

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. 22-13723

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):
Wells Fargo Bank, N.A.

OBJECTOR(s):
Kerry Gee

C. Timothy Hopkins
C. Timothy Hopkins
Attorney for Claimant

Date

4/9/12

Hyman D. Erickson
Hyman D. Erickson
Attorney for Objector

Date

4/4/2012

IDWR Concurrence:

for Carter Fritzsche 4-10-12
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: 22-13723

NAME AND ADDRESS: WELLS FARGO BANK NA
NAC 67300-078
1700 LINCOLN ST 7TH FLOOR
DENVER CO 80203

20-PACIFIC-LLC
20-SUM-38
NAI008-ID-00430

SOURCE: Source: Ground Water tributary:

QUANTITY: 0.480 CFS 0.460 CFS
188.000 AFT 318.000 AFT

PRIORITY DATE: 10/10/1974

POINT OF DIVERSION: TOSN R45E S5 N28E Within TETON County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/15	<u>0.480 CFS</u> <u>188.00 AFT</u>	
		<u>0.460 CFS</u> <u>318.00 AFT</u>	

PLACE OF USE: IRRIGATION within TETON County
TOSN R45E S05 N28W 39.0 TOSN R45E S05 N28W 35.0
74 ACRES TOTAL

at will
C4

This right is limited to the irrigation of 52.5 acres within the place of use described above in a single irrigation season.

This right is limited to the irrigation of 73.5 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 74 acres in a single irrigation season. Combined Right Nos.: 22-13721 & 22-13723.

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 Gos & Kathleen Gos and Wells Fargo Bank, NA dated March 30, 2012 and recorded as Instrument No. 221961 in Teton County.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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.

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

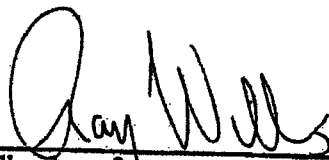
VIA FAX
2 MAIL

2. Copies to:

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

WELLS FARGO BANK, N.A.
Represented by:
C. TIMOTHY HOPKINS
428 PARK AVE.
P.O. BOX 51219
IDAHO FALLS, ID 83405-1219

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



Signature of person or attorney