

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 7 2009	
By _____	Clerk
_____	Deputy Clerk

**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. 22-13135 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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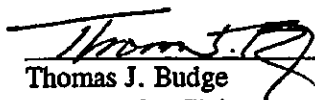
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:
Wally M. Rothgeb, Jr.

OBJECTOR:


 Thomas J. Budge
 Attorney for Claimant

10-7-09
Date


 Michael Reid

October 7, 2009
Date

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 22-13135
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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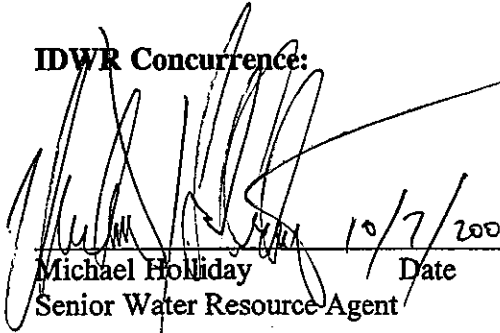
 10-7-09

Thomas J. Budge Date
Attorney for Claimant

 October 7, 2009

Michael Reid Date

IDWR Concurrence:



Michael Holliday 10/7/2009
Senior Water Resource Agent Date



Andrea L. Courtney 9/30/09
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 22-13135

NAME AND ADDRESS:

WALLY M ROTHGEB JR
PO BOX 4689
KETCHUM ID 83340

SOURCE:

Source:
PARADISE CREEK

Tributary:

TETON RIVER

QUANTITY: 0.140 CFS

0.130 CFS

PRIORITY DATE: 06/01/1984
06/01/1992

Handwritten: 6/1/1892, MS, AZC

Handwritten: AK

Handwritten: NW

POINT OF DIVERSION:

T04N R45E S30 SWNE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

IRRIGATION

Period of use:

04/15 10/31

Quantity:

0.140 CFS

0.130 CFS

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S30 SENE 13.6

T04N R45E S30 SENE 8.9

13.6 ACRES TOTAL

8.9 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

This right is a split from former right 22-575.

CERTIFICATE OF MAILING

I certify that on October 7, 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

UTA HAND - DELIVERY

2. Copies to:

WALLY M. ROTHGEB, JR.
Represented by:
THOMAS J. BUDGE
201 E. CENTER STREET
P.O. BOX 1391
POCATELLO, ID 83204-1391

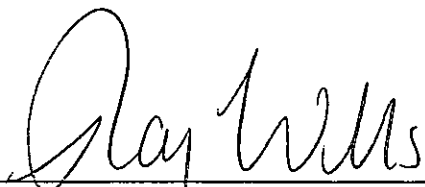
Hand delivered

MICHAEL REID
P.O. BOX 801
VICTOR, ID 83455

Hand delivered

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Hand delivered



Signature of person or attorney mailing the form