

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

FEB - 1 2012

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	)	Subcase No. 27-12013
	)	<i>Uncontested Overlap to 27-10028</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 described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Leon J. Gardner 1-19-12
Leon J. Gardner Date


Bonnie P. Gardner Date 1-19-12

IDWR Concurrence:



Michael Holliday
Water Rights Supervisor

1/24/2012
Date



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

1/11/12
Date

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

RIGHT NUMBER: 27-12013

NAME AND ADDRESS: BONNIE P GARDNER
469 E 400 N
BLACKFOOT ID 83221

LEON J GARDNER
469 E 400 N
BLACKFOOT ID 83221

SOURCE: SAND CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.400 CFS

The appropriator is entitled to the quantity of water described above at the point of measurement in T2S, R37E, S7, NWNW Lot 1.

PRIORITY DATE: 03/04/1909

POINT OF
DIVERSION:

T02S R36E S14 NWNENE Within BINGHAM County
T02S R36E S14 NWNENE Within BINGHAM County
T02S R36E S14 SENWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R36E S14	NENE	9.60	T02S R36E S14	NWNE	22.00
T02S R36E S14	SWNE	11.00	T02S R36E S14	SENW	18.00

60.6 ACRES TOTAL

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 60.6 acres in a single irrigation season. Combined Right Nos.: 27-10028 and 27-12013

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 - License

~~This right is a split from former right 27-12071~~

This right is a split from former right 27-12072.

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

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

AT
JAH
MNA

CERTIFICATE OF MAILING

I certify that on January 30, 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

2. Copies to:

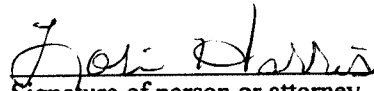
SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

BONNIE P. GARDNER
LEON J. GARDNER
469 E. 400 N.
BLACKFOOT, ID 83221

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney