

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 21 2010

By _____

By _____

**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 No. 47-17260

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.

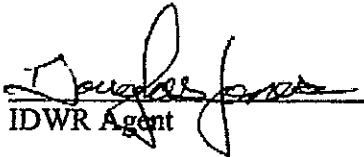
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

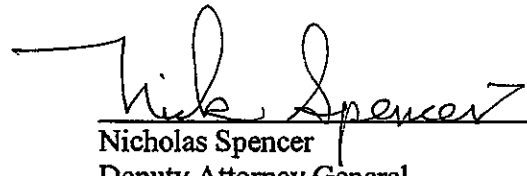
CLAIMANT/OBJECTOR:

Terry Lively 1-6-10
Terry Lively Date

Robin Lively 1-6-10
Robin Lively Date

IDWR Concurrence:


IDWR Agent 12/7/09
Date


Nicholas Spencer 1-19-10
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on January 20, 2010, 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:

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

ROBIN J LIVELY
TERRY G LIVELY
3985 N 1100 E
BUHL, ID 83316


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 47-17260

NAME AND ADDRESS:

ROBIN J LIVELY
3985 N 1100 E
BUHL ID 83316

TERRY G LIVELY
3985 N 1100 E
BUHL ID 83316

SOURCE:

Source:
UNNAMED STREAM

Tributary:

DEEP CREEK

QUANTITY:

0.240 CFS
0.000 APY

~~0.000 CFS~~

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

PRIORITY DATE:

03/15/1944
~~01/01/1971~~


NBS

POINT OF DIVERSION:

T10S R14E S8 NENENE
Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
<u>IRRIGATION</u>	<u>03/15 11/15</u>	<u>0.220 CFS</u>
<u>STOCKWATER</u>	01/01 12/31	0.020 CFS


TR

PLACE OF USE:

IRRIGATION within TWIN FALLS County

T10S R14E S08 NENE 11.0

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

STOCKWATER within TWIN FALLS County
T10S R14E S08 NENE

T10S R14E S08 NENE

11 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.

The source of this 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 recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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