

544
DISTRICT COURT- SRBA
TWIN FALLS CO. IDAHO
FILED _____

2009 OCT 26 AM 10 29

**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. 47-4029B**
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)
)
)
)

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

W. Clinton Stennett
W. Clinton Stennett

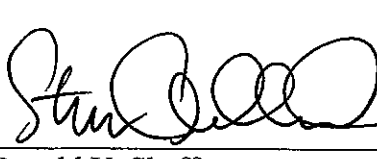
10/15/09
Date

Paul Arrington
Paul Arrington, Attorney

10/16/09
Date

STANDARD FORM 5 – 47-4029B

IDWR Concurrence:

 10/21/09

for
Donald V. Shaff
Adjudication Bureau Chief

Date

 10/20/09

Garrick Baxter
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on Oct. 23, 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:

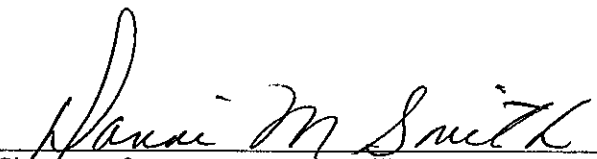
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

W CLINTON STENNETT
PO BOX 475
KETCHUM, ID 83340

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



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: 47-4029B

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM ID 83340

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or, to the extent that it be reasonably identifiable, to recapture it.

QUANTITY: 0.240 CFS

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

This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.

PRIORITY DATE: 12/03/1939

POINT OF
DIVERSION:

T09S R14E S24 NWNWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.220 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S23	SENE	10.00	T09S R14E S24	SWNW	0.60
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STOCKWATER in TWIN FALLS County

T09S R14E S23	SENE	T09S R14E S24	SWNW
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10.6 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM TWIN FALLS CANAL CO.

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RWA
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see