

1653
DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 18 2011

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

Subcase No.: 37-21974
(Formerly Disallowed)

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 agree and stipulate that the use formerly recommended under right 37-21499, as well as a portion of the use formerly described under water right 37-2593, is now recommended as right 37-21974. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

Josephine P. Beeman 14 April 2011
Josephine P. Beeman Date
Attorney for Robert J. Struthers

IDWR CONCURRENCE:

Carter Fritschle 4-12-11
Carter Fritschle Date
Manager, Adjudication Section

IDWR CONCURRENCE:

Nicholas B. Spencer 4-12-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

04/12/2011

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

RIGHT NUMBER: 37-21974
NAME AND ADDRESS: ROBERT J STRUTHERS
388 GANNETT RD
BELLEVUE ID 83313

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 5.760 CFS
1008.00 AFY

PRIORITY DATE: 04/15/1981

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01N R19E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.760 CFS 1008.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S18	SWNE	36.00	T01N R19E S18	SENE	36.00
T01N R19E S18	NESE	36.00	T01N R19E S18	NWSE	36.00
T01N R19E S18	SWSE	36.00	T01N R19E S18	SESE	36.00
T01N R19E S19	NENE	36.00	T01N R19E S19	NWNE	36.00

288 ACRES TOTAL

This right is supplemental to Right Nos. 37-353D, 37-418D, 37-419D, 37-667K, 37-2345A and 37-11671 within the 288 acre place of use described above.

JPB
CA
NBS

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 - License

This right is a combination of portions of Right Nos. 37-2593 and 37-2705.

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

Priority date changed to prevent injury from the enlargement that resulted from the accomplished change in place of use.

CERTIFICATE OF SERVICE

I certify that on April 15, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Josephine P. Beeman
Beeman & Associates
409 W. Jefferson
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

John Harris

Signature of person or attorney mailing the form