

**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

Case No. 39576

Subcase Nos.: 85-2155

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; 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.

CLAIMANT(s):

Oneal Farms Inc

Oneal Farms Inc by
Claimant
Raymond L Oneal (pres) 10-1-05
Claimant Date

OBJECTOR(s):

USDI Bureau of Reclamation

David W. Gehlert 10/13/05
Date
David W. Gehlert
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

IDWR Concurrence:

Carter Lutzke 9-19-05
Date
Adjudication Supervisor

Susan Hamlin Nygard 9/19/05
Date
Susan Hamlin Nygard
Deputy Attorney General, IDWR

CERTIFICATE OF MAILING

I certify that on 10-13, 2005, 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:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

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

Oneal Farms Inc
PO Box 296
Lewiston ID 83501

Becky Hawkey
Signature of person or attorney filing the form

09/13/2005

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

RIGHT NUMBER: 85-2155

NAME AND ADDRESS: ONEAL FARMS INC
PO BOX 296
LAPWAI ID 83540

SOURCE: LAPWAI CREEK

TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.320 CFS

PRIORITY DATE: 09/05/1928

POINT OF
DIVERSION: T36N R04W S35 NESENE Lot 12 Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE

~~02/15~~ ~~11/30~~ 3/15 11/15

QUANTITY

0.320 CFS

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T36N R04W S35 Lot 4 NWNE	11.3	T36N R04W S35 Lot 13 SWNE	2.5
T36N R04W S35 Lot 5 NENW	2.2		

16 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 - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.