

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

FEB 29 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)
Case No. 39576)
Subcase No.: 41-4009)
STANDARD FORM 5)
STIPULATED ELEMENTS OF A)
WATER RIGHT)

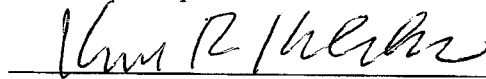
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 / OBJECTOR:

John and Jacqueline Kildew


Kim R. Kildew Date
Attorney for John and Jacqueline Kildew

IDWR CONCURRENCE:

 2/17/12
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 2-17-12
Nicholas B. Spender Date
Deputy Attorney General
Attorney for IDWR

02/17/2012

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

RIGHT NUMBER: 41-4009

NAME AND ADDRESS: JOHN KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

JACQUELINE KILDEW
PO BOX 333
AMERICAN FALLS ID 83211

*See
NBS*

SOURCE: ROCK CREEK
TRIBUTARY: SNAKE RIVER

QUANTITY: 0.700 ~~0.310~~ CFS

KRK

PRIORITY DATE: 04/01/1963 ~~04/01/1970~~

POINT OF
DIVERSION:

T09S R30E S9 SESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>0.700 CFS</u> ~~0.310 CFS~~

PLACE OF USE: IRRIGATION in POWER County

T09S R30E S09	SESW	0.80	T09S R30E S09	SWSE	4.50
T09S R30E S09	SESE	3.20	T09S R30E S16	NENE	19.00
T09S R30E S16	NWNE	23.00	T09S R30E S16	NENW	4.10

54.6 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 - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on 2-29, 2012, 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

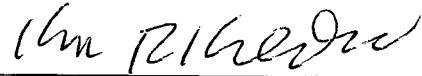
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Kim R. Kildew
410 S. Orchard St. # 176
Boise ID 83705

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



Signature of person or attorney mailing the form