

381

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

MAR - 9 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. 27-10296

Case No. 39576

Standard Form 5

**STIPULATED ELEMENTS
OF A WATER RIGHT**

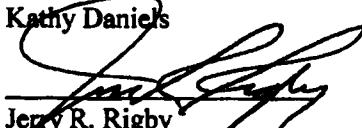
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River 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/RESPONDENT:

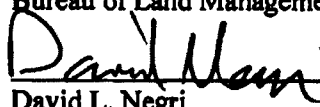
David A. Daniels
Kathy Daniels


Jerry R. Rigby
Attorney for Claimants

Date

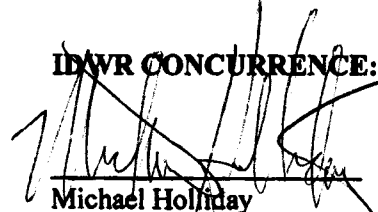
OBJECTOR:

United States on behalf of the
Bureau of Land Management

 2/21/12
David L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

IDWR CONCURRENCE:


Michael Holliday
Water Rights Supervisor

2/28/2012
Date

IDWR CONCURRENCE:

 3/6/12
Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on March 7, 2012 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

David A. & Kathy Daniels
436 West Riverton Road
Blackfoot, ID 83221

Jerry R. Rigby
Rigby, Andrus & Rigby, Chtd.
P.O Box 250
Rexburg, ID 83440


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 27-10296

NAME AND ADDRESS: KATHY DANIELS
436 WEST RIVERTON ROAD
BLACKFOOT ID 83221

DAVID A. DANIELS
436 WEST RIVERTON ROAD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.870 CFS

PRIORITY DATE: 05/01/1885

POINT OF
DIVERSION: T03S R35E S9 Lot 1 (SWSENE) Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.870 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T03S R35E S08 Lot 4 (SWNW) 3.1
T03S R35E S08 Lot 2 (SENW) 27.7

30.8 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 - Decreed
WATER IS DELIVERED THROUGH MINERS DITCH.
This right is a split from former right 27-3.