



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

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RECEIVED

MAR 17 2008

DEPARTMENT OF
WATER RESOURCES

March 13, 2008

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. 63-31622

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

**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. 63-31622

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

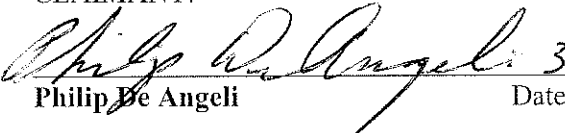
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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 this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by their signatures below and by initialing the attached pages.

CLAIMANT:

CLAIMANT:


Philip De Angeli Date 3-5-08

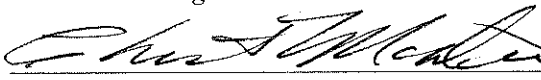

Judy De Angeli Date 3-5-08

OBJECTOR:

New York Irrigation District

RESPONDENT:

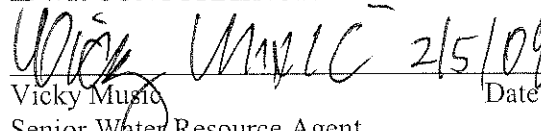
USDI-BOR

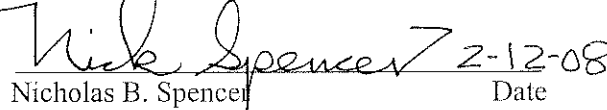

Chas F. McDevitt, Attorney Date


David Gehlert Date 3/13/08

IDWR CONCURRENCE:

IDWR CONCURRENCE:


Vicky Musio Date 2/5/09
Senior Water Resource Agent


Nicholas B. Spencer Date 2-12-08
Deputy Attorney General, IDWR

SF5 Right No. 63-31622

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

RIGHT NUMBER: 63-31622

NAME AND ADDRESS: JUDY DE ANGELI
3405 E ZALDIA LN
MERIDIAN ID 83642

PHILIP DE ANGELI
3405 E ZALDIA LN
MERIDIAN ID 83642

SOURCE: NINEMILE CREEK

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/15/1928

POINT OF DIVERSION:

T03N R01E S28 SWNWSE 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	0.140 CFS

PLACE OF USE: IRRIGATION in ADA County

T03N R01E S28 NWSW 4.50

4.5 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 any time.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-4551.

PROPERTY IS ALSO KNOWN AS LOT 2, BLK 1, Zaldien Zeru Subdivision.

VLM
NBS
[Signature]
[Signature]
[Signature]
DL

CERTIFICATE OF MAILING

I certify that on MAY 13, 2008, I mailed true and correct copies of the foregoing **STANDARD FORM 5 (Subcase No. 63-31622)** as follows:

via FedEx Mail:

Clerk of the District Court (Original)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303
Phone: 208-736-3011

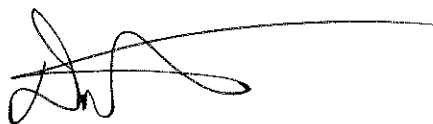
via First Class U.S. Mail, pre-paid:

Idaho Department of Water Resources
Deocument Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Judy De Angeli
Philip De Angeli
3405 E. Zaldia Ln.
Meridian, ID 83642

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise ID 83724

Charles F. McDevitt
McDevitt & Miller
P.O. Box 2564
Boise, ID 83701



David W. Gehlert