

**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. 47-17280
)
)
)
)
)
)
)

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:

CLAIMANTS:

Ineda Beard 12/8/09
Preda Beard Date

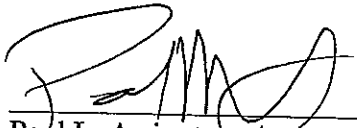
Richard Beard 12/8/09
Richard Beard Date

David Coleman 12/10/09
David Coleman, Attorney Date

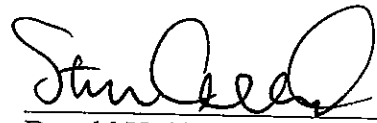
STANDARD FORM 5 – 47-17280

OBJECTOR:

Twin Falls Canal Company


Paul L. Arrington, Attorney
12/10/09
Date

IDWR Concurrence:


for Donald V. Shaff
Adjudication Bureau Chief
12/11/09
Date


FOR Garrick Baxter
Deputy Attorney General
12-11-09
Date

CERTIFICATE OF MAILING

I certify that on December 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

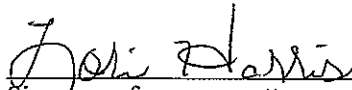
2. Copies to:

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

FREDA K BEARD
RICHARD A BEARD
3555 N 3400 E
KIMBERLY, ID 83341-5286

DAVID COLEMAN
156 2ND Ave. W.
TWIN FALLS, ID 83301



Signature of person or attorney mailing the form

11/27/2009

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

RIGHT NUMBER: 47-17280
NAME AND ADDRESS: FRED K BEARD
3555 N 3400 E
KIMBERLY ID 83341-5286
RICHARD A BEARD
3555 N 3400 E
KIMBERLY ID 83341-5286

FB
RB
DAC
PLA
SCW
NBS

SOURCE: UNNAMED STREAM TRIBUTARY: ROCK CREEK

The source of this right includes both spring water and waste water. All waste water remains subject to the right of the original appropriator to cease wasting water, to change the place and manner of wasting it, or to recapture that portion which is attributable to the original appropriation in good faith, and in accordance with state laws governing changes in use and/or expansion of water rights.

QUANTITY: 0.400 CFS

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

PRIORITY DATE: 08/04/1910

POINT OF DIVERSION:

T11S R18E S23 SWNSW 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	0.400 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S21 NWSE 20.00

20 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 - License

Use of this right is combined with water from Twin Falls Canal Co.

This right is a split from former right 47-2479B.