



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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September 17, 2007

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

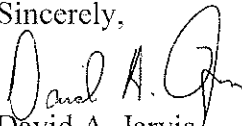
Re: SRBA Case No. 39576
Subcase No.63-04815

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document.

1. **STANDARD FORM 5 – STIPULATED ELEMENTS OF A WATER RIGHT.**

Sincerely,



David A. Jarvis

Paralegal

Enclosure

RECEIVED
SEP 20 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

Case No. 39576

Subcase No. 63-4815

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

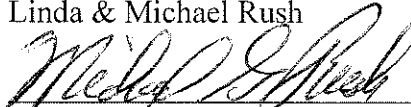
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

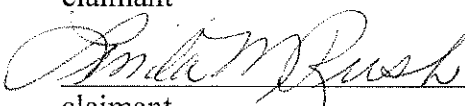
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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(s):

Linda & Michael Rush

 8-31-07
claimant Date

 8-31-07
claimant Date

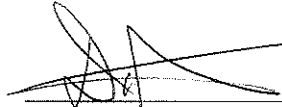
OBJECTOR(s):

New York Irrigation District

 8/6/07
Charles F McDevitt Date

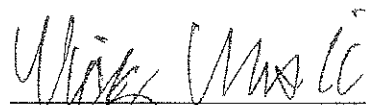
RESPONDENT(s):

USDI-BOR



David W. Gehlert 9/17/07
Trial Attorney Date

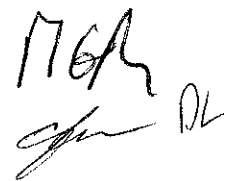
IDWR Concurrence:



Vicky Music 9/11/2007
Senior Water Resource Agent Date



Nicholas B. Spencer 8-1-07
Deputy Attorney General Date
Attorney for IDWR



CERTIFICATE OF MAILING

I certify that on SEPT-17, 2007, 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:

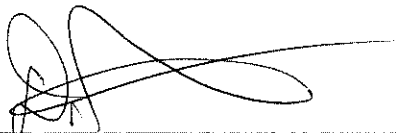
Charles F McDevitt
420 W Bannock St
PO Box 2564
Boise, ID 83701

Kendal A McDevitt
405 S Eighth St, Ste 202
Boise, ID 83702

USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Linda & Michael Rush
9412 W Wright St
Boise, ID 83702

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



Signature of person mailing the form

176R
of DL

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

RIGHT NUMBER: 63-4815

NAME AND ADDRESS:

LINDA RUSH
9412 W WRIGHT ST
BOISE ID 83709

MICHAEL RUSH
9412 W WRIGHT ST
BOISE ID 83709

SOURCE:

Source:

WASTE WATER

Tributary:

FARMERS LATERAL

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY:

0.030 CFS

4.500 AFY

*Copy VMM
NBS
MCA DL*

PRIORITY DATE:

01/01/1929

POINT OF DIVERSION:

T03N R01E S26 NWNE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.030 CFS 4.50 AFY

PLACE OF USE:

IRRIGATION

within ADA County

T03N R01E S26 NWNE 1.0

1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

PARCEL NO. R1171010070.

PROPERTY IS ALSO KNOWN AS LOT 7, BLK 1, HARVEY BURNETT SUB #2.

SF5: Water Right No. 63-4815