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DISTRICT COURT - IDAHO
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCES

2008 FEB 6 PM 10 09

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: 63-346A

Case No. 39576

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; and 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 indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT(s):

Estate of Marie Odiaga

OBJECTOR(s):

Nampa-Meridian Irrigation Dist.

Louise Gunderson 12/13/07
Louise Gunderson Date
Personal Representative

S. Bryce Farris 1/10/08
S. Bryce Farris Date

RESPONDENT(s):

USDI-BOR

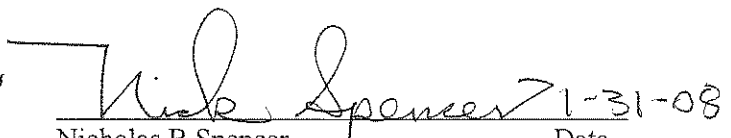
E. Gail McGarry 1/25/08
E. Gail McGarry Date
DARR Odiaga

SF5 Right No. 63-346A

SF5 Right No. 63-346A

IDWR CONCURRENCE:


Jan Shurte
Adjudication Supervisor, IDWR
Date 1-8-08


Nicholas B Spencer
Deputy Attorney General
Attorney for IDWR
Date 1-31-08

SF5 Right No. 63-346A

SF5 Right No. 63-346A

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

RIGHT NUMBER: 63-346A

NAME AND ADDRESS: ESTATE OF MARIE ODIAGA
C/O LOUISE M GUNDERSON
PERSONAL REPRESENTATIVE
5265 UMATILLA
BOISE ID 83709

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 02/20/1901

POINT OF DIVERSION:

T03N R01E S23 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R01E S23 SENE 40.00

40 ACRES TOTAL

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

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

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.

Long
SBF DG
NBS

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Nampa Meridian Irrigation District.

SF5 Right No. 63-346A

CERTIFICATE OF MAILING

I certify that on February 4, 2008 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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

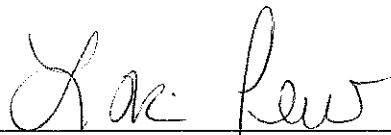
United States Dept. of Justice
Environment & Natural Resource Div
550 W Fort St. MSC 033
Boise, ID 83724

Estate of Marie Odiaga
c/o Louise Gunderson
Personal Representative
5265 Umatilla
Boise ID 83709

S. Bryce Farris
Ringert Clark Chartered
PO Box 2773
Boise ID 83701

Nampa-Meridian Irrigation Dist.
1503 First St. South
Nampa ID 83651

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



Signature of person or attorney mailing the form