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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. 82-02068
)
)
) **Standard Form 5**
Case No. 39576)
) **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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

William O'Kelley
Patricia O'Kelley

William O'Kelley 04/14/05
William O'Kelley Date

Patricia O'Kelley 4-14-2005
Patricia O'Kelley Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 6/3/05
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Carter Fritzsche 6-2-05
Carter Fritzsche Date

IDWR CONCURRENCE:

Condoleezza Rice 6/3/05
Condoleezza Rice Date

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

RIGHT NUMBER: 82-2068

NAME AND ADDRESS: ~~DONALD G KING~~
~~HC 67 BOX 98~~
~~GRANGEVILLE ID 83530~~

WILLIAM O'KELLEY
PATRICIA O'KELLEY
1425 18TH AVENUE
LEWISTON, ID 83501

SOURCE: WHISKEY CREEK TRIBUTARY: SOUTH FORK CLEARWATER RIVER

QUANTITY: 0.070 CFS
5.10 AFY

PRIORITY DATE: 08/31/1966

POINT OF DIVERSION: T29N R08E S29 NENWNW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/01	0.070 CFS
		4.50 AFY
DOMESTIC	01/01 12/31	0.020 CFS
		0.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 AND AFTER OCTOBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION T29N R08E S29 NWNW 1.5 Within IDAHO County
DOMESTIC T29N R08E S29 NWNW Within IDAHO County

1.5 ACRES TOTAL

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

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 - License

MB
POK
ct

W.M.D.K
L.A.B
sm

CERTIFICATE OF MAILING

I certify that on June 7, 2005 mailed the original and copies of this form, including all attachments, 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. Copy to:

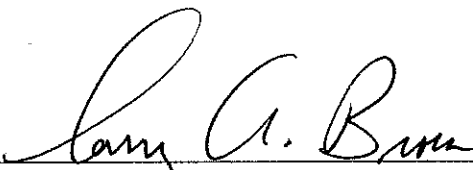
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

William O'Kelley
Patricia O'Kelley
1425 18th Avenue
Lewiston, ID 83501



Signature of person or attorney mailing the form