

332

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 10 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. 22-13722

Case No. 39876

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)/OBJECTOR(s):

Jerald Gee

Kerry Gee

H. Erickson 4/6/2012
 Hyman D. Erickson Date
 Attorney for Claimants/Objectors

IDWR Concurrence:

Denise Kidman 4/9/12
Denise Kidman Date
Water Resource Agent

Andrea L. Courtney 4/5/12
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13722

NAME AND ADDRESS: JERALD GEE
2364 E HWY 33
SUGAR CITY ID 83448

KERRY GEE
2364 E HWY 33
SUGAR CITY ID 83448

*AYC
DL*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.600 CFS
\$26.00 APY

PRIORITY DATE: 10/10/1974

POINT OF
DIVERSION:

TOWN RASH 55 NESEEN Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

1.600 CFS
\$26.00 APY

PLACE OF USE:

IRRIGATION in TETON County

TOWN RASH 505	SEEN	37.00	TOWN RASH 505	NEEN	32.00
TOWN RASH 505	WNEE	40.00	TOWN RASH 505	SWNE	36.00
TOWN RASH 505	SESE	24.00			

179 ACRES TOTAL

This right is limited to the irrigation of 179.3 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 179 acres in a single irrigation season. Combined Right Nos. 22-13320 & 22-13322.~~

The rights listed below are limited to the irrigation of a combined total of 179 acres in a single irrigation season. Combined Right Nos. 22-13320 & 22-13722.

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.

This water right is subject to a private agreement entered into between Kerry Gee & Kathleen Gee and Wells Fargo Bank, NA dated March 10, 2012 and recorded as Instrument No. 221861 in Teton County.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Use of water under this right is combined with water from Leigh Creek Canal.

This right is a split from former right 22-7105.

*Page
14*

CERTIFICATE OF MAILING

I certify that on April 10, 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:

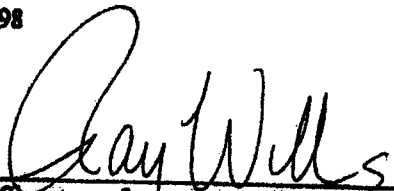
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

VIA FACSIMILE
MAIL

2. Copies to:

JERALD GEE
KERRY GEE
Represented by:
HYRUM D. ERICKSON
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

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



Signature of person or attorney