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RECEIVED
SEP 18 2006
DEPARTMENT OF
WATER RESOURCES

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

September 13, 2006

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 41-7030 and 41-7034

Dear Clerk:

Enclosed for filing are Standard Form 5, "Stipulated Elements of a Water Right", forms for the above mentioned Subcase numbers.

Thank you for your kind attention to this matter. If you have any questions, please feel free to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

c: ✓ Steve Clelland
Nick Spencer
Vicki Kelly

COPY

**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 No.: 41-7034

STANDARD FORM 5

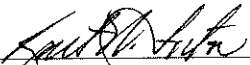
**STIPULATED ELEMENTS OF A
WATER RIGHT**

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 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.

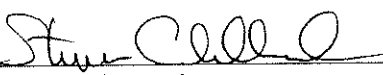
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

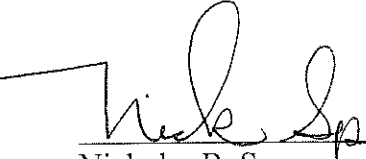

Kent W. Foster
Attorney for Timothy Deeg

9/13/06
Date

IDWR CONCURRENCE:


Steve Clelland
Senior Water Resource Agent

9/7/06
Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

9-5-06
Date

COPY

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

RIGHT NUMBER: 41-7034

NAME AND ADDRESS:

TIMOTHY P DEEG
2597 DEEG RD
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

Tributary:

QUANTITY: 1.820 CFS
364.000 AFY

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 when combined for irrigation shall not exceed a total diversion rate of 10.02 cfs.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.68 CFS. COMBINED RIGHT NOS.: 41-07071,
41-07030, 41-07081 & 41-07076~~

NBS
SCC
②

PRIORITY DATE: 04/07/1978

POINT OF DIVERSION:

T09S R31E S6 SWSE
Within POWER County

T09S R31E S6 SWSE
Within POWER County

T09S R31E S6 SWSE
Within POWER County

~~T09S R31E S6 SWSWSE~~
~~Within POWER County~~

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	1.820 CFS 364.00 AFY

PLACE OF USE: IRRIGATION within POWER County

T09S R30E S01 NENE 40.0
T09S R30E S01 NWNE 40.0
T09S R30E S01 SWNE 40.0
T09S R30E S01 SENE 40.0

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

T09S R30E S01 NESW 40.0
T09S R30E S01 SESW 40.0
T09S R30E S01 NESE 40.0
T09S R30E S01 NWSE 40.0
T09S R30E S01 SWSE 40.0
T09S R30E S01 SESE 31.0
T09S R30E S12 NWNE 40.0
T09S R30E S12 SWNE 40.0
T09S R30E S12 NENW 40.0
T09S R30E S12 SENW 40.0
T09S R30E S12 NESW 40.0
T09S R30E S12 SESW 40.0
T09S R30E S12 NWSE 40.0
T09S R30E S12 SWSE 40.0
T09S R31E S06 NWNW 21.0
T09S R31E S06 SWNW 22.0
T09S R31E S06 NESW 36.0
T09S R31E S06 NWSW 22.0
T09S R31E S06 SWSW 18.0
T09S R31E S06 SESW 30.0
T09S R31E S06 NESE 40.0
T09S R31E S06 NWSE 38.0
T09S R31E S06 SWSE 33.0
T09S R31E S06 SESE 40.0

~~T09S R30E S12 NESW 22.8~~
~~T09S R30E S12 SESW 22.7~~
~~T09S R30E S12 NWSE 22.8~~
~~T09S R30E S12 SWSE 22.7~~

NBS
SCC
B.

1011 ACRES TOTAL

91 ACRES TOTAL

Right 41-7034 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season.

Rights 41-7030, 41-7034, 41-7071, 41-7076 and 41-7081 are limited to the irrigation of a combined total of 814.3 acres in a single irrigation season.

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.

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

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

~~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.~~

NBS
SCC
OK

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of transfer No. 71132 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer No. 71132 within one year of the date of its approval.

CERTIFICATE OF SERVICE

I certify that on SEPT. 13, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

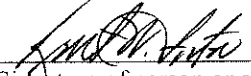
2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form