

5-17
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MAY 18 2011
DEPARTMENT OF
WATER RESOURCES

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. 47-4177B
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

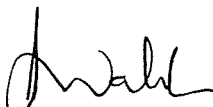
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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/OBJECTOR:

Bruce Walden



Scott Campbell, Attorney
ANDREW J. WALDERA
5/17/11
Date

STANDARD FORM 5 - 47-4177B

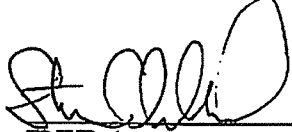
RESPONDENT/OBJECTOR:

Tim & Karen Smalley

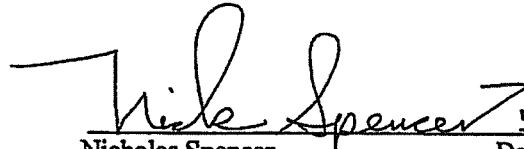


Daniel Nevala, Attorney
5-17-2011
Date

IDWR Concurrence:

 5/17/11

IDWR Agent Date

 5-17-11

Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on May 17th, 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:

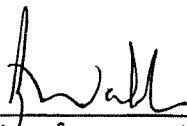
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

TIM & KAREN SMALLEY
Represented by:
DANIEL A NEVALA
ARKOOSH LAW OFFICE CHTD
PO BOX 32
GOODING, ID 83330

BRUCE L WALDEN
Represented by:
~~SCOTT L CAMPBELL~~ ANDREW J. WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

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



Signature of person or attorney mailing the form

04/20/2011

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

RIGHT NUMBER: 47-4177B

NAME AND ADDRESS: TIM SMALLEY
4579A RIVER RD
BUHL ID 83316

KAREN SMALLEY
4579A RIVER RD
BUHL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: DEEP CREEK

QUANTITY: 0.600 CFS

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

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION:

T09S R14E S9 SENWSW Within TWIN FALLS 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
IRRIGATION	03/15 11/15	0.600 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S09 NESE 15.00

STOCKWATER in TWIN FALLS County

T09S R14E S09 NESE

15 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

STOCKWATER FOR 20 HEAD MIXED LIVESTOCK.

NBS
SC
OW

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED BY
TWIN FALLS CANAL COMPANY.

The portion of this right used for conveyance losses is 0.30 cfs.

NBS

Sc
fw