



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 4, 2011

Randy Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase Nos. 35-2019 (Stiegliz) & 35-13988 (Nelson)

Dear Randy:

As discussed during yesterday's Pre-Trial Conference, I am enclosing an SF5 for each of the above-referenced subcases. After signature, please forward the original SF5s to Jerry Rigby for further signatures and filing.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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. 35-2019
	)	
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 which reflects no changes to the Director's Report currently on file with the SRBA Court. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Jeffrey Brian Stieglitz
Bridgette Stieglitz

OBJECTOR:
Donnetta Nelson

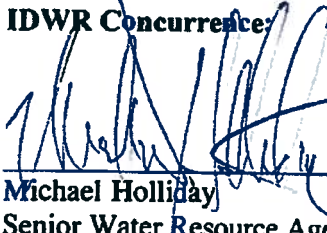
Robert L. Harris Date
Attorney for Claimants

Jerry R. Rigby Date
Attorney for Objector

OBJECTOR(s):
Steven W. Adams
Conan Feld

Randall C. Budge Date
Attorney for Objectors

IDWR Concurrence:

 2/4/2011

Michael Holliday Date
Senior Water Resource Agent

 2/3/11

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 35-2019

NAME AND ADDRESS: BRIDGETTE STIEGLITZ
646 US HWY 91
FIRTH ID 83236

JEFFREY BRIAN STIEGLITZ
646 US HWY 91
FIRTH ID 83236

MWS
ATC

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.040 CFS

PRIORITY DATE: 05/23/1910

POINT OF
DIVERSION:

T04S R32E S20 NWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.040 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T04S R32E S20	NWNE	16.00	T04S R32E S20	SWNE	18.00
T04S R32E S20	NENW	4.10	T04S R32E S20	NWSE	14.00

52.1 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from July 1987 to July 2006.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Upper Spring Creek.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

DONNETTA NELSON
Represented by:
JERRY R. RIGBY
25 N. 2ND. E.
P.O. BOX 250
REXBURG, ID 83440-0250

CONAN FELD
STEVEN W. ADAMS
Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

BRIDGETTE STIEGLITZ
JEFFREY BRIAN STIEGLITZ
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

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

Signature of person or attorney

**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. 35-13988
	)	
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 which reflects no changes to the Director's Report currently on file with the SRBA Court. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

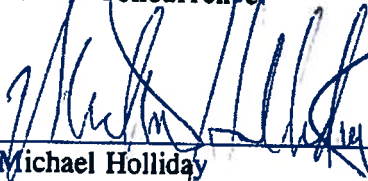
CLAIMANT:
Donnetta Nelson

INTERESTED PARTIES:
Steven W. Adams
Conan Feld

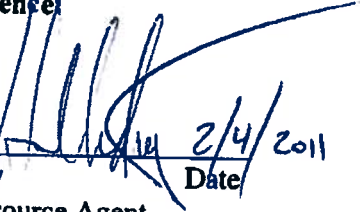
Jerry R. Rigby Date
Attorney for Claimant

Randall C. Budge Date
Attorney for Interested Parties

IDWR Concurrence



Michael Holliday
Senior Water Resource Agent



Date 2/4/2011



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

2/3/11

Date

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

RIGHT NUMBER: 35-13988

NAME AND ADDRESS: DONNETTA NELSON
757 ASPEN
SHELLEY ID 83274

SOURCE: WASTE WATER

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1943

POINT OF
DIVERSION:

T04S R32E S20 NENW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.190 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T04S R32E S20 NENW 9.30		
	9.3 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 source of this water right is waste water. The wasting of water may be discontinued at any time.

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

The source of this right is waste water originally diverted by Aberdeen Springfield Canal Co.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

DONNETTA NELSON
Represented by:
JERRY R. RIGBY
25 N. 2ND. E.
P.O. BOX 250
REXBURG, ID 83440-0250

CONAN FELD
STEVEN W. ADAMS
Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

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

Signature of person or attorney