

MAR - 1 2010

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Subcase No. 73-12036

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:

Robert Chewning

CLAIMANT

Virginia Chewning

Robert Chewning
Pro Se

Date

Virginia Chewning
Pro Se

Date

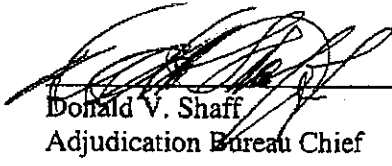
OBJECTOR:

United States of America

David Negri, Attorney
Bureau of Land Management

Date

IDWR Concurrence:

 2/16/10

Donald V. Shaff Date
Adjudication Bureau Chief

 2/10/10

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/10/2010

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

RIGHT NUMBER: 73-12036

NAME AND ADDRESS: VIRGINIA H CHEWNING
139 PAHSIMEROI RD
ELLIS ID 83235

ROBERT W CHEWNING
139 PAHSIMEROI RD
ELLIS ID 83235

SOURCE: SPRINGS

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: ~~0.240~~ 0.210 CFS

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

PRIORITY DATE: ~~04/01/1945~~ 04/01/1930

POINT OF
DIVERSION:

T16N R20E S36 NENENE Within LEMHI County
T16N R20E S36 NESENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.210 CFS
	STOCKWATER	01/01 12/31	0.030 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	~~T16N R20E S25~~ ~~SESE~~ ~~2.10~~	T16N R20E S36	NENE ~~0.10~~ 2.00
	<u>STOCKWATER in LEMHI County</u>		
	~~T16N R20E S25~~ ~~SESE~~	T16N R20E S36	NENE

10.2 2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

This right is a split from former right 73-4105.

CERTIFICATE OF MAILING

I certify that on 2/26, 2010, 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:

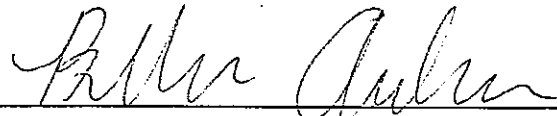
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

ROBERT W CHEWNING
VIRGINIA H CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235



Signature of person or attorney mailing form