

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 27 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 No. 63-31055
	)	
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:
T-7, LLC

OBJECTOR:
The Terteling Company, Inc.

Charles L. Honsinger 09/27/10

 Charles L. Honsinger Date
 Attorney for Claimant

Charles L. Honsinger 09/27/10

 Charles L. Honsinger Date
 Attorney for Objector

RESPONDENT:

Edwards Family, LLC

Garnette Edwards 9/27/10

By:

Date

Title:

IDWR Concurrence:

Vicky L. Music 9-23-10

Vicky L. Music

Date

Senior Water Resource Agent

Nicholas B. Spencer 9-24-10

Nicholas B. Spencer

Date

Deputy Attorney General

Attorney for IDWR

09/7/2010

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

RIGHT NUMBER: 63-31055

NAME AND ADDRESS: T-7 LLC
3858 GARDEN CENTER WY STE 300
BOISE ID 83703

SOURCE: STEWART CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.040 CFS
1.00 AFY

WMM
NBS
C.2.H.
GKE

The annual diversion volume refers to the irrigation use only.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre.

The rights listed below are limited to a total combined diversion rate of ~~0.12~~ 0.16 cfs. Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.

PRIORITY DATE: 01/01/1938

POINT OF
DIVERSION:

T04N R02E S22 NWNE Within ADA County
T04N R02E S22 NENW Within ADA County
T04N R02E S22 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	1.00 AFY
AESTHETIC STORAGE	01/01 12/31	1.00 AFY
IRRIGATION	03/01 11/15	0.040 CFS
IRRIGATION STORAGE	01/01 12/31	1.00 AFY

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S22 NWSW 5.00

STOCKWATER STORAGE in ADA County

T04N R02E S22 NENW T04N R02E S22 NWNW

T04N R02E S22 SENW

AESTHETIC STORAGE in ADA County

T04N R02E S22 NENW T04N R02E S22 NWNW

T04N R02E S22 SENW

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 17 acres in a single irrigation season. Combined Right Nos.: 63-27649, 63-27671, 63-31054, 63-31055.

The rights listed below are limited to the irrigation of a combined total of ~~171~~ 178 acres in a single irrigation season. Combined Right Nos.: 63-12, 63-13, 63-15, 63-308, 63-3603, 63-7595, 63-27649, 63-27671, 63-31050, 63-31052, 63-31053, 63-31054, 63-31055, ~~63-31054~~ 63-31056.

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

Stockwater use is for 25 llamas.

WMM
NBS
(.27)
GKE

CERTIFICATE OF MAILING

I certify that on Sept 27, 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

HAND DELIVERED

2. Copies to:

THE TERTELING COMPANY, INC.
T-7, LLC

Represented by:
CHARLES L. HONSINGER
455 S. THIRD STREET
P.O. BOX 2773
BOISE, ID 83701-2773

ll ll

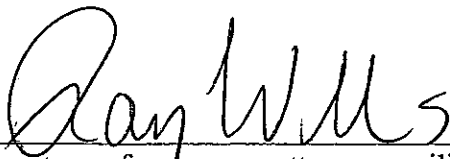
DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

ll ll

EDWARDS FAMILY, LLC

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

ll ll



Signature of person or attorney mailing the form