

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

AUG 30 2011

 By _____

Clerk
 Deputy Clerk

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

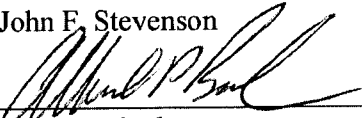
In Re SRBA Case No. 39576 _____	)))))))	Subcase No.: 37-118 STANDARD FORM 5 STIPULATED ELEMENTS OF A WATER RIGHT
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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

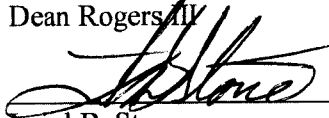
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:

John F. Stevenson

 Albert P. Barker
 Attorney for John F. Stevenson
 Date 8-30-11

OBJECTOR:

Dean Rogers III

 Laird B. Stone
 Attorney for Dean Rogers III
 Date 8/30/11

IDWR CONCURRENCE:

 Doug Jones
 Technical Engineer
 Date _____

IDWR CONCURRENCE:

 Nicholas B. Spencer
 Deputy Attorney General
 Attorney for IDWR
 Date _____

CERTIFICATE OF SERVICE

I certify that on _____, 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

Laird B. Stone
Stephan, Kvanvig, Stone & Trainor
P.O. Box 83
Twin Falls, ID 83303-0083

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

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

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

Signature of person or attorney mailing the form

08/26/2011

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

RIGHT NUMBER: 37-118

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: BUHLER DRAIN

TRIBUTARY: STALKER CREEK

Water developed for this right resulted from drainage of a swamp by a ditch now known as the Buhler Drain (also locally known as the Rogers Ditch).

APR 26

QUANTITY: 8.000 CFS

Rediversion from Stalker Creek in Section 28 is limited to the measured flow rate injected into Stalker Creek or 0.02 cfs per acre for the lands served, whichever is less.

PRIORITY DATE: 07/01/1904

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved or developed water in Silver Creek, as established and controlled by, and subject to, the provisions included within In Re: S C Frost et al vs Alturas Water Company et al decree (Lincoln County, entered 12-13-1909).

POINT OF
DIVERSION:

T01S R19E S20 SWNNW Within BLAINE County
T01S R19E S28 SESENE Rediversion Within BLAINE County
T01S R19E S29 SWSNW Injection Within BLAINE County
The point of injection described above is where Buhler Drain water flows into Stalker Creek for rediversion from the pump further down Stalker Creek.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	8.000 CFS

PLACE OF USE:

PLACE OF USE:		QUANTITY
IRRIGATION in BLAINE County		
T01S R19E S19	NENE 3.00	28.00
T01S R19E S19	NESE 25.00	29.00
T01S R19E S20	SWNW 6.00	11.00
T01S R19E S20	SWSW 28.00	28.00
T01S R19E S27	NWSW 26.00	15.00
T01S R19E S28	SENE 27.00	30.00
T01S R19E S28	NWSE 10.00	22.00
T01S R19E S29	NNNW 32.00	38.00
T01S R19E S29	SENW 5.70	37.00
T01S R19E S29	NWSW 38.00	18.00

T01S R19E S30	NENE	34.00	T01S R19E S30	SENE	32.00
T01S R19E S33	NENE	2.30			
	525 ACRES TOTAL				

The rights listed below are limited to the irrigation of a combined total of 525 acres in a single irrigation season. Combined Right Nos.: 37-118, 37-2576, 37-2681, and 37-7644.

This right is limited to the irrigation of 300 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed