

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: 78-12505                                  |
|                | ) | STANDARD FORM 5                                    |
| Case No. 39576 | ) |                                                    |
|                | ) | STIPULATED ELEMENTS OF A WATER                     |
|                | ) | RIGHT                                              |
|                | ) |                                                    |
|                | ) | <input type="checkbox"/> AMENDED NOTICE OF CLAIM / |
|                | ) | DIRECTOR'S REPORT                                  |

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 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

**CLAIMANT/RESPONDENT:**

Kerry Brennan

**OBJECTOR:**

William Lenhart

Brian J. McMahan 7-9-20  
Brian McMahan, Attorney at Law Date

William Lenhart 6-25-20  
William Lenhart, Pro Se Date

**IDWR Concurrence:**

Craig L. Saxton 7-27-2020  
Craig L. Saxton Date  
Manager, Water Rights Adjudication

Jennifer Wendel 7/30/2020  
Jennifer Wendel Date  
Deputy Attorney General  
Attorney for IDWR

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

06/22/2020

RIGHT NUMBER: 78-12505

NAME AND ADDRESS: KERRY BRENNAN  
PO BOX 251  
RIGGINS ID 83549

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 11/12/1993

POINT OF DIVERSION: T24N R01E S22 SWNW Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 01/01 12/31          | 0.040 CFS       |

Domestic use is for a tackle shop and small campground.

PLACE OF USE:

|                                 |      |                    |
|---------------------------------|------|--------------------|
| <u>DOMESTIC in IDAHO County</u> |      |                    |
| T24N R01E S21                   | SENE | T24N R01E S22 SWNW |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Numbers RP24N01E223921 and RP24N01E213941 for the place of use.  
Parcel Number RP24N01E223921 for the point of diversion.

~~Right No. 78-12505 is also diverted through the point of diversion described above.~~

BI m  
CLS  
JW

### CERTIFICATE OF SERVICE

I hereby certify that on this 11 day of August, 2020 I caused to be served a copy of the Standard Form 5 by the following method to:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls, ID 83303-2707

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

2. Copies to:

IDWR Document Depository  
322 East Front St.  
PO Box 83720  
Boise, ID 83720-0098

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

United States of America  
Represented by:  
US Department of Justice  
Environment & Nat'l Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

State of Idaho  
Represented by:  
Chief Natural Resources Div  
Office of the Attorney General  
PO Box 83720  
Boise, ID 83720-0010

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

William Lenhart  
PO Box 512  
Riggins, ID 83549

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

Kerry Brennan  
Represented by:  
Brian McMahan  
PO Box 959  
Boise, ID 83701-0959

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

Signature of person delivering this document

Kimberle English