

**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 No. 73-00098

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.

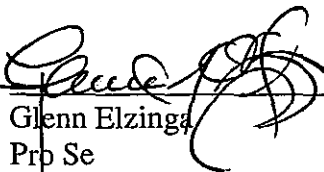
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Glenn Elzinga

CLAIMANT:

Caryl Elzinga

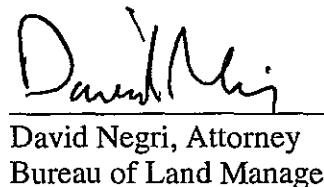
 8.12.09.

Glenn Elzinga Date
Pro Se

Caryl Elzinga Date
Pro Se

OBJECTOR:

United States of America

 8/12/09

David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrence:


for Don Shaff Date
Adjudication Bureau Chief


Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

HAND DELIVERED

I certify that on AUGUST 12, 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:

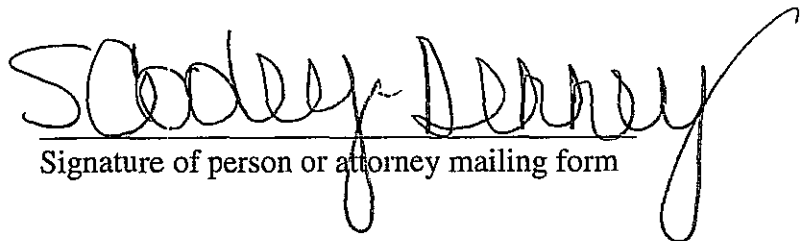
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC C33
BOISE, ID 83724

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

CARYL L ELZINGA
GLENN A ELZINGA
19 MOEN LN
MAY, ID 83253-2000


Signature of person or attorney mailing form

08/07/2009

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

RIGHT NUMBER: 73-98

NAME AND ADDRESS: CARYL L ELZINGA
19 MOEN LN
MAY ID 83253-2000

GLENN A ELZINGA
19 MOEN LN
MAY ID 83253-2000

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: ~~3.20~~ 2.870 CFS

PRIORITY DATE: 10/30/1902

POINT OF
DIVERSION:

T15N R21E S26 SWNW Within LEMHI County

T15N R21E S26 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	~~3.20~~ 2.870 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T15N R21E S16 SWSE	7.00	T15N R21E S21 NENE 10.00
	T15N R21E S21 SENE	0.20	T15N R21E S22 NWNW 7.70
	T15N R21E S22 SWNW	25.00	T15N R21E S22 NWSW 0.40
	~~T15N R21E S22 SENW~~	~~5.90~~	

~~56.2~~ 50.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 50.3 acres in a single irrigation season. Combined Right Nos.: 73-98 and 73-12032.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 73-12164 was split from this Right.

Source is locally known as Spring Creek.