

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. 63-04905

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.

CLAIMANT:

Elizabeth Gamboa
Elizabeth Gamboa Date

12/28/03

OBJECTORS:

United States on behalf of the
USDA Forest Service

David Negri 1/15/04
David L. Negri Date

Susan Gamboa 12/28/03
Susan Gamboa Date

IDWR CONCURRENCE:

Jan Shurte 1-15-04
Jan Shurte Date

ATTORNEY FOR IDWR:

Nicholas B. Spencer 1-15-04
Nicholas B. Spencer Date

12/15/2003

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

RIGHT NUMBER: 63-4905

NAME AND ADDRESS: ELIZABETH GAMBOA
2764 ANGELL AVE
SAN DIEGO CA 92122SOURCE: LITTLE SMOKY CREEK
BIG SMOKY CREEKTRIBUTARY: BIG SMOKY CREEK
TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 1.75 CFS

The quantity of water under this right for stockwater use
shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1941

POINT OF DIVERSION:

T03N R13E S11 NENE Within CAMAS County
T03N R13E S1 SWSW Lot 5 Within CAMAS County
T03N R13E S12 NWSW Within CAMAS CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.710 CFS
STOCKWATER	06/10 09/10	0.040 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T03N R13E S11	NENE	16.3	T03N R13E S11	NWNE	0.3
T03N R13E S11	SWNE	15.7	T03N R13E S11	SENE	20.5
T03N R13E S11	NESW	0.7	T03N R13E S11	NESE	13.4
T03N R13E S11	NWSE	16.2	T03N R13E S12	NWNW	2.3

STOCKWATER same as IRRIGATION

85.4 ACRES TOTAL

All places of use are on private land within Homestead Entry Survey (HES)
131.

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

EXPLANATORY MATERIAL: Beneficial Use

~~Stockwater use is for 5 horses.~~ *SB* *EA**NBS**DN*

CERTIFICATE OF MAILING

I certify that on January 16, 2004, 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:

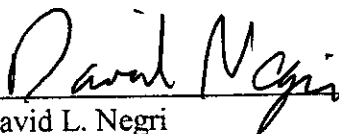
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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 (insert names and addresses here):

Elizabeth Gamboa
2764 Angell Ave
San Diego, CA 92122

Susan Gamboa
55 Dorland St.
San Francisco, CA 94110



David L. Negri