorney

Date

IDWR Concurrence:

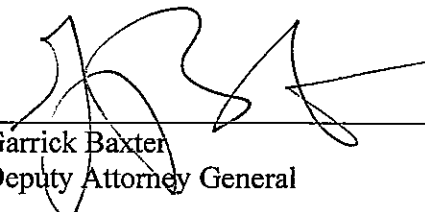
for 

Donald V. Shaff

Adjudication Bureau Chief

6/15/09

Date



Garrick Baxter

Deputy Attorney General

6/16/09

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

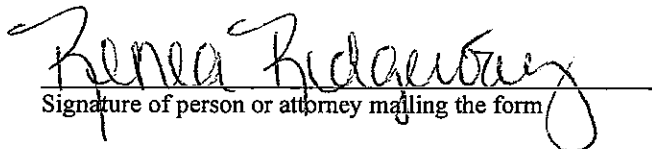
2. Copies to:

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~~

CARY D MOSER
PO BOX 2626
TWIN FALLS, ID 83303-2626

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


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: 47-17405

NAME AND ADDRESS: CARY D MOSER
PO BOX 2626
TWIN FALLS ID 83303--2626

SOURCE: ROCK CREEK
UNNAMED STREAM

TRIBUTARY: SNAKE RIVER
TRIBUTARY: ROCK CREEK

QUANTITY: 0.053 CFS
10.03 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	0.003 CFS 0.03 AFY
IRRIGATION	04/01 10/15	0.050 CFS 10.00 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 2.50

STOCKWATER in TWIN FALLS County

T11S R18E S07 Lot 1 NWNW

2.5 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.

[Handwritten signatures and initials: "JH", "SA", "CM", and a large signature]

47-17405

Page 1

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Diversion from Rock Creek is only authorized at times when an equal or greater amount of water from the original source (unnamed stream) is flowing into Rock Creek. To make this determination after specific notification by the Department, an acceptable gauge or measuring device must be installed on the original source (unnamed stream) near the point where this stream becomes tributary to Rock Creek.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

The approval of Transfers 71169 and 71179 redefines all the elements of Rights 47-17117 and 47-17118, and the new use of water authorized by these approvals shall constitute the full extent of the original Right 47-7531.

This right is a split from former right 47-17118.

