

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED
2009 OCT 16 AM 10 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. 47-4136
	)	
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

Peggy A. Armstrong 10/5/09
Peggy A. Armstrong Date

Paul Arrington 10/7/09
Paul Arrington, Attorney Date

STANDARD FORM 5 - 47-4136

**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 Nos. 47-4136
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STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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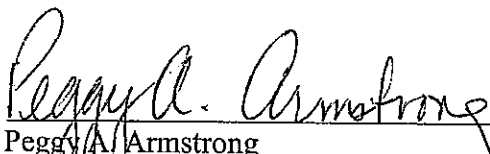
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

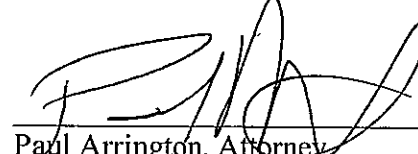
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CLAIMANTS:

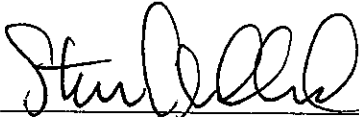
OBJECTORS:

Twin Falls Canal Company


Peggy A. Armstrong
Date 10/5/09


Paul Arrington, Attorney
Date 10/7/09

IDWR Concurrence:

for  10/14/09
Donald V. Shaff
Adjudication Bureau Chief Date

 10/13/09
Garrick Baxter
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on 10/15, 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:

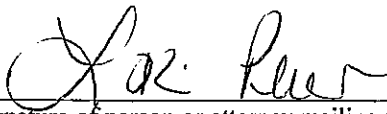
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

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

PEGGY A ARMSTRONG
4297 N 1325 E
BUHL, ID 83316



Signature of person or attorney mailing the form

09/24/2009

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

RIGHT NUMBER: 47-4136

NAME AND ADDRESS: PEGGY A ARMSTRONG
4297 N 1325 E
BUHL ID 83316-5263

SOURCE: UNNAMED STREAM

TRIBUTARY: CLEAR CREEK

QUANTITY: 0.110 CFS

PRIORITY DATE: 05/12/1929

POINT OF
DIVERSION:

T09S R14E S27 NENESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.110 CFS

PLACE OF USE:

IRRIGATION in TWIN FALLS County

T09S R14E S27

NENE

0.60

T09S R14E S27

SENE

3.10

3.7 ACRES TOTAL

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

The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Recorders Office as Instrument No. 759604.

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 includes waste water. The wasting of water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Handwritten signatures and initials:
F.A.
PWA
JBS
SCL