

57

|                                                                                                                     |                       |
|---------------------------------------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho                             |                       |
| <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <b>JUN 21 2011</b> </div> |                       |
| By _____                                                                                                            | Clerk<br>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<br><br>Case No. 39576<br><br>_____ | )<br>)<br>)<br>)<br>)<br>)<br>) | Subcase No. 77-4089B<br>(Split from 77-4089)<br><br><b>STANDARD FORM 5</b><br><br><b>STIPULATED ELEMENTS OF A<br/>WATER RIGHT</b> |
|-----------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|

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**

United States of America  
Bureau of Land Management

|                                    |                          |
|------------------------------------|--------------------------|
| <br>_____<br>David Negri, Attorney | 4/20/11<br>_____<br>Date |
|------------------------------------|--------------------------|

STANDARD FORM 5 - 77-4089B

Tammie Walters 5-24-11  
Tammie Walters Date

Kenneth Walters 5-24-11  
Kenneth Walters Date

**IDWR Concurrence:**

Carter Fritschle 6-6-11  
Carter Fritschle Date  
Manager, Adjudication Section

Chris Bromley 6/6/11  
Chris Bromley Date  
Deputy Attorney General  
Attorney for IDWR

02/28/2011

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

RIGHT NUMBER: 77-4089B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

SOURCE: SHORTS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.080 CFS

Right Nos. 77-4089B and 77-4219B are limited to a total combined diversion/rediversion rate of 0.08 cfs at the point of diversion/point of rediversion from Shorts Creek in T24N, R01E, S23, NENE.

PRIORITY DATE: 09/01/1925

POINT OF  
DIVERSION:

T24N R01E S23 NENE Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 11/30

0.080 CFS

PLACE OF USE:

IRRIGATION in IDAHO County

T24N R01E S14 Lot 22 NWSE 3.00

3 ACRES TOTAL

Right Nos. 77-4089B and 77-4219B are limited to the irrigation of a combined total of 3.0 acres in a single irrigation season.

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.

This water right does not grant any right-of-way or easement across the land of another.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split of former right 77-4089.

## CERTIFICATE OF MAILING

I certify that on 6/20, 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

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

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

Brandon Anderson  
Signature of person mailing the form