

MAY 14 2010

By _____

Clerk

Deputy Clerk

**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 Nos. 47-17209

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:

Wade Fairchild 2-1-10
Wade Fairchild Date

Leo Ray May 8 2010
Leo Ray Date

CERTIFICATE OF MAILING

I certify that on May 13, 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:

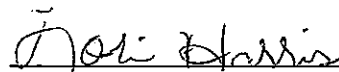
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

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

WADE F FAIRCHILD
4547 N 1100 E
BUHL, ID 83316
Phone: 208-543-5403

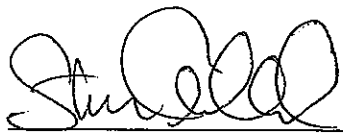
LEO E RAY
4647 D RIVER RD
BUHL, ID 83316



Signature of person or attorney mailing the form



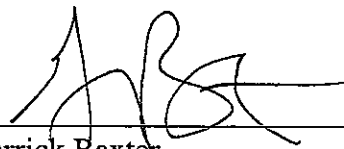
IDWR Concurrence:



~~Donald V. Shaff~~
Adjudication Bureau Chief
STEVE CLELAND
SR. WATER AGENT

5/11/10

Date



Garrick Baxter
Deputy Attorney General

5/11/2010

Date

LER
CST

12/18/2009

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

RIGHT NUMBER: 47-17209

NAME AND ADDRESS: WADE F FAIRCHILD
4547 N 1100 E
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER ~~DEEP CREEK~~

QUANTITY: 1.890 CFS

Use of this right with Right No. 47-17210 is limited to a total combined diversion rate of 2.58 cfs.

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

PRIORITY DATE: 11/13/1922

POINT OF DIVERSION:

T09S R14E S8 SWNE ~~SENE~~SW Within TWIN FALLS County

T09S R14E S8 NENESW Within TWIN FALLS County

T09S R14E S8 NWNESW Within TWIN FALLS County

T09S R14E S8 SWNESW 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	1.890 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S08	SWNE	30.00	T09S R14E S08	SENE	14.00
T09S R14E S08	NESW	28.00	T09S R14E S08	NESE	28.00
T09S R14E S08	NWSE	29.00			

STOCKWATER in TWIN FALLS County

T09S R14E S08	SWNE	T09S R14E S08	SENE
T09S R14E S08	NESW	T09S R14E S08	NESE
T09S R14E S08	NWSE		

129 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 47-17210 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129 ACRES IN A SINGLE IRRIGATION SEASON.

su AB
W.F.
LER

RECEIVED

MAY 04 2010

DEPARTMENT OF
WATER RESOURCES

12/18/2009

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

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.

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

STOCKWATER USE OF THIS RIGHT AND RIGHT NO. 47-17210 IS LIMITED TO A COMBINED TOTAL OF 150 HEAD RANGE CATTLE.

This right is a split from former right 47-4098.

SCU AB
WF
LER