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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

Copy

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

STANDARD FORM 5

Case No. 39576

SUBCASE NO:

36-10725

STIPULATED ELEMENTS OF A
WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

RITA WERT
LOREN WERT
3115 SOUTH 1700 EAST
WENDELL ID 83355

Required Statement: As recommended in the director's report.

2. The source of water is: GROUNDWATER

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

DOMESTIC	0.04	CFS
STOCKWATER	0.02	CFS
TOTAL QUANTITY:	0.04	CFS

Required Statement: As recommended in the director's report.

4. The priority date is:

12/31/1912

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T08S R14E S12 NE NE NE

Required Statement: As recommended in the director's report.

6. The purpose of use is:

DOMESTIC
STOCKWATER

Required Statement: Non-irrigation use- Domestic 1 House, Stockwater 75 Dairy Cattle.
The parties and IDWR agree that this is the correct number of stock.

7. The period of year when the water is to be used is:

01-01 TO 12-31

Required Statement: As recommended in the director's report.

8. The legal description of the place of use or of the reservation is:

T08S R14E S12 NE NE

Required Statement: Parcel No. RP08S14E121800. As recommended in the director's report.

9. The annual volume of consumptive use is: NOT REQUIRED

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right. NOT APPLICABLE

These matters are necessary because: NOT APPLICABLE

These matters do not fall within the 9 elements listed above because: NOT APPLICABLE

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signature and Address of Parties and their Attorney of Record

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Idaho Dept. of Water Resources

Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: ~~Susan E. Hamlin~~ Charles H. Heringer

A. Lynne Krogh

Name: Loren and Rita Wert

Address: 3115 South 1700 East

City/State/Zip: Wendell, Idaho 83355

Attorney of Record: pro se

Charles H. Heringer 08/29/96
Attorney's Signature Date

Loren Wert 4-29-96
Party's Signature Date

Rita Wert 4-29-96
Party's Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on August 30, 1996, 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:

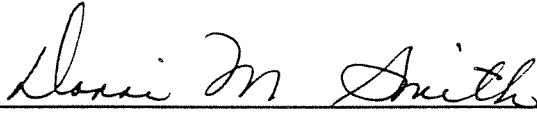
1. Original to:

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:

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

Loren & Rita Wert
3115 S 1700 E
Wendell, ID 83355



Signature of person or attorney mailing the form