

RECEIVED

APR 29 2007

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. 74-01832
)
) **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, data, expert opinions and law support 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.

CLAIMANT:

Terry & Jessica Mc Nellis Family Trust

Terry Mc Nellis 4/3/07
Terry Mc Nellis Date
Jessica Mc Nellis 4/3/07
Jessica Mc Nellis Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 4/25/07
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlsen 3-22-07
Ernest Carlsen Date
Water Resource Program Manager

IDWR CONCURRENCE:

Christopher M. Bromley 3/22/07
Christopher M. Bromley Date
Deputy Attorney General

01/19/2006

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

RIGHT NUMBER: 74-1832
NAME AND ADDRESS: TERRY & JESSICA MC NELLIS FAMILY TRUST
PO BOX 834
RANCHO SANTE FE CA 92029

SOURCE: REESE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.260 CFS

PRIORITY DATE: 08/22/1913

POINT OF DIVERSION: T17N R24E S8 NWSW Within LEMHI County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.260 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T17N R24E S12	SWSE	2.00	T17N R24E S12	SESE	6.00
T17N R24E S13	NENE	10.00	T17N R24E S13	NWNE	28.00
T17N R24E S13	NENW	29.00	T17N R24E S13	NWNW	10.00
T17N R24E S13	SWNW	2.00	T17N R24E S13	SENW	6.00

55 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE 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 - Decreed

CERTIFICATE OF MAILING

I certify that on April 5, 2007 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:

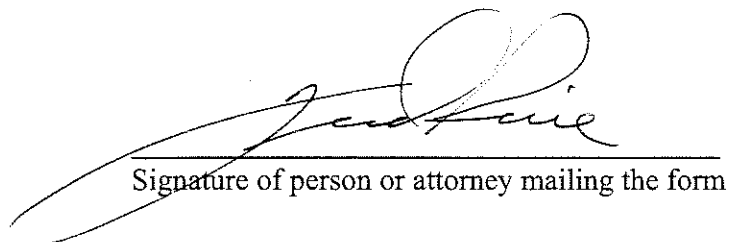
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

Terry & Jessica Mc Nellis Family Trust
P.O. Box 834
Rancho Santa Fe, CA 92029



Signature of person or attorney mailing the form



Fredric
Price/IDSO/ID/BLM/DOI
04/05/2007 04:06 PM

To larry.brown@usdoj.gov, david.negri@usdoj.gov
cc Sherman Beazer/IDSO/ID/BLM/DOI
bcc
Subject SF-5s FedEx'd to Court Today

Larry, David,

Thank you very much David for signing off on a pile of SF-5s (14) while Larry is on vacation! I completed Certificate of Mailing and FedEx'd the originals to the court.

Fred

SUBCASES	CLAIMANT
27-11960	Circle Two Bar Ranch, Inc. (Burch)
74-00006	Martin
74-00007	Martin
74-00619	Martin
74-00630A	Barrett
74-00630D	McAfee (Shane)
74-00918	Martin
74-01593	McKinney (Sam & Barbara)
74-01599	McKinney (Sam & Barbara)
74-01832	McNellis (Terry & Jessica)
74-02057	McNellis (Terry & Jessica)
74-07101	Weiss
74-15021	Andrews (Melvin & Martha)
74-15603	Kossler