

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2002 DEC 20 PM 12 00

RECEIVED
DEC 16 2002
Department of Water Resources

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. 65-3104B
	)	
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 per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

O & D Partnership

George Dovel 12/10/02
George Dovel Date

Steve Dabem Partner 12-12-02

CERTIFICATE OF MAILING

I certify that on December 18, 2002, 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:

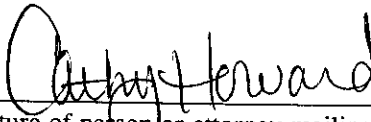
United States Dept of Justice
Environment & Natural Resource Division
General Litigation Section
999 18th Street, Suite N 945
Denver, CO 80202
Attn: David W. Gehlert

(courtesy copy)

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

O & D Partnership
P.O. Box 366
Horseshoe Bend, ID 83629

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED
UNDER STATE LAWDISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 DEC 20 PM 12 00

RIGHT NUMBER: 65-3104B

NAME AND ADDRESS:

O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK Tributary: PAYETTE RIVER

QUANTITY: 1.530 CFS
0.000 AFYUSE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02858A, 65-10963.~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-03803C, 65-02858A, 65-09417A, 65-10963.~~

PRIORITY DATE: 01/01/1983

POINT OF DIVERSION:

T07N R02E S12 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	4/01 11/01	1.530 CFS

PLACE OF USE: IRRIGATION within BOISE County

T07N R02E S02 SWSE 2.0
T07N R02E S02 SESE 9.0
T07N R02E S11 NENE 16.0
T07N R02E S11 NWNE 14.0
T07N R02E S11 SWNE 18.0
T07N R02E S11 SENE 27.0

~~T07N R02E S02 NESW 2.4~~
~~T07N R02E S02 SESW 22.0~~
~~T07N R02E S02 NESE 2.9~~
~~T07N R02E S02 NWSE 2.8~~
~~T07N R02E S02 SWSE 39.0~~
~~T07N R02E S02 SESE 36.0~~
~~T07N R02E S11 NENE 31.0~~
~~T07N R02E S11 NWNE 37.0~~

~~T07N R02E S11 SENE 24.0~~
~~T07N R02E S11 NENW 24.0~~
~~T07N R02E S11 SENW 2.0~~

86 ACRES TOTAL~~241.1 ACRES TOTAL~~

THE MAXIMUM ANNUAL CONSUMPTIVE USE VOLUME AUTHORIZED FOR
 DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED 215 ACRE-FEET, i.e. 86
 ACRES X 2.5 AF/ACRE = 215 ACRE FEET.

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN THE PLACE OF
 USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~

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

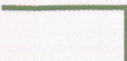
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
 NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED
 BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL
 UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

T7N, R2E, Sec 2

1987 NAPP

 **Place of Use**

 **Section Lines**

 **1/41/4**

Claim No(s): 65--3104B

O & D Partnership

Prepared by:

Jan Shurte

Date: 12-12-2002

