

THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVE

JUL 16 2009

IDWR/North

In Re SRBA
Case No. 39576

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2009

By _____
Deputy Clerk

Subcase No. 73-04099
(Formerly Disallowed)

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/OBJECTOR:
Gary Madsen

CLAIMANT:
Kenny Madsen

Gary Madsen 7/14/09
Gary Madsen Date
Pro Se

Kenny Madsen 7/14/09
Kenny Madsen Date
Pro Se

IDWR Concurrence:

Craig Saxton 7-9-09
Craig Saxton Date
Senior Water Resource Agent

Chris Bromley 7/9/09
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on JULY 20, 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:

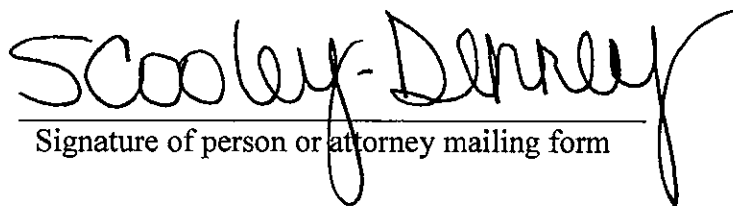
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

GARY MADSEN
KENNY MADSEN
PO BOX 25
ELLIS, ID 83235

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

GARY L MADSEN
48 OUTFITTER LN
MAY, ID 83253



Signature of person or attorney mailing form

07/09/2009

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

RIGHT NUMBER: 73-4099

NAME AND ADDRESS: KENNY MADSEN
PO BOX 25
ELLIS ID 83235

GARY MADSEN
48 OUTFITTER LN
MAY ID 83253

SOURCE: MEADOW CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.630 CFS

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

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T13N R21E S13 SENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R22E S18 NENW 16.00 T13N R22E S18 Lot 1 NWNW 24.00

STOCKWATER same as IRRIGATION

40 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use