

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 20 AM 7 55

**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. 47-4267B

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.

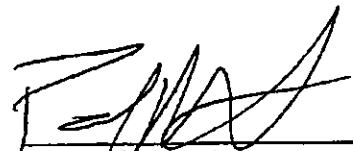
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

OBJECTORS:

Twin Falls Canal Company

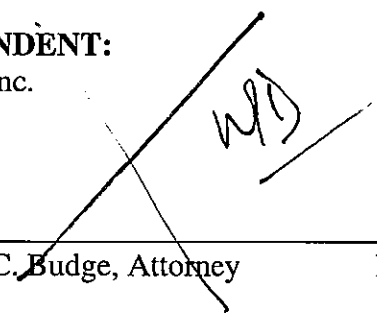

Robert Sears
10/9/09
Date


Paul Arrington, Attorney
10/13/09
Date

STANDARD FORM 5 - 47-4267B

RESPONDENT:

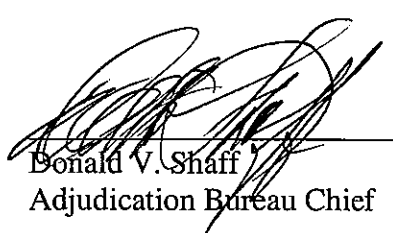
IGWA, Inc.



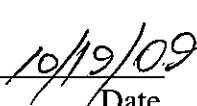
Randall C. Budge, Attorney

Date

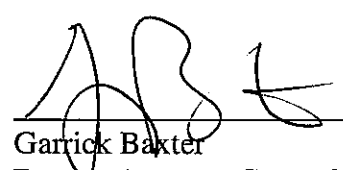
IDWR Concurrence:



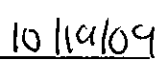
Donald V. Shaff
Adjudication Bureau Chief



Date



Garrick Baxter
Deputy Attorney General



Date

CERTIFICATE OF MAILING

I certify that on October 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

2. Copies to:

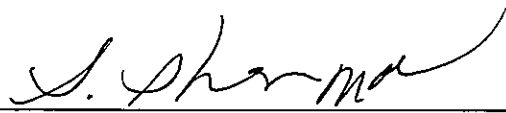
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

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

SANDY GLEASON
949 ROBERTSON ST
BUHL, ID 83316

ROBERT L SEARS
1202 ARAPAHO WY
BOULDER CITY, NV 89005

A handwritten signature in cursive script, appearing to read "S. Sharma", written in black ink.

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: 47-4267B

NAME AND ADDRESS: ROBERT L SEARS
1202 ARAPAHO WY
BOULDER CITY NV 89005

SOURCE: UNNAMED STREAM TRIBUTARY: MUD CREEK

QUANTITY: 0.150 CFS

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.

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

PRIORITY DATE: 03/16/1918

POINT OF
DIVERSION:

T09S R14E S15 SESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.130 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S15 SESE 6.40

STOCKWATER in TWIN FALLS County

T09S R14E S15 SESE

6.4 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 includes 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 47-04267.

Use of this right is combined with water from Twin Falls Canal Co.

Stockwater use is for 10 range cattle.

Sent Journal

Date : OCT-20-2009 TUE 07:45AM
Name : IDWR ADJUDICATION
Tel. : 2082876701

No.	Fax Name/Number	Start Time	Time	Mode	Pages	Result
31	912088572341	06-22 11:28AM	05'11"	G3	5/5	Ok
32	912087562222	06-25 09:40AM	01'48"	ECM	2/2	Ok
33	912086872799	06-26 10:24AM	21'18"	G3	13/13	Ok
34	912522939048	06-30 06:38AM	01'40"	ECM	4/4	Ok
35	912087349960	07-07 03:30PM	03'05"	ECM	8/8	Ok
36	93441331	07-13 01:55PM	00'24"	ECM	1/1	Ok
37	93441331	07-13 01:56PM	00'27"	ECM	1/1	Ok
38	912087362121	07-20 12:24PM	02'18"	ECM	8/8	Ok
39	912087362121	07-30 02:55PM	02'12"	ECM	4/4	Ok
40	912087362121	07-31 02:48PM	00'57"	ECM	4/4	Ok
41	912522939048	01-01 12:44PM	00'55"	ECM	2/2	Ok
42	912087362121	08-24 10:37AM	00'53"	ECM	3/3	Ok
43	93360559	08-31 10:54AM	02'50"	ECM	2/2	Ok
44	99545099	08-31 01:09PM	01'27"	ECM	3/3	Ok
45	912087349960	08-31 01:11PM	01'10"	ECM	3/3	Ok
46	99476820	09-08 10:00AM	00'00"	ECM	0/1	Stop Pressed
47	99476820	09-08 10:01AM	01'29"	ECM	4/4	Ok
48	912089831336	09-08 10:46AM	00'36"	ECM	2/2	Ok
49	912522939048	09-09 07:16AM	01'32"	ECM	3/3	Ok
50	912522939048	09-17 06:13PM	00'00"	ECM	0/1	Stop Pressed
51	93731216	09-17 06:14PM	00'34"	ECM	1/1	Ok
52	93758046	09-17 06:16PM	00'46"	ECM	1/1	Ok
53	912522939048	09-19 07:53AM	00'53"	ECM	2/2	Ok
54	93437204	09-23 09:44AM	01'00"	ECM	3/3	Ok
55	912087362121	09-25 03:54PM	00'47"	ECM	3/3	Ok
56	94549833	09-28 01:49PM	00'42"	ECM	2/2	Ok
57	912084549833	09-28 02:02PM	00'00"	ECM	0/2	No Answer
58	912522939048	09-29 09:09AM	01'42"	ECM	3/3	Ok
59	912522939048	10-04 03:44PM	01'45"	ECM	4/4	Ok
60	912522939048	10-05 06:59AM	00'51"	ECM	2/2	Ok
61	93318857	10-06 03:37PM	00'59"	ECM	2/2	Ok
62	94223044	10-07 03:00PM	00'00"	ECM	0/5	Stop Pressed
63	12087743761	10-16 01:01PM	00'00"	ECM	0/3	No Answer
64	12087743761	10-16 02:31PM	00'00"	ECM	0/3	No Answer
65	912087362121	10-19 01:48PM	01'00"	ECM	4/4	Ok
66	912087362121	10-19 02:05PM	00'56"	ECM	4/4	Ok
67	912087362121	10-19 02:09PM	01'04"	ECM	4/4	Ok
68	912087362121	10-19 02:12PM	01'06"	ECM	4/4	Ok
69	912087362121	10-19 03:25PM	01'03"	ECM	4/4	Ok
70	912087362121	10-20 07:43AM	01'13"	ECM	5/5	Ok