

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 OCT 30 AM 10 12

**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

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Subcase Nos. 47-4082

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.

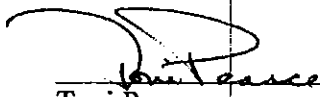
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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


Toni Pearce

10/22/09
Date


Melvin Pearce

10/22/09
Date


Paul Arrington, Attorney

10/23/09
Date

STANDARD FORM 5 - 47-4082

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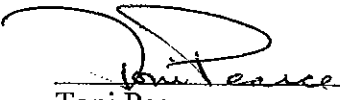
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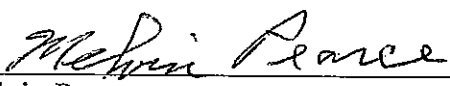
CLAIMANTS:

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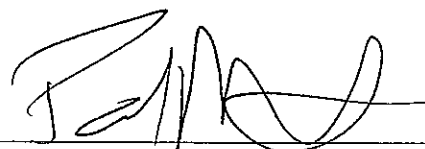
Twin Falls Canal Company


Toni Pearce

10/22/09
Date

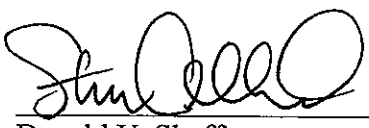

Melvin Pearce

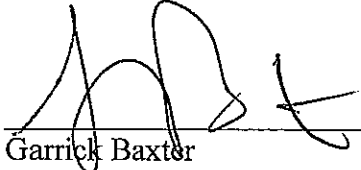
10/22/09
Date


Paul Arrington, Attorney

10/23/09
Date

IDWR Concurrence:

for  10/27/09
Donald V. Shaff
Adjudication Bureau Chief Date

 10/27/09
Garrick Baxter
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on Oct 29, 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

MELVIN J PEARCE
TONI A PEARCE
1235A E 4325 N
BUHL, ID 83316



Signature of person or attorney mailing the form

09/30/2009

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

RIGHT NUMBER: 47-4082

NAME AND ADDRESS: TONI A PEARCE
1235A E 4325 N
BUHL ID 83316

MELVIN J PEARCE
1235A E 4325 N
BUHL ID 83316

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: 0.180 CFS

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

PRIORITY DATE: 04/01/1920

POINT OF
DIVERSION:

T09S R14E S27 SENWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.160 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S22 SESW 5.80

STOCKWATER same as IRRIGATION

5.8 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

Source is also known as Wilson Creek or L coulee.