

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

By _____ JAN 30 2012
Clerk
Deputy Clerk

In Re SRBA)

Case No. 39576)

Subcase No. 75-14609
(Split from former right 75-4393)

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

Michael Joseph Tyacke

CLAIMANT

State of Idaho Department of Lands

Michael Joseph Tyacke, Pro Se Date

Tyson Nelson, Attorney Date 1/11/2012

IDWR Concurrence:

Monica Van Bussum Date 1/11/2012
Senior Water Resource Agent

Garrick L. Baxter Date 1/11/2012
Deputy Attorney General
Attorney for IDWR

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Michael Joseph Tyacke

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State of Idaho Department of Lands


Michael Joseph Tyacke, Pro Se 1/13/12
Date

Tyson Nelson, Attorney Date

IDWR Concurrence:


Monica Van Bussum 1/11/2012
Senior Water Resource Agent Date


Garrick L. Baxter 1/11/2012
Deputy Attorney General Date
Attorney for IDWR

08/01/2011

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

RIGHT NUMBER: 75-14609

NAME AND ADDRESS: MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS ID 83403

STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: HYDE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.090 CFS
0.08 APY

The rights listed below are limited to a total combined diversion rate of 2.0 cfs. Combined Right Nos.: 75-14608 and 75-14609.

Right Nos. 75-14608 and 75-14609 are limited to a total combined annual volume of 3.0 AF for irrigation storage.

PRIORITY DATE: 04/01/1878

POINT OF
DIVERSION:

T20N R22E S5 SWNE Within LEMHI County
T21N R22E S32 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION FROM STORAGE	04/01 10/31	0.08 APY
IRRIGATION	04/01 10/31	0.090 CFS
IRRIGATION STORAGE	01/01 12/31	0.08 APY

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S32 NWSE 4.40

IRRIGATION FROM STORAGE same as IRRIGATION

4.4 ACRES TOTAL

Right Nos. 75-14608 and 75-14609 are limited to the irrigation of a combined total of ~~145~~ 159.2 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 159.2 acres in a single irrigation season. Combined Right Nos.: 75-14608, 75-14609, 75-14610 and 75-14611.

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 operation, use and administration of this water right is subject to a private water right agreement effective December 21, 2011, between Sunset Heights Water District, Cecil and Judith Bailey Jackson, Michael Tyacke, and the State of Idaho, and recorded in the Lemhi County Recorder's Office as Instrument No. 288625.

08/01/2011

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

The ownership of water right no. 75-14609 is governed by a private agreement executed by the Idaho Department of Lands and Michael Joseph Tyacke dated July 15, 2010.

TKN

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Pope Ditch Co.

Access to the place of use of water right no. 75-14609 is governed by a private agreement executed by the Idaho Department of Lands and Michael Joseph Tyacke dated July 15, 2010.

This right is a split from former right 75-4393.

AB

MLB

08/01/2011

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

RIGHT NUMBER: 75-14609

NAME AND ADDRESS: MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS ID 83403

STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

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0.08 AFY

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T21N R22E S32 SESW Within LEMHI County

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PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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This right is a split from former right 75-4393.

Handwritten initials and signature: "AS" with a large flourish, and "MJS" written below it.

CERTIFICATE OF MAILING

I certify that on January 26, 2012, 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

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

MICHAEL JOSEPH TYACKE
PO BOX 2156
IDAHO FALLS, ID 83403
Phone: 208-526-1601

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



Signature of person or attorney mailing form