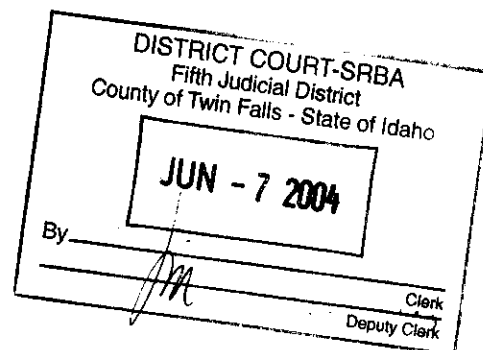


COPY



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN



June 7, 2004

Via Fax and Mail

SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: 65-10953 (Dovel)

To the Clerk of the SRBA Court:

Enclosed please find a Standard Form 5 for the above-referenced subcase. As you will notice, there is a sentence which has been crossed out on the front page of this document. A sentence pertaining to the digital boundary for the Lower Payette Ditch Company was inadvertently left on the SF 5 at the time of signing. This sentence is not necessary to resolve this subcase. Accordingly, with Mr. Dovel's consent and permission, I have crossed it out to avoid further confusion.

The filing deadline for this SF 5 is Friday, June 11, 2004.

If you have any questions, please do not hesitate to call me at: 327-7881.

Sincerely,

A handwritten signature in cursive script that reads "Becky Harvey".

Becky Harvey
Paralegal

/bh
Enclosures

cc: George Dovel

JUN 04 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. 65-10953
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	STIPULATED ELEMENT OF
	)	WATER RIGHT(s)

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 amended recommendation. ~~The parties and IDWR further agree and stipulate that the attached is a digital depiction of the boundary for the Lower Payette River Company, produced by IDWR.~~ B.H. for George Dovel

CLAIMANT(s)/OBJECTOR:

George Dovel

George Dovel 6-2-04
George Dovel Date

IDWR Concurrence:

Jan Sturte 5-28-04
IDWR Agent Date

Chris Bromley 5/28/04
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 65-10953

NAME AND ADDRESS: GEORGE W DOVEL
434 PIONEER RD
HORSESHOE BEND ID 83629

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.040 CFS
1.200 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT 65-10952 SHALL PROVIDE NO MORE THAN .04 CFS NOR 1.2 AFA.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 12,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1946

POINT OF DIVERSION:

T07N R02E S12 SWSW Within BOISE County
T07N R03E S7 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within BOISE County

T07N R02E S12 SWSW

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.

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

Water Right 65-10953

SF 5 - 65-10953

CERTIFICATE OF MAILING

I certify that on June 7, 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:

United States of America
US Dept of Justice
Environment & Natural Resource
550 West Fort Street, MSC 033
Boise, ID 83724
Attn: David W. Gehlert

(courtesy copy)

George Dovel
434 Pioneer Road
Horseshoe Bend, ID 83629

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



Signature of person or attorney mailing the form