



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

June 10, 2011

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase No. 22-228 (Split into 22-14004 & 22-14005)

Dear Rob:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the recommendations. After signature, please forward the SF5s to Jerry Rigby with a request that he return them to me after he executes them. I will obtain the remaining signature and file the documents with the SRBA Court.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams", is written over the typed name.

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. 22-228
	)	<i>Split into 22-14004 & 22-14005</i>
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 disallowed. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Boyd & Inez Fay Moulton

OBJECTOR(s):
Jay & Nancy Hanson

Robert L. Harris Date
Attorney for Claimants

Jerry R. Rigby Date
Attorney for Objectors

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea L. Courtney 6/10/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-228	INEZ FAY MOULTON 156 W 550 S VICTOR ID 83455 BOYD MOULTON 156 W 550 S VICTOR ID 83455	Disallowed	Recommended as 22-14004 and 22-14005

RJL

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:

JAY & NANCY HANSON
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

BOYD MOULTON
INEZ FAY MOULTON
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. 22-14005
	)	<i>Split from 22-228</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
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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.

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Boyd & Inez Fay Moulton

OBJECTOR(s):
Jay & Nancy Hanson

Robert L. Harris Date
Attorney for Claimants

Jerry R. Rigby Date
Attorney for Objectors

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea Courtney 6/10/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

AK

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P.O. BOX 250
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BOYD MOULTON
INEZ FAY MOULTON
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. 22-14004
	)	<i>Split from 22-228</i>
	)	
Case No. 39576	)	STANDARD FORM 5
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	)	STIPULATED ELEMENTS OF A
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Jay & Nancy Hanson

OBJECTOR(s):
Boyd & Inez Fay Moulton

Jerry R. Rigby Date
Attorney for Claimants

Robert L. Harris Date
Attorney for Objectors

IDWR Concurrence:

Michael Holliday Date
Water Rights Supervisor

Andrea L. Courtney 6/10/11
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-14004

NAME AND ADDRESS: NANCY C HANSON
5464 S 1000 W
VICTOR ID 83455

DOYLE J HANSON
5464 S 1000 W
VICTOR ID 83455

AK

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.020 CFS

The appropriator is entitled to the quantity of water described above at the point of measurement in T4N, R45E, S26, NENWSE.

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T04N R46E S30 NWSENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S27 SENE 0.70
0.7 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Fox Creek Canal (Meyers Ditch).

This right is a split from former right 22-228.

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

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