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MAR 13 2008

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. 22-418A

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)/OBJECTOR(s):

 3/7/08
Ivo Lucchitta Date

 3/7/2008
Baerbel K. Lucchitta Date

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 2/7/03
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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HL

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

PK
JL

RIGHT NUMBER: 22-418A

NAME AND ADDRESS:

BAERBEL K LUCCHITTA
6969 SNOWBOWL VIEW CT
FLAGSTAFF AZ 86001

IVO LUCCHITTA
6969 SNOWBOWL VIEW CT
FLAGSTAFF AZ 86001

SOURCE:

Source:
FOX CREEK

Tributary:

TETON RIVER

QUANTITY:

0.120 CFS

PRIORITY DATE:

05/15/1896

POINT OF DIVERSION:

T04N R46E S30 Lot 6 NENWNE
Within TETON County

~~T04N R45E S25 SESWNE~~
~~Within TETON County~~

PK
JL

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.120 CFS

AK

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S25 NESW 0.6

~~T04N R45E S25 NESW 0.5~~

T04N R45E S25 NWSE 9.7

~~T04N R45E S25 NWSE 8.6~~

PK
JL

10.3 ACRES TOTAL

~~9.1 ACRES TOTAL~~

Right Nos. 22-418A and 22-12982 are limited to the irrigation of a combined
total of 10.3 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PK
JL

~~CLAIMANTS SHOW THAT SECTION 29 IN THE REXBURG DECREE IS IN ERROR.~~

RD
JL

CERTIFICATE OF MAILING

I certify that on March 8, 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:

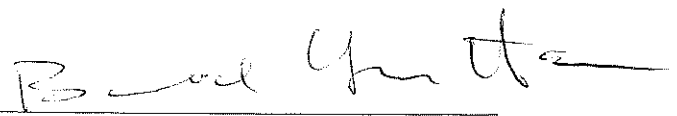
1. Original to:

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:

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

BAERBEL K LUCCHITTA
IVO LUCCHITTA
6969 SNOWBOWL VIEW CIR.
FLAGSTAFF, AZ 86001



Signature of person or attorney mailing form