

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

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

JAN 27 2011

By _____ Clerk
_____ Deputy Clerk

Subcase No. 75-14443

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

Rick Rice

CLAIMANT/OBJECTOR

Linda Rice

Rick Rice 12-28-10
Rick Rice, Pro Se Date

Linda J. Rice 12/28/10
Linda Rice, Pro Se Date

OBJECTOR

John Burns

OBJECTOR

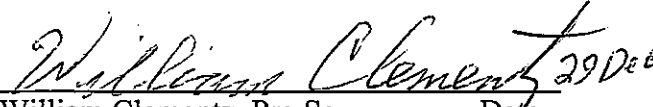
Ruth Burns

John Burns 12/28/10
John Burns, Pro Se Date

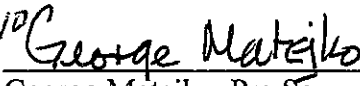
Ruth Burns 12-28
Ruth Burns, Pro Se Date

OBJECTOR
William Clementz

OBJECTOR
George Matejko



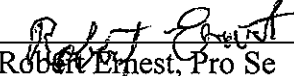
William Clementz, Pro Se Date

 12-28-10

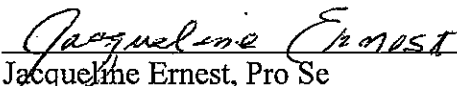
George Matejko, Pro Se Date

OBJECTOR
Robert Ernest

OBJECTOR
Jacqueline Ernest

 12/29/10

Robert Ernest, Pro Se Date

 12/29/10

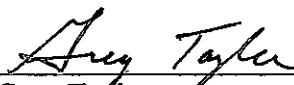
Jacqueline Ernest, Pro Se Date

OBJECTORS

 12/13/11

Travis Thompson, Attorney
for Albert C & Alvera C Fols
Charles & Mary Harling
Lloyd & Sheryl Tutor
A.C. & Luella Pilkerton
James Edgren
Jennifer Brady
Tracy Marcia Date

IDWR Concurrence:

 1/18/11

Greg Taylor Date
Stream Channel Protection Specialist

 1/21/2011

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

12/17/2010

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

RIGHT NUMBER: 75-14443

NAME AND ADDRESS: RICK RICE
PO BOX 285
CARMEN ID 83462

LINDA RICE
PO BOX 285
CARMEN ID 83462

Handwritten notes:
BB WWC
✓ GM
LRR RR
JE
AT 707

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.043 CFS

Right Nos. 75-10061P, 75-10062M, 75-14441 and 75-14443 are limited to a total combined diversion rate of 0.063 cfs.

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW 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	0.043 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	NESE	7.40	T22N R22E S03	SESE	0.60
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8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 75-69L, 75-70L, 75-14441, 75-14442 & 75-14443.

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 - Decreed

CERTIFICATE OF MAILING

I certify that on January 26, 2011, 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

A C & LUELLA PILKERTON
ALBERT C & ALVERA C FOLS
CHARLES E & MARY N HARLING
JAMES EDGREN & JENNIFER BRADY
LLOYD A & SHERYL L TUTOR
TRACY MARCIA

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

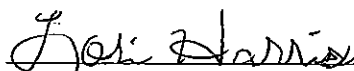
ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83462

JOHN E & RUTH C BURNS
BOX 264
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

WILLIAM W CLEMENTZ
PO BOX 225
CARMEN, ID 83462

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



Signature of person or attorney mailing form