

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 19 PM 2 18

**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. 75-14617

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 initiaing each of the attached pages.

CLAIMANT
David Yanoff

OBJECTOR
Wayne Hamblin

David Yanoff 10/11/09
Pro Se Date

Wayne Hamblin
Pro Se Date

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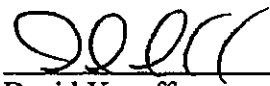
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

David Yanoff

OBJECTOR

Wayne Hamblin



David Yanoff
Pro Se

10/11/09

Date

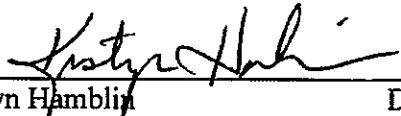


Wayne Hamblin
Pro Se

Date

OBJECTOR

Kristyn Hamblin

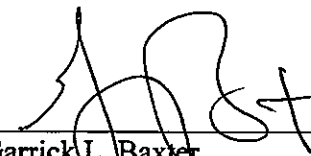


Kristyn Hamblin Date 9/21/09
Pro Se

IDWR Concurrence:



Monica Van Bussum Date 10/19/09
Senior Water Resource Agent



Garrick L. Baxter Date 10/15/09
Deputy Attorney General
Attorney for IDWR

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

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

WAYNE HAMBLIN
KRISTYN HAMBLIN
125 WILLIAMS CREEK RD
SALMON, ID 83467

DAVID YANOFF
343 DIAMOND CREEK RD
SALMON, ID 83467-5298



Signature of person or attorney mailing form

09/02/2009

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

RIGHT NUMBER: 75-4479 75-14617

NAME AND ADDRESS: DAVID YANOFF
343 DIAMOND CREEK RD
SALMON ID 83467-5298

SOURCE: PERREAU CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 3.360 CFS

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

PRIORITY DATE: 05/20/1898

POINT OF DIVERSION:

T20N R21E S1 NWNWNW Lot 4 Within LEMHI County

T20N R21E S2 NWNWNE Lot 2 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	3.340 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R21E S01	SWNE	40.00	T20N R21E S01	SENE	35.00
T20N R21E S01	SWNW	0.90	T20N R21E S01	SENW	18.00
T20N R21E S01	NESW	6.50	T20N R21E S01	NESE	24.00
T20N R21E S01	NWSE	40.00	T20N R21E S01	SWSE	0.20
T20N R22E S06 Lot 6	SWNW	2.40			

STOCKWATER same as IRRIGATION

167 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 75-4479.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Sent Journal

Date : OCT-19-2009 MON 02:14PM
 Name : IDWR ADJUDICATION
 Tel. : 2082876701

No.	Fax Name/Number	Start Time	Time	Mode	Pages	Result
29	912522939048	06-15 11:38AM	01'57"	ECM	4/4	Ok
30	916235464780	06-22 11:18AM	08'20"	G3	5/5	Ok
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