

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

MAY 12 2011

By \_\_\_\_\_

D  
C  
L  
K  
D  
e  
p  
u  
t  
y  
C  
l  
e  
r  
k

**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. 77-14306

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/OBJECTORS**

Tammie Walters 5-1-11  
Tammie Walters Date

Kenneth Walters 5-1-11  
Kenneth Walters Date

STANDARD FORM 5 - 77-14306

**IDWR Concurrence:**

Carter Fritschle 5-9-11  
Carter Fritschle Date  
Manager, Adjudication Section

C. Bromley 5/10/11  
Chris Bromley Date  
Deputy Attorney General  
Attorney for IDWR

## CERTIFICATE OF MAILING

I certify that on May 11, 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:

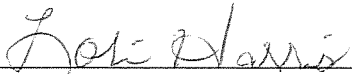
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

KENNETH R & TAMMIE WALTERS  
KENNETH R WALTERS  
TAMMIE WALTERS

Represented by:  
DANA L. HOFSTETTER  
608 WEST FRANKLIN STREET  
BOISE, ID 83702  
Phone: 208-424-7800

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

  
\_\_\_\_\_  
Signature of person mailing the form

03/09/2011

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

RIGHT NUMBER: 77-14306

NAME AND ADDRESS: TAMMIE WALTERS  
PO BOX 31  
RIGGINS ID 83549  
  
KENNETH R WALTERS  
PO BOX 31  
RIGGINS ID 83549

SOURCE: SHORTS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: ~~03/01/1943~~ 09/01/1925

POINT OF  
DIVERSION:

T24N R01E S14 NWSE End of Stream Flow Within IDAHO County  
T24N R01E S24 NESW Begin of Stream Flow Within IDAHO County  
T24N R01E S25 NENE Begin of Stream Flow Within IDAHO County  
T24N R01E S25 NENE End of Stream Flow Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

PLACE OF USE: STOCKWATER in IDAHO County

|               |                      |                      |      |
|---------------|----------------------|----------------------|------|
| T24N R01E S14 | <del>SWNE</del> NWSE | T24N R01E S14        | NESE |
| T24N R01E S14 | SESE                 | T24N R01E S14 Lot 13 | SESE |
| T24N R01E S23 | NENE                 | T24N R01E S24        | NWNW |
| T24N R01E S24 | SWNW                 | T24N R01E S24        | NESW |
| T24N R01E S24 | NWSW                 | T24N R01E S25        | NENE |

Place of use does not include federal public lands.

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

*Handwritten signatures and initials:*  
TW, CB, c4