

COPY

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 10 2004

By *[Signature]* Clerk
Deputy Clerk

RECEIVED
MAY 10 2004
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: 29-13266
)
)
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. 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; and 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:

Noel D. Anderson 5/4/04
Noel D. Anderson Date

CLAIMANT/ OBJECTOR:

Rodona L. Anderson 5/04/04
Rodona L. Anderson Date

IDWR CONCURRENCE:

Ernie Carlsen 4/27/04
Ernie Carlsen Date
Adjudication Supervisor, Eastern Region

Candice M. McHugh 4/27/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-13266

NAME AND ADDRESS:

NOEL D ANDERSON
9943 POCATELLO CREEK RD
POCATELLO ID 83201

RODONA L ANDERSON
9943 POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE:

Source:
POCATELLO CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.060 CFS 0.000 AFY

PRIORITY DATE: 06/01/1987

POINT OF DIVERSION:

T06S R34E S13 NESESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE:

IRRIGATION within BANNOCK County

T06S R35E S18 NWSW Lot 3 1.6

T06S R35E S18 SWSW Lot 4 1.5

~~T06S R35E S18 SWSW Lot 4 1.1~~

3.1 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.

~~NO BENEFICIAL USE FOUND.~~

~~NO BENEFICIAL USE FOUND. This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF MAILING

I certify that on May 10, 2004 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 83720
Boise, ID 83720-0098

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

Noel and Rodona Anderson
9943 Pocatello Creek Rd.
Pocatello, ID 83201



Signature of person or attorney mailing the form