

1058  
DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

MAR - 8 2011

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. 47-13641

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/RESPONDENT:**

Dolphy R. Callen

**OBJECTOR:**

State of Idaho

Idaho Department of Lands

David A. Coleman 2-3-11

David A. Coleman Date

Coleman, Ritchie & Robertson

David Stanish 1/27/2011

David Stanish Date

Deputy Attorney General

STANDARD FORM 5 - 47-13641

**IDWR Concurrence:**

*T. Douglas Jones* *2/10/11*  
IDWR Agent Date

*Nicholas Spencer* *2-8-11*  
Nicholas Spencer Date  
Deputy Attorney General

## CERTIFICATE OF MAILING

I certify that on 3 · 8, 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:

STATE OF IDAHO DEPT OF LANDS  
Represented by:  
STATE OF IDAHO  
JRW BUILDING, SECOND FLOOR  
700 W STATE ST, PO BOX 44449  
BOISE, ID 83711-4449

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

DOLPHY R CALLEN  
2120 E 2200 N  
TWIN FALLS, ID 83301



Signature of person or attorney mailing the form

01/11/2011

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

RIGHT NUMBER: 47-13641

NAME AND ADDRESS: DOLPHY R CALLEN  
2120 E 2200 N  
TWIN FALLS ID 83301

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.030 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1951

POINT OF  
DIVERSION:

T15S R15E S12 SESWNE Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 1/01 12/31           | 0.030 CFS       |

PLACE OF USE: STOCKWATER in TWIN FALLS County

|                          |                 |                          |                 |
|--------------------------|-----------------|--------------------------|-----------------|
| T12S R15E S29            | NWSW            | T12S R15E S32            | NESE            |
| T13S R15E S09            | SENW            | T13S R15E S09            | SESE            |
| T13S R15E S11            | SWNW            | T13S R15E S11            | SESE            |
| T13S R15E S13            | NWNW            | T13S R15E S20            | NENW            |
| <del>T13S R15E S16</del> | <del>SENE</del> | <del>T13S R15E S16</del> | <del>SESE</del> |
| T13S R15E S28            | NWNE            | T13S R15E S28            | NWNW            |
| T13S R15E S29            | SWNW            | T13S R15E S30            | SENE            |

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 IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

800 BEEF RP 12S15E290000 RP 13S15E111200 RP 13S15E117200 RP  
13S15E130000 STATE LEASE G 7025 RP 13S15E200000 RP 13S15E280000  
RP 13S15E290000 RP 13S15E300000

DS  
DAC  
NBS