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JUL 23 2003

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. 63-16375
)
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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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 claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Thomas T. Nicholson
Thomas T. Nicholson Date
Diana R. Nicholson
Diana R. Nicholson Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 7/22/03
David L. Negri Date

IDWR CONCURRENCE:

Jan Shurte 7-18-03
Jan Shurte Date

ATTORNEY FOR IDWR:

Nicholas B. Spencer 7-22-03
Nicholas B. Spencer Date

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

RIGHT NUMBER: 63-16375

NAME AND ADDRESS:

DIANA R NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690
THOMAS T NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

SOURCE: MORES CREEK Tributary: BOISE RIVER

QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-16373 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD HEADGATE.

PRIORITY DATE: 05/01/1932

POINT OF DIVERSION:

~~T07N R06E S35 NWNESE~~
~~Within BOISE County~~

T07N R06E S35 NWNESE Lot 7
Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	0.020 CFS

PLACE OF USE:

IRRIGATION within BOISE County

~~T07N R06E S35 NWSE 1.0~~T07N R06E S35 NWSE Lot 1 1.0

1 ACRES TOTAL

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 - Beneficial Use

PROPERTY ALSO KNOWN AS RP 07N06E358300A, LAND PATENT NO. 11-90-0011.

47.
DN
NBS
DN

CERTIFICATE OF MAILING

I certify that on July 22, 2003, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

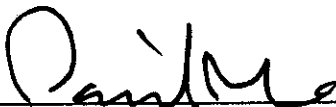
Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

Copies to all parties to the subcase:

Thomas T. Nicholson
Diana R. Nicholson
P.O. Box 690
Meridian, ID 83680



David L. Negri